

# **NORTH YORKSHIRE COUNTY COUNCIL**

## **NOTICE OF URGENT ITEM**

### **Access to Information Procedure Rule 15 – General Exception**

#### **Expansion of Barlby School - variation to the PFI Contract**

#### **To the Chairman of the Young People Overview and Scrutiny Committee**

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 15:

- 15.1 *If the publication of the intention to make a key decision is impracticable and a matter which is likely to be a key decision has not been included in the forward plan for the requisite period as set out in Rule 13.2, then subject to Rule 16 (special urgency), the decision may still be taken if:*
- (a) the Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;*
  - (b) the Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council and on the Council's website; and*
  - (c) at least five clear days have elapsed following the day on which the Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).*
- 15.2 *As soon as reasonably practicable after the Assistant Chief Executive (Legal and Democratic Services) has complied with (a) to (c) above, s/he must make available at the Council's offices a notice setting out the reasons why compliance with Rule 13.2 is impracticable and publish that notice on the Council's website.*

It is anticipated that on 9 March 2021 the Corporate Director Children and Young People's Service will consider a report regarding the expansion of Barlby School which requires a variation to the PFI Contract dated 30 March 2001 between NYCC and the school provider and the approval of the terms of the variation to the PFI contract.

The intention to make the key decision has been published on the Forward Plan but for just short of the requisite 28 clear day period.

This matter requires a decision by the Corporate Director on 9 March 2021 and cannot reasonably be deferred, to enable the timely consideration of this matter and to meet the necessary project deadlines.

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 the Corporate Director Children and Young People's Service on 9 March 2021 for the above reasons.

**BARRY KHAN**

**Assistant Chief Executive (Legal and Democratic Services)**

Dated: 10 February 2021