

## NORTH YORKSHIRE COUNTY COUNCIL

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

#### **NOTICE OF SPECIAL URGENCY AND CALL IN EXEMPTION**

**- emergency decisions by Chief Executive Officer on 28 April 2020 and at ALL future such sessions, in consultation with Executive Members by Skype, in light of Covid19 pandemic**

**To the Chairmen of the relevant Overview and Scrutiny Committees 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 28 April 2020, the Chief Executive Officer will take certain urgent decisions under his emergency delegated powers, in consultation with members of the Executive via Skype. Not all of the decisions will have been on the Forward Plan either at all or for the requisite time and also may need to be implemented immediately.

At the time of this notice it is anticipated that on 28 April 2020, the Chief Executive Officer will take the following urgent decisions:

- **A1(M) Junction 47 and Harrogate Rail Line funding**
- **Other urgent decisions** (which will arise by the time of the session on 28 April 2020)

These matters (and any other urgent matters which may arise due to the pandemic by the time of the Chief Executive's consideration of these matters) require an urgent decision by the Chief Executive Officer under his emergency delegated powers, in consultation with Executive Members by Skype, on 28 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 in fast changing circumstances and respond promptly to local needs and to assist the urgent delivery of services to the public arising from the impact of the Covid19 pandemic. As a consequence of the urgency of the timescales, the decisions are anticipated to be required 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. If it subsequently transpires that timescales do permit a call in period, then this will be made clear in the relevant decision record.

It is recognised that, to date, several emergency decision making sessions of the Chief Executive Officer in consultation with Executive Members via Skype have taken place under separate special urgency and call in exemption processes. In order to further facilitate governance around future such sessions and to minimise the calls on Members' time in dealing with separate urgency requests, it is proposed that a blanket special urgency consent be sought from each Chair of the Council's Overview Scrutiny Committees and a blanket call in exemption from the Chairman of the Council to cover all such future decisions of the Chief Executive Officer under his emergency delegated powers during the Covid19 pandemic. Such decisions would be recorded, circulated and published in the usual way and if timescales do ultimately permit a call in period, then this will be made clear in the relevant decision record.

It is possible that future urgent reports to the Chief Executive Officer for decision under emergency delegated powers may contain exempt information as described (likely) in paragraphs 1 and/or 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) (information relating to personal information or the financial or business affairs of any particular person (including the authority holding that information)) and it is likely to be considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information in these circumstances. Whilst formal notice requirements for exempt information are not required for individual officer decisions, this possibility is highlighted in this notice for ultimate transparency.

**To the Chairmen of the relevant Overview and Scrutiny Committees:** in accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chairmen of the relevant Overview and Scrutiny Committees, that these matters will be considered by the Chief Executive Officer under emergency delegated powers and in consultation with Executive Members by Skype on 28 April 2020 and further such emergency decisions are likely to be taken by the Chief Executive during the Covid19 pandemic. I am seeking your agreement that the meetings and the making of the decisions are urgent and cannot reasonably be deferred beyond this timeframe. If you agree, will you each 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 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** 24 April 2020  
**Chairman of the Young People Overview and Scrutiny Committee**

**Signed** County Councillor Karin Sedgwick **Date** 27 April 2020  
**Chairman of the Care and Independence Overview and Scrutiny Committee**

**Signed** County Councillor John Ennis **Date** 24 April 2020  
**Chairman of the Scrutiny of Health Committee**

**Signed** County Councillor Derek Bastiman **Date** 27 April 2020  
**Chairman of the Corporate and Partnerships Overview and Scrutiny Committee**

**Signed** County Councillor Stanley Lumley **Date** 24 April 2020  
**Chairman of the Transport, Economy and Environment 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** 26 April 2020  
**Chairman of North Yorkshire County Council**