

AGENDA FOR

OVERVIEW AND SCRUTINY COMMITTEE

Contact:: Andrea Tomlinson
Direct Line: 0161 253 5133
E-mail: a.j.tomlinson@bury.gov.uk
Web Site: www.bury.gov.uk

To: All Members of Overview and Scrutiny Committee

Councillors: R Caserta (Chair), T Cummings, J Harris, N Jones, K Leach, B Mortenson, M Powell, L Smith, S Smith, Susan Southworth, R Walker and C Walsh

Dear Member/Colleague

Overview and Scrutiny Committee

You are invited to attend a meeting of the Overview and Scrutiny Committee which will be held as follows:-

Date:	Thursday, 19 December 2019
Place:	Meeting Rooms A & B - Town Hall
Time:	6.00 pm
Briefing Facilities:	If Opposition Members and Co-opted Members require briefing on any particular item on the Agenda, the appropriate Director/Senior Officer originating the related report should be contacted.
Notes:	

AGENDA

1 APOLOGIES

2 DECLARATIONS OF INTEREST

Members of the Overview and Scrutiny Committee are asked to consider whether they have an interest in any matters on the agenda and, if so, to formally declare that interest.

3 PUBLIC QUESTION TIME

A period of 30 minutes has been set aside for members of the public to ask questions on matters considered at the last meeting and set out in the minutes or on the agenda for tonight's meeting.

4 CALL IN OF CABINET DECISION - CHILDREN'S CENTRES MANAGEMENT ARRANGEMENT *(Pages 1 - 16)*

Following the receipt of a Notice of Call-in within the required deadline, from Councillor Caserta calling in the decision of the Cabinet set out in Minute CA.05 of the meeting held on 13 November 2019, a meeting of the Committee has been convened in order to consider the matter in accordance with the reasons set out on the Notice of Call-In.

In considering the matter, the options available to the Scrutiny Committee are as follows:

1. The Scrutiny Committee decides not to offer any comments on the Notice. In this situation the decision of the Cabinet will stand.
2. The Scrutiny Committee decides to offer comments or objections, which will be referred back to the Cabinet at the meeting arranged for 29 January 2020.
3. The Scrutiny Committee may refer the Notice, without comment, to the Council. The matter will then be considered by the Council on 22 January 2019 (a standard item appears on all Council summons to consider referrals from Scrutiny Committees). Any comments or objections from Council will be referred back to the Cabinet at the earliest opportunity, in accordance with the Council Constitution.

The Cabinet will be required to consider any objections and comments but will not be bound by them unless "it is contrary to the Policy Framework or contrary to or not wholly consistent with the Budget" (Overview and Scrutiny Procedure Rules - Paragraph 16(g) of the Council Constitution)."

A copy of the original paperwork considered by Cabinet, along with the decision Minute and Call –in notice are attached.

5 URGENT BUSINESS

Any other business which by reason of special circumstances the Chair agrees may be considered as a matter of urgency.

CA.05 CHILDREN'S CENTRES MANAGEMENT ARRANGEMENT

In the absence of Councillor Tamoor Tariq, Cabinet Member for Children and Families, Councillor David Jones, Leader, submitted a report setting out how Children's Centres as key Council assets, can make a greater contribution to communities. It is proposed that this is achieved through more effective arrangements for their management and use, moving away from the delivery of an increasingly constrained core offer of services targeted at 0-5, to a much broader community driven offer over an extended day.

Delegated decision

Cabinet agrees to:

1. Approve the use of the Community Asset Transfer arrangements and invite interest from community and voluntary sector organisations to the management and use of Children's Centre buildings.
- 2 That a report be presented to Cabinet in early 2020 setting out the outcome of the Community Asset Transfer application process, and making recommendations in respect of the future management arrangements for each Children's Centre

Reason for the decision:

The proposed arrangements focus on how the Children's Centre buildings can continue to serve their respective communities, whilst exploring alternative models for the management of those buildings, both to build community capacity and resilience, and to enable the broader delivery of services.

This page is intentionally left blank

Bury Council

To: CHIEF EXECUTIVE

For Urgent Delivery

For the immediate attention of the Democratic Services Manager, Resources and Regulation Department, Town Hall, Bury

From: COUNCILLOR ROBERT CASERTA

NOTICE OF 'CALL-IN' OF A LEADER/CABINET MEMBER DECISION

in accordance with the Overview and Scrutiny Procedure Rules in the Council Constitution

This notice shall require the Chief Executive to call a meeting of the appropriate Scrutiny Committee within 5 clear working days of the receipt of this Notice.

DECISION TO BE CALLED IN:

DECISION TAKER	Yes Or No		
<u>MR TAMMOOR TARIC</u>		Meeting Date:	Minute No:
Leader/Cabinet Member Decision			
Officer Key Decision			
Subject of Decision... <u>TO APPROVE THE USE OF THE COMMUNITY ASSET TRANSFER ARRANGEMENTS TO CHANGE THE CONTROL OF CHILDRENS CENTRE</u>			
Reason for 'Call-In' <u>TO UNDERSTAND THE FINANCIAL IMPLICATIONS & SOCIAL HARDSHIP THAT WILL BE CAUSED BY TRANSFERRING CENTRES TO PRIVATE OWNERSHIP</u>PTO			

DECISION CALLED IN BY:

(Any 8 Members or the Chair or any 2 or more Members of the appropriate Scrutiny Committee)

Name of Councillor	Signature
1. <u>ROBERT CASERTA</u>	<u>[Signature]</u>
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Note: This notice to be sent to the Chief Executive or the Democratic Services Manger or by fax on 0161 253 5041 only or by e-mail to Julie.gallagher@bury.gov.uk

This page is intentionally left blank

REPORT FOR DECISION



DECISION OF:	Cabinet
DATE:	13th November 2019
SUBJECT:	Children's Centres – Management Arrangements
REPORT FROM:	Cabinet Member for Children & Families
CONTACT OFFICER:	Paul Cooke, Strategic Lead (Education Services)
TYPE OF DECISION:	CABINET (KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>A key aspect of the Transformation Strategy for Early Help is about building greater resilience and capacity within communities, in order that those communities can become increasingly self-supporting.</p> <p>This paper sets out how Children's Centres, as key Council assets, can make a greater contribution to communities through more effective arrangements for their management and use.</p> <p>The report recommends that interest is sought from voluntary and community sector organisations, including schools, to the management and use of a number of Children Centre buildings, through use of the Community Asset Transfer protocols previously adopted by the Council.</p> <p>Arrangements in respect of the Sedgely Park Children's Centre were the subject of a separate report considered by Cabinet on the 16th October 2019.</p>
OPTIONS & RECOMMENDED OPTION	<p>It is recommended that Cabinet</p> <ul style="list-style-type: none"> • Approve the use of the Community Asset Transfer arrangements and invite interest from community and voluntary sector organisations to the management and use of Children's Centre buildings.

	<ul style="list-style-type: none"> That a report be presented to Cabinet in early 2020 setting out the outcome of the Community Asset Transfer application process, and making recommendations in respect of the future management arrangements for each Children's Centre
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	It is noted that there is an expectation of £136,739k p.a. revenue savings from these proposals. However, the Council would still be liable to pay for major works required (e.g. boiler replacements) and will need to work with the VCFA to ensure voluntary organisations can secure the funding necessary to run the premises.. There is a risk of devaluation of Council assets if they are not adequately maintained by the organisation, and this should be mitigated by suitably strong requirements in the legal agreements. There is an opportunity cost of transferring these assets so Councillors should satisfy themselves that this is the best/highest priority use of the premises.
Equality/Diversity implications:	
Considered by Monitoring Officer:	Yes The legal implications are set out in paragraph 5 of this report.
Wards Affected:	All
Scrutiny Interest:	

MW

JH

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Joint Executive Team	Cabinet Member/Chair	Ward Members	Partners
16 th September 2019			
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

- 1.1. A key aspect of the Transformation Strategy for Early Help is about building greater resilience and capacity within local communities, in order that those communities can become increasingly self-supporting. Early Help is a key aspect of our approach to public service reform
- 1.2. This paper sets out how Children's Centres, as key Council assets, can make a greater contribution to communities through more effective arrangements for their management and use, moving away from the delivery of an increasingly constrained core offer of services targeted at 0-5, typically between the hours of 9:00 and 16:00, to a much broader community driven offer over an extended day.
- 1.3. Central to the strategy for the future management arrangements will be a commitment to the continued delivery of a core offer to all communities, and the continued use of Children's Centre buildings to facilitate at least part of that delivery.
- 1.4. The proposed arrangements therefore focus on how the Children's Centre buildings can continue to serve their respective communities, whilst exploring alternative models for the management of those buildings, both to build community capacity and resilience, and to enable the broader delivery of services to the 0-19 population, through more effective and integrated ways of working across statutory partners, third sector agencies, schools and with local community groups.

2. ISSUES

- 2.1. The emerging early help approach to the delivery of services for the 0-19 (25) population envisages that there will be a continuing need to deliver a range of activity at locality level.
- 2.2. Through the intelligent analysis and use of data, and a better understanding of need at community level, this will enable more effective targeting of services, intervention and support, achieved through the direct delivery of services by the Council and its partners; through services that are commissioned to be delivered by others; or by local communities being enabled to support themselves.
- 2.3. This will require an ongoing need to accommodate some services at a local level, although the level of activity may differ from one community to the other based on need. For some activity, and in some localities, this could be delivered through a range of community venues, rather than a specific location.
- 2.4. This presents an opportunity for working with partners to make better use of the wider public estate, but also with local communities to build capacity and resilience through the development of community managed assets, utilizing those parts of the public estate that have no sustainable longer term use in the public sector, or are not being used to best effect.
- 2.5. Such community managed assets could still be used to enable the statutory agencies to delivery smaller scale activity as necessary, but have the potential to make a far greater contribution to local communities through extended use.

Document Pack Page 8

- 2.6. Children's Centres are such local assets, strategically placed to serve areas of greatest need, but which are not currently used to optimum effect.
- 2.7. The current Children's Centre estate comprises a hub and spoke model operating from the following buildings:
- Bury East Hub (Broad Oak High School)
 - Bury East Spoke (Redvales)
 - Radcliffe Hub (Coronation Rd)
 - Radcliffe Spoke (Radcliffe Hall CE/Methodist Primary School)
 - Prestwich Hub (Sedgley Park Primary School)
 - Prestwich Spoke (Butterstile Primary School)
 - Whitefield Hub (Ribble Drive Primary School)
 - Bury west Hub (Woodbank Primary School)
- 2.8 It is proposed that alternative management arrangements be put in place for a number of Children's Centres to encourage and enable local communities to make more effective use of the buildings. Two buildings at Redvales and Whitefield will be retained to be used as a location for locality teams. The management arrangements for the building at Sedgley Park Primary School were the subject of a separate report considered by Cabinet on the 16th October 2019. It is proposed that all other Children's Centre buildings be subject to the Community Asset Transfer process.
- 2.9 There are no staffing issues that arise as a result of these proposals as these matters were addressed through the recently completed restructure across the Department for Children & Families.

3. Community Asset Transfer

- 3.1 In 2017, following the decision to close a number of libraries, the Council developed an approach to engage with local community groups to explore opportunities for those groups to take responsibility for the management and use of former library buildings.
- 3.2 The resultant Community Asset Transfer toolkit enabled the Council to put in place arrangements whereby a number of former library buildings are now managed by a range of community and voluntary sector groups and in two instances, by a school.
- 3.3 This was seen as a pro-active way of working with local community groups to secure the long term use of important community assets by enabling those groups to develop and deliver a much broader range of activity than the statutory agencies are capable of doing.
- 3.4 It is proposed to use the same Community Asset Transfer approach for the Children's Centre estate.
- 3.5 However, the process presented a number of challenges to Voluntary and Community sector organisations, and not all former library buildings are being used effectively, and lessons from this experience will be addressed as part of the review of the arrangements that will be put in place for the Children's Centre buildings.
- 3.6 Additionally, two key considerations in relation to Children's Centres which need to be reflected in a revision to the toolkit are:

- As the majority of Children’s Centres are on school sites, and in many cases located integral to the school site. It is important to ensure that future use of those buildings is complementary to the schools use and does not introduce unmanageable safeguarding risks.
- A clause contained in the original capital funding agreements for the construction of the Children’s Centre buildings specified that those buildings must remain available to deliver an early years offer, or be subject to a financial penalty (capital claw-back).

3.7 To mitigate the risk linked to the capital funding conditions, it is intended to stipulate that, a requirement of the Community Asset Transfer is that the buildings must continue to be used to deliver a range of services including: access to midwife and delivery of ‘booking-in’ clinics; access to health visitor and delivery of child health clinics; Stay and Play sessions; Childminder drop ins; base for Early Years quality networks for settings and schools. Applicants for Community Asset Transfer will be expected to set out in detail how they will meet this requirement, and evaluation of applications will have regard to the level of risk of claw-back in relation to intended use.

3.8 When the Council last reviewed the management arrangements for its Children’s Centres in 2015, and a decision was made to de-designate a Children’s Centre, a successful application was made to the Department for Education to defer any claw-back of capital in respect of that centre on the basis of its intended ongoing use to meet local needs.

3.9 Whilst there remains a risk in relation to capital funding, appropriate measures are being taken to mitigate that risk.

3.10 Indicative timeline

Informal engagement/soft market testing with communities	December 2019
Finalize Community Asset Transfer (CAT) toolkit	Ongoing
Formal invite to submit applications for CAT	January 2020
Evaluation of applications for CAT	March 2020
Cabinet approval to applications	22 April 2020
Transitional arrangements	May/June 2020
Full Implementation	July 2020

4 Financial implications

4.1 Current premises costs, associated running costs and income for each of the Children’s Centres based on outturn figures for 2018/19:

Proposed Community Asset Transfer

	Premises Costs	Other Costs	Premises Income	Net Cost
Bury West Hub (Woodbank)	£23,345	£4,132	£0	£27,477
Bury East Hub (Broad Oak)	£34,458	£6,396	£188	£40,665
Radcliffe Hub (Coronation Rd)	£23,106	£6,713	£1,575	£28,245
Radcliffe Spoke (Radcliffe Hall)	£19,105	£1,454	£0	£20,559
Prestwich Spoke (Butterstile)	£18,045	£1,747	£0	£19,793
Total	£118,059	£20,442	£1,763	£136,739

Proposed Retained

	Premises Costs	Other Costs	Premises Income	Net Cost
Bury East (Redvales)	£81,148	£11,430	£106,430	-£13,852
Whitefield (Ribble Drive)	£27,213	£4,190	£18,000	£13,402
Total	£108,361	£15,620	£124,430	-£449

4.2 Assuming full transfer of costs to new management arrangements the net full year effect saving will be £136,289.

5 Legal implications

5.1 Issues arising in respect of lease arrangements are addressed in the Community Asset Transfer toolkit but will be re-visited with Legal Services and Property Services as part of the refresh of the toolkit.

5.2 Any subsequent lease arrangements put in place as a result of the Community Asset Transfer process will be subject of oversight by Legal Services and Property Services.

5.3 Issues of state aid could arise where the Council seeks to provide assistance to one or more groups that may give those groups an advantage over others, through the transfer or allocation of resources, including the use of assets. The toolkit responds to this by ensuring transparent arrangements.

6 Associated Risks

6.1 In maintaining the status quo, continuation of existing arrangements will perpetuate the ineffective use of Children’s Centre buildings, and the associated ongoing revenue costs. Further, no provision has been made for capital investment in existing assets that will be required over time.

6.2 In seeking interest from the voluntary and community sector, there is a risk that there is no interest from such groups, or that they are unable/unprepared to meet ongoing running costs. Officers will seek to support Voluntary and Community Sector organisations in the development of sustainable business cases.

6.3 In addition, there is a risk that a voluntary and community sector group is unable to support the delivery of a broad community offer.

6.4 The proposal to explore Community Asset Transfer seeks to respond to the risk identified in 6.1. A key part of the process in evaluating an application for use of a building is to examine the financial and proposed operational business model of the organization which will mitigate the risks identified at 6.2 and 6.3.

6.5 The use of key performance indicators and periodic review of arrangements will also seek to mitigate risks identified at 6.2 and 6.3.

7 Conclusion

7.1 The report sets out proposals to invite interest from schools and voluntary/community sector organization to manage a number of Children’s

Document Pack Page 11

Centre buildings, through the use of the Council's previously agreed Community Asset Transfer toolkit.

7.2 Cabinet is asked to support this approach.

List of Background Papers:-

16-10-2019 Cabinet report: Approval of a Management Arrangement between the Council and the Jewel Foundation

Contact Details:-

Paul Cooke, Strategic Lead (Education Services). 0161 253 5674,
p.cooke@bury.gov.uk

This page is intentionally left blank

Call in Protocol

1. The role of the Scrutiny Committees in calling in a decision is:-

- to test the merits of a key decision
- to consider the process by which the decision has been formulated
- to make recommendations (to support the decision, change aspects of the decision or to invite the decision making body to reconsider); to come to a view in a relatively short time scale so as not to compromise the speed and efficiency of the decision making process.

The call in mechanism is an important part of a short decision making process and is designed to test the merits of the decision and to ensure that Members have an opportunity to recommend change or reconsideration or deferral. A call in mechanism is not therefore:-

- a public enquiry or quasi judicial process
- an extended examination of areas only remotely connected to the actual decision.
- An open house for anyone to attend and make representations.

Democratic Services may rule that a call in request is not valid only in the limited circumstances below:

- That the call in request has not been made within 5 working days of publication.
- That the call in request has not been made by the Chair or any two or more members of the commission or at least 8 other members of the Council.
- That it not clear which key decision is being called in or that the decision is not a key decision (whether taken by an officer or member under delegated powers).
- That the decision is exempt from call in on account of the urgent nature of the decision (which has been certified by the decision taker)

Notwithstanding that members have properly exercised their right of call in, Democratic Services in consultation with the Chair and the Cabinet member should still give consideration following the call in and prior to the meeting of any scrutiny committee to determining the matter prior to, or without the need to hold, a meeting of the Scrutiny Committee. For example, by clarification of the decision, or by the provision of additional information. The time scale for convening of a meeting should not be affected by such consideration.

A call-in request must say why there is an objection and may present an alternative decision or proposal for consideration.

A decision can only be called in once. If, however the Cabinet substantially amends the original proposal in a way in which the scrutiny committee has not considered nor could reasonably have foreseen, to the extent that in reality it is a different decision, the Scrutiny Committee have the right to call it in.

Call in: Arrangements for the Scrutiny Committee

Democratic Services will confirm attendance and the arrangements with those invited to attend. Papers will be despatched as soon as possible with notice of the date and time when the matter is to be considered.

The agenda should include:

- The proposal and supporting papers submitted to the decision taker.
- The minute of the decision.
- The request for the call in.
- The reasons given by the requestors for the call in.
- Any other papers that members request in the call in.
- Background papers listed in the report to the decision taker will not routinely be included in the Agenda unless those members or the Chair so request.

Any other issues concerning the conduct of the meeting arising between the date of the call in and the date of the scrutiny committee will be dealt with by the Chair of the relevant scrutiny committee in consultation with the lead member requesting the call in with any necessary officer advice/support.

The Chair or members of the committee may feel that it is appropriate to meet informally before the meeting. In those circumstances the Chair will ask the Scrutiny Officer to notify all members of the Committee that there will be an informal meeting at least 30 minutes before the meeting. With Democratic Services and any other representatives. Members will:

- Read any last minute papers
- Consider the identified other relevant issues
- Consider how sensitive issues should be managed.
- Receive a report from the Chair on any issues concerning the conduct of the meeting on which he/she has taken a view
- Consider the questions to be asked

The purpose of the pre-meeting is purely to discuss and arrange procedural matters; not to discuss the merits of the issue.

The Chair shall allow the call in members a maximum period of 15 minutes in total to present their arguments. How the 15 minutes are allocated between the members is a matter for the lead call in member to determine. He/she may speak for the whole period recognising that the other call in members will not then have the opportunity to make any contribution at this stage of the meeting.

The presumption should be that the meeting and all papers submitted to the Committee shall be open to the press and public. It may be necessary however to exclude the press and public to deal with "exempt" or confidential matters. This may be important not only on the day to stop the disclosure to the press and public of exempt material (such as advice affecting the Council's legal position, the commercial affairs of the Council or another body or sensitive information about individual members of staff). Exempt material in reports should be organised if possible into an appendix so that the rest of the report can be available to the press and public.

Procedure at meeting:

- Public Questions (limited to 30 minutes)
- Call-in Members to present their reasons for the Call-in of the decision (max 15 mins).
- Cabinet Member to respond to the issues raised
- Further questions/comments from Committee Members

- Summary by the Chair and then moves to forming a decision in accordance with the Council Procedure Rules.

Call in – the Scrutiny Committee view, recommendations to the Cabinet

It will be important for the Scrutiny Committee to balance the need on the one hand for decisions not to be unreasonably delayed and on the other for matters called in to be properly discussed and debated. Normally, consideration of a call in will be dealt with at a single meeting but exceptionally there may be circumstances where this is not possible. If the committee agrees that further investigation or information is required, the Leader or Cabinet Member may agree to extend the time in which a final view may be expressed if, in their opinion, delay would not be prejudicial to the Council's interest.

Where a scrutiny committee refers a matter back to the Cabinet for further consideration and the Cabinet reaffirms its original decision, the Cabinet shall give reasons to the Scrutiny Committee for the decision. Giving of reasons shall not be a ground for the scrutiny committee to refer the matter back to the Cabinet again, either because the Committees disagrees with those reasons, seeks further clarification of the decision or for any other reason.

Review of the Protocol

This protocol shall be kept under review and amended as appropriate from time to time.

This page is intentionally left blank