

NORTH YORKSHIRE COUNTY COUNCIL

Access to Information Procedure Rules 16 and 19

Notice of Urgent Item

To the Chairman of the Young People Overview and Scrutiny Committee

The County Council's Constitution provides that if a matter which is likely to be a key decision has not been included on the Council's Forward Plan for the requisite period, the decision may still be taken if an urgency procedure is followed.

Under Access to Information Procedure Rule 16:

- 16.1 *Where the date by which a decision must be made makes compliance with Rule 15 (general exception) impracticable, then the decision can only be made if the decision maker (if an individual) or the Chairman of the body making the decision, obtains the written agreement of the Chairman of a relevant overview and scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.*
- 16.2 *As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 above, s/he must make available at the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and publish the notice on the Council's website.*

The Constitution further provides, under Access to Information Procedure Rule 19.1 that:

Where:

- *an individual member of the Executive receives a report which he/she intends to take into account in making any executive decision; or*
- *an Officer (either alone or in consultation with an Executive Member) receives a report which he/she intends to take into account in making any key decision,*

then (subject to Rule 16) he/she will not make the decision until at least five clear days after receipt of that report.

It is anticipated that on 28 January 2020 the Executive Member for Education and Skills, in consultation with the Corporate Director Children and Young People's Service, will consider a report regarding "Consideration of proposed consultation on the nature and location of Targeted SEN Provisions."

The intention to make the key decision is published on the Forward Plan however it is now understood that the report on which the decision will be taken by the Executive Member for Education and Skills will not be available to be published five clear working days before the decision is taken. It is likely to be published on or around 22 January 2020.

This matter requires a decision by the Executive Member for Education and Skills on 28 January 2020 and cannot reasonably be deferred, to enable timely decision making, the meeting of relevant deadlines to ensure service delivery and to avoid significant delay in implementation of the EMS.

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 Executive Member for Education and Skills on 28 January 2020 and I am seeking your agreement that the meeting and the making of the decision is urgent and cannot reasonably be deferred beyond this timeframe. If you agree that the meeting and the making of the decision is urgent and cannot reasonably be deferred and that this item should be considered on 28 January 2020, will you please so confirm in writing as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 21 January 2020

I agree, for the reasons stated in this notice, that the meeting and the making of this decision is urgent and cannot reasonably be deferred and that this item should be considered on 28 January 2020.

Signed Councillor Janet Jefferson

Date 22 January 2020

Chairman of the Young People Overview and Scrutiny Committee