

NORTH YORKSHIRE COUNCIL

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

NOTICE OF URGENCY AND CALL IN EXEMPTION

Re: Authorisation to submit business case for Capacity Funding

**To: the Chair of the Children and Families Overview and Scrutiny Committee and
the Chair of North Yorkshire Council**

The 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 Chair of the body making the decision, obtains the written agreement of the Chair of a relevant Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair will suffice.*
- 16.2 *As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 above, they 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 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 Chair 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 Chair, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or their 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 on 9 May 2023 the Executive Member for Education, Learning & Skills will consider a report requesting support for the submission of a business case to Department of Education (DfE) for capacity funding to support the implementation stage prior to devolution of the Adult Education Budget (AEB).

This matter has been published on the Forward Plan but not for the requisite 28 day period.

This matter requires an urgent decision by the Executive Member, which cannot reasonably be deferred, to enable the timely consideration and implementation of this matter, to enable a business

