

CHESHIRE EAST COUNCIL

Cabinet

Date of Meeting:	19 th August 2013
Report of:	Head of Development
Subject/Title:	Notice of Motion – Creation of Highway Committees
Portfolio Holder:	Councillor David Topping, Environment

1.0 Report Summary

- 1.1 When the Cheshire East Borough Council was formed in 2009 it adopted the Cabinet style of governance that is promoted by the Local Government Act 2000. The benefits of this Executive model are to be found in:
- Clear leadership
 - Accountability for decision-making
 - Swift and efficient policy-making
- 1.2 Whilst Committees exist under the executive model their role is to make decisions within policy, not to make policy. The Overview and Scrutiny Committee's role is in holding the Cabinet and others to account in discharging their functions and ensures that the democratic checks and balances are maintained.
- 1.3 A request has been made to reintroduce 3 Highway Committees across the Borough with the committees reflecting the old District boundaries.
- 1.4 At the Council meeting held on 18th July 2013 the following Notice of Motion was submitted by Cllr D Brickhill in relation to the formation of Highways Committees.

“That Three Highways Committees be formed to correspond to the three old District boundaries with one Member from each local Ward entitled to sit on them. All highways alterations must first be discussed by the appropriate Committee, which will send a recommendation to the Cabinet Member. All delegated powers to alter or make highways orders, other than temporary closure orders, must first be subjected to this process. That priorities for implementation will be decided by the appropriate Committee if there are budgetary constraints.”

2.0 Recommendations

That Cabinet

1. note the content of the report; and
2. endorse the recommendation not to set up separate Highway Committees.

3.0 Reasons for Recommendations

It is recommended that Cabinet refuse the request for the reinstatement of Highway Committees and that the current arrangements are maintained. That Cabinet endorses the revised approach to Member briefing that ensures that LAP wide bulletins are issued on a weekly basis by the relevant Local Highways Officer. The bulletins are to contain relevant information that would be of interest to Members and is to include information that is actually outside of the scope of service delivery for Cheshire East Highways, e.g. development control issues etc.

4.0 Wards Affected

All wards are affected

5.0 Local Ward Members

All member are affected

6.0 Policy Implications

There are no policy implications arising from this report.

7.0 Financial Implications

There are no financial implications arising from this report

8.0 Legal Implications

8.1 The Local Government Act 1972 empowers local authorities to set up committees. The Local Government Act 2000 set up a number of governance models from which local authorities could choose and Cheshire East currently operates under the Leader and Cabinet model. Schedule 2 of the Localism Act 2011 amends the 2000 Act to provide, as one of the permitted forms of governance for a local authority, a committee system. There are detailed processes to be undertaken for any change, and this is a choice for each authority to make, and no obligation is included for any of the arrangements which are now permitted.

8.2 The current suggestion to set up a consultative arrangement may be capable of being lawfully set up, but would require further consideration, considerable preparation and resource, and Constitutional change, if ultimately considered to be lawful.

9.0 Risk Management

There are no significant risks arising from this report.

10.0 Background and Options

Regular briefing sessions are held with the Cabinet Member, Cllr David Topping, and his deputy, Cllr Louise Brown. The briefings are attended by the

Head of Service, Kevin Melling, as well as the Service Leader for the Cheshire East Highways Contract, Mark Averill. The briefings are used to share both operational information as well as to discuss strategy and policy issues relating to highways. Where applicable information from the briefing is shared with stakeholders. By adopting this meeting frequency we are able to quickly respond to queries, the most important of recent to note being the final approval of the Highway Investment Programme for this year, allowing the service to deliver to time and to budget.

The teams, particularly the traffic team, do interface with the LAPs on a regular basis and provide local members and stakeholder updates on schemes and projects that affect their areas. It is worthy of note that work that is LAP directed can be subject to delay as a consequence of meeting frequency and the lack of absolute direction from the group. Should Highway Committees be reinstated then it is likely that there will be information duplication, conflicting priorities and added delays to the execution of the programme.

It is recognised that communication with elected Members and other stakeholders could be further improved. As a part of all of the teams' personal development reviews the need to communicate what they are doing and, just as importantly what they are not doing, was included as a personal target. Since the inception of Cheshire East Highways in late 2011 and the introduction of the Local Highways Officers we have found that relationships have been built and, as a consequence, that things have improved, however improvements can still be made.

It is recommended that Cabinet endorses the approach that has been developed for Cllrs Jones and Topping and that Local Highways Offices produce LAP wide bulletins that are sent to Members on a weekly basis. The bulletins are to contain relevant information that would be of interest to Members and is to include information that is actually outside of the scope of service delivery for Cheshire East Highways, e.g. development control issues.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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