



## **FULL COUNCIL REPORT**

Date Written	18 <sup>th</sup> February 2016
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Service Area	Social Services
Exempt/Non Exempt	Non Exempt
Committee Date	24th February 2016

*To: Mayor, Ladies and Gentlemen*

## **CHILDMINDING SERVICES IN MERTHYR TYDFIL**

### **1.0 SUMMARY OF THE REPORT**

- 1.1 The Director of Social Services is required to complete an Annual Report which highlights areas of progress and areas for improvement across the service. This Report is scrutinised and reviewed by the Care and Social Services Inspectorate Wales (CSSIW). The findings from CSSIW are shared with the directorate in the form of a report and a presentation is made to Council at a later date.
- 1.2 In its review of the report this year CSSIW requested that the Council does not place its own 'blanket' restriction on registered child minders and considers such proposals in line with the advice in the Welsh Government circular 'Planning and childcare in Wales' (August 2006) superseded by Welsh Government Policy Clarification Letter CL-01-16 Planning and Childcare in Wales February 2016.
- 1.3 The recommendation of this report is that the need for planning permission for childminding is changed to be in line with the majority of other Welsh Councils i.e. that each case is considered on its merits. The mechanism for assessing this would be completion of the questionnaire and covering letter provided at Annex B and C of the 2016 Welsh Government Policy Clarification Letter CL-01-16 '*Planning and Childcare in Wales*' (attached as a background paper). Upon receipt of this the Local Planning Authority would determine, based on the location, type of dwelling, parking provision and number of children to be cared for whether or not planning permission is required. There will be no costs incurred by the service provider for this assessment.

## **2.0 RECOMMENDATIONS that**

- 2.1 The content of this report be debated and noted.
- 2.2. If a childminder proposes to look after more than 6 children they are required to complete and submit the questionnaire and covering letter at Annex B and C of the Welsh Government Policy Clarification Letter CL-01-16 – Planning and Childcare in Wales. Each case will then be judged on its merits by the Planning Department to determine whether it would result in a material change of use and therefore require planning permission.
- And:
- 2.3 When a childminder or potential childminder submits the questionnaire to ascertain whether planning permission is required there is no charge for this service (if Planning permission is required the application fee is £380). Each case will be determined on its merits.

## **3.0 INTRODUCTION AND BACKGROUND**

- 3.1 Each year the Director of Social Services writes an Annual report, which is shared with CSSIW. They scrutinise and review this and then provide a report to Social Services that set out the CSSIW's evaluation of Merthyr Tydfil County Borough Council's performance in delivering its social services functions. They highlight areas of progress and areas for improvement in the forthcoming year. The report is divided into various sections including:
- An overall summary.
  - Response to last year's areas for improvement.
  - Areas for follow up by CSSIW next year.
  - Visits and inspections undertaken during the year.
  - Inspection and review plan for 2015 -16.
  - The extent to which the experiences and outcomes for people who need care and support are improving their wellbeing.
  - Key National Priorities (adults and children).
  - Preventative and early intervention services (adults and children).
  - Integration of health and social care services for older people with complex needs.
  - The extent to which leadership, governance and direction for the council is promoting improvement in outcomes and wellbeing for people who need care and support.
- 3.2 For the purposes of this report I wish to highlight an issue that was raised under 'prevention and early intervention services (children)'. This issue was also raised by CSSIW with the Social Services senior management team at the CSSIW quarterly engagement meeting held in September 2015.

- 3.3 CSSIW commented in their evaluation that “Merthyr Tydfil’s childcare sufficiency assessment (2014-2017) demonstrates the council’s lead role in ‘facilitating the childcare market to ensure it meets the needs of working parents’. The assessment found there are lone parents and people looking to return to work who view the perceived lack of affordable childcare as a barrier. National Minimum Standards allow registered child minders to look after a maximum of six children under eight years old. However, the planning department in Merthyr Tydfil requires child minders wishing to care for more than three children to apply for planning permission. We would request the council does not place its own ‘blanket’ restriction on registered child minders and consider the advice in the circular ‘Planning and childcare in Wales’ (August 2006). This limitation is likely to deter people considering child minding and thereby impact the childcare market. In addition, from April 2016 the forthcoming extension of childcare registration for people caring for children up to 12 years old will require review within the authority and we would advise serious consideration is given to the imposition of any further restrictions.”
- 3.4 Social Services were reminded by CSSIW that in 2006 a circular was sent from Welsh Government to all Welsh Councils advising them about the issue of planning permission being required for childminding. As a result of this circular the majority of councils changed their planning regulations in respect of childminding so that each proposal to operate a childminding business from home is considered on its merits taking into account the specific circumstances in order to determine whether or not planning permission is required.

## **4.0 CURRENT SITUATION**

- 4.1 The current status in Merthyr Tydfil is that planning permission is required to childmind more than 3 children.
- 4.2 From a planning perspective there is a duty to exercise control over development and the use of land in the public interest, imposed by the Planning Act and associated legislation for all types of business operating from home. This requirement extends to material changes of use of buildings. Uncontrolled changes of use for whatever purpose may result in loss of amenity to adjoining residents (e.g. noise and disturbance) and associated problems such as access, highway safety or on street parking.
- 4.3 Planning colleagues noted that these concerns are often cited by residents who claim to have been adversely affected by childminding businesses in residential areas. This is the reason that a threshold was set at three children on the premise that, below this number there would be potentially fewer amenity, access, highway safety and on-street parking problems than above 3.
- 4.4 The above stance has been endorsed by the Welsh Government’s Planning Inspectorate who dismissed an appeal for the operation of a childminding business for up to 6 children in Dowlais following our refusal of the application for the following reason:-  
*“The proposed operation of a childminding business for six children, by virtue of its operational consequences (involving opportunist parking, car doors slamming and engines running etc) is considered to be unacceptable due to its adverse effect on*

*the level of residential amenity that occupiers of surrounding properties can reasonably expect to enjoy.”*

- 4.5 The Planning considerations that supported this decision stated that *“At its extreme, the operational effects of this business could involve six separate movements of arriving and dropping off at the property early in the morning and again early evening. It is anticipated that some if not all of these drop offs will be made by car, creating the potential for opportunist on street parking which could result in the road being blocked causing inconvenience to other road users, it could also involve the slamming of car doors and engines left running at unsocial hours to the detriment of the residential amenity of surrounding residents.”*
- 4.6 The Welsh Government Inspector concurred with these points in his decision letter and notably concludes that *“I have considered all other matters that have been raised, including that other local planning authorities may allow up to 6 children to be minded at a residential property before a planning application is requested. However I find nothing to turn me away from my decision.”*
- 4.7 The recommendation from this report is that the need for planning permission for childminding is changed to be in line with the majority of other Welsh Councils i.e. that each case is considered on its merits. The mechanism for assessing this would be completion of the questionnaire and covering letter provided at Annex B and C of the 2016 Welsh Government Policy Clarification Letter CL-01-16 ‘Planning and Childcare in Wales’ (attached as a background paper). Upon receipt of this the Local Planning Authority would determine, based on the location, type of dwelling, parking provision and number of children to be cared for whether or not planning permission is required.
- 4.8 Consultation has taken place with CSSIW and from April 2016 the registration of childminders will be extended to cover children in their care up to 12 years, to a maximum of 10 children, including their own children. Consequently every local authority that applies restrictions with regard to planning will need to consider their approach. Childminders will not be minding any additional children, as a result of this change, but of course the number of children counted will increase. This means that more childminders would be compelled to seek planning permission, if the number applied by the local authority planning department is not increased or lifted.
- 4.9 It should be noted that when CSSIW decide on the number of minded children that each child minder will be registered to provide care for, account is taken of the amount of floor space within the house as detailed in National Minimum Standards 22.8 (Under 2’s 3.5sq m per child and children 2-7 2.5 sq m per child). A thorough inspection of the premises is undertaken to ensure adequate room, health and safety and hygiene issues.
- 4.10 Consultation has taken place with neighbouring local authorities and as a ‘rule of thumb’ childminding up to 6 children does not need planning permission, but this does depend on size of property and parking facilities. Their recommendation is that they take each case on its own merits.

- 4.11 In 2014 the Early Years department commissioned a review of all Early Years 0-4 provision within Merthyr Tydfil this review identified the following critical information in relation to demand for childcare places including that for Childminding services.
- 4.12 Comparison of available places against population figures for the 0-3 age group show that for the 2,891 0-3 year olds resident in Merthyr, as recorded by the 2011 Census, there are 3.79 children per place in Merthyr. The availability of childcare as a whole is broadly in line with neighbouring authorities,
- The Family Information Service identified that there were 94 childcare spaces available through childminding services across the county Borough.
  - Three Childminders currently have waiting lists that include a total of three children,
  - Two of the 13 Childminders say they are planning to increase their numbers of children in all places (CSSIW and non-CSSIW registered); whilst 12 of the 27 Pre-School and Day Nurseries we interviewed say they plan to increase their number.
  - No Childminders indicated that they were planning to reduce the numbers of children they could support.
- 4.13 The review went on to identify that at the time of the survey there were places available across all types of Early Years settings across Merthyr, including child minders and yet waiting lists were evident across all services. This suggests that there are some challenges for parents finding care at the times they need it at the settings they want their children to attend, but that those with places available do not necessarily meet parent's requirements.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The one off fee (set by Welsh Government) for planning permission for a change of use to facilitate childminding is £380 (as of 1<sup>st</sup> October 2015). It is estimated we have about three to four applications in a year.

## **6.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY**

- 6.1 The Single Integrated Plan & Sustainability Impact Assessment has been completed and the proposals positively impact on most aspects of the Corporate Plan and Single Integrated Plan; including people in Merthyr Tydfil having the opportunity and aspiration to learn and develop their skills to maximise their potential; and people enjoying a vibrant, attractive, safe and sustainable place in which to live, work, play and visit. No negative impacts have been identified.

## 7.0 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time. The screening form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

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**ELLIS COOPER**  
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**COUNCILLOR LINDA MATTHEWS**  
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**PORTFOLIO MEMBER FOR REGENERATION, PLANNING AND COUNTRYSIDE**

<b>BACKGROUND PAPERS</b>		
<b>Title of Document(s)</b>	<b>Document(s) Date</b>	<b>Document Location</b>
Welsh Government Policy Clarification Letter CL-01-16	12 February 2016	Children's Social Services Planning & Countryside
Welsh Government Circular 'Planning and childcare in Wales	August 2006	Children's Social Services Planning & Countryside
<b>Does the report contain any issue that may impact the Council's Constitution?</b>		<b>No</b>

***Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.***