

Report of: Monitoring Officer

CODE OF CONDUCT – APPLICATIONS FOR DISPENSATION

Recommendation:

To consider applications, if any, from members of the Council's Cabinet for dispensation to enable them to take part in making a decision on the establishments to be used by the Council to provide bed and breakfast accommodation for homeless persons.

Prejudicial Interests

1. (Monitoring Officer) The Council recently invited tenders for the provision of bed and breakfast accommodation to house homeless persons, when necessary. Three tenders were received and the officers are proposing that all three establishments be used with approaches being made initially to the one which submitted the lowest rates for rooms. However, as there will be occasions when that establishment does not have vacancies it will be necessary to use the others.
2. The decision to use the establishments would normally be taken by the Housing Portfolio Holder but he has advised that he has a prejudicial interest by virtue of his acquaintance with the proprietor of one of the establishments, who is a fellow district councillor. In such circumstances the matter would normally be submitted to the Cabinet for decision. However, it is anticipated that the majority of the Cabinet will have similar prejudicial interests.
3. A letter has been sent to all members of the Cabinet seeking clarification of their position and asking, if necessary, if they wish to seek a dispensation. At the time of publication of this agenda their responses are awaited and will be reported at the meeting.

Applications for Dispensation

4. Councillors with a prejudicial interest can apply in writing to the Standards Committee for a dispensation to allow them to take part in a matter.

Applications can be made on one of the following grounds:

(a) over 50% of the authority or committee members would be prevented from taking a full part in a meeting because of prejudicial interests: or

(b) the political balance at that meeting would be upset.

5. Only the Standards Committee can grant the dispensation and it does so at its discretion. It needs to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority.

6. The Standards Board for England advise that if failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may constitute grounds for granting a dispensation.