

## **NORTH YORKSHIRE COUNTY COUNCIL**

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

#### **Notice of Urgent Item**

**To the Chairman of the Transport, Economy and Environment Overview and Scrutiny  
Committee and**

**the Chairman of North Yorkshire County Council**

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 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 County 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 15 March 2017 an item entitled "National Productivity Investment Fund (NPIF) Procurement Programme" is to be considered by the Corporate Director Business and Environmental Services in consultation with the relevant Executive Members, with approval being sought to a programme of schemes for utilising the County Council's allocation from the National Productivity Investment Fund for 2017/18. A requirement of the allocation is that the Council informs the Department for Transport of the schemes utilising the allocation, and publicises this information on its website, by 31 March 2017. As the decision will allocate significant funds it is deemed appropriate to take the decision outside of the pre-election period commencing on 20 March 2017.

Due to the short timeframes between announcement of the funding and the need for a decision in advance of the pre-election period, it has not been possible to publish the item on the Forward Plan for the full requisite 28 clear day period, nor for sufficient time to enable the General Exception urgency procedure set out in Access to Information Procedure Rule 15 to be followed.

This matter requires an urgent decision by the Corporate Director Business and Environmental Services in consultation with the relevant Executive Members on 15 March 2017, and cannot reasonably be deferred, to enable the timely consideration and implementation of the matter to meet the Department for Transport's deadline and before the commencement of the pre-election period, hence the need for this Notice under Access to Information Procedure Rule 16 and Overview and Scrutiny Procedure Rule 16. The Council therefore needs to be in a position to make and implement the decision within a short timeframe. As a consequence of this, the matter cannot be subject to call in. 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 Chairman of the Transport, Economy and Environment Overview and Scrutiny Committee:** in accordance with the provisions in the Access to Information Procedure Rules, 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 Business and Environmental Services in consultation with the relevant Executive Members on 15 March 2017 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 15 March 2017, will you please so confirm in writing as soon as possible.

**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 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 15 March 2017, will you please so confirm in writing as soon as possible.

BARRY KHAN  
Assistant Chief Executive (Legal and Democratic Services)

Dated: 10 March 2017

**I agree, for the reasons stated in this notice, that the meeting and the making of this decision is urgent and cannot reasonably be deferred and that this item should be considered on 15 March 2017.**

**Signed** County Councillor ANDREW BACKHOUSE

**Date** 12 March 2017

**Chairman of the Transport, Economy and Environment Overview and Scrutiny Committee**

**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 15 March 2017.**

**Signed** County Councillor VAL ARNOLD

**Date** 12 March 2017

**Chairman of North Yorkshire County Council**