



Cabinet Report

Report of: Executive Director, Children, Young People and Families

Report to: Cabinet

Date: 18th June 2014

Subject: Trustees Permission to enter into a licence with Hucklow Primary School to enable it to run the First Start Nursery to support the continued sustainability of the First Start Centre.

Author of Report: Dorne Collinson

Key Decision: NO

Summary: In February 2013 Cabinet agreed to cease the management and delivery of Local Authority managed nurseries in the expectation that other providers would pick up the provision and ensure the Council's sufficiency duty is still met.

The First Start nursery is a major contributor to the continued sustainability of the First Start Centre and Hucklow Primary School has indicated it will take over the management and delivery of the nursery in its own right.

The First Start Centre is situated on land that is held by the Council as trustee of the Firth Park Charity and as such, the approval of Cabinet on behalf of the Council in its capacity as trustee of The Firth Park charity is sought to grant a licence the Hucklow Primary School to enable them to occupy the First Start Nursery to take over the management and delivery of the nursery provision.

Reasons for Recommendations:

This option will;

- Safeguard the status of the building as a public asset by providing the most sustainable delivery model for the building
- Continue to support the charitable objects of The Firth Park Charity through the delivery of services to support families in the Firth Park area.

Recommendations: That the Cabinet on behalf of the Council in its capacity as trustee of the Firth Park charity:

1. Note the Cabinet decision from February 2013 to cease the management and delivery of Local Authority managed nurseries and that this will be implemented by the First Start Nursery being operated and managed by the Hucklow Primary School.

2. Authorise the Director of Capital & Major Projects to negotiate the terms of the licence and instruct the Director of Legal & Governance to prepare and complete all the necessary legal documentation subject to there being sufficient safeguards to ensure the existing and future usage of the nursery to both maintain existing services and retain the status of the building as a public asset..

Background Papers: Redesign of Early Years Services –Consultation feedback and final recommendations. 27th February 2013

Category of Report: **OPEN**

Statutory and Council Policy Checklist

Financial Implications
NO Cleared by: Liz Orme
Legal Implications
YES Cleared by: David Blackburn
Equality of Opportunity Implications
NO Cleared by: Bashir Khan
Tackling Health Inequalities Implications
NO
Human Rights Implications
NO
Environmental and Sustainability implications
NO
Economic Impact
NO
Community Safety Implications
NO
Human Resources Implications
YES Jackie Robinson
Property Implications
YES David Wood
Area(s) Affected
Firth Park
Relevant Cabinet Portfolio Lead
Cllr Jackie Drayton
Relevant Scrutiny Committee
N/A
Is the item a matter which is reserved for approval by the City Council?
NO
Press Release
NO

REPORT TO THE CABINET AS TRUSTEES OF THE FIRTH PARK CHARITY

Trustees Permission to enter into a licence with Hucklow Primary School to enable it to run the First Start Nursery to support the continued sustainability of the First Start Centre.

1. SUMMARY

- 1.1. In February 2013 the cabinet agreed to transfer the management and delivery of Local Authority managed nurseries. The First Start nursery is a major contributor to the continued sustainability of the First Start Centre.
- 1.2. The First Start Centre is situated on land that is held by the Council as trustee of the Firth Park Charity and as such, the approval of Cabinet on behalf of the Council in its capacity as trustee of The Firth Park charity is sought to grant a licence the Hucklow Primary School to enable them to occupy the First Start Nursery to take over the management and delivery in its own right of the nursery provision..

2. OUTCOME AND SUSTAINABILITY

- 2.1. The objects of the Charity state *“The land may be held by the trustee for the purpose of promoting the benefit of the inhabitants of Sheffield without distinction of sex or of political, religious or other opinion by associating the local authorities, voluntary organisations and inhabitants in a common effort to advance education and to provide facilities in the interests of social welfare for recreational and leisure-time occupation with the object of improving the conditions of life for the said inhabitants.”* These objects were altered to this form at the time that the First Start Centre was constructed, specifically to bring the use of the Centre within the objects of the Charity.
- 2.2. Given that the proposed arrangement will involve the continuation of First Start Nursery as a nursery, the use will remain within the objects of the Charity. It also means that families will continue to be supported with the retention of a good quality service to support Firth Park families. Sheffield will retain a high quality provision providing Free Early Learning in an area where there is currently a high demand for places.

3. BACKGROUND

- 3.1. The February 2013 report highlighted the role of the local authority is no longer to be a direct provider but to facilitate the market in order to ensure there is sufficient childcare.
- 3.2. Recent experience over the last year in attempting to transfer existing council childcare to other sectors has shown that the cost of TUPE and the relative expense of maintaining council owned premises can act as a barrier to providers taking on the liability and the only previous successful transfers of these local authority nurseries have been to schools.
- 3.3. Hucklow Primary school has indicated it will take on the management and delivery of the First Start Nursery as this primary school also serves many of the families from the Firth Park area who attend First Start Nursery

3.4. The licence with Hucklow Primary School will be conditional upon them only using the premises for the provision of childcare. It will be granted at no cost to the school, but it will be upon terms that make the school responsible for the payment of the running costs for the part of the First Start building that it occupies.

4. FINANCIAL IMPLICATIONS

4.1. There are no financial implications

5. LEGAL IMPLICATIONS

5.1. As mentioned previously in this report, the First Start Nursery is built on land that is held by the Council as trustee of the Firth Park Charity. The Charities Act 2011 contains certain restrictions on disposition, but the grant of a licence is not classed as a disposition under the terms of the legislation, so there is no requirement to obtain any specific authorisation from the Charity Commission.

5.2. The Council, as trustee, is also under a general obligation to act in the best interests of the charity. As stated above, the running of the nursery in the First Start Centre is within the objects of the charity. In addition to the stated benefits to the local community of the continued operation of a nursery, it also supports the running of the First Start Centre as a whole. Consequently, this proposal, which secures the future running of the nursery, at no cost to the trust and which ensures that the costs of running the nursery are covered, has to be considered to be in the best interests of the charity .

6. EQUALITY OF OPPORTUNITY IMPLICATIONS

6.1. An up to date Equality Impact Assessment has been carried out and has not identified any negative impact attached to this reports recommendation.

6.2. There are no changes to the Impact Assessments as contained in the original Cabinet report of 27th February 2013.

7. HUMAN RESOUCE IMPLICATIONS

7.1. Existing Local Authority staff will be transferred under TUPE legislation to Hucklow Primary school and will retain their existing terms and conditions.

8. PROPERTY IMPLICATIONS

8.1. There are no property implications other than those contained in this report

9. ALTERNATIVE OPTIONS CONSIDERED

9.1. Closure

This was not considered a viable option as it would be counter to the charitable objects of The Firth Park charity and create an unsustainable building and could impact on other service provision from the building

9.2. Continue with the present provision

This would not have been consistent with the Councils decision to withdraw from direct delivery and counter to the 27th February 2013 report.

10. REASONS FOR RECOMMENDATIONS

This option:

- Allows the retention of the building as a public asset with present and future usage safeguarded.
- Minimises impact on other services in the building.
- The Council has already successfully transferred two of these YCC nurseries to schools
- Provides continuity of and safeguards future delivery of good quality services to children in Firth Park.
- Makes a positive contribution that is within the charitable objects of The Firth Park charity.

11. RECOMMENDATION

That the Cabinet on behalf of the Council in its capacity as trustee of the Firth Park charity:

1. Note the principle Cabinet decision from February 2013 to cease the management and delivery of Local Authority managed nurseries and that this will be implemented by the First Start Nursery being operated and managed by the Hucklow Primary School.
2. Authorise the Director of Capital & Major Projects to negotiate the terms of the licence and instruct the Director of Legal & Governance to prepare and complete all the necessary legal documentation subject to there being sufficient safeguards to ensure the existing and future usage of the nursery to both maintain existing services and retain the status of the building as a public asset.

Author. Dorne Collinson

Job Title. Director Children & Family

Date. 19th May 2014