

NORTH YORKSHIRE COUNTY COUNCIL

Overview and Scrutiny Procedure Rule 16

Notice of Call-in exemption

To the Chairman of North Yorkshire County Council

The County Council's Constitution 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.

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 24 July 2018 an item regarding the potential acquisition of certain land/property in North Yorkshire will be considered by the Executive.

The intention to make this particular key decision has been published on the Forward Plan but not for the requisite 28 clear day period as the specific acquisition opportunity has only recently come to light. Following the Executive decision of 15 August 2017 the Executive has agreed an investment strategy of purchasing land of up to £5m where it would provide a suitable return on investment. These opportunities have a quick turnaround time therefore a standard item is included on the Forward Plan to give notice that such a decision may be requested by the Executive.

It is also likely that the report will contain exempt information as described in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) (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.

The Chairman of the relevant Overview and Scrutiny Committee was informed, on 16 July 2018, of the intention to make this decision and his consent is currently being sought to the meeting being deemed urgent, that it cannot reasonably be deferred and that this item should be considered on 24 July 2018, in accordance with the Access to Information Procedure Rules.

It has further come to light that timescales are such in this matter, that there would not be time to proceed, should the Executive so agree, if the call in period following the decision is not exempted. This matter requires an urgent decision by the Executive on 24 July 2018, and cannot reasonably be deferred, to enable the timely consideration and implementation of the matter and to meet the acquisition timescales. Due to the short timeframe between the decision by the Executive and certain deadlines, the Council needs to be in a position to implement the decision immediately, which would not allow for the usual 5 clear working day call-in period. Overview and Scrutiny Procedure Rule 16(h) 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.

In accordance with the provisions in this Rule, I am therefore 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 exempt from call-in and that this item should be considered on 24 July 2018. If you so agree, will you please so confirm in writing as soon as possible.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Dated: 16 July 2018

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 24 July 2018.

Signed County Councillor ROBERT WINDASS

Date 17 July 2018

Chairman of North Yorkshire County Council