

## **NORTH YORKSHIRE COUNTY COUNCIL**

### **Access to Information Procedure Rule 4**

#### **Notice of Urgent Private Items**

##### **To the Chairman of the Corporate and Partnerships Overview and Scrutiny Committee**

The County Council's Constitution provides that at least 28 clear days before a private meeting (a meeting, or part of a meeting, of the executive decision making body during which the public are excluded) the executive decision-making body must give notice of its intention to hold the meeting in private (including a statement of the reasons for holding it in private) 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.

At least five clear days before a private meeting, the executive decision making body must give further notice of its intention to hold the meeting in private including:

- a statement of the reasons for holding it in private;
- details of any representations received about why the meeting should be open to the public; and
- a statement of its response to any such representations

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.

In relation to urgent private business, where the date by which a meeting must be held makes compliance with the above Access to Information Procedure Rules 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.

As soon as reasonably practicable after such agreement is given 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 24 April 2018, the following reports of the Assistant Director Strategic Resources will be considered by the Shareholders Committee:

- **'Review and note performance of Brierley Group'**
- **'Review and decision on Brierley Group Business Plans'**

It has recently become apparent that an appendix to the report re 'Review and note performance of Brierley Group' and the report re 'Review and decision on Brierley Group Business Plans' will contain exempt information. The information is classed as exempt as it is '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.

It is therefore not possible to give the required 28 days' notice of the intention to hold these parts of the meeting in private, hence this Notice.

These matters require consideration by the Shareholders' Committee on 24 April 2018, and cannot reasonably be deferred to ensure timely decision making in relation to this matter.

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 these matters be considered by the Shareholders' Committee on 24 April 2018 and I am seeking your agreement that the meeting in respect of these matters is urgent and cannot reasonably be deferred.

If you agree that the meeting in respect of these matters is urgent and cannot reasonably be deferred and that these items should be considered on 24 April 2018, will you please so confirm in writing as soon as possible.

BARRY KHAN  
Assistant Chief Executive (Legal and Democratic Services)

Dated: 18 April 2018

**I agree, for the reasons stated in this notice, that the meeting in respect of this matter is urgent and cannot reasonably be deferred and that these items should be considered on 24 April 2018.**

**Signed:** COUNTY COUNCILLOR DEREK BASTIMAN

**Date:** 18 April 2018

**COUNTY COUNCILLOR DEREK BASTIMAN**  
**Chairman of the Corporate and Partnerships Overview and Scrutiny Committee**