

Report to: Lead Member for Resources

Date of meeting: 28 January 2020

By: Director of Children's Services

Title: Future options for de-designating Children's Centres – Crowborough Children's Centre

Purpose: To seek the Lead Member for Resources' approval to enter into a 125 year Standard Academy Lease, that supports the consolidation of the Children's Services Early Help Strategy and the plan, agreed by Lead Member for Children and Families, to de-designate Crowborough Children's Centre.

RECOMMENDATION: The Lead Member is recommended to:

(1) Enter into a Deed of Variation of the existing 125 year school lease with Beacon Academy to incorporate the Children's Centre building under the same terms as the rest of the site; and.

(2) Delegate authority to the Chief Operating Officer to conclude terms in accordance with s. 123 of the Local Government Act 1972.

1. Background information

1.1 The Crowborough Children's Centre is situated on the 6th form site of Beacon Academy. East Sussex County Council (ESCC) own a building freehold on the site, of which part is used for Children's Centre purposes, part is leased to Beacon Academy and part is occupied by a private nursery (Tiddlers).

1.2 ESCC are responsible for the maintenance of the building and an area of land situated adjacent.

1.3 Beacon Academy is an academy trust which leases the whole school site, including a Secondary School and College.

1.4 Tiddlers Nursery have been occupiers of the site since before the Children's Centre. Their current lease runs another 4 years.

1.5 Grove Park Special School regularly use a portion of the building for teaching purposes.

1.6 After a public consultation, held in 2019 by ESCC Children's Services, the Lead Member for Children and Families approved the proposal to apply to de-designate the building before the 1st of April 2020, such that it will cease to be a statutory ESCC Children's Centre.

1.7 The building was refurbished using a Surestart Capital Grant of £154k with the mandated expectation that it be used for 25 years subsequent to the grant giving for the purposes of Early Years (0-5) provision. The Department for Education (DfE) are responsible

for overseeing centres funded by Surestart Capital Grants and agreeing which can de-designated, and whether in their judgement the buildings are being used as intended.

1.8 The Lead Member for Children and Families agreed in principle to apply for the de-designation of the building on the basis that an ongoing use for the building could be made by the school or other body that matches the aim of the grant. If the aim of the grant is not met, the risk of clawback from the DfE applies.

1.9 It is within usual practice to de-designate specific Children's Centre buildings; a process which involves informing the DfE that the site will no longer be managed by ESCC, but that other parties will continue to use the building as intended within the grant, as per DfE: *'has continued to offer a sufficient level of early years services for children and their families from the building in question to meet the original aims of the grant. (Written question – 28205)'*. The DfE will decide whether to waive the threat of clawback based on evidence of ongoing early years activity.

1.10 Beacon Academy have agreed in principle to take on management of the building and to become the landlords to Tiddlers Nursery. Tiddlers nursery remaining on site should be strong evidence to the DfE that the continued early years offer is reasonable.

1.11 The proposition going forward is to:

- i) Enter into a Deed of Variation to include the Children Centre building in the Academy's existing 125 year Lease on standard academy lease terms.
- ii) Delegate final terms to the Chief Operating Officer acting through the Director of Children's Services.
- iii) Request Dedesignation by written submission to the DfE.
- iv) Beacon Academy to become landlords to Tiddlers Nursery.

1.12 Crowborough Children's Centre sits to the side of the school site and as a stand alone building, ESCC have explored the potential for sale. However, this would impact negatively on Beacon Academy who lease part of the building (and would have to share their site with a 3rd party), Tiddlers who lease another part of the building, and Grove Park Special School. It would also induce clawback as no early years activity will occur on site. As such, lease to Beacon Academy is proposed as the most appropriate option.

1.13 Including the building in the Academy lease restricts to the use of the building to educational purposes. It does not require the Trust to provide early years activity. The liability for clawback will remain with ESCC and will not be transferred. The Trust are unwilling to enter into any additional clauses in the lease where they take on liability for potential clawback. The terms of the grant do not mandate a clawback agreement between a Local Authority and a 3rd party receiving a capital asset:

"In circumstances where the funds received from the Department are allocated to third parties, it will be entirely up to each local authority, as the accounting body, to decide whether a clawback arrangement should be put in place as part of the agreement with the third party." Sure Start Early Years and Childcare Grant Capital Guidance

2. Supporting information

- 2.1 A plan of the Crowborough Children's Centre site is attached in Appendix 1.
- 2.2 All local members were notified during the consultation of the intention to dedesignate the Children's Centre.
- 2.3 Beacon Academy have held the 125-year lease for the Crowborough site since 2012.
- 2.4 The Children's Centre was designated in 2012 with 18 years remaining on the 25 year grant terms, ending 2037.

3 Conclusion and Reason for Recommendations

3.1 The revised early help strategy reduced the number of centres that the service required to deliver the strategy. As a result, a number of centres were identified for de-designation which includes Crowborough Children's Centre. This proposal has the potential of securing the continuation of the service whilst removing an ongoing duty on the County Council.

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Local Member: Councillor Richard Stogdon

Background Documents: None

Appendix 1 The Building plan for Crowborough Children's Centre



2 Map of the Beacon Academy Site (CC building in brown)

