

CALL-IN REQUEST FORM

This form must be completed and signed by at least TWO members of any Scrutiny Commission or Scrutiny Committee and MUST be returned to the *Proper Officer within 3 working days of the decision being published (*not including the day of publication*). Please telephone the Proper Officer to make them aware that the Call-In form is on its way.

**Please note that the Proper Officer can be any of the following Senior Governance Officers: Paulina Ford, Alex Daynes, Gemma George or Diane Baker, Head of Governance. The Call-In Request will only be valid if it has been received in person by any of the above people within the 3 working day deadline. The form may be emailed or hand delivered. If sent in the post you must call the Proper Officer to advise that it has been posted and it will need to be received by the Proper Officer within the 3 working day deadline.*

Decision taker:	Cllr Matthew Lee
Date of publication of decision:	Monday 13 August 2012
Decision Called in :	Energy from Waste Facility and associated works and services - AUG12/CMDN/077

	REASONS FOR CALL-IN	Tick which reason applies
1.	Decision contrary to the policy framework?	
2.	Decision contrary or not wholly consistent with the budget?	
3.	Decision is Key but it has not been dealt with in accordance with the Council's Constitution.	
4.	Decision does not follow principles of good decision-making set out in Article 12 of the Council's Constitution.	√
	If reason 4, please tick which specific element of Article 12 the decision maker has not followed, did he or she not:	
(a)	Realistically consider all alternatives and, where reasonably possible, consider the views of the public.	√
(b)	Understand and keep to the legal requirements regulating their power to make decisions	
(c)	Take account of all relevant matters, both in general and specific, and ignore any irrelevant matters.	
(d)	Act for a proper purpose and in the interests of the public.	√
(e)	Keep to the rules relating to local government finance.	
(f)	Follow procedures correctly and be fair.	√
(g)	Make sure they are properly authorised to make the decisions.	
(h)	Be responsible for their decisions and be prepared to give reasons for them.	
(i)	Take appropriate professional advice from officers.	

APPENDIX 2

Detailed Reason(s) for Call-in. *Please explain below why one of the reasons for call-in applies (eg. For number 1 - which major policy affected and how/why)*

This is a highly controversial decision which, since the idea of a waste incinerator (energy from waste facility) was first discussed some six years ago, has been the cause of much concern for a number of councillors and members of the public.

The decision rests on a policy decision of Full Council made in February 2007 (Waste 2020, doing nothing is not an option) but circumstances, waste legislation, Government policy and the state of the economy have all changed (dramatically in some cases) since that decision was made.

The signatories of this notice therefore call for the decision to be called in by the Scrutiny Committee and referred to Full Council for detailed debate on the decision and the underlying policy issues.

Ref 4 a – reason

1. It is possible that officers and the cabinet member has considered all realistic alternatives but, if so, it is not evident from the public version of the decision notice. Under “Alternative Options” the option of using one of the many alternative public or private sector waste treatment facilities currently available or likely to be available in the vicinity of Peterborough (for example the PREL plant or the MBT anaerobic treatment plant at Waterbeach). Both of the options considered by the cabinet member are old fashioned mass burn incinerators where no pre-sorting of the waste takes place before it is burnt. The process involved will have looked at other options and created swot type analysis and risk assessments both financially and practically – to fully understand the decision taken these documents need to be viewed by scrutiny and the council to enable a fully rounded assessment and importantly create public involvement and feedback.

Ref 4 d - reason

2. Officers and the cabinet member may be acting in the interests of the public but if this is the case why is so much information being withheld from the public. When a report was presented to the scrutiny committee in June, there were substantial pages of exempt information which the committee members were not even allowed to read before the meeting. The committee was told that some information was commercially confidential until the preferred bidder had been announced ...but now the decision has been published there are still substantial pages of exempt information.
3. Some of this information (particularly in relation to the bidder which has been chosen) is key information about promises which the bidder has made about how the new facility will perform, including such matters as how much waste will need to be imported from outside Peterborough to feed the incinerator in the early years (Exempt Annexe 2). Other exempt annexes contain information about the weightings applied in the scoring matrix ...even if the detailed scores cannot be made public; there is clear public interest in knowing the detailed criteria and weightings which were being used.
4. Similarly on finances, the public report states that the capital cost of the facility and the ongoing running costs will be recouped over its term of operation and refers to an “affordability model” no detail is given about the detailed criteria which are being applied. The financial commitment for the Council in terms of short term burdens on both the capital programme and the revenue budget are so massive that it is simply not sufficient to make bland assertions about affordability in a public report and withhold most of the detail, even for the preferred bidder. The published document contains a brief comparison of the financial implications of the preferred solution against “doing nothing” (ie continuing to put all black bin waste to landfill) but this is unrealistic as no-one is seriously suggesting this as an alternative.

Ref 4 f - reason

5. Council procedures on exempt information (first set out in a decision of the Policy Executive Panel in February 1999) require that only the minimum amount of information which needs to be kept confidential is contained in exempt reports. Subsequent legislation requires that a public interest test be applied. It is stated that “disclosing it (the exempt information) would compromise the respective positions of the council and bidders in relation to this major procurement, market confidence, probity etc...” It is not obvious why this should be the case in respect of basic performance issues such as CO2 savings, spare capacity of the facility etc. Exempting such information does not allow fair assessment of the decision by the public and if not breaching council procedures is at least stretching interpretation of them almost to breaking point.

APPENDIX 2

	Name (please print)	Signature	Date
1.	Nick Thulbourn	Email signature received	15/08/12
2.	Judy Fox	Email signature received	15/08/12
3.	Nazim Khan	Email signature received	15/08/12
4.	Nick Sandford	Email signature received	15/08/12
5.	David Harrington	Email signature received	15/08/12

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