

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 26 November 2019 a report regarding school funding for 2020-21 and in particular "whether or not to seek a DSG block transfer through a disapplication request to the Secretary of State for Education" will be considered by the Corporate Director Children and Young People's Service. The intention to make this 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 26 November 2019, 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 pressing deadline for requests, 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.

Should the disapplication request ultimately be granted, a report would be taken to a future meeting of the Executive for a determination as to whether or not to implement the decision, so there would be a future opportunity for a call in process should Members be so minded.

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 26 November 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: 4 November 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 26 November 2019.

Signed COUNTY COUNCILLOR JIM CLARK

Date 5 November 2019

Chairman of North Yorkshire County Council