

CHESHIRE EAST COUNCIL

ENVIRONMENT AND PROSPERITY SCRUTINY COMMITTEE

Date of meeting: 1 November 2012
Report of: The Borough Solicitor and Monitoring Officer
Title: Call-in of Key Decision CE12/13-18 Delivery of Streetscape and Parking Maintenance Activities

1.0 Report Summary

This report sets out the procedure for the Call-in of the decision of the Cabinet made on 17 September 2012.

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, 9 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 maker, in this case the Cabinet Member for Prosperity, 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 him 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) Making 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 Cabinet can be implemented immediately.

9.5 Full details of the Call-In Procedure can be found at Scrutiny Procedure Rule 12

9.6 The Cabinet Member for Environment and relevant 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 records the decision of the Cabinet of 17 September 2012:

1. That, subject to no challenge being received during the Voluntary Ex-ante Transparency Notice period commonly referred to as the VEAT notice, approval be given to extending the scope of the Highways Services Contract to include Streetscape and Parking Maintenance activities as outlined in 10.2 and 10.6 of the report.

2. That approval be given to the publication of a procurement VEAT Notice

3. That approval be given to the development of a detailed activity programme that will engage with elected members, existing employees and their Trade Union representatives, with a view to achieving a commencement date of 1 January 2013 for the new service delivery arrangements.

9.8 The Report of the Strategic Director, Places and Organisational Capacity considered by the Cabinet is attached at Appendix 2.

9.9 A response to the issues raised in the Call-In Notice is attached at Appendix 3 (report to follow).

10.0 **Appendices**

Appendix 1 – Call In Notice

Appendix 2 – Report of the Strategic Director, Places and Organisational Capacity

Appendix 3 – Response to the issues raised in the Call-in Notice (To Follow)

For further information:-

Officer: katie Smith

Tel No: 01270 686465

Email: katie.smith@cheshireeast.gov.uk

Background Documents:-

Documents are available for inspection at:

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