

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Transformation of Highways Services Sub Committee

held on Tuesday, 7th September, 2010 in the Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillors P Mason and R Menlove

Councillors in attendance:

T Beard, R Cartlidge, R Narraway, D Stockton, A Thwaite and J Weatherill.

Officers in attendance:

Head Of Regeneration, Interim Project Manager, Senior Lawyer Corporate and Commercial Team, Strategic Director Places and Highways Transportation Manager.

6 APPOINTMENT OF CHAIRMAN

RESOLVED

That Councillor Peter Mason be appointed Chairman for the meeting.

7 APOLOGIES FOR ABSENCE

Apologies for absence, due to Council business, were received from Councillor J Macrae.

8 DECLARATIONS OF INTEREST

There were no declarations of interest.

9 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

10 MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 15 July 2010 were approved as a correct record.

11 TRANSFORMATION OF HIGHWAYS SERVICES: HIGHWAYS MAINTENANCE TEAM - CALL IN OF DECISION

The decision made by the Sub Committee at its meeting on 15 July (minute 5 refers) had been called in and considered by the Corporate Scrutiny Committee on 26 August 2010. The reasons for the call in of the decision, the report

considered by the Corporate Scrutiny Committee, and its recommendations had all been circulated to the Sub Committee.

The Sub Committee was advised that whilst it could consider and comment upon the recommendations made by the Scrutiny Committee it was not its role to make recommendations on them; it was advised that this was for Cabinet to do and that the Sub Committee should therefore refer its comments on the Corporate Scrutiny recommendations to Cabinet.

In considering the recommendations of the Corporate Scrutiny Committee Members were informed that Officers were in the process of drawing up a schedule of decisions that would need to be made over the coming months so as to accommodate, wherever possible, meetings and time for dialogue with the relevant Scrutiny Committees. In addition it was reported that it was proposed to invite Scrutiny Committee Members to be part of the competitive dialogue process although it was noted that the timetable for the procurement would be very demanding.

In the light of the advice received the Sub Committee considered the specific recommendations of the Corporate Scrutiny Committee, and commented as follows: -

Reason for call in Ground 1 *'That because of the value of this Contract, it should be subject to Scrutiny'*

Recommendation of the Corporate Scrutiny Committee

The Transformation of Highways Sub-Committee be informed that the Committee offers no advice in respect of this matter, on the grounds that the criteria used to determine whether a matter should be subject to Overview and Scrutiny does not specify a monetary value.

Comment of the Sub Committee

That this be noted

Reason for call in Ground 2 *'That Members have not been given the opportunity to scrutinise other options for the delivery of highway services, for example alliances with other authorities.'*

Recommendation of the Corporate Scrutiny Committee

(1) The Portfolio Holders serving on the Transformation of Highways Sub-Committee be requested to open dialogue with immediate effect with this Committee and the Environment and Prosperity Committee, with a view to consulting fully with both committees in relation to their respective interests in this matter, and the sub-committee be advised that the two Overview and Scrutiny committees may wish to be given an opportunity to scrutinise other options for the delivery of highway services, including alliances with other authorities.

(2) Additionally, Cabinet be informed that this Committee believes there are lessons to be learned from inadequacies identified in the consultation arrangements in respect of the transformation of Highway Services and would therefore urge Cabinet to put in place measures to ensure that in future, Overview and Scrutiny committees are given an opportunity to be consulted on all matters that appear within the Forward plan in a timely fashion.

Comment of the Sub Committee

That in respect of (1) the request of the Corporate Scrutiny Committee be noted, and that Officers proceed with preparing a schedule of decisions to be made, to include time for consideration by the Scrutiny Committees.

That in respect of (2) Cabinet be asked to note the request and to comment further as appropriate.

Reason for call in Ground 3 *'The impact on the employment of highways staff by the proposed outsourcing.'*

Recommendation of the Corporate Scrutiny Committee

The impact upon existing staff, both Cheshire East Council and Bam Nuttall, be considered as a very important aspect of any dialogue entered into and accordingly, should the transfer of highways services proceed, this Council should apply TUPE regulations in an exemplary manner.

Comment of the Sub Committee

That this be noted.

RESOLVED

1. That the comments of the Sub Committee be taken into account by Cabinet in considering a response to the recommendations of the Corporate Scrutiny Committee.
2. That Cabinet consider a response to the Corporate Scrutiny Committee regarding consultation on matters that appear on the Forward Plan.

12 **PROGRESS REPORT**

Consideration was given to a report on progress to date on the procurement project for a new highway maintenance contract. The report included information on the appointment of Bevan Brittan as external legal advisors, and of Happold Consulting, to provide additional support and advice throughout the transition process.

The next steps in the process were outlined including the assessment of pre qualification questionnaires in order to prepare a shortlist for the next stage. An estimate of the timescales involved were given and it was reported that this was currently on schedule. Members were informed that a series of communications with stakeholders and staff was due to be rolled out in the near future.

RESOLVED

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 2.30 pm