

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

**Access to Information Procedure Rule 16
Overview and Scrutiny Procedure Rule 16**

**County Council's response to proposed Warding arrangements
for the new Unitary Council**

To the Chairman of North Yorkshire County Council

The County Council's Constitution provides that if a matter which is likely to be a key decision has not been included on the Council's Forward Plan for the requisite period, the decision may still be taken if an urgency procedure is followed.

Under Access to Information Procedure Rule 16:

16.1 Where the date by which a decision must be made makes compliance with Rule 15 (general exception) impracticable, then the decision can only be made if the decision maker (if an individual) or the Chairman of the body making the decision, obtains the written agreement of the Chairman of a relevant overview and scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 above, s/he must make available at the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and publish the notice on the Council's website.

The County Council's Constitution further provides that where the call-in procedure would otherwise apply to an executive decision, it shall not apply where the decision being taken is urgent, if an urgency procedure is followed.

Under Overview and Scrutiny Procedure Rule 16:

(h) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The Chairman of the council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

It is anticipated that at the informal meeting of Executive Members on 21 September 2021 a report seeking approval of the Council's response to proposed Warding arrangements for the new Unitary Council will be considered by the Leader, in consultation with the Executive Members. The Secretary of State will ultimately make the decision on what the warding arrangements will be for the new unitary authority.

The intention to make this decision has been published on the Forward Plan, but not for the requisite 28 clear calendar days.

This matter requires an urgent decision by the Leader on 21 September 2021, and cannot reasonably be deferred, to meet the Government deadline of 21 September 2021 for responding to the consultation on warding arrangements.

Timescales are therefore tight in this matter, such that the decision will be required to be implemented immediately, without allowing time for any call in period, to meet Government timescales and to enable submission of a response before the Government deadline. Overview and Scrutiny Procedure Rule 16 enables matters to be determined on an urgency basis and be exempt from call-in, where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. It is suggested that that would be the case in this matter.

To the Chairman of North Yorkshire County Council: in accordance with the provisions in Access to Information Procedure Rule 16 and Overview and Scrutiny Procedure Rule 16(h) I am, therefore, informing you as the Chairman of the Council (as there is currently no Chairman of the relevant Overview and Scrutiny Committee), that it is intended that this matter be considered by the Leader on 21 September 2021 and I am seeking your agreement that the meeting and the making of the decision is urgent and cannot reasonably be deferred beyond this timeframe; and that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency (where any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest) and that the call-in procedure should therefore not apply to the decision. If you so agree will you please confirm by email as soon as possible.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services)

Dated: 1 September 2021

I agree, for the reasons stated in this notice, that the meeting and the making of this decision is urgent and cannot reasonably be deferred; that the decision proposed is reasonable in all the circumstances, that it should be treated as a matter of urgency and be exempt from call-in; and that this item should be considered on 21 September 2021.

Signed County Councillor Stuart Martin

Date 1 September 2021

Chairman of North Yorkshire County Council