

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 3 September 2019 a report regarding "Notice of a recent complaint regarding the provision of a mainstream home to school transport for non-entitled & Post 16 pupils and an explanation of the potential wider legal implications regarding compliance with equalities legislation" will be considered by the Executive. The Executive will be asked to consider "How to respond in light of the recent complaint regarding the provision of a mainstream home to school transport service for non-entitled and Post 16 pupils, so as to mitigate the risk of legal challenge and protect the Council's interests whilst minimizing impacts on pupils and families".

The intention to make this particular key decision has been published on the Forward Plan.

It has come to light that timescales are such that the matter is now urgent: any decision by the Executive on 3 September will need to be implemented immediately to mitigate the risk of legal challenge and protect the Council's interests. This matter requires an urgent decision by the Executive on 3 September 2019, and cannot reasonably be deferred for these reasons. 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's interests may not be best protected.

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 3 September 2019. 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: 21 August 2019

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 3 September 2019.

Signed COUNTY COUNCILLOR JIM CLARK

Date 22 August 2019

Chairman of North Yorkshire County Council