

Blackpool Council

24 July 2015

To: Councillors Benson, Critchley, Mrs Henderson MBE, Humphreys, O'Hara, Scott, Singleton, Stansfield and L Taylor

The above members are requested to attend the:

RESILIENT COMMUNITIES SCRUTINY COMMITTEE

Thursday, 30 July 2015 at 6.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

- (1) the type of interest concerned; and
- (2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 CALL-IN REQUEST

(Pages 1 - 18)

To consider the call-in of Cabinet Member Decision PH41/2015 'Local Authority Nursery Review'.

Special Circumstances: The Council's call-in procedure states that requests for call-in should be considered within five working days of having received the request.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Sharon Davis, Scrutiny Manager, Tel: (01253) 477213 sharon.davis@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Resilient Communities Scrutiny Committee
Relevant Officer:	Sharon Davis, Scrutiny Manager
Date of Meeting	30 July 2015

CALL-IN REQUEST

1.0 Purpose of the report:

1.1 The Committee to consider the Call-in of Cabinet Member Decision PH41/2015 'Local Authority Nursery Review'.

2.0 Recommendation(s):

2.1 To consider the Call-in request and take action as follows:

a) refer the decision back to the Executive for reconsideration or refer the matter to full Council with, in either case, details of the Committee's concerns; or

b) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).

3.0 Reasons for recommendation(s):

3.1 To ensure the scrutiny process continues to be fully accountable and an important part of the democratic process.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None.

4.0 Council Priority:

4.1 'Tackle child poverty, raise aspirations and improve educational achievement'.

5.0 Background Information

5.1 The decision, attached at Appendix 2a (published on 20 July 2015) relates to the proposed consultation on future commissioning of nursery provision in local authority Children's Centres (Talbot and Brunswick and Grange Park) due to a saving being required as part of the Priority led Budget exercise.

5.2 The decision involved the Cabinet Member agreeing the following recommendations:

1. To agree to hold consultation with stakeholders that the local authority will no longer offer an in-house nursery or crèche provision for children.
2. To work with service users to determine an alternative method of support appropriate for them for the future, subject to the outcome of the consultation.
3. To authorise the Director of People, subject to a published officer decision, to take such action as is required following the consultation.

5.3 Councillor Williams has called-in the decision, the reasons for which are outlined in the call-in request document, attached at Appendix 2b.

5.4 The options available to the Committee are outlined at paragraph 2.1. It should be noted that if the matter is referred to Council, then Council will only have the option of:

- a) taking no further action (whereupon the decision will come into force and may be implemented immediately) or;
- b) refer the decision back to the Executive for reconsideration (unless it is proven that the Executive acted contrary to the Budget and Policy Framework).

5.5 Particular reference should be made to the extract at Appendix 3d of the Scrutiny Protocol relating to 'Call-In'.

5.6 Witnesses/representatives

5.6.1 As requested by the Committee members, the following persons have been invited to attend the meeting to speak on the matter:

- Councillor Williams
- Councillor Jones, Cabinet Member for School Improvement and Children's Safeguarding

Does the information submitted include any exempt information?

No

List of Appendices:

Appendix 2a, Executive decision PH41/2015

Appendix 2b, Request for Call-in of Executive decision PH41/2015

Appendix 2c, Call-in procedure (as per the Council's Constitution).

Appendix 2d, Extract from the Protocol on Scrutiny Committee / Cabinet Member / Officer Relations (section relating to Call-In).

6.0 Legal considerations:

6.1 None

7.0 Human Resources considerations:

7.1 None

8.0 Equalities considerations:

8.1 None

9.0 Financial considerations:

9.1 None

10.0 Risk management considerations:

10.1 None

11.0 Ethical considerations:

11.1 None

12.0 Internal/ External Consultation undertaken:

12.1 None

13.0 Background papers:

13.1 None

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Decision of:	CABINET MEMBER FOR SCHOOL IMPROVEMENT AND CHILDREN'S SAFEGUARDING
Decision number:	PH41/2015
Relevant Officer:	Delyth Curtis, Director of People
Relevant Cabinet Member	Councillor John Jones, Cabinet Member for School Improvement and Children's Safeguarding
Date of Decision:	20 th July 2015

LOCAL AUTHORITY NURSERY REVIEW

1.0 Purpose of the report:

- 1.1 To agree the consultation on future commissioning of nursery provision in local authority Children's Centres (Talbot and Brunswick and Grange Park) due to a saving being required as part of the Priority led Budget exercise.

2.0 Recommendation(s):

- 2.1 To agree to hold consultation with stakeholders that the local authority will no longer offer an in-house nursery or crèche provision for children.
- 2.2 To work with service users to determine an alternative method of support appropriate for them for the future, subject to the outcome of the consultation.
- 2.3 To authorise the Director of People, subject to a published officer decision, to take such action as is required following the consultation.

3.0 Reasons for recommendation(s):

- 3.1 The Council considers, having analysed relevant data that it appears there are sufficient other places across Blackpool as a whole to meet the Statutory Duty to ensure provision of sufficient childcare provision and wishes to explore widening the childcare offer and undertaking consultation. The consultation is proposed to take place in order that any potential changes can be implemented by September 2015 in order to minimise the impact on families, dependent on the outcome as the Autumn term is when nursery provision is at its lowest in terms of children accessing.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None

4.0 Council Priority:

4.1 The relevant Council Priority is:

"Tackle child poverty, raise aspirations and improve educational achievement"

5.0 Background Information

5.1 A review of childcare provision in line with the Statutory Duty has been undertaken. The review has shown that the Council meeting our Statutory Duty namely:

5.2 Statutory Guidance states that Children's centres should work closely with other providers offering funded early learning places to ensure that families who need it can access integrated support' (pg 12). The Council would continue to work with existing provision via the Childcare Partners Scheme to ensure families are able to access quality childcare in an integrated setting.

5.3 There is no statutory duty for Children's Centres to provide childcare provision onsite but it is proposed that the centres at TAB and Grange Park will continue to signpost and support families to access provision.

5.4 There is however a Statutory Duty on Local authorities under Childcare Act 2006 to ensure there is sufficient childcare available, this is outlined in the Childcare Sufficiency Assessment Provider data referred to in the Background Papers.

5.5 Local authorities are required by legislation to:

- Secure early education places (for 3 and 4 years olds) offering 570 hours a year over no fewer than 38 weeks of the year for every child in their area.
- Secure early education places (for 2 year olds) offering 570 hours a year over no fewer than 38 weeks of the year for every eligible child in their area.

Local authorities must ensure there is consultation before:

- making a significant change to the range and nature of services provided through a children's centre and / or how they are delivered, including significant changes to services provided through linked sites.

The proposed consultation exercise is in line with the guidance.

5.6 Does the information submitted include any exempt information? No

5.7 **List of Appendices:**

None

6.0 **Legal considerations:**

6.1 Under the Childcare Act 2006 Statutory guidance, a local authority must ensure that such consultation as they think appropriate is carried out before any significant change is made in the service through a relevant Children's Centre. In discharging their duty, an authority must have regard to the guidance given by the Secretary of State.

7.0 **Human Resources considerations:**

7.1 If the consultation exercise leads to redundancies these will be subject to Enhanced Voluntary Redundancy take-up and redeployment opportunities for staff with a minimum of 12 months service.

8.0 **Equalities considerations:**

8.1 Local authorities must promote equality and inclusion, particularly for disadvantaged families, looked after children, children in need and children with disabilities or special educational needs by removing barriers of access to early education and working with parents to give each child support to fulfil their potential. Local authorities must ensure they meet their duties under the Equality Act 2010 when securing early education places. In order to support the above the Childcare Partners Scheme has been established. It is the formal partnership between Blackpool Children's Centres and the Private and Voluntary Childcare providers. As part of the scheme Blackpool Children's Centres routinely signpost parents and expectant parents looking for childcare to childcare providers in the area which are graded as 'Good' or 'Outstanding' by Ofsted (Level 2).

9.0 **Financial considerations:**

9.1 A savings target has been set as part of the Council's Priority led Budget Exercise. The consultation exercise and ongoing work with parents can be provided from existing

resources. Savings would be in the region of £ 248, 642 (Full Year Equivalent)

10.0 Risk management considerations:

- 10.1 A possible risk if the proposal is implemented would be that some families would need help to access their entitlement in terms of childcare provision. In order to mitigate this risk the following actions are proposed and would be undertaken subject to the outcome of the consultation.
- Work with PVI (Private , Voluntary and Independent) sector and cross border partners to develop provision in the local areas
 - Blackpool Council's Early Years Team and Early Help Services would provide brokerage support to match families to alternative provision
 - Explore additional support around transport.

11.0 Ethical considerations:

- 11.1 None

12.0 Internal/ External Consultation undertaken:

- 12.1 Consultation will take place with parents who are currently using the nurseries and those who have made enquiries for September subject to the approval of the recommendation. The Council will also seek to consult with those who might consider using the service in the future. Appropriate staff consultation has commenced and is ongoing. Consultation will take place with the Private Voluntary and Independent childcare sector and the Unions.

13.0 Background papers:

- 13.1 Childcare Sufficiency Assessment Provider Survey data as of 12.06.2015.

14.0 Key decision information:

- 14.1 Is this a key decision? No
- 14.2 If so, Forward Plan reference number:
- 14.3 If a key decision, is the decision required in less than five days? N/A
- 14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed: N/A Date approved: N/A

17.0 Declarations of interest (if applicable):

17.1 None

18.0 Executive decision:

18.1 The Cabinet Member agreed the recommendations as outlined above namely:

1. To agree to hold consultation with stakeholders that the local authority will no longer offer an in-house nursery or crèche provision for children.
2. To work with service users to determine an alternative method of support appropriate for them for the future, subject to the outcome of the consultation.
3. To authorise the Director of People, subject to a published officer decision, to take such action as is required following the consultation.

18.2 Date of Decision:

20th July 2015

19.0 Reason(s) for decision:

The Council considers, having analysed relevant data that it appears there are sufficient other places across Blackpool as a whole to meet the Statutory Duty to ensure provision of sufficient childcare provision and wishes to explore widening the childcare offer and undertaking consultation. The consultation is proposed to take place in order that any potential changes can be implemented by September 2015 in order to minimise the impact on families, dependent on the outcome as the Autumn term is when nursery provision is at its lowest in terms of children accessing.

19.1 Date Decision published:

20th July 2015

20.0 Executive Members in attendance:

20.1

21.0 Call-in:

21.1

22.0 Notes:

22.1

REQUEST FOR CALL-IN OF EXECUTIVE OR CABINET MEMBER DECISION, OR OFFICER KEY DECISION

WHAT TO CONSIDER BEFORE CALLING-IN A DECISION

An Executive Decision, a Cabinet Member Decision, or an Officer Key Decision, may only be called-in within three working days of the publication of that decision.

Members are advised to contact Mark Towers in Democratic Services (Tel: 477127) to discuss the timing of submission of any call-in request. This will enable officers to ensure the efficient administration of called-in decisions. Democratic Services Officers will also be able to advise about the wording of the call-in request.

NOTE: If the original decision has been marked as urgent, it is essential that the call-in request is submitted as quickly as possible, otherwise the decision may be implemented without further restriction. A decision cannot be called-in after it has been implemented. Where a decision has not yet been implemented, the approval of the Chairman of the relevant Scrutiny Committee will normally be required determine whether the matter is in fact urgent.

CALL-IN REQUEST

I ((*Insert Name*))

Cllr. Tony Williams

In accordance with Paragraph 15 (c) of the Overview and Scrutiny Procedure Rules at Part 4 of the Council's Constitution, give notice of a request to call-in the following decision:

Decision Name:

Local Authority Nursery Review

Decision No.

PH41/2015

Decision Maker:

Cllr. John Jones

GUIDANCE ON REASONS FOR CALL-IN

Members must provide (overleaf) a summary of their reasons for the call-in request. The reasons given should be clear and concise and, in so far as it is possible, include enough information to enable the relevant Scrutiny Committee to understand fully the grounds for the call-in and to be made aware of any relevant facts, prior to the meeting.

Reasons for calling in a decision may include the following:

- A fundamental disagreement with the initial decision taken
- A disagreement about one or more elements of the decision taken
- Concern about the timing, extent or implications of the decision taken
- Concern about the way in which the decision has been taken

- Concern about the levels of consultation prior to taking the decision
- Concern that the full facts were not taken into account when making the decision
- Concern that the decision is insufficiently clear
- Concern that the decision is outside policy or not within the budget

The above list is not exhaustive.

REASONS FOR CALL-IN

My reasons for requesting the call-in of the above decision are as follows:

A disagreement about one or more elements of the decision taken

MEMBER RECOMMENDATION TO THE RELEVANT SCRUTINY COMMITTEE

Members are asked to recommend a particular course of action for the relevant Scrutiny Committee to consider when deciding its response to the call-in, which may be either:

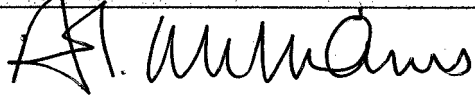
- To refer the matter to the original decision maker, or
- To refer the matter to Council

In either case, Members may also recommend a form of words for the Committee to consider including with any referral.

NOTE: The relevant Scrutiny Committee may decide to take no further action in respect of the called-in decision.

I wish to recommend that the relevant Scrutiny Committee undertake the following action in respect of the call-in:- To refer the matter to council.

ATTENDANCE AT THE RELEVANT SCRUTINY COMMITTEE	
I intend to be present at the relevant Scrutiny Committee meeting	Y/N Y
I wish for the following person to speak at the relevant Scrutiny Committee meeting on my behalf:	

MEMBER AUTHORISATION			
Signed:		Date:	23/07/2015

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15. Call-in

- 15.1 When a decision is made by the Executive, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three working days of being made. Copies of each such decision statement will be made available to all members of the Council within the same timescale by the person responsible for publishing the statement.
- 15.2 The decision statement will bear the date on which it is published and will come into force, and may then be implemented, on the expiry of three working days after publication of the statement unless objection is made to it and it is called-in within that period.
- 15.3 The Director of Governance and Regulatory Services shall call-in a paragraph 16(a) Executive Decision for scrutiny by the relevant scrutiny committee if so requested within the call-in period by any member of the Council.
- 15.4 The Director of Governance and Regulatory Services shall call a meeting of the relevant scrutiny committee to be held on such date as he/she may determine, where possible after consultation with the Chairman of that committee, and in any case within five working days of having received the call-in request. If the Committee does not meet within that period, the decision shall take effect on the expiry of that period.
- 15.5 Having considered the decision called-in, the scrutiny committee may
- (i) refer the decision back to the decision maker for reconsideration or refer the matter to full Council with, in either case, details of the committee's concerns or
 - (ii) take no further action on the decision (whereupon the decision will come into force and may be implemented immediately).
- 15.6 A decision referred back will be reconsidered by the decision maker within 15 working days of the referral and may be affirmed, amended or revoked as the decision maker thinks fit.
- 15.7 A decision referred to the full Council will be considered by the Council not later than at its next ordinary meeting. If the Council fails to consider the decision or, having considered it, decides to take no further action in respect of it, the decision will come into force and may be implemented with effect from the date of the Council meeting. If the Council does object to the decision and, it is one which is contrary to the policy framework or contrary to or not wholly consistent with the approved budget, the Council may affirm, amend or revoke the decision as it thinks fit. If the decision is not contrary to the policy framework or budget, the Council will refer the decision to the decision maker together with its views on the decision. The decision maker will reconsider the decision within 15 working days of the Council meeting and may then affirm, amend or revoke the decision.
- 15.8 A decision may not be the subject of more than one request for call-in.

16. Call-in and urgency

- 16.1 The call-in procedure set out above shall not apply where the decision taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would be prejudicial. If it is thought by the decision maker to be urgent, the relevant decision statement will indicate that fact and will record the reasons for urgency. In those circumstances, the decision will not

OVERVIEW AND SCRUTINY PROCEDURE RULES

be subject to call-in unless, on the application of the Member(s) requesting call-in, the Chairman of the relevant scrutiny committee or, if he/she is absent or otherwise unable to act, the Vice-Chairman of the committee, expresses in writing the opinion that the decision is not urgent. This must be before the decision is implemented and within three working days of the decision statement having been published. In the event of that happening, the decision will be deemed to be called-in and will be dealt with accordingly.

6. Attendance by Executive Members at scrutiny committee meetings (including 'Call-In' meetings)

- 6.1 Cabinet Members will normally be expected to attend meetings of scrutiny committees, for the purposes of being held to account in relation to decisions taken and to answer questions in relation to proposed decisions that have been included within the Forward Plan.
- 6.2 Cabinet Members are encouraged to avail themselves of every opportunity to gauge the views of non-Executive members on any issues falling within their remit. A close working relationship and an open exchange of views will be of particular importance to the Cabinet Member and scrutiny members, where consideration is being given to the development of the Council's budget or policy framework.
- 6.3 Cabinet Members will normally be expected to attend any meetings of scrutiny committees at which it is intended to consider a Call-In request in relation to his/her area of responsibility.
- 6.4 At meetings where call-ins are being considered, the purpose of the Cabinet Member's attendance is to answer questions of fact and not to present the item. Cabinet Members need to be careful not to be drawn into the debate, so as to avoid any possible allegations of becoming involved in the scrutiny of their own decisions which may bring them into conflict with the Code of Conduct. It is therefore important to draw the distinction between answering questions of fact and becoming involved in the committee debate into the issue in question.
- 6.5 Unless there are extenuating circumstances, the decision maker (or the relevant Cabinet Member if the decision maker is the Executive) should always attend a Call-In meeting. It is accepted however that officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable although it should always be the decision maker that is held to account.
- 6.6 The following procedure should take place where call-ins are being considered:
- (i) The Member who called in the decision should speak first.
 - (ii) The Chairman would then invite the Cabinet Member (decision maker) to respond.
 - (iii) The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.
 - (iv) The Committee debates the issue and votes on the outcome.
- 6.7 In the event of a situation where the decision maker cannot attend a Call-In meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

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