



**AGENDA ITEM: 7 (b)**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
4 February 2010**

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**Report of: Council Secretary and Solicitor**

**Relevant Portfolio Holder: Councillor M Forshaw**

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**SUBJECT: CALL IN ITEM – JOINT LANCASHIRE MINERALS AND WASTE  
DEVELOPMENT FRAMEWORK SITE ALLOCATIONS AND DEVELOPMENT  
MANAGEMENT, DEVELOPMENT PLANS DOCUMENT (DPD) CONSULTATION**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No. 97 of the meeting of Cabinet held on 19 January 2010.

## **2.0 RECOMMENDATIONS**

- 2.1 That the Committee determines whether it wishes to ask for a different decision.
- 2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 4.1 below, it wishes to pursue.

## **3.0 DETAILS RELATING TO THE CALL IN**

- 3.1 The report attached as an Appendix to this report was considered at Cabinet held on 19 January 2010.

3.2 The following decision of Cabinet is contained at Minute No. 97:

**“97. JOINT LANCASHIRE MINERALS AND WASTE DEVELOPMENT FRAMEWORK SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT, DEVELOPMENT PLANS DOCUMENT (DPD) CONSULTATION**

Councillor Forshaw introduced the report of the Executive Manager Planning, Regeneration and Estates (Interim) to agree a response to the second stage of the Joint Lancashire Minerals and Waste Development Framework Site Allocations and Development Management, DPD Consultation.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: That the Executive Manager Planning, Regeneration and Estates (Interim) in consultation with the Portfolio Holder for Planning and Transportation, formulate and submit a response based on the observations set out in paragraph 6 of the report, prior to the consultation deadline.”

3.3 The following reason for call was given in the requisition:

*“Insufficient coverage in the report at Section 6 of wider issues covering waste management, including sites other than White Moss and the emerging Local Plan for West Lancashire.”*

3.4 The requisition also provided an alternative decision which was:

*“That comments in relation to those reflecting initial views at Paragraph 6 of the report be expanded, specifically in relation to the wider waste management issues, including sites other than White Moss, and the relationship to the emerging Local Plan for West Lancashire.*

3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor R A Pendleton  
Councillor McKay  
Councillor Carson  
Councillor J A Roberts  
Councillor W G Roberts

**4.0 CONCLUSION**

4.1 Following consideration of the decision of Cabinet and the requisition for call in, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:

- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or
- b. refer the matter to Council. If the matter is referred to Council and Council does not object then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

4.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

Report of the Executive Manager Planning, Regeneration and Estates (Interim)