

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 30 November 2018 a report regarding a potential disapplication request to the Secretary of State for Education to transfer more than 0.5% from the Schools Block to the High Needs will be considered by the Corporate Director Children and Young People's Service.

The intention to make this particular key decision has been published on the Forward Plan for the requisite 28 clear day period.

It has come to light that timescales are such in this matter, that there would not be time to proceed with the disapplication request, should the Corporate Director so agree, if the call in period following the decision is not exempted. This matter requires an urgent decision by the Corporate Director on 30 November 2018, and cannot reasonably be deferred, to enable the timely consideration and implementation of the matter and to meet the DfE disapplication request timescales. Due to the deadline for requests being the same date as the decision (30 November 2018), 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. Should the call in period not be exempted, then the Council would miss the disapplication request deadline and the flexibility any disapplication approval subsequently granted would give the Council in future decision making on this issue.

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 30 November 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: 13 November 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 30 November 2018.

Signed COUNTY COUNCILLOR ROBERT WINDASS

Date 13 November 2018

Chairman of North Yorkshire County Council