

Forward Plan reference number: FP/283/11/23

Report title: Early Years and Childcare Resource Panel Recommendations for the award of Section 106 capital funding	
Report to: Councillor Beverley Egan - Cabinet Member for Children's Services and Early Years.	
Report author: Clare Kershaw, Director, Education	
Date: 05/01/2024	For: Decision
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County Divisions affected: (Colchester) Stanway & Pyefleet – Kevin Bentley (Epping Forest) Buckhurst Hill & Loughton South – Marshall Vance (Epping Forest) Loughton Central – Chris Pond	

1. Everyone's Essex

- 1.1 Everyone's Essex sets out a strategic aim for making Essex a good place for children and families to grow. Within that aim are commitments to help all children to achieve educational excellence and high standards and to improve outcomes for our most vulnerable and disadvantaged children.
- 1.2 Alongside this, Essex County Council (ECC) has a statutory duty to ensure that there are sufficient childcare places within the local area, as well as a duty to secure delivery of Free Early Education Entitlement for 2-, 3- and 4-year olds.
- 1.3 This report sets out the process to award Section 106 funding for the creation of 12 new Early Years and Childcare places in the County Division of Stanway & Pyefleet, 26 new Early Years and Childcare Places in the County Division of Buckhurst Hill & Loughton South and 26 new Early Years and Childcare places in the County Division of Loughton Central.
- 1.4 The creation of these new childcare places does not create any additional climate impacts and will ensure young children will be able to access their childcare place within their community and not need to travel. It is therefore consistent with the net zero climate commitments set out in Everyone's Essex.

2 Recommendations

- 2.1 To approve entering into a funding agreement to provide Section 106 funding to create 12 new Early Years and childcare places in Stanway ward (Stanway & Pyefleet Division) at Stanway Pre-school through and expansion to existing internal space
- 2.2 To approve entering into a funding agreement to provide Section 106 funding to create 26 new Early Years and childcare places in Loughton St John's ward (Buckhurst Hill & Loughton Division) at White Bridge Primary School through remodelling of existing internal space.

- 2.3 To approve entering into a funding agreement to provide Section 106 funding to create 26 new Early Years and childcare places in Loughton St John's ward (Loughton Central Division) at Alderton Infant School through remodelling of existing internal space.

3 Background and Proposal

- 3.1 To support ECC's statutory duty to ensure that there are sufficient childcare places within the local area, ECC can apply for a financial contribution where new housing developments are agreed that will create the need for new childcare places. These funds are paid by the housing developer towards the cost of local infrastructure under Section 106 of the Town and Country Planning Act 1990 for Highways and Education.
- 3.2 The Section 106 funds secured for this purpose are advertised by ECC to enable early years and childcare (EYCC) providers, including childminders, to secure capital investment to create new childcare places to enable children living in these new housing developments to access local childcare. Applications are considered against published set criteria.
- 3.3 The Essex Early Years and Childcare Resource Panel (the Panel) meets monthly and is chaired by the Essex County Council (ECC) Early Years and Childcare Sufficiency and Sustainability Manager. The Panel considers applications made to ECC by early years and childcare (EYCC) providers to provide early years and childcare places for children aged 0 - 5.
- 3.4 The Panel considers applications made to ECC by EYCC providers for Capital Funding to build or expand early years and childcare provisions within Essex. The Panel's Terms of Reference, details of funding available and the application processes are available as background papers, as detailed in section 9.
- 3.5 The Panel met on 19th October 2023 to consider 3 applications for Section 106 funding.
- Stanway Pre-school requested £207,969 capital funding to expand their existing building. This expansion will create a minimum of 12 new early years and childcare places.
 - White Bridge Primary School requested £57,123.72 capital funding to undertake remodelling of a surplus classroom space to create a minimum of 26 new early years and childcare places.
 - Alderton Infant School requested £80,520 capital funding to undertake remodelling of a surplus classroom space to create a minimum of 26 new early years and childcare places.
- 3.6 The Panel assessed the applications in line with the published criteria set out in Project Service Specifications and all applications fully met the criteria. The

Panel recommends that the applications are approved and that £345,612.72 funding is approved. The £345,612.72 will be provided from S106 monies already received by ECC and will be spent in accordance with the S106 agreement terms.

3.7 Approval of the recommendations set out within section of 2 of this report: -

- supports the sustainability and development of the Essex Early Years and Childcare Sector
- enables parents to work and train by supporting them to access high quality, affordable and accessible childcare options
- supports the delivery of good early years outcomes for children which will enable them to have successful educational journeys and go on to access fulfilling employment opportunities and contribute to the growth of the Essex economy
- supports providers to educate young children about their health and wellbeing and how best to promote this, setting positive foundations for good health outcomes in later life
- will contribute to the new places needed to be created to meet the Childcare Reforms funded early years places expansion

4 Links to our Strategic Ambitions

4.1 This report links to the following aims in the Essex Vision: -

- Provide an equal foundation for every child
- Strengthen communities through participation
- Connect us to each other and the world
- Share prosperity with everyone

4.2 Approving the recommendations in this report will have the following impact on the Council's ambition to be net carbon neutral by 2030:

- supports the early years sector in educating young children about the world and environment and how they can protect this, promoting the use of outdoor learning and environmentally friendly resources as part of the requirements of the application to secure the S106 funding
- encourages retro fitting of early years settings where possible and deliver net zero buildings for new capital projects
- encourage providers, through our Early Years Charter, to adopt environmentally sustainable practices by sharing best practice models
- supports parents to make ethical and environmentally friendly choices, for example upcycling baby and children's resources and encourage active travel.

4.3 This report links to the following strategic priorities in 'Everyone's Essex':

- A strong, inclusive and sustainable economy
- A high quality environment
- Health wellbeing and independence for all ages
- A good place for children and families to grow

5 Options

5.1 Option 1 – agree the funding agreements recommended by the Essex Early Years and Childcare Resource Panel (recommended)

5.1.1 If agreed, the funding will be used to:

- undertake the expansion to a childcare provider's existing building to create a minimum of 12 new early years and childcare places in Stanway.
- undertake internal remodelling of 2 childcare provider's existing building to create a minimum of 52 new early years and childcare places in Loughton.

5.1.2 The funding utilised by the Panel is specifically made available for the creation of new early years and childcare places. The three applicants will use the Section 106 funding to remodel buildings and increase capacity with the purpose of creating a total of six new early years and childcare places. Each application has been assessed against set criteria and identifies providers who are able to provide these additional places, and therefore assists ECC in satisfying its statutory duty to ensure sufficient early years and childcare places to meet the needs of working parents and early learning funded places.

5.2 Option 2 - Do nothing (not recommended)

5.2.1 To not approve the recommendation would mean that the 64 new childcare places could not be created as the early years and childcare providers do not have access to alternative funding to be able to undertake this work. The funding allocated by the Panel is specifically made available for the provision of additional early years and childcare places. Each application is assessed against set criteria and identifies providers who are able to provide these additional places, and therefore assists ECC in satisfying its statutory duty. To not approve the recommendation would mean that new applications would need to be submitted and reviewed by the Panel and would result in a delay in early years and childcare places being available.

6 Issues for consideration

6.1 Financial implications

6.1.1 The proposed funding is to be funded from S106 monies already received within the geographical area as detailed in the table below:

Ward / District	S106 monies received £	Funding to be awarded £
Loughton St John's – Epping Forest	£153,007.00	£137,643.72
Stanway – Colchester	£207,969.00	£207,969.00

No payments will be made until the recipients have agreed and signed Funding Agreements with ECC. ECC will retain the right to inspect progress of works and to monitor and assess the contractor's work performance in respect of the projects. Furthermore, ECC will possess agreement rights which will include, for example, claw back conditions should the asset be disposed of at a later date.

6.1.2 Reports relating to EYCC Capital Grants of under £2m where the spend is within the approved budget are on the list of reports that do not require approval from the S151 Monitoring Officer

6.2 Legal implications

6.2.1 Under Section 6 of the Childcare Act 2006, ECC must ensure that there is sufficient childcare within the local area. Section 6 of the Act defines 'sufficient childcare' as sufficient to meet the requirements of parents in the area who require childcare in order to enable them to take up, or remain in, work or undertake education or training which could reasonably be expected to assist them to obtain work.

6.2.2 Each recipient of the funding should enter into a funding agreement with ECC to ensure that all parties are aware of their obligations in respect of the funding and that ECC can take action to reclaim money if the funding is not used for the purpose for which it was intended.

7 Equality and Diversity Considerations

7.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

7.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

8 List of Appendices

8.1 Equality Impact Assessment

9 List of Background papers

9.1 Funding Panel Terms of Reference

9.2 EYCC Capital funding Guidance

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Beverley Egan, Cabinet Member for children's Services and Early Years	08/01/24

In consultation with:

Role	Date
Director, Legal and Assurance (Monitoring Officer)	05/12/2023
Susan Moussa on behalf of Paul Turner	