

## SBDC Cabinet

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<b>SUBJECT:</b>	Exemption to Contracts Procedure Rules - Instructing Counsel
<b>REPORT OF:</b>	Resources Portfolio Holder - Cllr David Anthony
<b>RESPONSIBLE OFFICER</b>	Head of Legal & Democratic Services - Joanna Swift
<b>REPORT AUTHOR</b>	Principal Solicitor - Anna Dell Tel: 01895 837232
<b>WARD/S AFFECTED</b>	Fulmer

### 1. Purpose of Report

- 1.1 To report to Cabinet that an exemption to the Council's Contracts Procedure Rules has been granted by Management Team.

#### RECOMMENDATION

That Cabinet note that Management Team has agreed an exemption to the Contracts Procedure Rules, to permit Mr David Lintott of counsel to advise and represent the Council in respect of Enforcement Notice Appeals relating to Alderbourne Cottage (Area 2) Fulmer Lane, Fulmer, Bucks SL9 7BL.

### 2. The Contracts Procedure Rules

- 2.1 The joint CDC / SBDC Contracts Procedure Rules set out the Council's approach to dealing with all aspects of Procurement. They state that:

*The Councils must comply with these Contracts Procedure rules at all times. However there are sometimes valid reasons why an exemption from one or more elements of these rules is required.*

*All exemptions must be formally approved by Management Team, and shall be reported to the next appropriate Cabinet meeting.*

### 3. Instructing Counsel - Mr David Lintott

- 3.1 The very complicated nature of these Enforcement Appeals including the need for cross examination under oath and legal submissions, requires Counsel to be engaged to provide advice and then to represent the Council at the Public Inquiry.
- 3.2 Mr Lintott has already been instructed to advise and represent the Council at the forthcoming Public Inquiry regarding enforcement notices served in respect of adjoining land (Area 1). The Planning Inspectorate has now determined that the appeals regarding Area 1 and Area 2 will be determined at the same Public Inquiry in 2016. Therefore in light of the co-joined Public Inquiry your officers considered Mr Lintott to be best placed to provide this advice and to represent the Council regarding Area 2.
- 3.3 On 12<sup>th</sup> August 2015, Management Team therefore agreed an exemption from the requirement to obtain competitive tenders, so that the Council could instruct Mr Lintott and accept a single quote to provide initial advice and then to advocate on behalf of the Council.

<b>Background Papers:</b>	None
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