

## **MEETING OF THE CABINET**

Wednesday, 10<sup>th</sup> December, 2008 at 6.00 p.m.  
in Committee Room 2 at the Council House, Dudley

### **PRESENT:-**

Councillors Adams, Evans, Knowles, Mrs. Shakespeare, Simms, A. Turner and Mrs. Walker.  
Councillors Miller and Mrs. Millward (Deputy Leader) for part of the meeting only (Minute No. 66 onwards).

together with the following Minority Group members appointed to attend meetings of the Cabinet:-

Councillors Ali, Ms. Foster, Islam, Ms. Partridge, Mrs. Ridney and Waltho (Labour Group).

### **OFFICERS:-**

Interim Chief Executive, Director of Children's Services, Director of Finance, Director of the Urban Environment, Interim Director of Law and Property, Assistant Director of Adult, Community and Housing Services and the Democratic Services Manager together with other officers.

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### **APPOINTMENT OF CHAIRMAN FOR THIS MEETING**

In the absence of the Leader and Deputy Leader at the commencement of the meeting, pursuant to Cabinet Procedure Rule 2.1, it was

### **RESOLVED**

That Councillor Adams be appointed to preside for the duration of this meeting of the Cabinet only.

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### **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were received on behalf of Councillors Caunt, G.H. Davies and Sparks.

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### **CHANGE IN REPRESENTATION OF MINORITY GROUP MEMBERS**

It was reported that Councillor Islam was serving in place of Councillor G.H. Davies and Councillor Waltho was serving in place of Councillor Sparks for this meeting of the Cabinet only.

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63                    DECLARATIONS OF INTEREST

No member declared a personal or prejudicial interest, in accordance with the Members' Code of Conduct, in any matter to be considered at this meeting.

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64                    MINUTES

RESOLVED

That the minutes of the meeting of the Cabinet held on 29<sup>th</sup> October, 2008 be approved as a correct record and signed.

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65                    ANNUAL PERFORMANCE ASSESSMENT OF SOCIAL CARE SERVICES FOR ADULTS IN DUDLEY

The Cabinet received a report of the Director of Adult, Community and Housing Services on the Annual Performance Assessment of Social Care Services for Adults in Dudley. The report indicated that the highest grade within the 'three star' rating had been retained for the second year running by the Council's Adult Social Care Services.

The Annual Performance Assessment Letter from the Commission for Social Care Inspection was submitted to the meeting. Members commented on specific issues arising from the Performance Assessment Letter and the ongoing challenges to ensure that performance levels remained at the consistently high levels currently being achieved.

RESOLVED

That the Annual Performance Letter from the Commission for Social Care Inspection, which awards a 'three stars' performance rating for the Council's Adult Social Care Services, be formally received.

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66                    QUARTERLY CORPORATE PERFORMANCE MANAGEMENT REPORT

The Cabinet considered a report of the Interim Chief Executive on the Quarterly Corporate Performance Management report covering the period 1<sup>st</sup> July to 30<sup>th</sup> September, 2008.

RESOLVED

- (1) That the content of the Quarterly Corporate Performance Management report submitted to the meeting be approved.
- (2) That the information contained within the Quarterly Corporate Performance Management report be referred to Select Committees to consider specific issues within their terms of reference.

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ANNUAL MONITORING REPORT 2008

The Cabinet considered a report of the Director of the Urban Environment on the Annual Monitoring Report 2008 on behalf of the Local Planning Authority pursuant to the Planning and Compulsory Purchase Act 2004. The Council was required to submit the Annual Monitoring Report to the Secretary of State by 31<sup>st</sup> December, 2008.

The Director of the Urban Environment was requested to provide a written reply to a Member in respect of the issues raised at the meeting concerning Affordable Housing Completions.

RESOLVED

- (1) That the Annual Monitoring Report submitted to the meeting be noted and endorsed.
- (2) That the Annual Monitoring Report be forwarded to the Secretary of State before the deadline of 31<sup>st</sup> December, 2008.

(This was a Key Decision with the Cabinet as Decision Taker)

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CAPITAL PROGRAMME MONITORING

The Cabinet considered a joint report of the Interim Chief Executive and the Director of Finance on the implementation of, and proposed amendments to, the Capital Programme.

The Director of Finance undertook to provide a written reply to a Member in respect of the issues raised at the meeting concerning the Garage Refurbishment Programme.

RESOLVED

- (1) That the progress with the 2008/09 Capital Programme, as set out in Appendix A to the report now submitted, be noted.
- (2) That the results of the Post Completion Review of Capital Projects, as set out in Appendix B, be noted.
- (3) That the Council be recommended to note the urgent amendment to the Capital Programme, as set out in paragraph 5 of the report now submitted (Safe and Sound Target Hardening).

(This was a Key Decision with the Cabinet and Council as Decision Takers)

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ISSUES ARISING FROM SELECT COMMITTEES

No issues were raised at this meeting of the Cabinet.

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EXCLUSION OF THE PUBLIC

RESOLVED

That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act, 1972, as specified below and, in all the circumstances, the public interest in disclosing the information is outweighed by the public interest in maintaining the exemption from disclosure.

<u>Description of Item(s)</u>	<u>Relevant Paragraphs of Part 1 of Schedule 12A</u>
Staffing Issues – Chief Executive's Directorate	1
Staffing Issue – Directorate of the Urban Environment - PD	1
Staffing Issues – Directorate of the Urban Environment – Request linked to the Restructuring of the Engineering, Traffic and Transportation Section	1

Staffing Issue – Directorate of Adult, Community and Housing Services – RE	1
Land at Thorns Road, Quarry Bank in respect of Thorns Community Learning Village.	6

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71      STAFFING ISSUE – CHIEF EXECUTIVE’S DIRECTORATE

A report of the Interim Chief Executive was submitted to seek approval for the transfer of the Corporate Personnel and Support Services Division from the Chief Executive’s Directorate to the Directorate of Law and Property and to consider an associated request for voluntary severance.

RESOLVED

- (1) That the creation of the Human Resources and Citizenship Division within the Directorate of Law and Property be approved.
- (2) That the request for voluntary severance, in respect of the officer referred to in the report, be approved in accordance with the terms and conditions set out in the report submitted to the meeting.

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72      STAFFING ISSUE – DIRECTORATE OF THE URBAN ENVIRONMENT

A report of the Director of the Urban Environment was submitted on a request for the termination of the contract of employment of an employee in his Directorate (PD) on the grounds of redundancy.

RESOLVED

That the termination of the contract of employment of the officer referred to in the report (PD) submitted to the meeting be approved, on the grounds of redundancy, with effect from 31<sup>st</sup> December, 2008, in accordance with the terms and conditions set out in the report.

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STAFFING ISSUES – DIRECTORATE OF THE URBAN ENVIRONMENT – REQUEST LINKED TO THE RESTRUCTURING OF THE ENGINEERING, TRAFFIC AND TRANSPORTATION SECTION

A report of the Director of the Urban Environment was submitted on a request to terminate the contract of employment of an employee in his Directorate (WCD) on the grounds of redundancy, with effect from 31<sup>st</sup> March, 2009. The report also outlined proposals for the restructuring of the Engineering, Traffic and Transportation Service within the Directorate of the Urban Environment.

The Director of the Urban Environment undertook to provide a copy of the Improvement and Development Agency (I&DEA) report, as referred to in paragraph 5 of the report, to all Opposition Group Spokespersons comprising the Shadow Cabinet.

RESOLVED

- (1) That the termination of the contract of employment of the officer referred to in the report (WCD) be approved, on the grounds of redundancy, with effect from 31<sup>st</sup> March, 2009, in accordance with the terms and conditions set out in the report submitted to the meeting.
- (2) That the restructuring proposals as set out in the report submitted to the meeting be approved.
- (3) That further reports be submitted as opportunities arise to deliver the proposals in the report.

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STAFFING ISSUE – DIRECTORATE OF ADULT, COMMUNITY AND HOUSING SERVICES

A report of the Director of Adult, Community and Housing Services was submitted on a request for voluntary severance from an employee (RE) in her Directorate.

RESOLVED

That the request for voluntary severance, in respect of the officer referred to in the report submitted to the meeting (RE), be approved on the terms and conditions set out in the report.

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LAND AT THORNS ROAD, QUARRY BANK IN RESPECT OF  
THORNS COMMUNITY LEARNING VILLAGE

A joint report of the Director of Children's Services and the Interim Director of Law and Property was submitted on proposals relating to the development of a new fit for purpose building at Thorns Community Learning Village.

RESOLVED

That approval be given to:-

- (1) The making of a Compulsory Purchase Order(s) under Section 530 of the Education Act 1996 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and all other powers thereby enabling, for the acquisition of the land shown on the plan submitted to the meeting, or the acquisition of new rights, for the purpose of securing access to an educational establishment, namely a special school to be constructed in the grounds of Thorns Community College.
- (2) The Director of Children's Services and the Interim Director of Law and Property, in consultation with the Cabinet Member for Children's Services, being authorised to:-
  - (a) Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry.
  - (b) Acquire interests in land and new rights within the Compulsory Purchase Order(s) either by agreement or compulsorily; and
  - (c) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupants.

(This was a Key Decision with the Cabinet as Decision Taker)

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The Chairman reported that this would be the last meeting of the Cabinet to be attended by John Freeman in his capacity as Director of Children's Services pending his secondment to the Local Government Association. Thanks and best wishes for the future were expressed to Mr. Freeman for his services to the Council and his achievements as the Director of Children's Services.

The Chairman wished Members and Officers a happy Christmas and a peaceful, prosperous new year.

The meeting ended at 6.41 pm

LEADER OF THE COUNCIL