

## NORTH YORKSHIRE COUNTY COUNCIL

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

#### **NOTICE OF URGENCY AND CALL IN EXEMPTION RE KEYWORKER EDUCATION AND CHILDCARE ARRANGEMENTS – COVID-19**

#### **To the Chairman of the Young People 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 3 April 2020 the Corporate Director Children and Young People's Service will consider "Keyworker Education and childcare arrangements – Covid-19" and consider the following decisions:

1. To provide the equivalent funding provision to existing Early Years providers based on the numbers of children of key workers (eligible 2, 3 and 4 years olds) attending provision during the Easter holidays up to a maximum of 10 days and linked to the funded entitlement amount that each eligible child would normally receive. This additional funding will not be paid into the temporary network of early hubs established by the LA.

2. To establish a network of early years and school hubs for holiday, weekend and bank holiday provision to deliver the Department for Education expectations in relation to key workers' children and vulnerable children during the Covid-19 emergency. This includes the use of LA funding (or DSG reserve funding if appropriate) to underpin any additional costs incurred such as cleaning, catering, staffing etc. The definition of "key workers" is as set out the Government guidelines.

These matters require an urgent decision by the Corporate Director Children and Young People's Service on 3 April 2020 and cannot reasonably be deferred, to enable the timely consideration and implementation of these matters, which have arisen urgently due to the current circumstances of the Covid19 pandemic. Treating the decisions urgently will allow the Council to react swiftly and respond promptly to local needs arising from the impact of the pandemic. As a consequence of the urgency of the timescales, the decisions will need to be implemented immediately. 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 it is believed would be the case here.

**To the Chairman of the Young People 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 this matter be considered by the Corporate Director Children and Young People's Service on 3 April 2020 and I am seeking your agreement that the meeting and the making of the decisions are 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 that 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: 2 April 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** County Councillor Janet Jefferson

**Date** 2 April 2020

**Chairman of the Young People 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** County Councillor Jim Clark

**Date** 2 April 2020

**Chairman of North Yorkshire County Council**