

Leader Decision Record

Title of Report: **Correction of Section 24 General Consent**

Decision of: **The Leader of the Council**

Cabinet Member: **Councillor Andrew Jarvis, Finance Portfolio Holder**

1. What is the decision about?

- 1.1. The decision relates to a correction to the general consent granted by the Shadow Authority Cabinet in respect of the Direction Issued under Section 24 of the Local Government and Public Involvement in Health Act 2007 to ensure that the wording of the general consent is clear.

2. Recommendation(s) to the Leader?

- 2.1. It is recommended that the Leader agrees a correction to the general consent granted on 10 June 2022 to ensure that it is clear that consent is granted for all non-capital contracts under which the consideration payable or maximum consideration payable under that contract does not exceed £2,000,000.

3. Background to the proposals

- 3.1. The Secretary of State for the Department for Levelling Up, Housing and Communities made a direction under section 24 of the Local Government and Public Involvement in Health Act 2007 which restricts the District Councils and the County Council from entering into contracts of a certain value without getting the consent of the Executive of the Council.

- 3.2. On 10 June 2022 the Executive granted a general consent in respect of certain contracts. The general consent provided that general consent was granted to enter into any non-capital contract

- under which the consideration payable or maximum consideration payable under that contract does not exceed £2,000,000 the period of the contract extends beyond 1 April 2023 or under the terms of the contract of the period may be extended beyond that date; and
- *where the contract is for an educational or care placement for a specific individual and or a contract for care services to be provided to a specific individual household; or*
- *for essential responsive maintenance of buildings and highways; or*
- *for goods or services which is required as an essential response to a civil emergency; or*
- *for the supply of utilities (e.g. gas or electricity) for no more than 5 years; or*
- *relating to the employment of staff or agency workers in positions provided for in the current establishment of each council.*

- 3.3. The intention was that the general consent would apply to all contracts where

the consideration did not exceed £2,000,000 and all contracts falling in the categories in italics whatever the level of consideration. However the use of the word “and” after the first set of italics means that there is a risk that contracts need to satisfy both the condition as to the level of the consideration and the conditions in italics. As a result contracts for less than £2,000,000 which do not fall in the listed categories of contract would required specific consent.

3.4. In order to make it clear which contracts are covered by the general consent it is recommended that an amendment to the general consent is made to make it clear that that general consent is granted to enter into any non-capital contract

- under which the consideration payable or maximum consideration payable under that contract does not exceed £2,000,000 the period of the contract extends beyond 1 April 2023 or under the terms of the contract of the period may be extended beyond that date; or
- *where the contract is for an educational or care placement for a specific individual and or a contract for care services to be provided to a specific individual household; or*
- *for essential responsive maintenance of buildings and highways; or*
- *for goods or services which is required as an essential response to a civil emergency; or*
- *for the supply of utilities (e.g. gas or electricity) for no more than 5 years; or*
- *relating to the employment of staff or agency workers in positions provided for in the current establishment of each council.*

And that this correction is notified to the Monitoring Officer of all the local authorities impacted by the Section 24 Direction.

4. Reasons for the recommendation(s)?

4.1. The Shadow Authority Cabinet granted a general consent in order to ensure that the District Councils and the County Council are able to continue to deliver high quality services to the public and run their day-to-day business. It was recognised that a general consent would be helpful to the continued delivery of services in this period. The intention had been that the general consent would apply to all contracts where the consideration does not exceed £2,000,000 but the wording of the general consent which was agreed at the meeting on 10 June 2022 is not entirely clear.

4.2. If this amendment is not agreed there is a risk that the District Councils and County Council will not be able to enter into contracts with a value of less than £2,000,000 without getting specific consent from the Executive and this will result in delay and impact on the delivery of services to the public.

5. What options have been considered?

5.1. The correction could not be made and the issue could be considered at the next meeting of the Executive.

6. What risks have been identified?

6.1. Failure to make this correction could prejudice the ability of the District Councils and the County Council to provide quality services.

7. What resources will be needed/how will the proposal be funded?

7.1. There are no resource requirements as a result of the recommendation as this merely ensures the terms of the general consent which was granted are clear.

8. What Legal considerations are relevant to the decision?

8.1. Under 5.1 of Article 7 of the Constitution the Leader may undertake any of the functions of the Shadow Authority Cabinet themselves. Accordingly, the Leader may take the decision set out in this report.

Executive member Consultation

Name:

Details of any registrable interest relevant to the decision: None

Details of any dispensation granted: None

Decision

Signature of the decision record authorises the implementation (following expiry of the Call In period where applicable) of the recommendations in Section 2.

Signature of decision maker:



Name: Councillor Jonathan Brook

Post title: Leader of the Council

Date: 07/07/2022