

NORTH YORKSHIRE COUNTY COUNCIL

Notice of Urgent Private Item

(Access to Information Procedure Rule 4)

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 23rd April 2019 the Corporate Director Business and Environmental Services, in consultation with the Executive Members for Access will consider a report re Wireless Networks and Smart Destination Management Wireless Managed Services Contract, seeking approval to award a contract to the successful bidder following a procurement process.

It has become apparent that certain appendices to the report are likely to 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. 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.

This matter requires a decision by the Corporate Director Business and Environmental Services on 23rd April 2019 and cannot reasonably be deferred, to enable timely decision making and the meeting of procurement deadlines regarding contract award.

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 on 23rd April 2019 and I am seeking your agreement that the meeting in respect of this matter is urgent and cannot reasonably be deferred.

If you agree that the meeting in respect of this matter is urgent and cannot reasonably be deferred and that this item should be considered on 23rd April 2019, will you please so confirm in writing as soon as possible.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services)

Dated: 12 April 2019

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 this item should be considered on 23 April 2019.

Signed: *County Councillor Derek Bastiman* Date: 15 April 2019
Chairman of the Corporate and Partnerships Overview and Scrutiny Committee