

# **Westmorland and Furness Shadow Authority Cabinet Meeting**

**Date: 22 July 2022**

**Title: Minor amendment to the S24 General  
Consent**

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<b>Report from:</b>	Linda Fisher Interim Monitoring Officer Westmorland and Furness Council
<b>Report Author:</b>	Linda Fisher Interim Monitoring Officer Westmorland and Furness Council
<b>Wards:</b>	<b>All</b>
<b>Key Decision:</b>	<b>Yes</b>

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## **1.0 Purpose/Summary of report**

- 1.1. The purpose of this report is to request that the Shadow Authority Cabinet endorse the decision of the Leader to amend the General Consent that the Shadow Authority Cabinet agreed on Friday, 10 June 2022.

## **2.0 Recommendation:**

- (1) The Leader having made the decision to amend the S24 General Consent (decision attached), the Shadow Authority Cabinet is requested to endorse the decision:**

- **to change the word " and " to " or" in as outlined in 3.2 below**

## **3.0 Background and Proposals**

- 3.1 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" at the end of the first bullet point in 3.2 below 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.

3.2 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.*

**Proposed and change shown in bold replacement of the word "and" with "or" within the first bullet point.**

- *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.*

#### **4.0 Consultation**

- 4.1 The matter has been discussed within the Monitoring Officers Group and with the Leader and Portfolio Holder.

#### **5.0 Alternative Options**

- 5.1 Shadow Authority Cabinet could decline to endorse, however this would leave the interpretation ambiguous for officers applying the general consent.

#### **6.0 Implications**

##### **Financial, Resources and Procurement**

- 6.1 There are no financial implications arising from this report.

##### **Human Resources**

- 6.2 There are no Human Resources implications arising from this report.

##### **Legal**

- 6.3 There are no legal implications arising from this report.

##### **Health and Sustainability Impact Assessment**

- 6.4 No Health and Sustainability Impact Assessment has been undertaken - as not required.

##### **Equality and Diversity**

- 6.5 No Equality Impact Analysis has been undertaken – as not required.

**Contact Officers**

Linda Fisher Interim Monitoring Officer Westmorland and Furness Council.

**Background Documents Available**

[10-06-22 Westmorland and Furness Shadow Authority Cabinet - Agreement of General Consent in Response to Direction Issued Under Section 24 of the Local Government and Public Involvement in Health Act 2007](#)