

CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE ADDENDUM 2

4.00PM, MONDAY, 9 JANUARY 2023

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

ITEM		Page
36	ITEMS REFERRED FROM COUNCIL	3 - 6
39	BRIGHT START CLOSURE PROPOSAL	7 - 14

BRIGHTON & HOVE CITY COUNCIL

COUNCIL

4.30pm 15 DECEMBER 2022

HOVE TOWN HALL - COUNCIL CHAMBER

DRAFT MINUTES

Present: Councillors Deane (Chair), O'Quinn (Deputy Chair), Allcock, Appich, Bagaeen, Barnett, Bell, Brown, Childs, Allbrooke, Davis, Druitt, Ebel, Evans, Fishleigh, Fowler, Gibson, Grimshaw, Hills, Hugh-Jones, Janio, Knight, Lewry, Littman, Meadows, Mac Cafferty, McNair, Moonan, Nemeth, Osborne, Pissaridou, Powell, Robins, Shanks, Simson, C Theobald, West, Williams and Yates

PART ONE

53 DEPUTATIONS FROM MEMBERS OF THE PUBLIC.

- 53.1 The Mayor reported that two deputations had been received from members of the public and invited Annika to come forward for the second deputation and address the council on behalf of the spokesperson Ms Jany.
- 53.2 Annika thanked the Mayor and outlined the reasons for the deputation which was seeking to stop the closure of Bright Start Nursery, as it would be devastating to the community. She stated that it was an essential service for over 50 children and families with there not being any similar service provision anywhere in the area. The Nursery caters for the most vulnerable children in the city and that staff had specialist knowledge and training, dealing with vulnerable children, complex disability and medical educational needs. It was an affordable nursery open all year round from 8:00 AM till 6:00 PM. She shared personal stories of Parents who used Bright Start Nursery and highlighted their reasons for choosing the nursery. She asked the Council to recognise the beautiful asset that it had and to reconsider its decision.
- 53.3 Councillor Allbrooke thanked Annika for presenting the deputation and for also sharing her experiences. She noted that there was a petition for debate on Bright Start Nursery later, on the agenda, which also included a Labour group amendment. She stated that much of the content of the deputation asked some quite detailed questions that would be better addressed in a report to Children, Young People and Skills Committee. She suggested responding to

the deputation in more detail as part of the response to the petition, and that also those detailed questions are addressed in the report.

- 53.4 The Mayor thanked Annika for attending the meeting and speaking on behalf of the deputation. She explained that the points had been noted and the deputation would be referred to the Children Young People & Skills Committee for consideration. The persons forming the deputation would be invited to attend the meeting and would be informed subsequently of any action to be taken or proposed in relation to the matter set out in the deputation.

Agenda Item 36(c)

BRIGHTON & HOVE CITY COUNCIL

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PART ONE

54 PETITION FOR DEBATE

- 54.1 The Mayor stated that where a petition secured 1,250 or more signatures it could be debated at the council meeting. She had been made aware of one such petition and invited Mrs Perera to join the meeting and to present the petition concerning the planned closure of Bright Start Nursery in Barrack Yard.
- 54.2 Mrs Perera thanked the Mayor and stated that the petition which had been signed by just under 1,500 people showed how important the nursery was to the Brighton community. She stated that Bright Start was a lifeline to so many families with diverse needs who would not be able to access comparable childcare from alternative providers in the city. That in the midst of a cost of living crisis, many working families were struggling to make ends meet, it was now more important than ever for local councils to provide affordable and accessible childcare that accepts all children regardless of their backgrounds, circumstances and needs. She called on the Council to oppose the closure going forward as it was strongly felt that the loss of Bright Start Nursery would do irreparable damage to the city, and solutions could be found to keep it open.
- 54.3 Councillor Allbrooke thanked Ms Perera for presenting the petition and stated that she agreed that Bright Start Nursery was an incredibly important service that provided support that families needed. She believed in the value of Council run public services as they change communities and she personally cared about services provided for the city's children, young people and their

wellbeing. It was recognised that should the draft proposals be taken forward that it would be a difficult decision to take but that the city faced a budget gap of £18 million in addition to 12 years of funding cuts. The Council by law could not set a deficit budget and had to balance its budget, having to make savings when funding is reduced.

- 54.4 Councillor O'Quinn moved an amendment on behalf of the Labour Group which was formally seconded by Councillor Robins.
- 54.5 Councillor Janio spoke on the petition and noted that the setting of the budget was the responsibility of the administration and not that of the Government.
- 54.6 Councillor Allbrooke confirmed that she would accept the Labour amendment.
- 54.7 The Mayor thanked Mrs Perera for presenting the petition and put the recommendations to the vote.
- 54.8 **RESOLVED:**
1. That the petition is noted and referred to the Children, Young People & Skills Committee for consideration.
 2. That a report comes before the January meeting of the Children, Young People & Skills Committee detailing the reasons for the closure of the Bright Start Nursery, including information on alternative provision and the actions the council will take to enable the timely placement of children in other suitable nursery provision.

Brighton & Hove City Council

Children, Young People & Skills Committee

Agenda Item 39

Subject: Bright Start Nursery Closure Proposal

Date of meeting: 9 January 2023

Report of: Executive Director – Families, Children and Learning

Contact Officer: Name: Jo Templeman
Email: jo.templeman@brighton-hove.gov.uk

Ward(s) affected: All

For general release

Note: Urgency

By reason of the special circumstances below, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency.

Note: Reasons for urgency

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that a report was requested on 15 December 2022 by Full Council to be presented to Children, Young People and Skills Committee on 9 January 2023.

1. Purpose of the report and policy context

- 1.1 Following the Full Council Meeting on 15 December 2022, this report outlines the proposals for the closure of Bright Start Nursery which is being considered as part of the budget setting for 2023/24.
- 1.2 The report will outline the reasons for the proposal and provide information on the actions to support children to find alternative provision.

2. Recommendations

- 2.1 That Committee notes the information regarding the proposal to close Bright Start Nursery being put forward to Budget Council on 23 February 2023.

3. Context and background information

- 3.1 The Council has a projected budget deficit of £19 million for the financial year 2023/24. Families, Children and Learning (FCL), together with other council Directorates have been asked to identify budget proposals to address this budget gap. The council has had to make extensive savings over the past 10 years due to the £100 million reduction in central government funding. Efficiency savings across services have all been made and the council is now faced with having to propose stopping services in order to address the budget gap in 2023/24.
- 3.2 The proposed closure of Bright Start Nursery is one option which has been put forward for consideration. It is recognised that closure will have a detrimental impact upon the children, their families and staff working at Bright Start Nursery.
- 3.3 Bright Start Nursery is based in the converted Slipper Baths within the Prince Regent Swimming Complex in Brighton. It is a 50 place full day, all year round provision. It is located within the 40% most disadvantaged areas of the city according to the Income Deprivation Affecting Children Index (IDACI). The hourly charge for the nursery is £5.83 which equates to a half day charge of £29.15 (£31.72 including meals) and full day £58.30 (£63.44 including meals).
- 3.4 Bright Start Nursery receives a general fund subsidy of £104k per year and in 2022/23 had an additional £68k pressure funding allocated to prevent a further budget shortfall.
- 3.5 A condition survey on the Slipper Bath building, carried out in 2019, highlighted specific defects and estimated the building required c£500,000 investment going forward. The main purpose of the survey was to establish the condition of the internal and external fabric together with the mechanical and electrical services in order to maintain the building in a good wind and watertight condition over a 15-year forecast. The survey highlighted several areas of work which included brick and stonework; the building's heating system; light fittings; and roofing.
- 3.6 However, the building has deteriorated since the report was carried out and construction industry costs have spiraled by an estimated 46%, which means building costs have significantly increased since the 2019 estimate. Given the current financial constraints, identifying funding to repair and improve the building plus the ongoing running costs is not feasible nor cost-effective.
- 3.7 The nursery is part of the Old Slipper building and is not well suited for nursery provision due to its long narrow layout and lack of free access to a limited outside space.

- 3.8 The nursery currently shares the building, main entrance and associated fire alarm systems with other tenants. A Stage 1 Fire Risk Assessment was carried out in August 2022 and identified several areas in the nursery which need improvement. This includes an upgrade to some of the internal doors and door closers linked to the fire alarm system, and repairs to an external fire escape door. There is blown plaster work, possibly linked to damp in three rooms where the youngest children are based. These rooms will need redecoration if the plaster work issue is resolved, and new flooring and carpets would also be required. Guttering at the rear of the building is clogged with plant growth. This was due to be cleared in the Autumn 2022 however limited access points at the rear of the building has meant that this work remains outstanding
- 3.9 Bright Start Nursery has the highest number of alternative providers compared to other council run nurseries, 47 within 2 miles distance including 5 maintained nurseries or nursery classes as per Appendix 1. The average hourly rate charged by these providers is £6.44
- 3.10 If the closure of Bright Start Nursery is accepted at Budget Council, the proposal would be for it to close after the summer term 2023. This will mitigate as much as possible the impact on children, including those children due to start school, and enable time to support other children into alternative provision.
- 3.11 53% of the children attending Bright Start Nursery will be of school starting age in September 2023 so not impacted by the closure.
- 3.12 12% of children are currently under 2 and would be supported by the Family Hubs and Early Years Team to find alternative provision. 34 of the 47 alternative providers take children under 2 with 33 offering all year-round provision.
- 3.13 All children who receive Additional Support Funding due to their additional needs are school starters so will not need support to find alternative provision. Brighton and Hove Inclusion Support Service will support children with Special Educational Needs and Disability in transition to a new provision including schools.
- 3.14 All two year old children attending Bright Start Nursery and in receipt of the Early Years Free Entitlement will be three by September 2023 and can be supported by the Family Hubs and Early Years Team to find new provision, including with the support of the Childcare Brokerage Officer if necessary. Nurseries commonly have more spaces open in the autumn term which may increase the amount of choice available to parents.
- 3.15 62% of children attending Bright Start Nursery have an ethnic background other than white British. The Ethnic Minority Achievement Service will use Home School Liaison Officers to support families in finding a new setting and where appropriate this support would be provided in their home language. They would liaise with new settings and provide bilingual support where appropriate.

- 3.16 There will be close liaison where a child has a social worker to ensure appropriate alternative provision is identified, in line with their assessed needs.

4. Analysis and consideration of alternative options

- 4.1 Consideration has been given to moving Bright Start Nursery to Tarner Children's Centre but to achieve the budget saving this would need to be a smaller term time only provision with limited sessions. Additionally, the space at Tarner Children's Centre which has been used previously, is now being used to deliver other services.
- 4.2 Closing Bright Start Nursery will achieve the budget savings required and with a summer closure the impact on children will be mitigated as far as possible. The building is not well suited for nursery provision and needs investment in its maintenance over the next few years as outlined in 3.5.

5. Community engagement and consultation

- 5.1 If the proposal to close Bright Start Nursery is accepted at Budget Council, a formal consultation process with affected staff will commence.
- 5.2 If the closure proposal proceeds, parents of children attending the nursery will be invited to feedback on the proposal.

6. Conclusion

- 6.1 The closure of Bright Start Nursery will enable the proposed budget saving to be achieved, albeit part year for 2023/24 but full year thereafter, and will avoid costly building repairs. Closing the nursery after the summer term 2023 will mitigate the impact on the children. 53% of the children currently attending Bright Start Nursery are due to start school in September 2023. This timeline will also give sufficient time for families who continue to require early years care for their child to find alternative provision. Support around this will be provided via the council's Family Hubs and Early Years Team, Ethnic Minority Achievement Services and Brighton & Hove Inclusion Support Service.

7. Financial implications

- 7.1 Bright Start Nursery is funded through a combination of council general fund, income from the Early Years Block of the Dedicated Schools Grant (DSG) and fee income from parents / carers. For the 2022/23 financial year, the initial permanent council general fund budget allocation was £0.104m. This is effectively a subsidy provided by the council. The funding from the DSG relates to the free entitlement provision and additional support funding for pupils with high needs.
- 7.2 There are also potential future capital cost implications should the nursery remain open. These are set out in paragraph 3.5 and indicate £0.500m investment will be required.

Name of finance officer consulted: Steve Williams Date consulted (21/12/22):

8. Legal implications

- 8.1 The decision as to whether or not to close the nursery will be made at Budget Council as described in the body of the report. There is no legal obligation on the council to provide a council run nursery. Section 11 of the Childcare Act 2006 places a duty on all local authorities to undertake a Childcare Sufficiency Assessment (CSA) defined as 'sufficient to meet the requirements of parents in the local authority's area who require childcare in order to enable them to: take up, or remain in, work; undertake education or training which could reasonably be expected to assist them in obtaining work'.
- 8.2 Any council-run facility needs to be run to industry standards, including the suitability, safety and upkeep of the building.

Name of lawyer consulted: Natasha Watson Date consulted: 6.01.2023

9. Equalities implications

- 9.1 An equalities impact assessment has been completed for the proposed budget savings.
- 9.2 The Public Sector Equality Duty requires councils to show that they have consciously thought about the three aims of the PSED as part of the process of decision-making. These are: eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The PSED does not prohibit a public body from taking a decision that may have a negative impact on a group of people on the basis of their protected characteristics. However, it requires that we have considered this, published our consideration and have explored and actioned mitigating activities. To this end having carried out and published an Equality Impact Assessment on the potential changes to the nursery provision and having identified that a group of service users may be disproportionately impacted because of their protected characteristics, in this instance their ethnicity and disability, a range of mitigating actions have been identified and will be taken should the proposal proceed. These actions include several council services including the Family Hubs, Early Years Team, Brighton & Hove Inclusion Support Service and Ethnic Minority Achievement Service working closely with the affected families to move to alternative suitable nursery/childcare provision, using the sufficiency information available with commitment to ensuring the needs of these children are met.

Supporting Documentation

1. Appendices

1. Alternative Providers

Early Years Settings within 2 miles of Bright Start nursery

Bright Start Nursery					
Name	Ownership	Type	Opening	Age range	Miles from Bright Start
Puffin Community Nursery	Voluntary	Sessional	Term time only	3 to 4	0.3
Toybox Pre-school	Voluntary	Sessional	Term time only	0 to 4	0.3
Tarnerland Nursery School	Maintained nursery school	Full day care	All year round	0 to 4	0.4
WRAP nursery	Private	Full day care	All year round	0 to 5	0.4
Pixies	Private	Full day care	All year round	0 to 4	0.4
Wagtails Nursery	Private	Sessional	Term time only	2 to 4	0.5
Royal Spa Nursery School	Maintained nursery school	Sessional	Term time only	2 to 4	0.5
Happy Days Nursery	Private	Full day care	All year round	0 to 4	0.6
Orchard Day Nursery	Private	Full day care	All year round	0 to 8	0.6
The Nest Nursery School (Seven Dials)	Private	Full day care	All year round	0 to 4	0.6
Wise Owls Nursery School	Private	Full day care	All year round	0 to 4	0.7
St Mary Magdalen Primary School Nursery Class	Maintained nursery class	Sessional	Term time only	3 to 4	0.8
The Nest (Hanover)	Private	Full day care	All year round	0 to 4	0.8
Blueberry Nursery	Private	Full day care	All year round	1 to 4	0.9
Fairlight Primary School Nursery Class	Maintained nursery class	Sessional	Term time only	3 to 4	0.9
Pepperpot Nursery	Private	Full day care	All year round	0 to 2	0.9
Hopscotch Nursery Nizells Avenue	Private	Full day care	All year round	0 to 5	1
Young Sussex Nursery Brighton	Private	Full day care	All year round	0 to 4	1
St Martin's Primary School Nursery Class	Maintained nursery class	Sessional	Term time only	3 to 4	1
Bloomsbury Street Day Nursery	Private	Full day care	All year round	0 to 4	1
Fiveways Play Centre	Voluntary	Full day care	All year round	2 to 8	1.1
Sussex House Nursery	NHS	Full day care	All year round	0 to 4	1.1
Pepperpot Pre-school	Private	Full day care	All year round	3 to 4	1.1

Little Forest Nursery	Private	Full day care	All year round	2 to 4	1.2
Little Stars Childcare	Private	Full day care	All year round	0 to 4	1.2
Hilltop Nursery	NHS	Full day care	All year round	0 to 4	1.3
Young Friends Kindergarten	Private	Full day care	All year round	0 to 4	1.3
Charley Barley's Nursery	Private	Full day care	All year round	0 to 4	1.4
Amigos Multi-Cultural Pre-school	Voluntary	Sessional	Term time only	2 to 4	1.4
Supersaurus Nursery	Private	Full day care	All year round	0 to 4	1.4
Growing Up Green (Beaconsfield Villas)	Private	Full day care	All year round	0 to 4	1.5
St Joseph's Pre-school Playgroup	Private	Sessional	Term time only	2 to 4	1.5
Footsteps Day Nursery Hove	Private	Full day care	All year round	0 to 4	1.5
Pumpkin Patch (Preston Drove)	Private	Full day care	All year round	0 to 4	1.6
Starlings Nursery	Private	Extended sessional	Extended term time	2 to 4	1.6
Each Peach Childcare	Private	Full day care	All year round	0 to 4	1.6
Busy Bees Brighton	Private	Full day care	All year round	0 to 4	1.7
Growing Up Green (Preston Road)	Private	Full day care	All year round	0 to 4	1.7
Hopscotch Nursery Bavant Road	Private	Full day care	All year round	0 to 4	1.7
Hungry Minds Childcare	Private	Full day care	All year round	0 to 4	1.7
Buntings Nursery	Private	Extended sessional	Extended term time	0 to 4	1.8
Hollingbury Park Playgroup	Voluntary	Sessional	Term time only	2 to 4	1.8
Hillbury House Nursery	Private	Full day care	All year round	0 to 4	1.8
Cherry Tree Nursery	Local authority	Full day care	All year round	0 to 4	1.9
Little Earthworms	Private	Full day care	All year round	0 to 4	1.9
Hove Village at Hove Library	Private	Full day care	All year round	0 to 4	1.9