

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

**Access to Information Procedure Rule 4
Overview and Scrutiny Procedure Rule 16**

**Procurement of Sub-Contractors for Affordable housing development at Church Close
Sharow**

**To the Chair of the Care & Independence and Housing Overview and Scrutiny
Committee
and
the Chairman of North Yorkshire County Council**

The County Council's Constitution further provides that at least 28 clear days before a private meeting (a meeting, or part of a meeting, of the executive decision making body during which the public are excluded) the executive decision-making body must give notice of its intention to hold the meeting in private (including a statement of the reasons for holding it in private) by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

At least five clear days before a private meeting, the executive decision making body must give further notice of its intention to hold the meeting in private including:

- a statement of the reasons for holding it in private;
- details of any representations received about why the meeting should be open to the public; and
- a statement of its response to any such representations

by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

In relation to urgent private business, where the date by which a meeting must be held makes compliance with the above Access to Information Procedure Rules impracticable, the meeting may only be held in private where the executive decision making body has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chairman of the relevant overview and scrutiny committee; or, if there is no such person, or if s/he is unable to act, the chairman of the Authority; or where there is no chairman of either, the vice-chairman of the Authority.

As soon as reasonably practicable after such agreement is given to hold a private meeting, the executive decision making body must give notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it 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 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 on 19 February 2024 a report seeking approval to tender for contractors to develop a site at Church Close Sharow for Council owned Social Housing. will be considered by the Assistant Director – Housing.

The annual budget allowance for this work is £375,000, and the contract will likely be for around 1 year, although extensions will be given if the build process takes longer than anticipated.

It has recently become apparent that the report will contain exempt information as described in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) i.e. Information relating to the financial or business affairs of any particular person (including the authority holding that information, and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. It is therefore not possible to give the required 28 days' notice of the intention to hold these parts of the meeting in private, hence this Notice.

This matter requires an urgent decision by the Assistant Director - Housing on 19 February 2024, and cannot reasonably be deferred, to enable the timely consideration and progress of this matter as we already have Homes England grant funding of £120k and LRF funding of £30k for this site, but the site has been delayed due to LGR and we are now at risk of losing the funding if we do not make a start on this site and complete by March 2024. The Council therefore needs to progress this matter within a short timeframe.

As a consequence of the urgency of the timescales, the matter cannot be subject to the call in period. 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.

To the Chair of the Care & Independence and Housing Overview & Scrutiny Committee:

In accordance with the General Exception provisions in Access to Information Procedure Rule 15, I am, therefore, informing you as the Chairman of the relevant Overview and Scrutiny Committee that it is intended that this matter be considered by Assistant Director - Housing on 19 February 2024, for the above reasons.

To the Chairman of North Yorkshire County Council:

In accordance with the provisions in Overview and Scrutiny Procedure Rule 16(h), I am seeking your agreement 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 agree the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and the call-in process not applying, and that this item should be considered on 19 February 2024, will you please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 31 January 2024

I agree, for the reasons stated in this notice, that the decision proposed is reasonable in all the circumstances, to it being treated as a matter of urgency and exempt from call-in, and that this item should be considered on 19 February 2024.

Signed Cllr David Ireton
Chairman of North Yorkshire County Council

Date 1 February 2024