

CHESHIRE EAST COUNCIL

CORPORATE SCRUTINY COMMITTEE

Date of meeting: 26 August 2010
Report of: The Borough Solicitor and Monitoring Officer
Title: Call In of Transformation of Highways Sub- Committee decision - Transformation of Highways Services

1.0 Report Summary

This report sets out the procedure for the Call In of the Transformation of Highways Sub- Committee Decision relating to Transformation of Highways Services taken on 15 July 2010.

1.1

2.0 Recommendations

- 2.1 That the Scrutiny Committee considers whether or not it wishes to offer advice to the decision maker in response to the Call In.

3.0 Wards Affected

- 5.1 All Wards

4.0 Local Ward Members

- 4.1 All Members for the above Wards.

5.0 Policy Implications

- 5.1 Contained within the attached report.

6.0 Financial Implications

- 6.1 Contained within the attached report.

7.0 Legal Implications

- 7.1 Contained within the attached report.

8.0 Risk Assessment

- 8.1 Contained within the attached report.

9.0 Background and Options

- 9.1 In accordance with Scrutiny Procedure Rule 12.3, any 8 or more Councillors can call in a decision. In this case, 8 Members have called in the above decision for the reasons identified in Appendix 1

- 9.2 In accordance with Scrutiny Procedure Rule 12.6 the Committee has two options in respect of any further action. The Committee may decide to offer no advice, in which case the decision may be implemented. Alternatively, the Committee may decide to offer advice, in which case, the matter must be referred to the decision making sub- committee in order for a decision to be made upon it. In accordance with Scrutiny Procedure Rule 12.8 , the decision maker is not bound to accept any advice offered to it and will have sole discretion on any further action to be taken, such action may include:
- (1) Confirming with or without amendment the original decision; or
 - (2) Deferring the matter pending further consideration; or
 - (3) Make a different decision.
- 9.3 Where the Scrutiny Committee decides to offer advice, this must be clearly documented in the minutes
- 9.4 If the Scrutiny Committee decides not to offer any advice, then the decision of the Transformation of Highways Sub- Committee can be implemented immediately.
- 9.5 Full details of the Call-In Procedure can be found at Scrutiny Procedure Rule 12
- 9.6 The appropriate Cabinet Member and Officer will attend the meeting to explain the background and reasons for the decision and to answer any questions the Committee may have.
- 9.7 The following wording records the Transformation of Highways Sub- Committee decision of 15 July 2010:
- “RESOLVED
For the reasons set out in the report: -
- 1. That approval be given to the strategic direction of the procurement by way of the Managing Agent Contractor model.
 - 2. That the structures that are, and have been, put in place to support the procurement, and the significant resource implications, be noted.
 - 3. That the advice concerning the appropriate procurement method, namely by competitive dialogue, be noted.
 - 4. That the timetable shown in Appendix 1 of the report be agreed.”
- 9.8 The Transformation of Highways Sub- Committee report is attached at Appendix 2.
- 9.9 A response to the issues raised in the Call-In Notice is attached at Appendix 3.
- 10.0 **Appendices**

Appendix 1 – Call In Notice

Appendix 2 –Report of Transformation of Highways Sub- Committee

Appendix 3 – Response to the issues raised in the Call-in Notice

For further information:-

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Background Documents:-

Documents are available for inspection at:

Legal and Democratic Services, Westfields, Middlewich Road, Sandbach, CW11 1HZ