

APPENDIX 5 - TERMS OF REFERENCE

Call-in of the Cabinet decision: E3038

Introduction

The Cabinet Member for Children & Young People, on the 15th March 2018 resolved as set out below:

- A) The proposal for the two children's nurseries to close, while staff work with local private nurseries and other providers including child minders to ensure where possible, appropriate levels of placement sufficiency in both areas. In addition, staff will work with parents to ensure a smooth transition of placements over the coming months to ensure all young children have identified nursery or child care placements
- B) To approve the likely staff redundancy costs which are currently estimated at £105k for staff that do not transfer to other posts within the council. In addition, the report requests agreement to dispose of surplus assets; Radstock nursery portable building, and nursery rooms/accommodation at St. Martin's Garden School.

On the 28^h January 2018 a call-in notice was received, signed by 10 Councillors, objecting to this decision.

This decision relates to the proposed closure of the remaining two Council run nurseries and support for the transfer of children's places to other providers in the local area and the considered options for the two buildings, taken by the Cabinet Member for Children & Young People, for the following reasons:

1. The proposed decision has not taken into account the impact on families and children in crisis, families with challenging children and children with disabilities protected under the 2010 Equalities Act.
2. Under the Children Act 2006, this Council is required to assess the local childcare market and to secure sufficient childcare for working parents. In Radstock the sufficiency figure is only 0.73% meaning that already there are fewer places than required.
3. The papers give no indication about how long the nurseries have been running at a loss.
4. The papers do not indicate long the nurseries have been below numbers and whether the threat of closure has impacted on the numbers.

Relevant PDS Panel

The 'call-in' request has been referred to Bath & North East Somerset Council's Children & Young People Panel Policy Development & Scrutiny Panel to review the decision.

Call-in Meeting

At the Panel meeting on 16th April 2018 the Panel will investigate and determine the matter. They will assess in detail the reasons for the Cabinet decision and consider the objections stated in the call-in notice via a range of information from Councillors, Officers and members of the public (further details below).

Objective

The objective of the Call-in review is to determine whether or not the resolution made by the Cabinet Members should:-

- Be referred back to the Cabinet for reconsideration [**'Uphold' the call-in**]
- Proceed as agreed by the Cabinet [**'Dismiss' the call-in**], or
- Be referred to Full Council to undertake the role of the Panel [*the ultimate decision would still remain with the Cabinet*].

Method

To achieve its objective, the Panel will investigate the original decision and the objections stated in the call-in notice. The Panel will hear statements from members of the public who have registered to speak about both the substance and processes behind the decision. Public statements will be limited to 3 minutes per speaker or any variation proposed by the Chair. It will also require attendance and/or written submissions from:-

- Representative Councillor(s) : Cllr Liz Hardman
- Lead Cabinet Member – Cllr Paul May (Cabinet Member for Children & Young People), and key service officers

Outputs

The Panel's view and supporting findings will be made publicly and will include:

- Minutes & papers from public Panel call-in meetings.
- A summary note will be provided, setting out the result of the call-in meeting

Constraints

The Panel will only address questions from the validated point within the call-in notice.

- **Timescales.** The Panel must hold its initial meeting within 14 working days of the call-in being verified to consider the call-in request. The Panel has a total of 21 working days to reach its decision.

- Initial Public Meeting must be held by 18th April [14 working days from receipt of validated call-in request]
 - If meeting adjourned, second public meeting must be held 27th April [21 working days from receipt of validated call-in request]
 - If referred directly to the Cabinet, a response must be received by 2nd May [10 working days from date of 1st meeting]
 - If adjourned and then referred to the Cabinet, a response must be received by 11th May [10 working days from date of 2nd meeting]
- **Resources.** The call-in process must be managed within the budget and resources available to the Panel.
 - **Council Constitution.** Part 4E, Rule 13 requires that “*Where an Overview and Scrutiny Panel makes a recommendation that would involve the Council incurring additional expenditure (or reducing income) the Panel has a responsibility to consider and / or advise on how the Council should fund that item from within its existing resources*”. Section 3.1 of the cover report (formal agenda papers) provides further explanation.