

## **NORTH YORKSHIRE COUNTY COUNCIL**

### **Notice of Urgent Item** **(Access to Information Procedure Rule 15)**

#### **To County Councillor Andrew Backhouse** **Chairman of the Transport, Economy and Environment 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 24 February 2017 an item regarding 'Inclusion of Household Waste Recycling Centre and Waste Transfer Station services in the Yorwaste Services Contract using a procurement exemption allowed under Regulation 12 of the Public Contract Regulations 2015, as agreed in principle by the Executive on 18 March 2014' will be considered by the Assistant Director Transport, Waste and Countryside Services, under delegation from the Corporate Director Business and Environmental Services and after discussion with the relevant Executive Member(s).

The intention to make the key decision has been published on the Forward Plan but not for the full, requisite 28 clear day period. Whilst the decision is likely to be covered by a key decision exemption, it is thought appropriate to treat the decision as key in any event in a spirit of openness and transparency. This matter requires a decision by the Assistant Director Transport, Waste and Countryside Services on 24 February 2017 and cannot reasonably be deferred, to enable the timely consideration and progress of this matter, to meet the contract commencement date of 1 April 2017, 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 determined by the Assistant Director Transport, Waste and Countryside Services, under delegation from the Corporate Director Business and Environmental Services and after prior discussion with the relevant Executive Member(s), on 24 February 2017.

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

Dated: 15 February 2017