

NORTH YORKSHIRE COUNTY COUNCIL

Access to Information Procedure Rules 4 and 16

Notice of Urgent Private Item

To the Chairman of the Corporate and Partnerships 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 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.*

Under Access to Information Procedure Rule 4, at least 28 clear days' notice must be given of a private meeting (or meeting, or part of a meeting, during which the public are excluded) and, at least five clear days before the meeting, a further notice must be given of the intention to hold the meeting in private. The Access to Information Procedure Rules further provide that these provisions shall not apply where the decision being taken is urgent, if an urgency procedure is followed:

- 4.5 *Where the date by which a meeting must be held makes compliance with Rules 4.3 and 4.4 impracticable, the meeting may only be held in private where the executive decision making body has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chairman of the relevant overview and scrutiny committee; or, if there is no such person, or if s/he is unable to act, the chairman of the Authority; or where there is no chairman of either, the vice-chairman of the Authority.*
- 4.6 *As soon as reasonably practicable after agreement is given under Rule 4.5 to hold a private meeting, the executive decision making body must give notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.*

It is anticipated that on 13 March 2018 an item regarding the 'Delegation of authority for Brierley Homes Ltd and consideration of loan from NYCC to Brierley Homes Ltd' will be considered by the Executive, with the Executive being asked to determine the approval route for decision making and clarification on delegation power; and approval of a loan from NYCC to Brierley Homes Ltd.

The intention to make the key decision has been published on the Forward Plan, however the loan element of the decision has not been published on the Plan for the requisite 28 clear day period.

The appendix to the report on this matter is likely to contain exempt information as described in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) (it relates to information relating to the financial or business affairs of any particular person (including the authority holding that information)) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The requisite notices of private meetings under Access to Information Procedure Rules 4.3 and 4.4 have not therefore been published.

This matter requires an urgent decision by the Executive on 13 March 2018, and cannot reasonably be deferred, to enable the timely consideration and implementation of the matter, to comply with project deadlines, hence the need for this Notice under Access to Information Procedure Rules 4 and 16.

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 Executive on 13 March 2018 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 13 March 2018, will you please so confirm in writing as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 5 March 2018

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 13 March 2018.

Signed COUNCILLOR DEREK BASTIMAN

Date 6 March 2018

Chairman of the Corporate and Partnerships Overview and Scrutiny Committee