

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Monday, 6th June, 2011 in Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W Fitzgerald (Chairman)

Councillors Rachel Bailey, P Hayes, H Gaddum, J Macrae and P Mason.

Councillors in attendance:

Rhoda Bailey, D Brickhill, K Edwards, P Findlow, L Gilbert, O Hunter,
M Jones, A Kolker, B Livesley, B Silvester, D Stockton, C Thorley and
S Wilkinson.

Officers in attendance:

Chief Executive; Borough Solicitor; Borough Treasurer and Head of Assets;
Director of Adults, Community Health and Wellbeing Services; Director of
Children and Families; Head of HR and Organisational Development; Head of
Policy and Performance; Head of Regeneration; Strategic Director, Places.

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, R Domleo
and R Menlove.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PUBLIC SPEAKING TIME/OPEN SESSION

Agenda item 7 (Appointments to Outside Organisations)

Mr J Narraway spoke in respect of representation on the Cheshire Peaks
and Plains Housing Trust on which he had been a Councillor
representative for a number of years; he asked that the Cabinet give
consideration to appointing him as a non Councillor representative.

4 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 3 May 2011 be approved as a
correct record.

5 KEY DECISION 67: ECONOMIC DEVELOPMENT STRATEGY

Consideration was given to developments and progress in respect of the Draft Economic Development Strategy for Cheshire East. Consultation had been undertaken internally, and with external partners, and incorporated findings from the Local Economic Assessment. The Strategy set out the context for the delivery of Cheshire East's work programme and key priorities relating to economic development and regeneration for the next 15 years.

RESOLVED

That approval be given to the revised Strategy, and that the headline findings of the Local Economic Assessment be noted.

6 KEY DECISION 84: HIGHWAYS SERVICES PROCUREMENT

Consideration was given to a summary of the procurement process to appoint a Highway Services Contractor with effect from 6 October 2011. The report set out the rationale for change and the key provisions in the new Highways Services Contract; it also detailed the considerable Member involvement there had been in the process.

Early in the process the Transformation of Highways Services Sub Committee had been established along with an Overview and Scrutiny Group, both of which had been involved at all stages. In addition the matter had been considered by the Environment and Prosperity Scrutiny Committee and there had also been a number of all member presentations and briefings.

At the meeting it was reported that the Chairman of the Environment and Prosperity Scrutiny Committee, and the Chairman of the Corporate Scrutiny Committee, had been consulted and had agreed to waive the call-in provisions in relation to the decision to be made on the grounds that any delay called by the call-in process would be likely to seriously prejudice the Councils or the public's interests for the following reasons:

- The Council may not be able to achieve a contract sign off by the end of June which could impact upon the Council's ability to mobilise for a contract start date of 6 October 2011.
- The existing term maintenance contract with BAM Nuttall has been terminated with effect from 6 October 2011 and as a result the Council needs to enter into a new contract to ensure continuity in the provision of highway services and discharge of statutory obligations.
- Failure to enter into the contract on time may result in the extension of the existing contract for an overrun period and consequently result in an impact on planned savings.
- Waiver of call in will enable the bidder, staff and members to be informed of the decision on the day allowing the decision to be

openly discussed and removing a period of potential uncertainty and speculation.

Earlier in the day the Transformation of Highways Services Sub Committee had met to consider the results of the evaluation of the final tender submissions by the short listed bidders, and the following recommendation was now made to the Cabinet:

1. To confirm the previously approved evaluation process used to determine the Preferred Bidder for the Highway Services Contract.
2. To recommend to Cabinet as the Preferred Bidder the company which received the highest score, in accordance with the tender evaluation process, and enter into the Highways Services Contract.
3. To delegate final contract negotiations with the preferred bidder to the Borough Solicitor, the Borough Treasurer, and the Strategic Director Places, in consultation with relevant Portfolio Holders.
4. To note that the award of the Highways Services Contract will trigger the automatic application of the TUPE Regulations which will effect a transfer of a number of existing Council Highways Service staff and BAM Nuttall term maintenance operatives currently providing highway services to the Council, to the Preferred Bidder.
5. To accept the recommendation from the Transformation of Highways Sub Committee, following its meeting earlier on 6 June 2011, that Ringway Jacobs be appointed as Preferred Bidder and subsequently be appointed Service Provider.

RESOLVED

1. That the previously approved evaluation process used to determine the Preferred Bidder for the Highway Services Contract be confirmed.
2. That approval be given to the recommendation that the Preferred Bidder be the company which received the highest score, in accordance with the tender evaluation process, and that the Highways Services Contract be entered into.
3. That final contract negotiations with the Preferred Bidder be delegated to the Borough Solicitor, the Borough Treasurer, and the Strategic Director Places, in consultation with relevant Portfolio Holders.
4. That it be noted that the award of the Highways Services Contract will trigger the automatic application of the TUPE Regulations which will effect a transfer of a number of existing Council Highways Service staff and BAM Nuttall term maintenance operatives

currently providing highway services to the Council, to the Preferred Bidder.

5. That approval be given to the recommendation from the Transformation of Highways Sub Committee, following its meeting earlier on 6 June 2011, that Ringway Jacobs be appointed as Preferred Bidder and subsequently be appointed Service Provider.

7 APPOINTMENTS TO OUTSIDE ORGANISATIONS 2011-2015

Consideration was given to nominations to Category 1 outside organisations, to which Cabinet was required to make the appointments, and also to adopting a casual vacancies procedure to deal with vacancies occurring between appointments.

With reference to the request made at the beginning of the meeting by Mr J Narraway, the Chairman reported that the nominations would remain as submitted.

RESOLVED

1. That appointments be made to the Category 1 list of organisations as listed, with immediate effect, until such time as representation is reviewed following the elections of the new Council in 2015.
2. That, notwithstanding (1) above, the Cabinet retains the right to review the representation on any outside organisation, at any time.
3. That the casual vacancies procedure be adopted.

8 REVIEW OF THE FOSTERING SERVICES

Consideration was given to the final report of the task and finish group set up by the Children and Families Scrutiny Committee to review Fostering Services.

In accordance with the Overview and Scrutiny Committee Final Reporting Procedure the Cabinet was asked to receive the report pending coming back to a future meeting with a formal response to each recommendation.

Cabinet welcomed the report and the commended the task and finish group on having carried out an excellent review.

RESOLVED

That the report of the Children and Families Task and Finish Group be received and that the Children and Families Portfolio Holder come back to a future meeting of the Cabinet with a formal response to each of its recommendations.

9 REVIEW OF FAMILY SUPPORT SERVICES: PORTFOLIO HOLDER RESPONSE TO SCRUTINY REVIEW

Consideration was given to the response to the Children and Families Scrutiny Review of Family Support Services, received by Cabinet on 20 December 2011.

The review had made twenty three recommendations all of which were now endorsed; a response to each was now detailed.

RESOLVED

1. That the responses to the recommendations made to Cabinet in the report by the Children and Families Scrutiny Committee entitled Review of Family Support Services, on 20 December 2010, be noted.
2. That the response to the recommendations contained in the Review of Family Support Services be noted.
3. That the Director of Children's Services be charged with taking steps to secure the implementation of the recommendations to ensure early intervention and prevention services are delivered to best meet the needs of families in Cheshire East.

10 EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A)4 of the Local Government Act 1972 on the grounds it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 and public interest would not be served in publishing the information.

11 WORKFORCE CHANGE

Consideration was given to the report of the Head of Human Resources and Organisational Development.

RESOLVED

1. That Cabinet supports the decision of the Chief Executive to release the employees whose roles are listed as 1 to 45 in Appendix A under the arrangements agreed in relation to voluntary severance provisions for employees in the Council.

2. That Cabinet notes the employee listed as 46 in Appendix A, whose voluntary severance was approved by the Procurement, Assets and Shared Services Portfolio Holder under the terms of his delegated powers, in response to an urgent request from management.

The meeting commenced at 2.00 pm and concluded at 3.05 pm

W Fitzgerald (Chairman)