

MINUTES OF COUNCIL PROCEEDINGS

At an Extraordinary Meeting of the Council of the Borough of Slough held at the Town Hall, Slough on Wednesday, 8th December, 2004.

Present: - The Deputy Mayor (Councillor Burkmar) in the Chair; Councillors Anderson, Arnold, Bal, Chohan, Cryer, Dhillon, Edwards, Haines, Hayat, Hewitt, Holledge, Howard, Janik, Jenkins, Key, L Khan, S Khan, Maclsaac, Munkley, Parmar, Plimmer, Pond, Shine, Small, Smith, Stokes, Swindlehurst, Wright, Zarait and Zeib.

Apologies for Absence: - The Worshipful the Mayor and Councillors Aziz, Buchanan, Butt, Choudhry, Dhaliwal, Dodds, Grewal, Mann and Simmons.

PART I

48. Declarations of Interest

In introducing this item, the Deputy Mayor referred to advice previously given by the Director of Legal, Democratic and Development Services on the question of the Colnbrook incinerator that, in his view, no Member had a personal or personal and prejudicial interest to declare in this issue because any health risks associated with the incinerator would clearly affect all Council Tax payers, ratepayers or inhabitants of the area. However, this advice did not affect the requirement to declare other matters which were personal or personal and prejudicial, for example where a Member lived within very close proximity to the incinerator site.

Councillor Stokes stated that allegations had been made that both Members and Officers personally knew either Lord Kingsland QC or James Woolley, both of whom had given legal advice to the Borough Council on this matter. He wished to confirm that this was not the case and that only he personally had met James Woolley in his capacity as an advisor to the Association of Nuclear Free Local Authorities and for this reason he was declaring a personal interest. He had not met Lord Kingsland.

Councillor Maclsaac stated that, prior to the June 2004 election, he had campaigned on the incinerator issue and was therefore declaring a personal interest. However, he was coming to this meeting with an open mind and would stay and vote on the matter.

Councillor Smith stated that he had a personal interest in this issue both from the point of view that he lived quite close to the site and it had been suggested by certain parties that he had some involvement in the selection of either Lord Kingsland or James Woolley as the Council's legal advisors. He wished to state categorically that he had no such involvement and had not exerted any influence

whatsoever in the choice of these advisors. He confirmed that he would be remaining and voting as he was approaching tonight's issue with an open mind.

49. Suspension of Procedure Rules

The Deputy Mayor proposed, with the consent of the Council under Procedure Rule 26.1, to suspend Procedure Rules 15.5 and 15.6 to allow Members to speak for up to five minutes at this meeting, rather than the usual three, and up to twice in the debate. The Council indicated its agreement.

50. Colnbrook Incinerator

The Director of Legal, Democratic and Development Services and the Assistant Director (Customer and Environmental Services) introduced the Officer report, outlining the key issues to be considered by the Council. On completion of their comments, the Deputy Mayor invited the Leader of the Council to make a personal statement on this issue. The Leader drew attention in particular to comments made by a minority of individuals who objected to the Colnbrook Incinerator in leaflets, e-mails and on websites in which they accused the Director of Legal, Democratic and Development Services and the Director of Finance and Property Services of acting improperly in the advice which they had provided to the Council. He stated that he had personally investigated all such allegations and all of them were completely groundless. The role of the two Chief Officers was a statutory one and they were obliged to give legal and financial advice to protect the interests of the authority and that is what they had done in a professional and competent manner. He wished it placed on record that there was absolutely no question that they had behaved otherwise.

It was then moved by Councillor Stokes,
Seconded by Councillor Smith,

“That the Council resolve –

- (a) That the contents of the Concluding Advice be noted.
- (b) That it will not request the Planning Committee to consider revoking the planning permission in light of the current specialist and expert legal advice as set out in Appendix 1 to the report to Council.
- (c) That Officers prepare a letter for submission to the Environment Agency, asking it to test the Grundon scheme against the current emission and air quality requirements of the latest EU and UK legislation to ensure that the IPPC permit remains valid as outlined in paragraph 10 of the Concluding Advice.
- (d) That SAIN and the Green Party be invited to make individual and/or collective approaches to the Environment Agency and to submit any evidence that they have to that Agency.
- (e) That a meeting be arranged between the Leader of the Council, the Commissioner for Public Protection and the Assistant Director (Customer

and Environmental Services) with Ken Livingstone, the Mayor of London, to discuss the implications of his recent decisions in relation to incineration.

- (f) That a meeting be arranged between the Leader of the Council, the Commissioner for Public Protection and the Assistant Director (Customer and Environmental Services) with Grundon to engage in constructive discussions about waste disposal policies.”

It was moved as an amendment by Councillor Janik,
Seconded by Councillor Hayat,

“That the motion be amended by the addition of the following:-

- (g) This Council laments the conduct of the then Labour controlled Council when in 1999 and 2000 it could have, and should have, placed the interests of the general public including residents of the Borough and those of adjoining local authorities first instead of pursuing the political agenda and interests of the Labour Party.
- (h) This Council acknowledges a previous mention in the Slough Citizen newspaper in 1999 of so-called “energy from waste” without any reference to incineration and the deliberate omission of the full and vast extent of burning 54 tonnes of rubbish every hour of the day and night in addition to burning 1.25 tonnes of clinical waste every hour of the day and night was both inadequate as a public consultation and a disservice to the residents of Slough.’ “

The mover of the original motion and his seconder indicated that they were prepared to accept this amendment subject to the deletion of the word “deliberate” in paragraph (h).

This amendment, as now amended, was put and carried by 20 votes to 9 votes with 2 abstentions and became the substantive motion. The voting on the amendment was as follows:-

There voted for the amendment:-

Councillors Arnold, Cryer, Dhillon, Edwards, Haines, Hayat, Hewitt, Howard, Janik, Key, L Khan, S Khan, Maclsaac, Munkley, Plimmer, Pond, Shine, Smith, Stokes and Wright 20

There voted against the amendment:-

Councillors Anderson, Bal, Chohan, Holledge, Parmar, Small, Swindlehurst, Zarait and Zeib 9

There abstained from voting:-

The Deputy Mayor and Councillor Jenkins 2

It was moved as an amendment by Councillor Janik,

“That the Council notes the following information supplied to Councillor Janik by Council officials today and resolves that, in the interests of good, accountable and transparent local government and conscious of the Freedom of Information Act 2000, it be placed in the public domain:-

Item 1 – Commentary and further instructions to James Woolley, sent 27th October.

Item 2 – Part of an e-mail to Councillor Janik from the Director of Legal, Democratic and Development Services dated 8th December, 2004:-

‘A conference in Lord Kingsland’s Chambers was held on 24th November, 2004 in order to see whether or not it was possible for Lord Kingsland and Jamie Woolley to agree what the key issues were and to provide composite advice to the Council to assist them in their deliberations. The meeting proved successful because it led to the Concluding Advice previously referred to.

If there had been differences of opinion between the two legal experts then these would have been reported to Members at the EGM.

As is custom and practice, Officers from the Council attended the conference and those in attendance were myself, a Council lawyer, a Council planner, the Council’s Head of Environmental Services and the Council’s Scientific Officer.

There are no minutes of the conference but the outcome is the most important matter and that is set out in the Concluding Advice.’

Item 3 – A letter from the Assistant Director (Legal Services) to Mr D Wood of recent date:-

‘Councillors do not have to see evidence of contracts to be advised of the potential loss of business to Grundons. Grundons have confirmed to me that they have signed commitments for 300,000 tonnes of waste, which is three-quarters of the capacity. The remaining capacity is being retained for merchanting later on. Officers are satisfied that the losses Grundons could claim would run into millions based on their development costs to date and the signed commitments. This is sufficient for Members to make their decision.

With regard to why they have not started building this is because they are in the process of submitting details pursuant to their pre-commencement conditions on planning. For any further business I suggest that you contact Grundons direct.

Please note that the issue for Members at the meeting is whether there are material grounds to revoke and the compensation is a secondary factor.’ “

The Council agreed without a formal vote that this information be placed in the public domain.

It was moved as an amendment by Councillor Janik,
Seconded by Councillor Key,

“That the substantive motion be amended by the addition of the following:-

'This Council resolves to convene an independent non-statutory public inquiry within the Borough as early as possible, preferably in January 2005, at which:-

- (a) The conflicting evidence on the safety and dangers of the proposed incinerator at Colnbrook can be heard and questioned by Councillors, Council officials, residents and others; and
- (b) The public can attend and make submissions; and
- (c) In the event of serious concerns being heard, the Council will make the necessary representations to the First Secretary of State within seven days of the ending of the said public inquiry.' "

The Leader of the Council suggested an amendment to the wording of this amendment to replace the words "non-statutory public inquiry" with "public debate". At 7.55 p.m. the Council adjourned to enable the mover of the amendment and the Leader of the Council to discuss the acceptability of this further amendment.

The Council reconvened at 8.07 p.m. and the Leader of the Council advised that it had not been possible to reach agreement on a compromise wording. The Council accordingly continued to debate the amendment as submitted.

The amendment was put and lost by 8 votes to 10 votes with 13 abstentions and, on a show of hands, a prior request having been made for a record of the voting,

There voted for the amendment:-

Councillors Arnold, Dhillon, Hayat, Janik, Key, Maclsaac, Plimmer and Wright 8

There voted against the amendment:-

Councillors Cryer, Edwards, Haines, Hewitt, Howard, L Khan, Munkley, Pond, Shine and Smith 10

There abstained from voting:-

The Deputy Mayor and Councillors Anderson, Bal, Chohan, Holledge, Jenkins, S Khan, Parmar, Small, Stokes, Swindlehurst, Zarait and Zeib 13

It was moved as an amendment by Councillor Key,
Seconded by Councillor Janik,

"That the substantive motion be amended by the addition of the following:-

'That the Council resolves to have an Open Day which the public can attend in order to debate the matter of the Colnbrook incinerators.' "

The amendment was put and carried by 26 votes to 1 vote with 3 abstentions.

The substantive motion, as now amended, was then put and carried by 21 votes to 0 votes with 9 abstentions and, on a show of hands, a prior request having been made for a record of the voting,

There voted for the substantive motion:-

Councillors Arnold, Cryer, Dhillon, Edwards, Haines, Hayat, Hewitt, Howard, Janik, Jenkins, Key, L Khan, S Khan, Maclsaac, Munkley, Plimmer, Pond, Shine, Smith, Stokes and Wright 21

There abstained from voting:-

The Deputy Mayor and Councillors Anderson, Bal, Chohan, Holledge, Parmar, Swindlehurst, Zarait and Zeib 9

Not present during voting:-

Councillor Small 1

Resolved -

- (a) That the contents of the Concluding Advice be noted.
- (b) That the Council will not request the Planning Committee to consider revoking the planning permission in light of the current specialist and expert legal advice as set out in Appendix 1 to the report to Council.
- (c) That officers prepare a letter for submission to the Environment Agency, asking it to test the Grondon scheme against the current emission and air quality requirements of the latest EU and UK legislation to ensure that the IPPC permit remains valid as outlined in paragraph 10 of the Concluding Advice.
- (d) That SAIN and the Green Party be invited to make individual and/or collective approaches to the Environment Agency and to submit any evidence that they have to that Agency.
- (e) That a meeting be arranged between the Leader of the Council, the Commissioner for Public Protection and the Assistant Director (Customer and Environmental Services) with Ken Livingstone, the Mayor of London, to discuss the implications of his recent decisions in relation to incineration.
- (f) That a meeting be arranged between the Leader of the Council, the Commissioner for Public Protection and the Assistant Director (Customer and Environmental Services) with Grondon to engage in constructive discussions about waste disposal policies.
- (g) That this Council laments the conduct of the then Labour controlled Council when in 1999 and 2000 it could have, and should have, placed the interests of the general public including the residents of the

Borough and those of adjoining local authorities first instead of pursuing the political agenda and interests of the Labour Party.

- (h) That this Council acknowledges a brief mention in the Slough Citizen newspaper in 1999 of so-called “energy from waste” without any reference to incineration and the omission of the full and vast extent of burning 54 tonnes of rubbish every hour of the day and night in addition to burning 1.25 tonnes of clinical waste every hour of the day and night was both inadequate as a public consultation and a disservice to the residents of Slough.
- (i) That an Open Day be held which the public can attend in order to debate the matter of the Colnbrook incinerators.

Chair.

(Note: The meeting opened at 7.00 p.m. and closed at 9.40 p.m.)