

NORTH YORKSHIRE COUNTY COUNCIL

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

NOTICE OF URGENCY AND CALL IN EXEMPTION RE OUTBREAK MANAGEMENT PLAN

**To the Chairman of the Care and Independence Overview and Scrutiny Committee,
Chairman of the Scrutiny of Health 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 a date during the week commencing 22 June 2020 the Director of Public Health will consider a report regarding the approval of an Outbreak Management Plan for North Yorkshire and the approval of any ancillary decisions required to implement the Plan. The Council has created a multi-agency board with representatives from the District, Police, Health and Business sectors, which will be consulted on the process and Plan. This item has been published on the Forward Plan but not for the requisite 28 day period.

The Outbreak Management Plan for North Yorkshire will subsequently be considered for endorsement by the Executive on 14 July 2020, along with the approval of any ancillary decisions required to implement the Plan, including but not limited to agreeing that the Director of Public

Health should make any future in year changes to the Plan. This item has been published on the Forward Plan.

These matters require urgent decisions by the decision takers on the dates indicated and cannot reasonably be deferred, to enable the timely consideration and implementation of this project and to meet project deadlines. The Outbreak Management Plan must be in place by 29 June 2020.

It is also likely that any future decisions by the Director of Public Health to make any changes to the agreed Outbreak Management Plan are likely to be required to be made in urgent circumstances and at pace due to the pandemic circumstances, so approval is also sought via this notice to treating such decisions urgently and enabling their immediate implementation.

As a consequence of the urgency of the timescales, the decisions referred to above 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 Chairmen of the Care and Independence Overview and Scrutiny Committee and the Scrutiny of Health Committee: 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 it is intended that the above matters be considered by the decision takers indicated on the dates indicated and I am seeking your agreement that the meetings and the making of the decisions are urgent and cannot reasonably be deferred beyond these timeframes. 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: 12 June 2020

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

Signed COUNTY COUNCILLOR KARIN SEDGWICK

Date 12 June 2020

Chairman of the Care and Independence Overview and Scrutiny Committee

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

Signed COUNTY COUNCILLOR JOHN ENNIS

Date 15 June 2020

Chairman of the Scrutiny of Health Committee

I agree, for the reasons stated in this notice, that such decisions as referred to above 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 15 June 2020

Chairman of North Yorkshire County Council