

## **Report to the Cabinet**

**Report reference: C/037/2007-08.**

**Date of meeting: 3 September 2007.**



**Epping Forest  
District Council**

**Portfolio: Housing.**

**Subject: Bed and Breakfast Accommodation Contract Procedure.**

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### **Recommendations/Decisions Required:**

**(1) That the following options for dealing with this Contract be considered:**

**(a) to delegate the decision to a Portfolio Holder who either has no prejudicial interest to declare or has received a dispensation from the Standards Committee;**

**(b) to delegate the decision to an ad hoc Cabinet Committee comprising no less than three Cabinet Members, (without prejudicial interests or in receipt of a dispensation) including an appointed Chairman and Vice-Chairman; or**

**(c) delegate the acceptance of a tender (or tenders) to the Head of Housing Services; and**

**(2) That a Chairman and Vice-Chairman of the Ad Hoc Cabinet Committee be appointed if option (1)(b) is chosen.**

### **Report:**

1. In normal circumstances the decision to engage a landlord supplier of bed and breakfast accommodation would be referred to the Portfolio Holder for Housing as the tendering exercise does not change policy or create a new budget requirement. Tendering was designed to re-test the market and refresh the Council's list of bed and breakfast providers. However, the Portfolio Holder concerned has declared a prejudicial interest in the matter by reason of a close association with one of the tenderers, who is a serving District Councillor. Under normal procedure, the matter would then stand referred to the next available full Cabinet meeting.

2. Four other Cabinet members have also indicated that they have prejudicial interests. All five applied for dispensations under the Code of Conduct from the Epping Forest District Standards Committee. The effect of a dispensation being granted would be to allow them to take part in any consideration of the item and leaving the Cabinet meeting concerned, provided the interest and the dispensation is declared.

3. The decision of the Standards Committee on the five applications was to grant dispensations to Councillors A Green and Mrs A Grigg on grounds that their interests as described were not significant enough to exclude them from consideration of the item. In the three other cases (Councillors Mrs D Collins, Mrs M Sartin and D Stallan), the Standards Committee concluded that the interests declared were too significant to permit those members to be involved. The Standards Committee therefore refused to grant dispensations.

4. The three other members of the Cabinet (Councillors M Cohen, Ms S Stavrou and C Whitbread) did not apply for dispensations. The Standards Committee has stated that, if further applications were received, a meeting would be arranged to review those cases.

5. However, it is now clear that two other declarations of prejudicial interests would have been made. Thus the Cabinet Quorum has been lost.

6. With no quorum to deal with the substantive issue, the Cabinet should consider other options for dealing with the tenders. These appear to be as set out in the recommendation at the commencement of this report.

**Statement in Support of Recommended Action:**

7. The recommendation safeguards the Cabinet's ability to make decisions by any of three options. This would meet the legal requirement for Cabinet decisions to be made only by executive members and allow those members with a prejudicial interest to comply with the Council's Code of Conduct.

8. So long as the Cabinet restricts itself to considering the process for considering the tender, rather than the tenders themselves, it is not considered that the prejudicial interest applies. It follows however, that any member who has a prejudicial interest must take no further part in the matter either informally or formally.

**Other Options for Action:**

9. The only options available are those set out in the recommendations at the commencement of the report.

**Consultation undertaken:**

10. Epping Forest District Standards Committee.

**Resource Implications:**

**Budget Provision:** Existing.

**Personnel:** Existing.

**Land:** Existing.

**Community Plan/BVPP reference:** None.

**Relevant statutory powers:** Local Government Act 2000.

**Background papers:** Letters requesting dispensations by five Cabinet members. Letters from the Deputy Monitoring Officer notifying the decisions of the Standards Committee.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision reference (if required):** N/A.