

# CHILDREN AND YOUNG PEOPLE CABINET MEMBER MEETING

## Agenda Item 61

Brighton & Hove City Council

**Subject:** Bright Start Nursery Consultation  
**Date of Meeting:** 17 January 2011  
**Report of:** Strategic Director, People  
**Contact Officer:** Name: **Caroline Parker** Tel: **29-3587**  
E-mail: [Caroline.parker@brighton-hove.gov.uk](mailto:Caroline.parker@brighton-hove.gov.uk)  
**Key Decision:** Yes/No Forward Plan No.: 18708  
**Wards Affected:** All

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To consider the future of the Bright Start nursery in the light of the responses to the consultation and the Council meeting held on 16 December.

#### 2. RECOMMENDATIONS:

- (1) To withdraw the proposal to close the nursery by the end of April 2010 and, to reassure parents and staff that there will be no change to the status of the nursery before September 2011.
- (2) To increase the fees for the nursery from April 2011 in line with fee increases in other Council run nurseries in the city and to consider other measures to improve the sustainability of the nursery.
- (3) To agree to the development of a proposal for how the Bright Start nursery could be offered as a community asset in advance of the Localism legislation and to consult on this proposal before making a final decision about the future of Bright Start including the option of closure.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 It was agreed at the Children and Young People's Cabinet Member meeting on 11 October to consult with the Bright Start nursery staff and the parents of the children who use the nursery on the closure of the nursery by April 2011. The proposed date for closure was then extended to the end of April 2011 following the paper's call in by the Children and Young People's Scrutiny Committee.

- 3.2 The future of Bright Start was considered at the Council meeting on 16 December 2010. The Council Leader made a statement to formally propose, for consultation and consideration, Bright Start as a community asset to a consortium of parents, staff or other interested local parties. The Leader stated that it was intended to extend the consultation period, to enable detailed proposals to be worked up and as part of this a further consultation document would be issued which would lay out the financial and legal implications for anyone wishing to establish a community nursery.
- 3.3 One of the issues raised in the consultation has been the impact on the children who are due to start school next September and the difficulties they may face in attending a new nursery for a short space of time. It is therefore proposed that there should be no change to the status of the nursery so that these children will not be affected by any changes to the nursery.
- 3.4 The Council meeting also considered a petition and notice of motion about the future of Bright Start. The petition was referred to the Children and Young People Cabinet Member Meeting and the Cabinet Member was also asked to consider the recommendations in the motion. An extract from the minutes of the Council meeting is attached at appendix 1. The main recommendations from the meeting are considered below.

**“To properly explore all options for improving the occupancy rate and thus further reducing the council subsidy to the nursery ... and to review the business model to achieve greater efficiency while building on the nursery’s unique city centre location.”**

It is proposed to raise the fees for Bright Start in line with other Council run nurseries to £4.20 an hour from April 2011 for community parents. The fee increase for Council parents will be staged with an increase to £4.00 an hour from April 2011 and to £4.20 an hour from September 2011. It is not proposed to change the status of the nursery as the Council’s work place nursery at this stage.

Options for improving the occupancy rate will be considered. This will include reviewing the age breakdown of the children, the establishment and the admission priorities for the nursery.

The future marketing of the nursery will be considered. However it should be noted that Bright Start has always been listed by the Family Information Service and details of the nursery sent to any parent who has enquired about childcare in the city centre area.

**“To consult all Brighton & Hove City Council employees as to the future of the nursery on the basis that access to the nursery is part of the ‘Rights and Responsibilities’ section of their contracted terms and conditions”**

It would not be appropriate to consult all Council employees as the provision of the nursery is a benefit and not a contracted term and condition.

**“The high regard with which Bright Start Nursery is held, and the important service it continues to provide, is fully acknowledged.”**

It has always been recognised that the Bright Start nursery is highly regarded by the parents who have used the nursery. The nursery provides an important service to those families who use the nursery.

**“The consultation on closure of Bright Start being terminated and the scheduled decision on closure is abandoned”**

The Leader of the Council has announced that the consultation is to be extended. The recommendation in this report is to withdraw the proposal to close the nursery by the end of April 2011 and to agree that there should be no change to the status of the nursery before September 2011.

**“A working group is formed, and includes the CYP Cabinet Member, council officers, staff, parents and Ward Members”**

It would not be appropriate for the CYP Cabinet Member to join a working group. The nursery has had a Parents Advisory Committee with representatives from council and community parents and staff. It is proposed that this group should advise on future proposals.

**“That the well argued case put forward by parents for making Bright Start viable, and other alternatives to closure, including retention of some subsidy, are seriously and fully explored”**

The case is being considered in exploring the options for improving the sustainability of the nursery and a Council subsidy will be needed to keep the nursery open after April 2011.

**“Extending the consultation to local parents, ensuring they are aware they can use Bright Start and taking the results of the consultation into account”**

Cost effective ways of consulting parents who live close to the nursery will be considered as part of the further consultation. All the replies to the past and future consultation will be considered.

**“Options for the future running of the Bright Start as a viable city centre children’s centre nursery”**

This will be considered in the next stage of the consultation.

#### **4. CONSULTATION**

4.1 Consultation papers were issued to staff and parents on 2 November. The consultation deadline was 3 December. Consultation responses were accepted on 6 December because of the snow the previous week.

4.2 There were 24 individual responses to the consultation, a joint response from five Council parents, a response from three community parents including a developed business plan, a joint response from the staff who work in the nursery and a response from the Green Party. In addition 17 people wrote before the consultation document was published. Of those who responded to the

consultation 16 were Council parents and their partners and 11 were from Community parents. Some people responded more than once. All the responses opposed the proposed closure of the nursery. Copies of the joint responses from staff and parents and the viability plan have been published on the Council's website and put in the Members Room. Individual responses from parents have been considered but not published because many contain personal details about parents and children.

- 4.3 The petition opposing the closure of Bright Start considered at the December Council meeting contained 5,125 signatures and ten public questions about Bright Start were asked at the meeting.
- 4.4 The responses to the original consultation will be considered alongside the responses to the second stage of the consultation.
- 4.5 Further work needs to be done to develop proposals for the second stage of the consultation

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1.1 The estimated subsidy for this financial year has increased from £87,000 to £98,800 because of the Single Status decision re-grade the nursery practitioners to Scale 5. With the same staffing and occupancy level and the increase in fees the subsidy for 2011/12 is estimated to be £77,133. There is a risk that uncertainty about the future of the nursery could lead to lower occupancy levels and reduced income. If the nursery were to close then there would be redundancy and pension costs for any staff who could not be re-deployed. The redundancy costs for all the staff are estimated to be in the region of £65,000.

Finance Officer Consulted: Louise Hoten Date: 4 January 2011

### Legal Implications:

- 5.2 The second reading of the Localism Bill is on 17 January and it is not expected to come into force before the autumn of 2011. It is possible to consider the option of Bright Start being offered as a community asset under existing legislation. The consultation document will need to set out a transparent process with clear criteria about how decisions will be made and explain that the Transfer of Public Undertakings (TUPE) will apply. The final recommendations paper will need to consider the implications of the final decision for the city including the council's capacity to meet the sufficiency requirements of the Childcare Act 2006.

Lawyer Consulted: Natasha Watson Date: 5 January 2011

### Equalities Implications:

- 5.3 An Equalities Impact Assessment will be completed as part of the final report. This will consider the impact of the final proposal on the Council's priority strands including the gender of Bright Start staff and parents, disability and ethnicity of children, people employed on a part time, temporary or casual basis, lone parents and people who are low paid.

Sustainability Implications:

- 5.4 There are no direct environmental implications arising from the report.

Crime & Disorder Implications:

- 5.5 There are no crime and disorder implications.

Risk and Opportunity Management Implications:

- 5.6 If the option of Bright Start being run as a community asset was agreed then the building would continue to be used as a nursery.

Corporate / Citywide Implications:

- 5.7 This will depend on the final option chosen.

**EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The aim of the second stage of the consultation is to consider the additional option of the Bright Start nursery being offered as a community asset.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The Leader's statement followed the large number of representations she had received asking for the nursery to be kept open and from proposals in the Localism Bill introduced into Parliament on 13 December. The Bill aims to allow people to take charge of their lives by pushing power downwards and outwards to the lowest possible level, including individuals, neighbourhoods, professionals and communities. The Bill proposes that where services are enjoyed collectively, they should be delivered by accountable community groups.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Extract from the minutes of the Council meeting on 16 December 2012

**Documents In Members' Rooms**

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|---------------------------|---|--|
| 1. Joint staff response   | } |  |
| 2. Joint parents response | } | Published on the Council's website but not printed |
| 3. Viability plan         | } |  |

**Background Documents**

1. Staff and Parents Consultation Documents

