

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

Agenda Item 24

Brighton & Hove City Council

Subject: Bright Start Nursery Consultation

Date of Meeting: 21 October 2010

Report of: The Director of Strategy and Governance

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Wards Affected: All

FOR GENERAL RELEASE

1. PURPOSE OF REPORT:

- 1.1 To determine whether to ask the Children and Young People Cabinet Member to reconsider the decision in relation to the Bright Start Nursery Consultation which was taken at the Children and Young People Cabinet Member Meeting on 11 October 2010.
- 1.2 The following information is included in the appendices to this report:
 - a. **Appendix 1** contains the Call-In request;
 - b. **Appendix 2** contains the report from the Acting Director of Children's Services which was agreed at the 11 October Cabinet Member meeting;
 - c. **Appendix 3** contains the official record of Cabinet Member's Decision in relation to this report;
 - d. **Appendix 4** contains an extract from the draft minutes of the Cabinet Member meeting;
 - e. **Appendix 5** contains further information on this issue supplied by the Acting Director of Children's Services.

2. RECOMMENDATIONS:

- 2.1 That members:

- (a) Note the decision taken by the Children and Young People Cabinet Member on the 11 October 2010 in relation to the Bright Start Nursery Consultation;
 - (b) Note the subsequent Call-In request;
 - (c) Note the additional information supplied by the Acting Director of Children's Services.
- 2.2 That, having regard to the grounds for the Call-In, members determine whether to refer the decision back to the Children and Young People Cabinet Member for reconsideration.

3. BACKGROUND INFORMATION

- 3.1 On 11 October 2010 the Children and Young People Cabinet Member meeting agreed a report on the Bright Start Nursery Consultation. This report is reprinted in **Appendix 2**. An extract from the draft minutes of this meeting is contained in **Appendix 4**, and a copy of the Decision List for this meeting is contained in **Appendix 3**.
- 3.2 Further information relating to this matter from the Acting Director of Children's Services is contained in **Appendix 5**.
- 3.3 On 12 October 2010 Councillor Kennedy wrote to the Chief Executive, requesting that the Children and Young People Cabinet Member decision be called in. The Call-In request is reprinted as **Appendix 1** to this report.
- 3.4 The Chief Executive accepted the Call-In request on 13 October 2010 and asked for the issue to be considered at the Children and Young People's Overview and Scrutiny Committee within seven working days.
- 3.5 Call-In is the process by which Overview & Scrutiny Committees can recommend that a decision made (in connection with Executive functions) but not yet implemented be reconsidered by the person or body which originally took the decision. That person or body can only be asked to reconsider any particular decision once.
- 3.6 Call-In should only be used in exceptional circumstances, for instance where there is evidence that an important decision was not taken in accordance with the Council's constitution.
- 3.7 An Overview & Scrutiny Committee examining a decision which has been Called-In does not have the option of substituting its own decision for that of the original decision. The Overview & Scrutiny Committee may only determine whether or not to refer the matter back to the original decision making body for reconsideration.

- 3.8 In referring the decision back to the Cabinet Member the Overview and Scrutiny Committee may attach recommendations for the Cabinet Member as to a new course of action or a preferred alternate decision. The Cabinet Member is however free to take the same decision again, or amend the decision in the light of the issues raised by the Overview and Scrutiny Committee.
- 3.9 In determining whether to refer a decision back to its originating body for reconsideration, the Overview & Scrutiny Committee should have regard to the criteria for Scrutiny reviews, as set out in the Council's constitution (Part 6.4.2) namely,
- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
 - Whether there is evidence that the decision-making rules in Article 13 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;
 - The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
 - What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
 - The proposed scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests.
- 3.10 In addition, the Committee should take into account:
- Any further information which may have become available since the decision was made
 - The implications of any delay; and
 - Whether reconsideration is likely to result in a different decision.
- 3.11 If, having scrutinised the decision taken by the Children and Young People Cabinet Member, CYPOSC is still concerned about it, CYPOSC may refer the decision back to the Cabinet Member for reconsideration, setting out in writing the nature of its concerns.

- 3.12 If the decision is referred back, the Cabinet Member shall reconsider whether to amend the decision or not before reaching a final decision and implementing it. This reconsideration shall take place either at the next programmed meeting of the Cabinet Member or at a special meeting called for the purpose.

4. CONSULTATION

- 4.1 No formal consultation has been undertaken in regard to this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Closing the nursery will potentially result in a long term saving of the Council subsidy of £87,000. In the short term there may be redundancy and pension costs depending on the number of staff involved. There could also be increased costs in the Children's centre nurseries because of the redeployment of Bright Start staff.

If the closure is delayed then the saving achieved will be reduced. In addition, if because of the uncertainty around the future of the nursery, take up of places falls as parents remove their children, then there would be a pressure on achievement of fee income. It is not possible to quantify this at present.

Finance Officer Consulted: Louise Hoten Date: 15 October 2010

Legal Implications:

- 5.2 In determining whether to refer a decision back to its originating body for reconsideration, the Overview & Scrutiny Committee should have regard to the criteria for Scrutiny reviews, as set out in the Council's constitution and set out in the body of the report.

Lawyer Consulted: Elizabeth Culbert, Acting Head of Legal Date: 15 October 2010

Equalities Implications:

- 5.3 There are no direct equality implications to this report, although the Children and Young People Cabinet Member decision was made with regard to the equality implications contained within the original report of the Acting Director of Children's Services.

Sustainability Implications:

- 5.4 There are no direct sustainability implications to this report, although the Children and Young People Cabinet Member decision was made

with regard to the sustainability implications contained within the original report of the Acting Director of Children's Services.

Crime & Disorder Implications:

- 5.5 There are no direct crime & disorder implications to this report, although the Children and Young People Cabinet Member decision was made with regard to the crime & disorder implications contained within the original report of the Acting Director of Children's Services.

Risk and Opportunity Management Implications:

- 5.6 The Call-In procedure seeks to provide a system via which important decisions can be re-examined in a timely fashion, so as to ensure that the Council is not unnecessarily exposed to risk associated with taking decisions contrary to established procedure, whilst also minimising risk inherent in unduly delaying the decision making process.

Corporate / Citywide Implications:

- 5.7 There are no direct corporate/citywide implications to this report, although the Children and Young People Cabinet Member decision was made with regard to the corporate/citywide implications contained within the original report of the Acting Director of Children's Services.

SUPPORTING DOCUMENTATION

Appendices:

1. **Appendix 1** contains the Call-In request;
2. **Appendix 2** contains the report from the Acting Director of Children's Services which was agreed at the Children and Young People Cabinet Member meeting;
3. **Appendix 3** contains the official record of the Cabinet Member's Decision in relation to this report;
4. **Appendix 4** contains the draft minutes of the Children and Young People Cabinet Member meeting;
5. **Appendix 5** contains further information on this issue supplied by the Acting Director of Children's Services

Documents in Members' Rooms:

There are none.

Background Documents:

1. The Council's Constitution (May 2008)
2. The Council's Forward Plan

