

NORTH YORKSHIRE COUNTY COUNCIL

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

NOTICE OF URGENCY AND CALL IN EXEMPTION FOR LOCALITY BUDGET SCHEME AND ALLOCATION DECISIONS IN LIGHT OF 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 or around 25 March 2020, the Executive Member for Stronger Communities will agree revised arrangements for the Locality Budget Scheme, under his delegated powers, to combine the Locality Budgets and Environmental Budgets Schemes together (with the total budget allocation per County Councillor being £10,000); to enable County Councillors to make recommendations from 1 April 2020 (rather than the second Monday in May), with the last date for recommendations being 31 January 2021; and to provide that the minimum funding which can be recommended for a project or activity is £300 and the maximum £5,000; two or more County Councillors can jointly recommend funding for a project or activity, but the maximum total funding for any project or activity in a financial year is £5,000 (however, for humanitarian projects linked to the Covid19 pandemic the restriction of £5000 per project or activity is removed to allow County

Councillors to jointly fund larger humanitarian initiatives). It is intended that such revisions to the Locality Budget Scheme will allow County Councillors to respond to local needs arising from the impact of the Covid19 pandemic, in addition to other local needs.

It is further anticipated that during the period of the Coronavirus/Covid19 pandemic and for the duration of the Locality Budget Scheme, numerous (approximately 800) Locality Budget allocation decisions will be made by the Executive Member for Stronger Communities on the recommendations of County Councillors. Whilst such individual allocation decisions would not necessarily be key decisions, they would normally be open to call in.

Due to the current circumstances of the Covid19 pandemic, the need to permit earlier recommendations under the Scheme and the volume of allocation decisions required subsequently during this period, it is proposed that a blanket special urgency consent be sought from the Chair of the relevant Overview Scrutiny Committee and a blanket call in exemption from the Chairman of the Council to enable the Executive Member for Stronger Communities to make the revisions to the Locality Budget Scheme and to take subsequent allocation decisions swiftly and with immediate effect to allow County Councillors to react quickly to changing circumstances and to respond promptly to local needs arising from the impact of the Covid19 pandemic.

It is recommended that in the circumstances, the making of the revisions to the Locality Budget Scheme and the making of Locality Budget allocation decisions is urgent and cannot reasonably be deferred and should be exempt from call-in as any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.

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 anticipated that revisions to the Locality Budget Scheme and numerous Locality Budget allocation decisions will be required to be taken by the Executive Member for Stronger Communities and I am seeking your agreement that such meetings and the making of such decisions are urgent and cannot reasonably be deferred. If you agree, will you please so 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 that the making of the revisions to the Locality Budget Scheme and the making of Locality Budget allocation decisions is urgent and their immediate implementation is reasonable in all the circumstances and to such decisions 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 such decisions. If you agree, will you please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 25 March 2020

I agree, for the reasons stated in this notice, that the meetings and the making of such decisions are urgent and cannot reasonably be deferred.

Signed Councillor Derek Bastiman

Date 25 March 2020

Chairman of the Corporate and Partnerships Overview and Scrutiny Committee

I agree, for the reasons stated in this notice, that such 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 25 March 2020

Chairman of North Yorkshire County Council