

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Cabinet Member for Procurement, Assets and Shared Services

held on Tuesday, 4th January, 2011 at Fred Flint Room, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillors P Mason, Cabinet Member for Procurement, Assets and Shared Services

OFFICERS

Caroline Elwood, Interim Borough Solicitor
John Nicholson, Strategic Director - Places
Phil Sherratt, Head of Environmental Services
Harold Collin, Waste PFI Project Director
Rachel Graves, Democratic Services Officer

29 APOLOGIES FOR ABSENCE

No apologies were received.

30 DECLARATIONS OF INTEREST

No declarations of interest were made.

31 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

32 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 they involved the disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

33 WASTE PFI

In accordance with Access to Information Procedure Rule 14, it was noted that this matter had not been considered in the Forward Plan of Key Decisions to be taken between 1 January and 31 March 2011 as prompt action was required in order to meet the deadline for proceeding and it would be impractical to defer the decision until it could be included in the next Forward Plan.

In addition it had been agreed that the decision would be considered as urgent for the purposes of Scrutiny Procedure Rule 13 on the basis that any delay caused by the call-in process would result in the Council being out of time and unable to issue proceedings.

The Cabinet Member for Procurement, Assets and Shared Services considered a report on the Waste PFI project.

In October 2010, as part of the Comprehensive Spending Review, Defra had announced the withdrawal of PFI credits from 7 projects for the construction and operation of waste processing facilities. The Cheshire Waste Treatment Project, jointly procured by Cheshire West & Chester and Cheshire East Councils, was one of the projects from which support was withdrawn. The Councils had been at an advanced stage in the process, having selected a provisional preferred bidder and submitted a final business case to Defra.

The Cabinet Member for Procurement, Assets and Shared Services was asked to determine if legal proceedings should be issued to challenge Defra's decision to withdraw the PFI credits.

RESOLVED:

That Judicial Review proceedings be issued to challenge Defra's decision to withdraw PFI credits in relation to the Cheshire Waste Treatment Facility, subject to Cheshire West & Chester Council making a similar decision.

The meeting commenced at 9.00 am and concluded at 9.20 am

Councillor P Mason