

**MINUTES OF A MEETING OF THE
CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE
HELD IN THE
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH
ON 3 DECEMBER 2013**

Present: Councillors C Harper (Chairman), B Rush, J Peach, D Harrington
J Shearman, N Sandford

Also present Alastair Kingsley Co-opted Member
Matthew Purcell Youth Council
Niamh Kingsley Youth Council
Aidan Thompson Youth Council
Councillor Murphy
Councillor Scott Cabinet Member for Children's Services

Officers in Attendance: Sue Westcott Executive Director, Children's Services
Wendi Ogle-Welbourn Director of Governance
Paulina Ford Senior Governance Officer, Scrutiny
Elaine Lewis Lawyer

1. Apologies

Apologies for absence were received from Councillor Day, Councillor Saltmarsh, Councillor Fower and Councillor Nawaz. Councillors Peach, Harrington and Sandford attended as substitutes.

2. Declarations of Interest and Whipping Declarations

There were no declarations of Interest or whipping declarations.

3. Request for Call In of an Executive Decision: Early Years Services Including Children's Centres – NOV/CAB/094

The Committee had been asked to consider a Call-In request that had been made in relation to the decision made by Cabinet and published on 18 November 2013, regarding Early Years Services Including Children's Centres – NOV/CAB/094

The request to Call-In this decision was made on 21 November 2013 by Councillor Murphy and supported by Councillor Khan. The decision for Call-In was based on the following grounds:

- (i) Decision contrary or not wholly consistent with the budget
- (ii) The decision does not follow the principles of good decision making set out in Article 12 of the Council's Constitution specifically that the decision maker did not:
 - a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public.

The reasons put forward by the Councillors were:

“At the briefing for members and cabinet meeting it was explained that this proposal was being driven from a need to make savings. However on 20 November when asked specifically about Sure Start funding the Prime Minister stated that more money for children’s centres had been given to local authorities.

1. Only the targeted hub option with the closure of all open access provision has been proposed to be consulted upon.
2. The statistics used seem to be out of date and a nonsense with some areas having 100% children in deprivation and some Zero.
3. Members nor the public have been given details on Central Government policy changes and how it funded services. The review carried out by PCC and other organisation has not been presented.”

After considering the request to call-in and all relevant advice, the Committee were required to decide either to:

- (a) not agree to the request to call-in, when the decision shall take effect;
- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns; or
- (c) refer the matter to full Council.

The Chairman read out the procedure for the meeting.

Councillor Murphy addressed the Committee stating why he had called the decision in.

Councillor Murphy made the following points:

- Cllr Murphy questioned the means by which the administration took the decision on 18 November, and stated that the consultation had gone ahead even though a call-in had been made.
- Stated that the constitution requires that the decision be suspended until after call-in.
- Said that there may have been an oversight as many service providers, members of staff and members of the public were not made aware of the decision to consult.
- Made reference to the fact that the Prime Minister had stated in Parliament that more money had been allocated to Local Authorities for children’s centres however Cabinet had been told there was less money.
- He further stated that only the targeted hub option had been proposed and that no other alternatives had been proposed or considered.
- Members nor the public had been given details on Central Government Policy changes and how if funded services within the report.
- The review carried out by Peterborough City Council had not been presented to Cabinet.
- The decision was not consistent with the budget. The autumn statement had not been issued yet and the Council did not know what its funding would be.

Members sought clarification as to why the consultation had gone ahead despite call-in. The Constitution clearly stated that if a call-in is received then the decision is suspended immediately. *The Legal representative advised that the Monitoring Officer had contacted the Members who had requested the call-in and asked if they would agree for the Consultation to go ahead and they had agreed that it could go ahead.* Councillor Murphy was then asked if this was the case. Councillor Murphy responded that it was not for him to determine whether the constitution should be suspended or not.

Members of the Public in support of the Call-In were then invited to speak:

Angela Brennan addressed the Committee and made the following points:

- That the council had said in previous meetings that it would make no difference if the public were overwhelmingly in opposition to the closures as the decision was being taken due to financial constraints. However, she made reference to the planned development of Bourges Boulevard and wondered why the council had money for such developments and not for the children's centres.

Terri Staar resident of Hampton addressed the Committee and made the following points:

- Not only those in poverty benefited from the children's centres.
- That the needs of families might be escalating and early intervention might be negatively affected.
- Asked if it had been considered to take money from the late intervention budget and to put it within the early intervention budget.
- Evidence suggests that the most deprived would be unlikely to attend the children's centres, and that labelling communities as "most deprived" might make them further less likely to attend.

Anabel Hatch resident of Eye and Thorney area addressed the Committee and made the following points:

- Legislation was in place to enable Children's Centres to register births. Manchester have done this for decades and it provided an opportunity to get parents involved in early intervention. Would this be a better solution than closing centres.
- Mentioned legislation which places a duty on the council to provide sufficient children's centres to meet local need which covered all parents not only those in need.
- Members asked if members of the public were made aware of a consultation document called Strategic Commissioning and Prevention published on the 21st June 2012 which spoke of changes that were likely to be made to children's centres. *Anabel Hatch responded that her child was born in November 2012 and therefore the first she had heard about the proposed restructuring was in Activity World in November 2012. She further stated that children's centre staff had first learned about the possibility of being made redundant from the local newspaper.*
- Members wanted to know what would be missed most from the service presently provided. *Anabel Hatch responded that the mother and baby group had been very useful to her mental health and wellbeing and development and her child's development. She also advised that she attended many of the groups provided including music group and baby signing.*
- Members wanted to know if the members of the public had been asked, would they have been able to propose alternatives to the closures. *Anabel Hatch responded that there would have been a possibility to propose alternatives had they had time. She also stated that she did not feel that parent-led groups were a viable alternative to the services currently being offered at children's centres already in place which were being provided by trained professionals..*

Caroline Clarke service user of Hampton Children's Centre addressed the Committee and made the following points:

- Further reiterated that parent-run children's centres would be inadequate and lack professional expertise.
- Asked if anybody had met with Spurgeons and discussed alternatives and budget adjustments in order to be more cost-effective.
- Could pre-schools be held in the community halls?

- Members asked if Caroline Clarke if she considered that there was an alternative third option other than do nothing as listed in the Cabinet report. *She responded that it would have been helpful had Spurgeons been consulted rather than just stop the Children's Centres altogether.*

Questions and Comments from Members of the Commission in response to the Councillors statements:

- Members noted that Cllr Khan who had also supported the call-in was absent. *Cllr Murphy advised that he was not in attendance due to a bereavement.*
- Members asked why Councillor Murphy considered the decision was not wholly consistent with the council's budget. *Councillor Murphy referred to the medium-term financial plan projections and new information that the health visitor budget had been increased from £2.08M to £5M in 2015. He also pointed out that all service areas were still looking at their budgets and these had not been finalised yet. The finances had not been made clear in the Cabinet report.*
- Members followed up asking how the views of members of the public could be realistically considered if the call-in was upheld and the consultation did not go ahead. *Councillor Murphy responded that only one option had been presented to cabinet and therefore there should be more alternatives considered and a more comprehensive assessment of the impact of children's centres included a report to Cabinet. He therefore recommended that the Committee uphold the call-in and ask Cabinet to consider more alternatives before a decision was made.*
- Members stated that the medium-term financial strategy had called for a review of children's centres and therefore Cabinet would have taken into account this review when making their decision. *Councillor Murphy responded that reviews were being conducted across other service areas to come up with efficiency savings and to balance the budget. There was a big gap between the income and the plans the council had and the government's final settlement figure had not yet been announced. The 0 to 2 year olds were taking a big cut in the budget. The Prime Minister had also announced that more funding for children's centres would be available therefore the review was inconsistent.*
- Members asked if Councillor Murphy believed there were alternatives to the proposed plans which should have been presented to Cabinet. *Councillor Murphy responded that he believed that there were available alternatives such as pre-schools becoming more operational. He further argued that there would be knock-on effects such as extra strain on GPs surgeries which would incur further costs.*

The Cabinet Member for Children's Services made a statement in answer to the Call-In request which included the following:

- The Cabinet Member advised the Committee that they had accepted the Legal Advice given with regard to the continuation of the consultation in that it was appropriate to go ahead with the consultation following discussion with the Councillors who had called in the decision as they had agreed that the consultation could continue.
- That she had written to the two members of Parliament regarding the Prime Minister's statement in the House of Commons concerning additional funding for children's centres.
- That there was no recommendation to close children's centres it was about reorganisation.
- The consultation process had begun and six public meetings had been held and had been mainly well-attended. It was important to consult widely across the city.
- The Cabinet Member reminded the Committee of the recommendations to Cabinet which were:

- (1) Approve the proposals to begin consultation on the proposed changes to early years services including the consultation document 'New Vision for Early Years Services Including Children's Centres'; and

- (2) Cabinet agree to receive a further report on the outcome of the consultation prior to making any decision on the delivery of the early years' service including children's centres.

The Director for Communities made a further statement in answer to the Call-In request which included the following:

- The Director of Communities went through the reasons for call-in and the response to each reason.
- Funding for children's centres now comes from a block grant for children's services rather than a specific fund for children's centers.
- Contrary to the Prime Minister's statement in the House of Commons, she was not aware of any extra funding given by the government to the council for this purpose.
- The Director of Communities provided clarification of what super output areas were to explain where the density of the most deprived families in the authority were.
- The new government funding streams had been noted in the Cabinet paper.

Questions and Comments from Members of the Commission in response to the Cabinet Member for Children's Services and the Director of Communities statements included the following:

- Members asked where the evidence was that all alternatives had realistically been considered. *Members were informed that a number of different options were being considered and that the request for ideas from the public was genuine. It was genuinely felt that parents might have alternative ideas and that was part of the consultation process.*
- Members felt that a series of alternative options should have been identified before going out to consultation for people to consider during consultation.
- Members stated that it appeared that the decision to go to consultation had already been made and no possibility of a call-in had been considered. *The Cabinet Member for Children's Services responded that they had waited for call-in request which came in at the last minute which was accompanied by a suggestion that the two councillors who called it in agreed for the consultation to go ahead.*
- Members asked the Cabinet Member for Children's Services if she was surprised that the Cabinet had not been offered any alternatives to the proposal when mothers at the children's centres had come up with alternative options. *The Cabinet Member responded that she had been involved in the review of children's centres and felt that the consultation proposals was a good place from which to begin the consultation. Through consultation and working with people that actually use the services the best ideas come forward which then produces amendments to the final proposals.*
- Members sought clarification whether the proposals were for value for money or aimed at those in greatest need. *Members were advised that by delivering the services differently the services provided would be more effective in particular the outreach and that those families that would benefit most from the services provided would receive those services.*
- Members also felt that it was misleading to suggest the children's centres were being merely restructured when there were some services which would not continue to be offered. *The Cabinet Member responded that she did not expect the buildings to be closed but that they would continue to deliver services for the under-fives. The Director of Communities responded that by delivering services effectively it could benefit those who were most vulnerable.*
- Members stated that the original cabinet report was ambiguous and did not address in detail how the £1.2M which is reported would be saved by the proposal was arrived at. Why had the decision been made with such limited data? *The Cabinet Member responded that she disagreed and considered the report to be an open and detailed report.*
- Members stated that they felt areas south of the river was disproportionately affected by the restructure and the fact that the super hubs had been set up only in deprived areas of the city. Every Child Matters and all children should have the same early year's provision.

Members were advised that children in the most deprived areas were known to have the poorest outcomes and were in need of the most help. That did not mean that children in other areas did not need help as well and that was why the outreach model had been included. Everyone should respond to the consultation to give their views and ideas.

- The Chair of the Youth Council asked if the statement that buildings still being kept open meant that certain services would not be provided. *Members were advised that a number of the centres would not be designated as children's centres anymore and it had been suggested that they would have a different use for them.*
- Members felt that the deprivation data was out of date and asked if the officers were comfortable that the justification for the process would remain the same. *Members were advised that there was also a lot of soft information provided and that whilst there would be changes in the data, the overarching level of density and levels of deprivation would not.*
- A member of the Youth Council asked how the Cabinet could have realistically considered alternatives despite not having met to discuss them. *Members were informed that creative ideas were being put forward through the consultation process. These ideas would be pulled together and then discussed.*

Debate was conducted in which the following points were raised:

- Councillor Sandford proposed that the call-in be rejected on the grounds that it was inconsistent with the medium term financial strategy, but that it be accepted on the basis that the Cabinet had not considered all realistic alternatives, since there were no alternatives presented. He also proposed that call-in be upheld on the basis that there was a violation of the constitution as consultation had not been suspended.
- Councillor Peach stated that were a call-in agreed there could be no consideration of the views of the members of the public, therefore call-in should be rejected.
- Councillor Shearman stated that the medium-term financial strategy posed a much lower figure to be saved as opposed to the £1.2 million in the report. He stated he would be uncomfortable with stopping the consultation.
- Councillor Harrington argued that had users of the service had more information regarding alternatives, then there would have been more opportunity to bring their views into the consultation process.
- Councillor Harper felt that to stop the consultation process would be a bad decision as it would prevent members from discovering the public's views.
- Councillor Sandford stated that he would be in favour of a consultation which proposed alternatives and therefore call-in was to be agreed to on the grounds that there were no alternatives being proposed.

As there was no further debate the Committee took a vote to decide on whether they should:

- (a) not agree to the request to call-in, when the decision shall take effect;
- (b) refer the decision back to the decision maker for reconsideration, setting out its concerns;
or
- (c) refer the matter to full Council.

Councillor Sandford put forward a recommendation to call-in the decision on the grounds that Cabinet had not realistically considered all alternatives.

The Committee voted against the proposed motion (3 in favour, 3 against, with a casting vote from the Chair against).

That being the end of the meeting the Chair thanked all members of the public who had attended and contributed to the debate.

ACTION

The request for Call-in of the decision made by Cabinet on 18 November 2013, regarding the Early Years Services Including Children's Centres – NOV/CAB/094 was considered by the Creating Opportunities and Tackling Inequalities Scrutiny Committee. Following discussion and questions raised on each of the reasons stated on the request for call-in, the Committee did **not** agree to the call-in of this decision on any of the reasons stated.

It was therefore recommended that under the Overview and Scrutiny Procedure Rules in the Council's Constitution (Part 4, Section 8, and paragraph 13), implementation of the decision would take immediate effect.

The meeting began at 7.00pm and ended at 8.45 pm

CHAIRMAN

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