

NORTH YORKSHIRE COUNTY COUNCIL

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

NOTICE OF URGENCY AND CALL IN EXEMPTION RE PROCUREMENT OF A UTILITIES BROKER (GAS) CONTRACT FROM 1 APRIL 2021

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 1 June 2020 the Corporate Director Strategic Resources will consider a report regarding the procurement of a Utilities Broker (Gas) contract from 1 April 2021, which is being undertaken by the Council's utilities broker, YPO.

These matters require an urgent decision by the Corporate Director Strategic Resources on 1 June 2020 and cannot reasonably be deferred, to enable the timely consideration and implementation of this project. In order to purchase gas a year ahead (to achieve the lowest price possible) the new contract needs to be signed as soon as possible after 1 April 2020. The Council's current gas supply contract expires on 31 March 2021. It is essential, for the continuity of service across both the

corporate property estate and traded customers, that a new supply arrangement is in place from 1 April 2021.

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 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 this matter be considered by the Corporate Director Strategic Resources on 1 June 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 decision proposed is reasonable in all the circumstances and to it 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 decision. If you agree, will you please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 19 May 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 Derek Bastiman

Date 19 May 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 County Councillor Jim Clark

Date 20 May 2020

Chairman of North Yorkshire County Council