

# CHESHIRE EAST COUNCIL

## CORPORATE SCRUTINY COMMITTEE

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**Date of meeting:** 14 September 2009  
**Report of:** The Borough Solicitor and Monitoring Officer  
**Title:** Call In of Cabinet Decision Joint Waste Treatment PFI Project – Acquisition of site for Waste Transfer Station Facilities

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### **1.0 Report Summary**

This report sets out the procedure for the Call In of the Cabinet Decision Joint Waste Treatment PFI Project – Acquisition of site for Waste Transfer Station Facilities taken on 11 August 2009.

1.1

### **2.0 Recommendations**

- 2.1 That the Scrutiny Committee considers whether or not it wishes to offer advice to Cabinet in response to the Call In.

### **3.0 Wards Affected**

- 5.1 Broken Cross, Macclesfield Town and Macclesfield West

### **4.0 Local Ward Members**

- 4.1 All Members for the above Wards.

### **5.0 Policy Implications**

- 5.1 Contained within the attached report.

### **6.0 Financial Implications for Transition Costs**

- 6.1 Contained within the attached report.

### **7.0 Financial Implications for 2009/10 and beyond**

- 7.1 Contained within the attached report.

### **8.0 Legal Implications**

- 8.1 Contained within the attached report.

### **9.0 Risk Assessment**

- 9.1 Contained within the attached report.

## **10.0 Background and Options**

- 10.1 In accordance with Scrutiny Procedure Rule 12.3, any 8 or more Councillors can call in a decision. In this case, 9 Members have called in the above decision for the reasons identified in Appendix 1
- 10.2 In accordance with Scrutiny Procedure Rule 12.6 the Scrutiny Committee has two options in respect of any further action. The Committee may decide to offer no advice, in which case the decision may be implemented. Alternatively, the Committee may decide to offer advice, in which case, the matter must be referred to Cabinet in order for a decision to be made upon it. In accordance with Scrutiny Procedure Rule 12.8 , Cabinet is not bound to accept any advice offered to it and will have sole discretion on any further action to be taken, such action may include:
- (1) Confirming with or without amendment the original decision; or
  - (2) Deferring the matter pending further consideration; or
  - (3) Make a different decision.
- 10.3 Where the Scrutiny Committee decides to offer advice, this must be clearly documented in the minutes
- 10.4 If the Scrutiny Committee decides not to offer any advice, then the decision of Cabinet can be implemented immediately.
- 10.5 Full details of the Call In Procedure can be found at Scrutiny Procedure Rule 12
- 10.6 The appropriate Cabinet Member and Officer will attend the meeting to explain the background and reasons for the decision and to answer any questions the Committee may have.
- 10.7 The following wording records the Cabinet Member decision of 11 August 2009:
- ‘That Following separate consideration of the Part 2 item at minute 81 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 alternative site options continue to be explored with a view to ensuring that a Waste Transfer Station at Hulley Road provides best value. ‘
- Minute 81 is as follows :
- ‘For the reasons set out in the report and as now discussed: -
- That Appendix A be noted.’
- 10.8 The Cabinet Member report is attached at Appendix 2.

10.9 A response to the issues raised in the Call In Notice is attached at Appendix 3. A site plan is also attached

## 11.0 **Appendices**

Appendix 1 – Call In Notice

Appendix 2 – Cabinet Member Report

Appendix 3 – Response to the issues raised in the Call In Notice

### ***For further information:-***

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### ***Background Documents:-***

The Councils Constitution

Documents are available for inspection at:

Legal and Democratic Services, Westfields, Middlewich Road, Sandbach, CW11 1HZ