

## NORTH YORKSHIRE COUNTY COUNCIL

### Access to Information Procedure Rule 15

#### Notice of Urgent Item

#### To the Chairman of the Care and Independence 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 6 December 2016 an item entitled "Fee Levels for HAS contracted services 2016- 17" will be considered by the Executive, after consideration by the Corporate Director Health and Adult Services and the Executive Member for Adult Social Care and Health Integration on 28 October 2016. Given the level of interest in and sensitivity of this issue, it is now thought appropriate to refer the ultimate decision on the formal setting of the fee levels to the full Executive for decision.

The intention of the Executive itself to make the key decision has been published on the Forward Plan but not for the full, requisite 28 clear day period. This matter requires a decision on 6 December 2016, and cannot reasonably be deferred, to enable the timely setting and implementation of the fee level structure for 2016-17, hence the need for this Notice under Access to Information Procedure Rule 15.

In accordance with the 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 Executive on 6 December 2016.

**BARRY KHAN**

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

18 November 2016