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| <p>SHADOW EXECUTIVE</p> |
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| <p>10 JUNE 2008</p> |
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| SUBJECT | <p>General Consents For The Control Of Disposals, Contracts And Reserves <i>(To inform the Shadow Executive of a Direction made under S24 Local Government and Public Involvement in Health Act 2007 for the control of disposals, contracts and reserves and the Consents granted.)</i></p> |
| REPORT OF | Interim Monitoring Officer |
| <i>Contact Officer: Sue Lyons (Tel:01462 611028)</i> | |

IMPLICATIONS

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| SUSTAINABILITY | None |
| FINANCIAL | None |
| LEGAL | Compliance with Direction issued under S24 of the Local Government and Public involvement in Health Act |
| PERSONNEL/EQUAL OPPORTUNITIES | None |
| COMMUNITY DEV/SAFETY | None |
| TRADES UNION | None |
| HUMAN RIGHTS | None |
| KEY ISSUE | Yes |
| BUDGET/POLICY FRAMEWORK | No |

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| <p>OTHER DOCUMENTS RELEVANT TO REPORT</p> |
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| <p>Direction made under S24 of the Local Government and Public Involvement in Health Act 2007. CLG Guidance note on Control of Disposals, Contract and Reserves.</p> |
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| <p>RECOMMENDATION(S):</p> |
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That the Shadow Executive notes:-

- 1. the provisions of the Direction issued under Section 24 of the Local Government and Public Involvement in Health Act 2007, as set out in paragraphs 1 to 3 of this report**
- 2. the delegation of the power to the Interim Chief Executive to issue consents for the control of disposals, contracts and reserves to Bedfordshire County Council and Mid and South Bedfordshire District Councils,**
- 3. the consent granted to to date, as set out in Appendix A to this report.**

Reason for

Recommendation: To comply with the Direction and enable Bedfordshire County Council, Mid Bedfordshire and South Bedfordshire District Councils to continue to provide services in the period to 1 April 2009.

Background

1. Section 24 of the Local Government and Public Involvement in Health Act 2007 enables the Secretary of State to issue Directions to Authorities, which will cease to exist on 1 April 2009 for the purpose of controlling disposals of land, contracts and the spending of reserves. The Secretary of State made a Direction in respect of Mid Bedfordshire and South Bedfordshire District Councils and Bedfordshire County Council, which came into force on 16 April 2008.
2. The purpose of the Direction is to ensure that there are no significant changes to the levels of assets or reserves of the authorities, which could change the financial position of the new unitary Council. The Direction, therefore, restricts the Councils from disposing of land or entering into revenue contracts, which exceed £100,000, or capital contracts exceeding £1million without the consent of a relevant person. The relevant person is the Secretary of State in respect of land to be disposed of under any enactment e.g. Right to Buy legislation. In all other matters the relevant person for Mid Beds and South Beds is Central Bedfordshire Council and for Beds County Council it is either Central Bedfordshire or Bedford Borough depending on the area to which the transaction relates.
3. The Government issued guidance with the Direction that recognises that it is in the interest of both efficient administration and to allow Councils to continue to fulfil their day to day functions to allow the Shadow Executive to give general consents applying higher limits to relevant transactions.
4. The Guidance and the relevant legislation allow the function of granting consents under the Direction to be delegated to an officer. The Shadow Executive will be aware that under the Council's Constitution, the Leader of the Council has authority to agree new delegations. The Leader has therefore delegated the power to grant consents under the Direction to the Interim Chief Executive. This was necessary to facilitate the granting of consents to Bedfordshire County Council to enable it to continue its proper functions as from the coming into effect of the Direction on 16 April 2008. The Consent is set out at Appendix A. A similar consent is currently being negotiated for Mid Beds and South Beds District Councils to reflect their requirements. A verbal update will be given at the meeting.

5. The Consent granted to Bedfordshire County Council mirrors that granted by Bedford Borough Council and its content was agreed by all parties to ensure that normal day-to-day business would continue. Future transactions that fall within the Direction but are not covered by the Consents will be considered by the Interim Chief Executive on a case-by-case basis. The Authority concerned must apply for consent and provide sufficient information for the Interim Chief Executive to make an informed decision.

6. Whilst under the Council's Constitution the Shadow Executive is not required to make a decision upon this matter, it was felt important that Members were advised of the provisions of the Direction, the consent regime and the consent approved to date.

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| <i>Background Papers:</i> | Direction made under S24 Local Government and Public Involvement in Health Act 2007. CLG Guidance note on Control of Disposals, Contract and Reserves. |
| <i>Location of Papers:</i> | Legal Department MBDC |
| <i>File Reference:</i> | None |