



EXTRAORDINARY COUNCIL MEETING

DATE: Wednesday, 18 February 2015 at 10am

VENUE: Shire Hall, Gloucester

Present

Membership:

Cllr Phil Awford (Chairman)	Cllr Jeremy Hilton	Cllr Brian Robinson
Cllr Dorcas Binns	Cllr Paul Hodgkinson	Cllr Vernon Smith
Cllr Robert Bird	Cllr Barry Kirby	Cllr Lynden Stowe
Cllr Tony Blackburn	Cllr Richard Leppington	Cllr Klara Sudbury
Cllr David Brown	Cllr Sarah Lunnon	Cllr Mike Sztymiak
Cllr Jason Bullingham	Cllr Steve Lydon	Cllr Ray Theodoulou
Cllr Chris Coleman	Cllr Steve McHale	Cllr Brian Tipper
Cllr Dr John Cordwell	Cllr Paul McLain	Cllr Pam Tracey
Cllr Iain Dobie	Cllr Paul McMahon	Cllr Robert Vines
Cllr Bernard Fisher	Cllr Tracy Millard	Cllr Stan Waddington
Cllr Jasminder Gill	Cllr Patrick Molyneux	Cllr Simon Wheeler
Cllr Andrew Gravells	Cllr Nigel Moor	Cllr Kathy Williams
Cllr Colin Guyton	Cllr Graham Morgan (Vice- Chairman)	Cllr Lesley Williams
Cllr Tim Harman	Cllr Brian Oosthuysen	Cllr Suzanne Williams
Cllr Joe Harris	Cllr Shaun Parsons	Cllr Roger Wilson
Cllr Mark Hawthorne	Cllr Alan Preest	Cllr Will Windsor-Clive
Cllr Colin Hay	Cllr David Prince	
Cllr Tony Hicks	Cllr Nigel Robbins	

Honorary Aldermen

Ron Allen

Bill Hobman

Apologies: Honorary Aldermen Liz Boait, Bill Crowther, Barry Dare, Paul Drake, Mavis Lady Dunrossil, Charles Fellows, Deryck Nash, Terry Parker, John Sewell, Gordon Shurmer and Mike Williams.

Cllr Bill Whelan

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1. DECLARATIONS OF INTEREST

A copy of the declarations of interest is attached to the signed copy of the minutes.

2. INCINERATOR AT JAVELIN PARK

Under Section 3.1.2 of Part 4 the Constitution, Councillors Barry Kirby, Steve Lydon, Steve McHale, Tracy Millard and Lesley Williams had called for an Extraordinary Meeting of the Council to consider a motion relating to the incinerator at Javelin Park.

The Chairman had received a request to combine the debate on the petition on the Javelin Park incinerator contract with the debate on the motion on the same topic. He used his discretion (provided for under procedural standing order 2.2) to bring forward the petition, an item not included on the agenda, for consideration at the Extraordinary Meeting.

The petition and the motion were essentially calling for the same action. The Chairman explained that the reason for taking this action was that if the petition was considered at the Ordinary Meeting it would engender a debate on a topic which the Council would have already debated and resolved at the Extraordinary Meeting. He believed that this was a pragmatic approach which would allow the petitioner to address the Council and members to debate to issue once and facilitate the democratic process.

In order to facilitate this action, the Chairman moved and the Vice-chairman seconded a motion without notice to suspend procedural standing order 3.2 in relation to the business of the Extraordinary Meeting.

a) Petition

Sue Oppenheimer, the lead petitioner, presented the following petition:

The Government has approved, on appeal, Urbaser Balfour Beatty's (UBB) planning application, to build a huge waste incinerator at Javelin Park, in Haresfield.

However, the incinerator was opposed by our elected County Council Planning Committee, by thousands of local people, and by Stroud, Gloucester and Cheltenham District Councils. Its approval is an abject failure of local democracy.

We, the undersigned, petition the Council to terminate the contract with UBB and, instead, pursue alternative options for the reduction, recycling and disposal of Gloucestershire's waste.

She outlined that the petition was on behalf of the thousands of GlosVAIN supporters and the residents of Gloucestershire. The petition had received over 7,600 signatures. They felt passionately that this was a cause worth fighting for and that getting the incinerator stopped would make a huge difference for the people of Gloucestershire, financially, environmentally and democratically.

It was emphasised that there was agreement that landfill was the worst option and that this was a choice between an outdated, expensive incinerator or cheaper alternatives that would save hundreds of millions of pounds over the life of the contract, even after meeting the costs of cancelling the contract.

She questioned the justification of a decision to lock the county into a 25 year contract that could waste as much as £400 million. She asked where the proof was for the £100 million cancellation costs that had been cited, with details not having been revealed under commercial confidentiality. She explained that the cancellation sum was based on a worst case scenario, and that GlosVain had provided evidence that the assumptions were wrong. The cancellation of a contract in Norfolk was provided as an example.

She asked the Council to listen to the local democratic bodies that had opposed the incinerator and do what was right for local taxpayers. Continuing with the contract would likely make Gloucestershire the last local authority ever to build an incinerator.

b) Motion

Cllr Lesley Williams proposed and Cllr Steve Lydon seconded the following motion:

This Council notes the decision of the Secretary of State to approve the building of an incinerator at Javelin Park.

We note this decision disregards the findings of the County Council's Planning Committee, which unanimously rejected Urbaser Balfour Beatty's (UBB) proposals to build an incinerator at the site.

This Council further notes the widespread public opposition to the building of an incinerator at Javelin Park. We also note according to the Plan B Working

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Group there are viable alternative waste disposal solutions, such as Mechanical Biological Treatment (MBT) available. We note that unless the County Council cancels its contract with UBB the incinerator will now be built.

This Council censures the Cabinet for ignoring the wide spread opposition to the building of the incinerator.

This Council requests that the Cabinet cancel the incinerator contract with immediate effect.

In moving the motion, Cllr Lesley Williams explained that putting rubbish into the ground was no longer an option and that Hempstead landfill was nearly full. Labour had opposed the incinerator at every opportunity, she stated that the Conservative administration had stood by the incinerator since 2005 and understood the price of everything, but the value of nothing. She suggested Mechanical Biological Treatment (MBT) as a sustainable solution for the county's waste and a viable alternative to incineration.

She argued that the incinerator would scar the natural beauty of the county's landscape with its 70 metre tall structure, damage the environment and impact on public health. The incinerator would be seen from miles afar and would severely impact on tourism. By putting forward this motion, the Labour Group had given the public a voice.

Cllr Williams provided the Council with some background into the project and stated that there had been opportunities to change direction away from incineration at various times with the cancellation costs rising at each stage. Now the advice from officers was that it would cost between £60 million-£100 million to cancel the contract. She questioned where the increase in costs had come from. She suggested that the Conservative Group took no responsibility for the situation and emphasised that members did still have a choice.

In seconding the motion, Cllr Steve Lydon asked that the Council listen to the people of Gloucestershire and suggested that the figure put forward as cancellation costs was 'scaremongering'. He asked where the evidence was to back up the figures. Cllr Lydon stated that he had thought that lessons had been learnt from the issues around the Cotswold Water Park. He explained that Stroud District Council was pursuing its own legal action in relation to the Secretary of State's decision.

Cllr Lydon thanked officers who had briefed members in relation to the costs but felt that the evidence was still not there. He felt that members should have

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been able to see the contract in full to make an informed decision about how to proceed.

Cllr Jeremy Hilton moved and Cllr Ian Dobie seconded the following amendment:

This Council notes the decision of the Secretary of State to approve the building of an incinerator at Javelin Park.

We note this decision disregards the findings of the County Council's Planning Committee, which unanimously rejected Urbaser Balfour Beatty's (UBB) proposals to build an incinerator at the site.

This Council further notes the widespread public opposition to the building of an incinerator at Javelin Park. We also note according to the Plan B Working Group there are viable alternative waste disposal solutions, such as Mechanical Biological Treatment (MBT) available. We note that unless the County Council cancels its contract with UBB the incinerator will now be built. This Council censures the Cabinet for ignoring the wide spread opposition to the building of the incinerator.

~~*This Council requests that the Cabinet cancel the incinerator contract with immediate effect.*~~

Insert the following:

This Council requests that the Cabinet instructs Urbaser Balfour Beatty (UBB) to delay any work on constructing the incinerator at Javelin Park until an independent review has scrutinised the procurement process and the contract in detail.

The terms of reference are to be agreed by Group Leaders within the next seven working days.

On completion, this Council asks that a report be presented to full Council on 8 July 2015 and if necessary on pink paper so that elected members of this council can then determine whether Cabinet should be advised to cancel the incinerator contract.

Cllr Hilton stated that the contract needed to be cancelled by the Cabinet and that it was not in the power of Council to do so. He explained that there was a need for a detailed analysis of the contract and the amendment he put forward would ask for no work to take place until the independent review had reported.

He suggested that the incinerator project had been a disaster and felt that an independent review was the way forward.

Cllr Dobie in seconding the amendment asked that the facts around the contract be made clear to members of all parties. He was frustrated that the evidence for the cancellation costs had not been made clear. There needed to be a presumption of openness so that local people could hold decision makers to account.

Cllr Lesley Williams explained that the Labour group would not support the amendment. They were not looking to delay the process but wanted to cancel the contract.

Speaking in support of the amendment, some members stated that while they agreed with the Labour motion, they felt that they needed to see more details around the contract and evidence around the potential cancellation costs before they could make an informed decision. They believed that the amendment would allow for this.

Clarification was requested as to whether the amendment would allow members to see the confidential information on the contract. The Monitoring Officer advised that while members were entitled to see some confidential information, commercial confidentiality would still be in place around some data which could not be made available at this stage. In response to questions, it was explained that a briefing had been made available to Group Leaders detailing the assumptions behind the cancellation costs and that it was available on 'Members Matter'.

Cllr Mark Hawthorne, speaking against the amendment, suggested that the cross party 'Plan B' group had looked at the issue with regards to alternative approaches and had made recommendations with cross party support. Urbaser Balfour Beatty (UBB) had a contract and planning permission, asking them to delay would frustrate the contractor and open up the Council to legal challenge.

Other members stated that while they would be minded to support the amendment, they did not believe the information would be made available and felt it would not achieve anything.

On being put to the vote, the amendment was defeated.

The debate returned to the substantive motion.

Cllr Ray Theodoulou stated that the county could not continue to landfill waste and cited landfill tax as a cost to the authority. There was a need for a better solution. He explained that historical moves from the Labour Group and Liberal Democrat Group to look for an MBT solution had been shown as not providing value for money. He explained that subsequently there had been a technology neutral tender to provide safe and economical disposal of waste. He informed members that the previous Labour / Liberal Democrat administration had acquired the Javelin Park site.

He asked members to think of the people of Gloucestershire when voting on the motion. The energy from waste solution would provide £150 million worth of savings and the motion before members, which would incur cancellation costs up to £100 million, was senseless. He explained that these were challenging times with savings of £75 million needing to be found by the Council over the next 3 years.

There was further discussion on the history of the Javelin Park site in relation to the Gloucestershire Waste Plan with some members explaining that the acquisition of the site had been with a view to a larger structure than the one that was to be built there now.

During the debate some members explained that they understood the concerns being expressed around the solution, but stated that Gloucestershire waste had to go somewhere and that breaking the contract would result in huge costs. Other members discussed the importance of recycling rates in individual district councils and across the county as a whole. The County Council had an aspiration to reach an overall recycling rate of 70%. It was argued that if recycling targets were not met then the energy from waste facility would be too small.

Cllr Tony Blackburn, as the representative for Hardwicke and Severn, explained that he wanted to speak on behalf of the residents in the area. He had made the case at the Planning Committee meeting that the incinerator would be a blight on the landscape. He felt, though, that it was important to deal with the facts and now, as a result of appeal, planning permission had been granted and the contract with UBB was legally binding. He said that he had asked the contractor to set up a local trust to assist the community.

In support of the motion, members discussed the cancellation of contracts in other parts of the country and suggested that this was a model that Gloucestershire should follow. It was suggested that technology had moved on and better solutions were now available. In relation to the 'Plan B' group, it was suggested that when considering alternative technologies MBT came out

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on top. In response to this, other members suggested that the cost of MBT made it an unviable solution and that there was still waste to dispose of at the end of the process. There was further discussion of MBT as an alternative with members speaking for and against the technology, providing examples across the country.

One member stated that Javelin Park had been debated on five separate occasions by full Council and motions to cancel or delay the process had been rejected each time. He explained that the Planning Committee decision to refuse planning permission had not been on the grounds of technology or cost.

Cllr Hilton clarified that with the defeat of the proposed amendment, he would be supporting the substantive motion. He reiterated that only the Cabinet could cancel the contract and that support for this motion would mean that the Cabinet would have to make a decision. He urged Cabinet members to look over the contract and put forward a report available to members with confidential information as necessary.

Cllr Alan Preest, stated that UKIP members accepted that a responsible decision had to be made based upon the fact that 'we are where we are' and that it was important that there was a solution for the county's waste. He recognised that the costs of cancellation would have a huge impact on the County Council and the people of Gloucestershire.

Cllr Mark Hawthorne, speaking against the motion, explained that it came down to a simple choice between £150 million of savings or cancelling the contract and incurring up to a £100 million in costs. He stated that MBT was not a cheaper alternative and that energy from waste was not unsafe. The Council could not afford the cancellation costs. He explained that two procurement processes had been undertaken and that the process had been fair and transparent.

In summing up, Cllr Williams emphasised members' frustrations with not having seen the contract or having seen evidence of the potential cancellation costs. She thanked those members of the public who had attended and those who had signed the petition. Cllr Williams reiterated that there were better solutions available and explained that there had been opposition from many political parties to incineration. She asked for those parties to vote in support of the motion and to ask for the cancellation of the contract.

A recorded vote was asked for and received support from at least 10 members.

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On being put to the vote, the motion was lost.

The voting on the substantive motion was as follows:

For (24) – *David Brown, Chris Coleman, Dr John Cordwell, Iain Dobie, Bernard Fisher, Jasminder Gill, Joe Harris, Colin Hay, Jeremy Hilton, Paul Hodgkinson, Barry Kirby, Sarah Lunnon, Steve Lydon, Steve McHale, Paul McMahon, Tracy Millard, Graham Morgan, Brian Oosthuysen, Nigel Robbins, Klara Sudbury, Mike Sztymiak, Simon Wheeler, Lesley Williams and Suzanne Williams*

Against (27) – *Phil Awford, Dorcas Binns, Rob Bird, Jason Bullingham, Andrew Gravells, Colin Guyton, Tim Harman, Mark Hawthorne, Tony Hicks, Richard Leppington, Paul McLain, Patrick Molyneux, Nigel Moor, Shaun Parsons, Alan Preest, David Prince, Brian Robinson, Vernon Smith, Lynden Stowe, Ray Theodoulou, Brian Tipper, Pam Tracey, Robert Vines, Stan Waddington, Kathy Williams, Roger Wilson and Will Windsor-Clive.*

Abstention (1) – *Tony Blackburn*

CHAIRMAN

The meeting ended at 12.45pm