

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

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

**Appointment of an Independent Chair of Scarborough Town Board and confirmation
of the creation of the Board**

**To the Chair of the Transport, Economy, Environment & Enterprise Overview and
Scrutiny Committee
and
the Chairman of North Yorkshire County 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 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 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 28 March 2024, a report seeking permission to invite David Kerfoot CBE DL to become the Independent Chair for the Scarborough Town Board and to confirm the creation of the Board will be considered by the Leader of the North Yorkshire Council. The intention to make this key decision has not been published on the Forward Plan for the

requisite 28 clear day period. This was due to the time that elapsed between the existing Town Deal Board meeting and considering a process to re-configure the Board (into the Scarborough Town Board as per Department of Levelling Up, Housing and Communities (DLUHC) guidance) and the consultation with them regarding a recommendation of an individual for the position of Independent Chair.

DLUHC require confirmation of the Scarborough Town Deal Board, including its chair by 1 April 2024.

This matter, therefore, requires an urgent decision by the Leader and cannot reasonably be deferred, to enable the timely consideration and progress of this matter, and 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 Transport, Economy, Environment & Enterprise Overview and Scrutiny Committee:

In accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chair of the relevant Overview and Scrutiny Committee, that it is intended that this matter be considered by Leader on 28 March 2024, 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. If you agree that the meeting and the making of the decision is urgent and cannot reasonably be deferred and that this item should be considered on 28 March 2024, will you please confirm by email as soon as possible.

To the Chairman of North Yorkshire 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 that 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 28 March 2024, will you please confirm by email as soon as possible.

Agreed by email on 21.03.24.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 20 March 2024