

# Cabinet Agenda

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**Date:** Tuesday, 22nd September, 2009  
**Time:** 2.00 pm  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Where a member of the public wishes to ask a question of a Cabinet Member three clear working days notice must be given to the Democratic Services Manager, and the question must be submitted in writing.

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Please contact Cherry Foreman on 01270 529736  
E-Mail: [cherry.foreman@cheshireeast.gov.uk](mailto:cherry.foreman@cheshireeast.gov.uk) with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

4. **Minutes of Previous meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 15 September 2009.

5. **Exclusion of the Press and Public**

The reports relating to the remaining items on the agenda have been withheld from public circulation and deposit pursuant to Section 100(B)(2) of the Local Government Act 1972 on the grounds that the matters may be determined with the press and public excluded.

The Committee may decide that the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

**PART 2 – MATTERS TO BE CONSIDERED WITHOUT THE PUBLIC AND PRESS PRESENT**

6. **County Hall** (Pages 5 - 10)

*In accordance with Section 100(B) (4) (b) of the Local Government Act 1972 the Chairman has agreed that, by reason of special circumstances, this report should be considered as matter of urgent business as if a decision is not made at the earliest opportunity the transaction will be put in jeopardy because of related circumstances.*

To consider the report of the Borough Treasurer and Head of Assets.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet**  
held on Tuesday, 15th September, 2009 at The Capesthorne Room - Town  
Hall, Macclesfield SK10 1DX

**PRESENT**

Councillor W Fitzgerald (Chairman)  
Councillor B Silvester (Vice-Chairman)

Councillors R Domleo, D Brickhill, D Brown, F Keegan, A Knowles and  
P Mason

Councillors in attendance:  
S Bentley, R Menlove, J Narraway, D Neilson and A Thwaite.

Officers in attendance:  
Strategic Director Places, Borough Treasurer and Head of Assets and Legal  
Services Manager.

**99 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Findlow and J  
Macrae.

**100 DECLARATIONS OF INTEREST**

Minutes 103 and 105 (Key Decision 09/10-24 Joint Waste Treatment PFI  
Project – Acquisition of Site for Waste Transfer Station)

Councillor D Brickhill declared a personal interest in this item by virtue of  
being the Portfolio Holder for Environmental Services and also a member  
of the Cheshire Waste Management Task Group.

Councillor P Mason declared a personal interest by virtue of being the  
Portfolio Holder for Procurement Assets and Services, and as he had  
attended the Scrutiny Committee on 15 September 2009.

Councillors D Brown and F Keegan declared personal interests by virtue of  
being members of the Cheshire Waste Management Task Group.

**101 PUBLIC SPEAKING TIME/OPEN SESSION**

Richard May (Sunrise House) made a statement in respect of the adverse  
effect on his and other businesses in the area surrounding the proposed  
site at Hulley Road, Macclesfield, should it be used as a waste transfer  
station.

102        **MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting held on 8 September be approved as a correct record.

103        **KEY DECISION 09/10-24 JOINT WASTE TREATMENT PFI PROJECT - ACQUISITION OF SITE FOR WASTE TRANSFER STATION FACILITIES**

*Councillors D Brickhill, P Mason, D Brown and F Keegan had all declared personal interests in this item.*

Consideration was given to the recommendations from the Corporate Scrutiny Committee meeting on 14 September 2009. A copy of these were circulated at the meeting. At that meeting the Committee had resolved:

- (a) *That in view of uncertainty identified by this Committee concerning the future release for sale of land at Hulley Road Macclesfield by the owners, inaccuracies in the plan submitted, and concerns about the impact on the economic viability of the existing Hurdsfield Industrial Estate, it be recommended to Cabinet that Minute 79 dated 11 August 2009 be deferred and consequently, the purchase of a site at Hulley Road Macclesfield for use as a Waste Transfer Station in connection with the Waste Treatment PFI contract be not proceeded with, until such time as a full consultation exercise has been undertaken with local businesses, local residents and Hurdsfield Primary School.*
- (b) *That in tandem with the consultation exercise recommended in (a) above:*
  - (i) *A thorough investigation be carried out into alternative sites to locate a Waste Transfer facility and the results be presented to Corporate Scrutiny Committee for comment before any further action is taken to acquire land for the Waste Treatment PFI project.*
  - (ii) *A Full Economic and Environmental Impact Study of the proposed scheme be carried out.*
- (c) *That clarification be sought with the with Waste PFI Project Director and Joint Team Manager in relation to the ownership, status and joint access of land between Sunrise House and the proposed site which was included within the plan appended to the report submitted to the Committee, but is not part of the proposed scheme.*

In addition, the Chairman of the Corporate Scrutiny Committee attended the meeting and raised some additional issues e.g. costs associated with alternative methods of operation and the proposed approach to the purchase of the site.

The Cabinet gave consideration to the recommendations of the Corporate Scrutiny Committee and to the points raised by speakers at the meeting. The Portfolio Holder for Procurement, Assets and Shared Services, and the Portfolio Holder for Environment, responded to the particular concerns set out by the Corporate Scrutiny Committee and to those raised by speakers at the meeting.

It was reported that the alleged uncertainties about the extent of the land appeared to be unfounded (the plan had only been intended to show the location of the site and was not a definitive boundary plan). It was noted that a full consultation exercise would be carried out at the planning application stage. It was pointed out that the building would be of modern specifications to include integral noise, dust and odour mitigation measures. It was not considered that the vehicle movements and the size of vehicles to be used would be significant in relation to those already using the adjoining roads.

An update was given on the current position regarding the negotiations for the Waste Treatment PFI Project and the implications for that contract of any delay in it being finalised. Work had been carried out over a considerable period of time to identify a suitable site, the detail of which could be found in the Appendix found at item 7 of the agenda.

Members then passed the resolution at minute 104 and debated the matter as noted in minute 105 and then, by passing a resolution, reconvened in part 1.

The Cabinet resolved to reconfirm its decision of 11 August 2009 and to request that a further report on alternative site options be considered at its meeting on 3 November 2009.

#### RESOLVED

Following separate consideration of the Part 2 item at minute 105 and for the reasons set out in the report: -

1. That the purchase of a site at Hulley Road be approved in order to enable a Waste Transfer Station in Macclesfield to be included within the scope of the Waste Treatment PFI Contract.
2. That the alternative site options continue to be explored with a view to ensuring that a Waste Transfer Station at Hulley Road provides best value.

3. That further information in relation to alternative site options be reported to the Cabinet at its meeting on 3 November 2009.

104      **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

105      **KEY DECISION 09/10-24 JOINT WASTE TREATMENT PFI PROJECT - ACQUISITION OF SITE FOR WASTE TRANSFER STATION FACILITIES**

*Councillors D Brickhill, P Mason, D Brown and F Keegan had all declared personal interests in this item.*

Consideration was given to Appendix A to the Cabinet report of 11 August 2009.

RESOLVED

That the information contained in the Appendix be noted.

The meeting commenced at 2.00 pm and concluded at 3.00 pm

W Fitzgerald (Chairman)

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