

**SPECIAL MEETING OF THE SELECT COMMITTEE  
ON CHILDREN'S SERVICES**

Tuesday, 9<sup>th</sup> September, 2008 at 6.00 pm  
in Committee Room 2 at the Council House, Dudley

**PRESENT:-**

Councillor Nottingham (Chairman)  
Councillor Ms. Boleyn (Vice Chairman)  
Councillors Crumpton, Mrs. Dunn, Hanif, Hill, Islam, Ms. Partridge, Mrs. Rogers, Stanley and Wright; Mrs. Simms, Mr. Smith and Mr. Taylor.

**Officers**

Assistant Director of Adult, Community and Housing Services – Housing Strategy and Private Sector (Acting Lead Officer to the Committee) and the Democratic Services Manager.

**Also in Attendance (by invitation)**

Councillor Mrs. Walker (Cabinet Member for Children's Services)  
The Chief Executive, Director of Children's Services, Assistant Director of Children's Services, Director of Finance, Director of Law and Property and the Assistant Director of the Urban Environment.

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**APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Mrs. Cunneen, Mrs. Roe, Mrs. Verdegem and Revd. Wickens.

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**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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CALL-IN OF DELEGATED DECISION DCS/28/2008 – DISPOSAL OF CRADLEY HIGH SCHOOL, HOMER HILL ROAD, HALESOWEN

A report of the Acting Lead Officer was submitted on the decision of the Cabinet Member for Children's Services as set out in Delegated Decision Sheet DCS/28/2008 dated 21<sup>st</sup> July, 2008 relating to the site of Cradley High School, Homer Hill Road, Halesowen. The decision had subsequently been called-in at the request of five elected Members, in accordance with the Select Committee Procedure Rules set out in the Council's Constitution.

Accordingly, this special meeting of the Committee had been arranged to scrutinise the following decision of the Cabinet Member for Children's Services:-

“That the site of Cradley High School, Homer Hill Road, Halesowen, be declared surplus to requirements and sold on terms and conditions to be negotiated and agreed by the Director of Law and Property.”

A copy of the Delegated Decision Sheet on this matter was attached to the report submitted to the meeting by the Acting Lead Officer to the Committee. Members had also received copies of an introductory statement by the Director of Children's Services and copies of the responses to Members' questions, prior notice of which had been given in accordance with the Scrutiny Protocol for Select Committees, as set out in the Constitution.

In his opening remarks, the Chairman outlined the procedure to be followed at the meeting. The Acting Lead Officer presented his report giving the background to the key issues to be addressed by the Committee. At this stage, concerns were expressed by some Members regarding the scope of the scrutiny being undertaken and the level of detailed information circulated. Particular reference was made to the decision of the Cabinet on 13<sup>th</sup> June, 2007 relating to Building Schools for the Future and information on the decisions of the Halesowen Area Committee concerning the site of Cradley High School and consultation on leisure and community facilities. The Acting Lead Officer indicated that he was satisfied that his report identified the key issues before the Committee and set the context for the scrutiny of the decision. The Chairman indicated that the specific areas of concern, as identified by Members, would be dealt with at the meeting during the responses to the detailed questions submitted.

Following the initial comments made, the Director of Children's Services then read out, and elaborated upon, the points made in the Introductory Statement included with the Responses to Members questions on the disposal of Cradley High School.

Following the Introductory Statement, lengthy and detailed consideration was given to the responses to the main and other related supplementary questions raised by Members in the order indicated in the documentation circulated. A Member requested that all questions and answers should be read out verbatim. However, the Chairman indicated that as all the written responses had been circulated to all Members of the Committee in advance, some of the answers would be taken as read. The Director of Children's Services, the Cabinet Member for Children's Services, the Director of Finance, the Chief Executive and the Assistant Director of the Urban Environment then addressed the Committee in response to specific questions and issues raised in connection with the proposals to declare the site of the former Cradley High School surplus to requirements and to dispose of the site on terms and conditions to be agreed by the Director of Law and Property.

At the conclusion of the detailed consideration and discussion on the questions and answers submitted in advance and raised at the meeting, the Cabinet Member for Children's Services, the Director of Children's Services and the Director of Finance made brief final statements to the Committee. The Chairman thanked the Cabinet Member and all other officers who had been invited to attend and asked them to withdraw from the meeting. The Committee was invited to deliberate and consider its decision.

A proposal was moved and duly seconded to the effect that the decision of the Cabinet Member for Children's Services should be upheld and that accordingly, the decision should not be referred back. During the ensuing deliberations, reference was made to the fact that a location plan was not attached to the Decision Sheet appended to the report. This issue had not been raised during the questioning, and the Chairman stated that this would not affect the consideration of the called-in decision.

At the conclusion of the Committee's deliberations, and taking account of the facts, opinions, responses and comments submitted at the meeting, the motion was put to the vote and it was

#### RESOLVED

That the decision of the Cabinet Member for Children's Services be upheld and the decision be not referred back.

(Councillors Ms. Boleyn, Crumpton, Hanif, Islam and Ms. Partridge voted against the above resolution and asked for their names to be so recorded in the minutes).

As some Members did not agree with the conclusions reached by the majority, as set out in the resolution above, provision was made for a minority report pursuant to the Scrutiny Protocol for Select Committees in the Council's Constitution. The minority report is set out in the Appendix to these minutes.

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The meeting ended at 8.22 p.m  
following an adjournment between 7.50p.m. and 7.55p.m.

CHAIRMAN

**Minority Report**

NB: This report represents the minority views arising from the meeting of the Select Committee on Children's Services held on 9<sup>th</sup> September, 2008. It does not form part of the resolution of the Committee.

"The Directorate is asked to reconsider its position with the intention to address issues relating to youth and community leisure provision and ensuring that any proposals for disposal include restoring, as a minimum, the leisure provisions, which existed pre-September 2006.

If appropriate, the Directorate is asked to consult with the communities of Cradley on emerging proposals/options before making a final decision.

The Cabinet Member is asked to note that continued concern is expressed on matters relating to consultation with communities. A report is requested on what changes have been made to ensure this is not allowed to happen again.

The reason for the above is:-

In September 2006, a commitment to consult on leisure provision was given to Halesowen Area Committee. This commitment was unsolicited and influenced the expectations of not only the Council and leisure centre users but that of a whole community. This consultation was not carried out as scheduled and a series of undisclosed events ensured that this could never be carried out.

The decision to finance Building Schools for the Future out of the sale of surplus sites was made in June 2007. This may have prejudiced the approach and processes associated with disposals of land under the control of the Directorate, to the point of creating disadvantage and unfairness.

Reports to Halesowen Area Committee have been misleading for reasons associated with accuracy, completeness and compliance (consultation).

The proposition consulted on during March – June 2008, was materially different to that presented to Halesowen Area Committee in November 2007 and January 2008. The difference being the assumption that there was no requirement for consultation on the closure of the leisure facilities as the decision to close had been secured via the Schools Organisation Committee in February 2007."