

## **NORTH YORKSHIRE COUNTY COUNCIL**

### **Access to Information Procedure Rule 16 Overview and Scrutiny Procedure Rule 16**

#### **NOTICE OF SPECIAL URGENCY AND CALL IN EXEMPTION - GOVERNANCE PROCESS DURING COVID19 PANDEMIC**

#### **To the Chairman of the Corporate and Partnerships Overview and Scrutiny Committee and the Chairman of North Yorkshire County Council**

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 County Council's Constitution further 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, if an urgency procedure is followed.

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 24 March 2020, the Leader will, due to the ongoing Covid 19 pandemic, consider a report informing him of, and asking him to endorse, the approach being undertaken by officers of following the emergency decision making process in the Constitution to allow the Chief Executive to make all appropriate decisions and to allow for relevant consultation. The Chief Executive will subsequently take a decision to implement this process. This will ensure that appropriate decision making continues for North Yorkshire County Council during the pandemic whilst ensuring that Government guidance on social/physical distancing is followed.

These matters require urgent consideration on 24 March 2020, and cannot reasonably be deferred, to ensure that all are aware and in support of governance processes which are being followed during the Coronavirus pandemic to ensure robust, transparent and timely decision making.

As a consequence of the urgency of the timescales, immediate implementation is required and these matters cannot be subject to the call in period. Overview and Scrutiny Procedure Rule 16 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, which is believed would be the case in this instance.

**To the Chairman of the Council's Corporate and Partnerships Overview and Scrutiny Committee:** 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 these matters be considered by the Leader and Chief Executive Officer respectively on 24 March 2020 and I am seeking your agreement that the meeting and the making of the decisions is urgent and cannot reasonably be deferred beyond this timeframe. If you agree, will you please confirm by email as soon as possible.

**To the Chairman of North Yorkshire County Council:** in accordance with the provisions in Overview and Scrutiny Procedure Rule 16(h), I am seeking your agreement the decisions proposed are reasonable in all the circumstances and to them 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 that the call-in procedure should therefore not apply to the decisions. If you agree, will you please confirm by email as soon as possible.

BARRY KHAN  
Assistant Chief Executive (Legal and Democratic Services)

Dated: 24 March 2020

**I agree, for the reasons stated in this notice, that the meeting and the making of the decisions is urgent and cannot reasonably be deferred.**

**Signed** Councillor Derek Bastiman

**Date** 24 March 2020

**Chairman of the Corporate and Partnerships Overview and Scrutiny Committee**

**I agree, for the reasons stated in this notice, that the decisions are reasonable in all the circumstances, to them being treated as a matter of urgency and exempt from call-in.**

**Signed** Councillor Jim Clark

**Date** 24 March 2020

**Chairman of North Yorkshire County Council**