



**Scrutiny Committee**

**16:30 to 19:05**

**22 November 2018**

Present: Councillors Wright (chair), Fullman (vice chair), Carlo, Coleshill, Hampton, Manning, Raby, Sands (M) (substitute for Councillor Fulton-McAlister (M)), Sands (S), Smith, Stewart, Thomas (Va) and Thomas (Vi)

Apologies: Councillors Fulton-McAlister (M)

**1. Public questions/petitions**

There were no public questions or petitions

**2. Declarations of interest**

There were no public questions.

**3. Minutes**

**Norfolk County Council Consultation on Early Childhood and Family Service – Transforming Our Children’s Services**

The chair confirmed that he had written to the Councillor Stuart Dark, the acting chair of the county council’s children’s services committee and informed him of the committee’s concerns about the changes to children’s services and the closure of children’s centres. (The letter was circulated at the meeting and will be available on the council’s website with the papers for the meeting.)

The director of neighbourhoods said that the strategy manager had attached the scrutiny committee’s comments to the council’s response to the consultation.

**RESOLVED** to approve the accuracy of the minutes of the meetings held on 11 October 2018.

**4. Scrutiny Committee Work Programme 2018-19**

The chair referred to the topic paper for the New Anglia Local Enterprise Partnership and said that if the committee were to include it on the work programme there should be a joint scrutiny of the partnership involving other authorities, given that there were representatives from multiple organisations on the partnership board.

**RESOLVED** to consider the potential of a joint scrutiny of the New Anglia Local Enterprise Partnership and to ask the strategy manager to review the scope of the topic paper accordingly for consideration at a future meeting.

## **5. Council and Partner Responses to Domestic Abuse**

(Margaret Hill (Leeway) and Trudy Lock (Leeway) and John Lee (Spurgeons) attended the meeting for this item.)

The early intervention and community safety manager presented the report and introduced the guests Margaret Hill and Trudy Lock from Leeway, and John Lee representing Norwichconnect (Spurgeons), explaining that these organisations were the council's key partners in responding to domestic abuse.

Margaret Hill and Trudy Lock gave a Powerpoint presentation of the history of Leeway and its current services. This was followed by a presentation from John Lee on the Norwich Connect project. (Copies of the presentations are available on the council's website with the papers for the meeting.)

The early intervention and community safety manager then introduced Peta Waters, the council's domestic abuse adviser who had been in post for a year, and the tenancy and services and income manager.

The chair referred to a comment from John Lee that the clientele was from Norwich and asked whether there was a sense that Norwich had higher incidences of domestic abuse than the surrounding district council areas. The representatives of Leeway said that Norwich came at the top of lists requiring support for incidences of domestic violence and that 60 per cent of people seeking refuge were from the city. John Lee said that 25 per cent of reports of incidence of domestic abuse made to the police in Norfolk were from Norwich.

The chair then commented on the committee's concern that the closure of children's centres would reduce the opportunity to identify cases of domestic abuse. Margaret Hill said that the children's centres had been a place for families to drop in and had been a great support for families living at the refuges, particularly in helping them with parenting skills. As a place where perpetrators were unlikely to go, the centres were useful to display notices of support and assistance to people experiencing domestic violence and ran "Power to change" courses.

The early intervention and community safety manager said that there was a shift in how people could access services digitally. Norwichconnect was part of a wider beacon project and digital offer, which would act as a "front door" to ensure that partners directed people to appropriate services at the county council and Leeway. Digital services would include support through Skype counselling and online messaging that would be available to people of all ages, including families and children. The director of neighbourhoods said that domestic abuse was hidden and that support could only be offered if discovered. This meant that there was a role for all members of the community, particularly family and friends and that it was important to ensure that domestic abuse was talked about. The council provided

training in safeguarding so that councillors and officers were aware of what to do if they saw indications of domestic abuse.

A member referred to the “front door” and asked how people were triaged to ensure that they received the correct level of support. Margaret Hill said that a DASH (domestic abuse, stalking, harassment and honour) based violence assessment Tool was used. This comprised a series of questions to identify the level of harm and determine whether the person was in a medium or high risk.

In reply to a question, John Lee explained details of how Norwichconnect would work with the partners of perpetrators on a one to one basis and that representatives attended officer subgroups with the probation service and would be building on that relationship. The member pointed out that not all perpetrators were male and asked about work with female perpetrators and perpetrators in same sex relationships. John Lee said that the work and training was based on a model “Cheshire Without Abuse” which would work with the relationships that the member had described. The early intervention and community safety manager said that Norwichconnect was a 3 year project and had the potential to purchase or access services based on evidence that came forward.

A member referred to the higher incidence of domestic abuse reported in Norwich and asked whether in rural areas there was a lower level of detection. Margaret Hill said that there was a higher level of awareness of domestic abuse in the city, with the council being awarded White Ribbon Status and confidence that if identified then something could be done. This needed to be rolled out across the entire county.

Discussion then ensued on safeguarding work in schools to identify domestic abuse. Margaret Hill said, that Women’s Aid had developed a five week programme, Leeway funded by Children Services had delivered the programme to some schools. Schools were identifying champions to access domestic abuse training who would advise other teachers. Schools had champions who advised other teachers when children were referred through the police’s Operation Encompass. John Lee said that schools were a safe environment and that training would be provided for teachers. The pilot was focussing on five main areas, one of these was supporting young people aged 16, 17, 18 and 19 to prevent them forming unhealthy relationships. A member said that there could be funding available from local charities to provide arts and crafts work with children to help identify domestic abuse as early intervention was key.

The committee then considered the impact of universal credit on domestic abuse. A member said that where universal credit was paid to one member of the household this would have impact on a partner in a controlling relationship. Trudy Lock said that universal credit had been rolled out in Great Yarmouth and that a lot had been learnt around safeguarding and paying universal credit to one member of the household in joint names. The member said that she hoped that that the secretary of state had picked up this issue and that universal credit could be split in these circumstances. Another member said that pressure should be put on the government to ensure that split payments were available.

Discussion ensued on the sources of funding and the typical client base. The representatives of Leeway said that they had a diverse clientele, including people ranging in age from 18 to older people, and people from same sex couples,

transgender and single people. The ages of the service users varied with the largest number being in the age 20 to 35 age range. People came from a variety of backgrounds, ranging from holders of high positions in society and people on benefits. In reply to a further question from a member, the representatives of Leeway said that some of its service users had complex needs, including mental health issues and drug abuse and coordinated support in partnership with other agencies including the health services, Magdalen Project and Sue Lambert Trust.

Funding for Leeway included funding from the Police and Crime Commissioner, the city and county councils and other funding streams including smaller donations.

John Lee said that the key performance indicators for the pilot project had targets for over 55s and the LGBT, black and ethnic communities. The project was funded by the Norfolk Constabulary and the Norfolk Police and Crime Commissioner, the city council, Norfolk county council children's services, adult services and public health and match funding was provided by Safe Lives using funds from the Big Lottery and Esmee Fairbairn Trust.

The representatives of Leeway answered questions on the arrangements for families living in the refuge. Families were responsible to pay for utilities. If no benefits payment had been received many relied on foodbanks and donations.

The director of neighbourhoods said that situations where families were in close proximity were trigger points for domestic violence, such as Christmas or the World Cup where alcohol was involved. Margaret Hill said that the long hot summer, where there had been more social events involving alcohol, had resulted in a rise in domestic violence. The chair referred to his wife's experience, as a head teacher and designated school lead in safeguarding, and said that prior to school holidays children were more likely to reveal domestic abuse as they were concerned about the holiday period.

A member said that historically mothers were unable to take older sons into the refuge and asked whether this was still the case. The refuge accommodation Leeway provide was a mixture of communal refuges and self-contained accommodation. Leeway policy was that male children could be accommodated in refuge up to the age of 17 years and 6 months, if in further education. A concern was that boys heard derogatory comments about men's behaviour in the refuge and Leeway was proactive in ensuring that there were positive male role models around. The length of time that people stayed at the refuge in Norwich was usually around 9 months to a year, and was dependent on suitable alternative accommodation being available.

The domestic abuse adviser and the tenancy services and income manager explained that it took time to find accommodation as it was for anyone on the council's waiting list but once a council property had been identified the family would have the support of tenancy services.

Discussion ensued on the Domestic Abuse Bill and whether it would strengthen powers to remove the perpetrator from the home rather than requiring the abused person to move out. Margaret Hill explained that making an order was resource heavy and that the sanctions available did not make it a powerful tool. The domestic

abuse adviser said that where council tenants were involved the person being abused would be supported to seek legal advice but often people in this situation did not want to return home and in such a case would not be deemed as intentionally homeless. The director of neighbourhoods commented that the “I walked away” poster was being reviewed because the focus was removing a person from the abusive relationship rather than a property.

In reply to a member’s question, about what more could be done to help the agencies, Margaret Hill and John Lee said that long term funding would be helpful as one year contracts meant that staff spent a proportion of their time seeking funding to sustain the project rather than providing the service and had no job security.

Discussion ensued on whether there was a cultural barrier for people where English was not their first language. Members were advised that Leeway employed five bi-lingual workers and have access to Language Line and Intran translation services/. John Lee said that in some cultures there was no word for “domestic abuse” because it was considered as part of a normal relationship. Communication was important.

The early intervention and community safety manager explained that the council’s chief executive chaired the Norfolk community safety partnership. The responsible authority partners, included the county council, all the local district councils, the police, fire and rescue service, probation service and the clinical commissioning groups, and its work included addressing problems such as domestic abuse and County Lines. Members considered that the lessons learnt from domestic homicide reviews should be made available to them.

Discussion ensued on endemic misogyny in society and the role of society to make sure that domestic abuse would not be tolerated. This message through campaigns and White Ribbon status raised awareness. Training in safeguarding was available to all councillors each year. A member said that she supported the Justice for Women campaign to help women who had snapped following years of abuse. Members were advised that training to change behaviours and make better choices was provided. It was also important to support children who had witnessed domestic abuse and provide them with tools to break the cycle.

The early intervention and community safety manager called on male councillors to become White Ribbon ambassadors and female councillors to become White Ribbon champions to raise awareness of domestic abuse and the support available in the community.

The committee discussed the recommendations as drafted by the strategy manager.

**RESOLVED** to:

- (1) thank Margaret Hill and Trudy Lock (Leeway) and John Lee (Norwichconnect/Spurgeons) for attending the meeting and asking questions;
- (2) make the following recommendations to cabinet, to:

- (a) commit to long-term funding arrangements when commissioning Domestic Abuse services;
- (b) continue to enable staff and members to spot potential signs of domestic abuse, including sharing lessons learnt from serious case and domestic homicide reviews with members;
- (c) liaise with the local Job Centre about equipping their staff to spot potential signs of domestic abuse, so that it can explore split payments within Universal Credit;
- (d) work with the county council to ensure that domestic abuse is factored in any work around locality development of early years provision in the light of proposed changes to children's centres;
- (e) consider how gendered language and stereotypes can form part of a wider social context that may increase the likelihood of domestic abuse occurring;

## **6. Norfolk Health Overview and Scrutiny Committee**

(The chair agreed to take this as an urgent item).

The vice chair reported on the meeting of the health overview and scrutiny committee held on 18 October where end of life care had been considered. He said that in 2016 half of the cases requiring end of life care had been in hospices and the remainder at home or in care homes. There was a disparity of service provision with no hospices at all in Great Yarmouth, which meant people were cared for in North Walsham, Norwich or Kings Lynn. There was an inherent problem in the way that services were commissioned which meant that service providers had to compete with each other. The NHS realised that this situation needed to be addressed. The committee had asked for a further report with more complete analysis about how the service provision in Norfolk competed with other regions in six months' time.

**RESOLVED** to note the report.

## **7. Call-in: Community Infrastructure Levy Exceptional Circumstances Relief Policy**

(Councillor Waters, leader of the council attended the meeting for this item.)

The chair introduced the report and said that he had called in the cabinet decision to recommend the community infrastructure levy (CIL) exceptional circumstances relief policy to council to give scrutiny committee members an opportunity to ask questions and be better informed before a decision was made on the policy at council on 27 November 2018

Councillor Waters introduced the report to cabinet on 14 November by explaining that CIL exceptional circumstances relief (ECR) would provide the council with a tool that, in exceptional circumstances and on a limited number regeneration sites, could facilitate development that would not otherwise take place. The report to the November meeting included information about the use of CIL exceptional circumstances relief by other local authorities and set out best practice for fees and charges being the responsibility of the applicant and not the council, allaying members' concerns about ECR policy being a financial burden to the council. He explained that the independent assessor would be independent from the applicant and must not have worked with the developer before and that it was important that the planning applications committee was assured of the integrity of the proposal for relief. The ECR policy would work in addition to existing measures such as the possibility to phase CIL payments over a period of time. He then referred to a number of elements that were built into the policy to ensure that it was a tight and rigorous process. The application for CIL exceptional circumstances relief would need to meet strict criteria which would be considered by the planning applications committee.

The chair said that economic viability assessments were made by the district valuer and asked about the power balance where the applicant appoints an independent person to make the assessment for CIL exceptional circumstances relief. The head of planning services said that this was specified in the regulations. The independent person was appointed by the claimant and therefore reduced the burden of costs on the local authority. However the local authority had the power to refuse to accept any appointment if they were not consider sufficiently independent or expert, therefore maintaining the balance of power.

The chair asked for confirmation that CIL exceptional circumstances relief was only relevant for Brownfield sites. Councillor Waters said that the purpose of the CIL exceptional circumstances relief was to bring forward development. Applications for relief for Greenfield sites or uncomplicated brownfield sites would be dismissed. Developers were expected to meet obligations and pay CIL. The council was not expecting "floodgates" of applications for CIL exceptional circumstances relief.

A member asked what legal safeguards there were in place to maintain the independence and integrity of the professional independent person to either parties. The head of planning services said that the contractual arrangements should cover the agreed qualified persons to make the assessment and that there should be no conflict of interests. This would vary case by case. When negotiating exceptional circumstances relief, the applicant would need to appoint someone who had no previous or current interest in the site. The independent person would be expected to be a professional and most likely a member of the Royal Institute of Chartered Surveyors.

A member asked why the council had not adopted the exceptional circumstances relief at the time when CIL had been adopted in July 2013. She asked whether the proposal was because of the number of large vacant Brownfield sites which had not been developed due to the financial crash or if there a specific site in mind where the relief would be employed. This proposal would be onerous on members of the planning applications committee who would be expected to go through the figures and make a decision. The head of planning services said that the council had been

one of the first authorities to adopt CIL and it had not been considered necessary to implement exceptional circumstances relief at the time but it was stated that this would be kept under review which was in effect the purpose of the report to cabinet and council. There were a couple of sites he had in mind where the exceptional circumstances relief could be applied to help a development go ahead. He considered that if we did “not have this tool in our armoury” then the development would not take place on certain sites. These sites still had to have viability assessments produced and be examined by the district valuer. The regulations for an application for CIL exceptional circumstances relief went further than normal viability assessments and required a breakdown of the commercial details of other parties concerned in the process. As for the role of the planning applications committee, members had already received training on developer viability issues and there would be further training on determining applications for CIL exceptional circumstances relief. The planning applications committee met in the public domain and was considered the most appropriate body to consider these applications, with maximum transparency and scrutiny of the process.

A member said that this would be onerous on members of the planning applications committee and that there should be more members appointed to the committee and allowances increased. The director of business services reminded members that allowances were proposed by the members allowance panel and approved at council. The scheme of allowances could be amended if required. A member of the planning applications committee said that he would appreciate lunch and refreshments at meetings as meetings were already lengthy.

Councillor Waters said that approval of any applications for CIL exceptional circumstances relief should be made exclusively by members for reasons of transparency of that part of the process. He considered that it would be wrong to delegate this to officers.

A member said that viability assessments were a key issue and that even with changes to the National Planning Policy Framework (NPPF) remained difficult to understand. The head of planning services said that professional advice was sought on viability assessments so that members could make a judgement. It was important that the people of the city were fully served by involving elected members in these decisions. A member suggested that viability assessments should be set out in an easy to read format, particularly where there are tables of figures. He suggested that standardised and simplified summary documents were prepared to assist members with their consideration of CIL exceptional circumstances relief applications. The head of planning agreed to take this point on board.

A member expressed concern that the application of CIL exceptional circumstances relief would set a precedent. The head of planning services said that theoretically the council would need to deal with each application for relief in the same way. However, it should only be applied in “exceptional circumstances.” It would be very difficult for an applicant to force through an application for CIL exceptional circumstances relief that did not meet the criteria. The council could also withdraw the policy if it saw fit.

Councillor Waters said that making a planning application and seeking CIL exceptional circumstances relief were separate processes. The head of planning

services outlined the processes that would be undertaken after planning consent had been granted and before CIL exceptional circumstances relief was considered. This included a S106 agreement being in place. A CIL exceptional circumstances relief would only likely be granted if S106 variance had been considered and the applicant was fully compliant. The applicant would in practice need to alert the council before signing the S106 agreement if considering applying for CIL exceptional circumstances relief. The planning applications committee need to be aware that CIL exceptional circumstances relief was only considered if all other options have been considered to close the gap in funding. A member asked whether there was a huge discrepancy between S106 payments and CIL. The head of planning services said that this would vary on a case by case basis but that CIL exceptional circumstances relief may be higher but he would still expect the applicant to inform the council as a matter of courtesy because there was no right of appeal for CIL exceptional circumstances relief.

A member asked whether a windfall profits clause could be added. The head of planning services said that most S106 agreements included clawback provision. CIL exceptional circumstances relief was the last “brick in the wall” to allow a development to go ahead. There were safeguards in the policy to ensure that where a development was not implemented within in 12 months or was sold, then the developer would be disqualified from receiving CIL exceptional circumstances relief. In reply to a member’s concern that the ECR policy would lead to reduced levels of affordable housing, the head of planning services said that planning applications and applications for CIL exceptional circumstances relief were separate decision making processes. The ECR policy could be used positively to bring schemes with affordable housing forward. A member suggested that the relief could mean that Brownfield sites which required decontamination were brought forward for development of social housing or economic regeneration.

Discussion ensued on the reaction of the council’s partners on the Greater Norwich Growth Board to the proposed ECR policy. Councillor Waters confirmed that Broadland District Council and South Norfolk Council were aware that the council was considering implementing a CIL exceptional circumstances relief policy. He pointed out that the policy was to bring forward development on Brownfield sites and that the other two district councils were largely rural. The head of planning services said that CIL exceptional circumstances relief would be used to promote regeneration where no other development would take place and pointed out that if no development were to go ahead on the site there would be no generation of CIL income.

Members concurred that there were no specific recommendations to cabinet but that the minutes of the meeting should be made available to members before council on 27 November 2018.

**RESOLVED** to ask the committee officer to circulate this minute to members of the council for information before the meeting of council on 27 November 2018.

CHAIR