

## ADULTS AND COMMUNITIES SCRUTINY COMMITTEE

WEDNESDAY 30 SEPTEMBER 2020

7.00 PM

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### AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest and Whipping Declarations**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Minutes of the Adults and Communities Scrutiny Committee meeting held on 3 March 2020** 3 - 8

4. **Call In of any Cabinet, Cabinet Member or Key Officer Decisions**

The decision notice for each decision will bear the date on which it is published and will specify that the decision may then be implemented on the expiry of 3 working days after the publication of the decision (not including the date of publication), unless a request for call-in of the decision is received from any three Members of any Scrutiny Committee. If a request for call-in of a decision is received, implementation of the decision remains suspended for consideration by the relevant Scrutiny Committee.

5. **Appointment of Co-opted Members** 9 - 12

6. **Domestic Abuse and Sexual Violence Service Update Report** 13 - 94

7. **Care Home Support Plan** 95 - 120

8. **Review of Vivacity Transition Arrangements** 121 - 126

9. **Proposal for Task and Finish Group to Promote Equality and Diversity Amongst Councillors** 127 - 130

10. **Review of 2019/2020 and Work Programme For 2020/21** 131 - 156

**11. Forward Plan of Executive Decisions**

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**12. Date of Next Meeting**

11 November 2020 – Joint Scrutiny of the Budget

17 November 2020 – Adults and Communities Scrutiny Committee

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**Committee Members:**

Councillors: Aitken, Bisby, Bond, R Brown (Vice Chairman), Ellis, J R Fox, Howard, Howell, M Jamil, Simons (Chairman) and Yasin

Substitutes: Councillors: Bond, Day, D Fower, C Harper and Skibsted

Further information about this meeting can be obtained from David Beauchamp on telephone 01733 384628 or by email – david.beauchamp@peterborough.gov.uk

**MINUTES OF THE ADULTS AND COMMUNITIES SCRUTINY COMMITTEE MEETING  
HELD AT 7PM, ON  
TUESDAY 3 MARCH 2020  
BOURGES / VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

**Committee Members Present:** Councillors N. Simons (Chairman), S. Bond, J. Howard, J. Howell, M. Jamil, S. Warren, I. Yasin

**Officers Present:** Adrian Chapman – Service Director, Communities and Partnerships  
Matt Oliver – Head of Think Communities  
Clair George - Head of Prevention and Enforcement Service  
Jawaid Khan - Community Cohesion Manager

**Also Present:** Councillor Irene Walsh – Cabinet Member for Communities

**38. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Aitken, Brown (Councillor Warren in attendance as substitute), Bisby and Fox.

**39. DECLARATIONS OF INTEREST AND WHIPPING DECLARATIONS**

No declarations of interest were received.

**40. MINUTES OF THE ADULTS AND COMMUNITIES SCRUTINY COMMITTEE MEETING HELD ON 14 JANUARY 2020**

The minutes of the Adults and Communities Scrutiny Committee meeting held on 14 January 2020 were agreed as a true and accurate record.

**41. CALL IN OF ANY CABINET, CABINET MEMBER OR KEY OFFICER DECISIONS**

There were no requests for call in to consider.

**42. PORTFOLIO HOLDER PROGRESS REPORT – COMMUNITIES**

This item was introduced by the Cabinet Member for Communities, accompanied by the Head of Think Communities, the Head of Prevention and Enforcement Service and the Community Cohesion Manager. The report allowed the Committee to scrutinise the work being undertaken under the portfolio of the Cabinet Member for Communities, Councillor Irene Walsh.

The Adults and Communities Scrutiny Committee debated the report and in summary, key points raised and responses to questions included:

- It was noted Matt Oliver had just been appointed as Head of Think Communities and had yet to start the role. He was also the current Head of Youth Support.

- Members referred to section 4.7 of the report and asked when the workforce development programme would begin. Officers responded that they wanted place-based coordinators in place, who would be essential for engagement with Members. This was a priority for the Head of Think Communities and greater Member engagement would take place within three months.
- Members asked how the success of Think Communities would be assessed. The Service Director, Communities and Partnerships responded that Think Communities was a movement, not a project or programme, and he would welcome the Committee's support. Think Communities would be based on local plans and councillors would be engaged with in small areas to identify the needs of residents. Officers could potentially report these plans back to the Committee. It was not desirable to provide specific statistical criteria as they might not be realistic or relevant. The aim of the Think Communities was to build plans from the bottom up that were meaningful and relevant and it was hoped Members would engage with this process.
- Members asked what support would be available for parishes in light of the redundancy of the dedicated Community Capacity Officer and Parish Coordinator post. The Cabinet Member responded that the Council would continue to provide support within budgetary constraints, but delivered in a different way. The possibility of a unified approach with Cambridgeshire County Council was being explored. The ideas generated at a recent meeting of the Parish Council Liaison Committee were also being considered. The Service Director, Communities Partnerships added that he could envisage a joint plan with Cambridgeshire with local plans for rural parishes. The support would need to be bespoke and fit for purpose.
- Some members felt that the Council had failed to deal with fly-tipping in hotspot areas effectively. The Head of the Prevention and Enforcement Service Responded that cameras had had been obtained following the work of the Task and Finish Group to Review Fly-Tipping and Waste Policy. Hotspots were being identified and appropriate authorisations sought. Officers could be employed to liaise with the community in hotspot areas, e.g. taking statements and evidence. The Committee would be informed of the outcomes of the use of cameras when they were known.
- Some members felt that language was a barrier for people to use recycling bins correctly and an education programme was needed. The Service Director responded that this was under discussion and the contract with Aragon Direct Services had provision for education. Bin technology was being developed to benefit people. Progress in this area would be reported to the Committee in the next municipal year.
- The PES team was being transformed and now encompassed civil parking officers, four community officers, a senior problem-solving officer, community safety officers and environmental enforcement officers. The initial focus was on the City Centre but the team had the ability to deploy anywhere in the City if required.
- The Cabinet Member emphasised the importance of ward Councillors providing intelligence to the PES team on hotspot areas.
- Members requested that the Head of the Prevention and Enforcement Service provides the committee with a briefing note outlining the levels of fines issued for fly-tipping out of the 195 fixed penalty notices issued in 2019.
- In response to a Member's concerns, the Service Director commented that there were issues with encouraging witnesses of fly-tipping incidents to have the confidence to give evidence to enable prosecution. The Committee Requested the Service Director, Communities and Safety works with colleagues to support witnesses of fly-tipping incidents to have the confidence to come forward.
- It was possible for Parish Councils to employ PES officers and the Council would always aim to work closely with parishes although the feasibility of this with current resources levels would need to be considered. It was suggested that, unlike the

Hampton model in which PCC officers are transferred to the parish, powers could be transferred to parishes to employ their own officers.

- Enforcement officers had started work and recruitment was ongoing.
- Members referred to section 4.9.6 of the reports pack and questioned whether 13 parking officers would be sufficient to deal with parking issues outside schools. The Head of PES responded that three new officers had been employed who would police parking outside schools. Their presence alone would encourage people to park correctly. The Council was engaging with schools and parents on road safety matters to create change. Alternative technological approaches to tackling problem parking, such as cameras, could also be considered. Educating people to work with the Council was as important as enforcement. The Cabinet Member added that she had attended a pupil panel at a school in Stanground which had asked parents to change their behaviour.
- The Head of Think Communities stated that he was keen to integrate local voices with the Council's work as part of the Think Communities approach.
- Members asked if the Council's Think Communities approach was based on a similar initiative in Wigan. The Service Director responded that he was not sure who originally developed the idea. He visited Wigan when their deal was announced and noted how well-informed and enthusiastic the population were about it. A key emphasis was on having a clear division of responsibility between the Council and community leaders; making it clear that people had to take personal responsibility in order to deliver certain services.
- It was noted that a similar deal for Peterborough was being worked on.
- Members requested that the Head of the Prevention and Enforcement Service provides information to Members on the support the Council could provide to schools and residents to tackle problematic parking outside schools.
- All children who were refugees were in school and doing well. Attendance was at 95%. It was recognised that language could be a barrier to attainment. The Council was now experienced in integrating refugees and the next cohort had been prepared for via a Task and Finish Group which included representatives from the Islamic Centre, Kingsgate Church and Care Zone. The Befriending Service also helped to make new residents feel welcome.
- The Committee requested the Cabinet Member for Communities organises a visit for members to the CCTV centre.
- Members referred to section 4.9.6 of the reports pack and suggested that having a single Problem Solving Officer might place considerable pressure on this individual. The Head of PES responded that she did not envisage this officer working in isolation, but as part of a multi-agency approach which would be closely monitored. Members could support this officer by sharing information.
- It was noted that only 3 adults from the Syrian Refugee Programme were currently in work. Members asked what barriers were preventing this figure from being higher. The Cabinet Member and Community Cohesion Manager responded that there was more than just a language barrier as many of these people had limited literacy. It was a challenge to help them into employment and language was a key part of this. A significant number were volunteering. Officers would continue to evaluate this work during the next cohort of refugees.
- Members referred to section 4.9.6 of the reports pack and suggested that ward councillors could do more to engage with residents regarding the EU settlement scheme. The Community Cohesion Manager responded that 25,000 people had registered on the scheme. It was known that not everyone had registered yet but it was not known how many people this represented. Officers were aiming to take different circumstances into account when engaging with people and would work closely with ward councillors across Cambridgeshire.
- Members felt it was important to know how many E.U citizens lived in Peterborough and noted that those who did not apply for the Settlement Scheme would not have

the right to work. It was felt that 25,000 seemed too low and more work needed to be done to connect with people who were harder to reach. The Community Cohesion Manager acknowledged that more work needed to be done. Many organisations needed to be engaged with such as places of worship, schools and hospitals.

- Members suggested that the Council could liaise with landlords and letting agents to identify E.U. Citizens. Officers responded that this was being done. The Council was also identifying specific groups, e.g. looked after children.
- Members suggested that officers could use the electoral roll to help with identifying E.U. Citizens. Officers responded that they would investigate this but the electoral roll did not include ethnicity or nationality data. Community groups were being worked with as they were more familiar with the people concerned. Communication of the Settlement Scheme had been good but some people had held back from registering and the Council was focussed on changing this.

### **ACTIONS AGREED**

The Adults and Communities Scrutiny Committee **RESOLVED** to consider and scrutinise this report and endorse the approach being taken under the portfolio of the Cabinet Member and:

1. Requested that the Head of the Prevention and Enforcement Service provides the committee with a briefing note outlining the levels of fines issued for fly-tipping out of the 195 fixed penalty notices issued in 2019.
2. Requested the Service Director, Communities and Safety works with colleagues to support witnesses of fly-tipping incidents to have the confidence to come forward.
3. Requested that the Head of the Prevention and Enforcement Service provides information to Members on the support the Council could provide to tackle problematic parking outside schools.
4. Requested the Cabinet Member for Communities organises a visit for members to the CCTV centre.

### **43. TARGETED YOUTH SUPPORT SERVICE UPDATE**

The report was introduced by the Cabinet Member for Communities and the Head of Think Communities which raised the profile and acknowledged the achievements of the Targeted Youth Support Service (TYSS), informed members of the impact of budget proposals and briefed them on continued inspection preparation.

The Adults and Communities Scrutiny Committee debated the report and in summary, key points raised and responses to questions included:

- Members requested further information on how external funding would be used. Officers responded that this funding was a first for the City and it was acknowledged that engaging with the voluntary sector had been a difficult process. A key part of the bid for funding had been giving young people a voice via youth commissioners.
- The Targeted Youth Support Service (TYSS) had been restructured in a manner that preserved safeguarding. Systems had been kept in place to enable families to move through the system and de-escalate situations.
- Members requested an assessment of how successful an inspection of the TYSS would be, if it were to occur. Officers responded that they were doing everything they could to be properly prepared. There had been significant progress in reducing the number of young people being taken into care and reducing the number of families requiring social care intervention as a result of the work of the TYSS team

and the service was in a strong position. This reduction had been achieved by capitalising on people's skills, having services accessible in one place, early identification of those who might need care, plans to bring people out of care and different types of safeguarding for different ages.

- Success stories included Romsey Mill in Hampton, the YMCA and the Princes Trust. Funding was always an issue but there were plans to create a Youth Foundation Partnership for Peterborough via joint funding bids.
- It was noted that the Police and Crime Commissioner had a funding pot for young people. The Council were exploring a joint bid for this alongside Cambridge City Council for a publicity campaign against knife crime and criminal exploitation and to identify the early signs of knife crime. There were also other examples of work with the Police and Crime Commissioner.
- Members noted the good performance of the service in section 4.1.5 of the report and asked if comparisons with the national average were available. Officers responded that the figures were only local and other local authorities were taking similar approaches. The Council did have a higher level of young people in the NEET (not in Education, Employment or Training) category than its statistical neighbours and this had been the case for a while. The Service had maintained its performance despite a 50% reduction in resources.
- Members referred to section 4.2.3 of the report and asked if safeguarding information and training was available for volunteers and how this could be accessed. Officers responded that more work was required in this area but work was done with volunteers. Free training was offered via the Safeguarding Children Board but sessions were not at convenient times. Safeguarding training was available at the Council's sites and via the National Youth Agency.
- Members suggested that safeguarding training on Saturdays would be useful.

#### **ACTIONS AGREED:**

The Adults and Communities Scrutiny Committee considered the report and **RESOLVED** to:

1. Review the achievements of the Targeted Youth Support Service during the first 18 months of operation
2. Review the direction of travel for the Targeted Youth Support Service in the context of budgets for 2020/ 2021
3. Note and comment on preparation for HMI Probation Youth Justice Inspection and Ofsted Inspection readiness
4. Endorse Early Help and Adolescent Strategy outcome proposals

#### **44. MONITORING SCRUTINY RECOMMENDATIONS**

The Democratic Services Officer introduced the report which enabled the Committee to monitor and track the progress of recommendations made to the Executive or Officers at previous meetings.

It was noted that the Youth Justice Plan 2019-22 had been endorsed by Cabinet on 3 February 2020 and was due to be approved by Council on 4 March 2020.

#### **ACTIONS AGREED:**

The Adults and Communities Scrutiny Committee considered the report and **RESOLVED** to consider the responses from Cabinet Member and Officers to recommendations made at previous meetings as attached in Appendix 1 to the report.

**45. FORWARD PLAN OF EXECUTIVE DECISIONS**

The Democratic Services Officer introduced the report which invited Member to consider the most recent version of the Forward Plan of Executive Decisions and identify any relevant items for inclusion within the Committee's work programme or to request further information.

There were no further comments made.

**ACTIONS AGREED:**

The Committee considered the report and **RESOLVED** to consider the current Forward Plan of Executive Decisions.

CHAIRMAN

7pm to 8.19pm

<b>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 5
<b>30 SEPTEMBER 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance	
Cabinet Member(s) responsible:	Councillor Mohammed Farooq, Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	David Beauchamp, Democratic Services Officer	Tel. 452508

<b>APPOINTMENT OF CO-OPTED MEMBERS</b>
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R E C O M M E N D A T I O N S	
<b>FROM:</b> Director of Law and Governance	<b>Deadline date:</b> N/A
<p>It is recommended that the Adults and Communities Scrutiny Committee</p> <ol style="list-style-type: none"> <li>1. Appoint Parish Councillor Neil Boyce as a non-voting Co-opted Member to represent the rural area for the municipal year 2020/2021. Appointment to be reviewed annually at the beginning of the next municipal year.</li> <li>2. Appoint Parish Councillor James Hayes as a second non-voting Co-opted Member to represent the rural area for the municipal year 2020/2021 or as the nominated substitute for Neil Boyce should he be appointed as the non-voting Co-opted Member representing the rural area. Appointment to be reviewed annually at the beginning of the next municipal year.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 The report is presented to the Committee on behalf of the Director of Law and Governance

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to request that the Committee appoint Neil Boyce as a Non-Voting Co-opted Member for the municipal year 2020/21 to the Adults and Communities Scrutiny Committee in accordance with Part 3, Section 4 – Overview and Scrutiny Functions:

*Paragraph 4.3 The Scrutiny Committees shall be entitled to co-opt, as non-voting members, up to four external representatives or otherwise invite participation from non-members where this is relevant to their work.*

And Part 4, Section 8 – Overview and Scrutiny Procedure Rules: Paragraph 3 - CO-OPTED MEMBERS

*3.1 As well as any statutory co-opted members, Scrutiny Committees can co-opt up to four non-voting members on to the Committee.*

*3.2 There must be at least one non-voting position reserved for a Parish Councillor from a rural area with one substitute member. The Parish Council Liaison Committee will decide these.*

3.3 A Scrutiny Committee can co-opt a further three members at its discretion. One of these can be a second parish council member identified by the Parish Council Liaison Committee.

- 2.2 The Committee is also requested to consider appointing Parish Councillor James Hayes as a second co-opted member representing the rural area or as a substitute for Neil Boyce.
- 2.3 This report is for Adults and Communities Committee to consider under its Terms of Reference No. 4.3 of Part 3, Section 4 – Overview and Scrutiny Functions – Co-optees.

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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### 4. **BACKGROUND AND KEY ISSUES**

#### **Parish Councillor Co-opted Members**

- 4.1 Each Scrutiny committee has the ability to co-opt up to four non-voting co-opted members one of which will be a Parish Councillor representing the rural area to ensure the voice of the rural communities are reflected.

Parish Councillor co-opted members are nominated through a process which is handled by the Think Communities Service area in People and Communities on behalf of the Parish Council Liaison Committee. This is done by sending out an advert and Terms of Reference for each Scrutiny Committee to all Parish Councils asking for expressions of interest for the position. Any expressions of interest received are assessed by the Chair of the Parish Council Liaison for experience and skills and why the candidate wishes to become a co-opted member of a particular scrutiny committee. The final nominations are then put forward to the relevant committee for approval. The Parish Council Liaison has therefore proposed that Parish Councillor Neil Boyce be nominated to represent the rural area on the Adults and Communities Scrutiny Committee and that Parish Councillor James Hayes be nominated as a second co-opted member or as a substitute should the Committee decide to only appoint one Parish Councillor co-opted member.

It is therefore proposed that the Committee approve the appointment of Neil Boyce as a Parish Councillor Co-opted Member of this committee to represent the rural area and consider the appointment of James Hayes as a second Parish Councillor Co-opted Member or as a substitute for James Hayes for the municipal year 2020/21.

#### 4.2 **NEXT STEPS**

If the Committee agree to appoint the above nominations as co-opted members of the Adults and Communities Scrutiny Committee from 1 October 2020, they will be able to attend and take part in all meetings of the Committee and any Task and Finish Groups that the Committee agree that they may be assigned to with no voting rights. If James Hayes is appointed as a substitute he may attend and take part in any meeting when asked to attend as a substitute for Neil Boyce.

### 5. **CONSULTATION**

- 5.1 None

### 6. **ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 The inclusion of Co-opted Members will allow the Committee a wider, more diverse input to discussion, drawing on the relevant expertise of the additional members.

### 7. **REASON FOR THE RECOMMENDATION**

7.1 The recommendations are made to assist the Scrutiny Committee in fulfilling the terms of reference as set out in the constitution Part 3, Section 4 – Overview and Scrutiny Functions:

4.3 The Scrutiny Committees shall be entitled to co-opt, as non-voting members, up to four external representatives or otherwise invite participation from non-members where this is relevant to their work.

## **8. IMPLICATIONS**

### **Financial Implications**

8.1 Co-opted Members will receive a special responsibility allowance of £250 per annum as stated in the Members' Allowances Scheme.

### **Legal Implications**

8.2 Due process has been followed with regards to the appointment of the Co-optees.

### **Equalities Implications**

8.3 Members were keen to ensure that the Committee membership is as inclusive as possible.

### **Rural Implications**

8.4 The appointment of a Parish Councillor as a co-opted member representing the rural area will ensure that the voice of the rural communities are reflected.

## **9. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

9.1 None.

## **11. APPENDICES**

11.1 None.

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<b>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 6
<b>30 SEPTEMBER 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Rob Hill – Assistant Director, Community Safety	
Cabinet Member(s) responsible:	Cllr Irene Walsh - Cabinet Member for Communities	
Contact Officer(s):	Rob Hill – Assistant Director, Community Safety Julia Cullum - Partnership Manager	Tel. 07815558081 / 07789510672

## DOMESTIC ABUSE AND SEXUAL VIOLENCE SERVICE UPDATE REPORT

R E C O M M E N D A T I O N S	
<b>FROM:</b> <i>Rob Hill – Assistant Director Community Safety</i>	<b>Deadline date:</b> <i>N/a</i>
<p>It is recommended that Adults and Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>Note the statutory duty on Tier 1 local authorities to provide support to victims of domestic abuse and their children in refuges and other safe accommodation from April 2021, and to consider and comment on the proposal to provide governance for this statutory duty via the existing countywide Domestic Abuse and Sexual Violence Board.</li> <li>Note the impact of COVID-19 on the demand for domestic abuse services, and the proposed cessation of the Service review.</li> </ol>	

### 1. ORIGIN OF REPORT

- 1.1 The Adults and Community Scrutiny Committee have requested an update on the proposed changes to the DA Bill and progress on the Domestic Abuse and Sexual Violence Service Review.

### 2. PURPOSE AND REASON FOR REPORT

- 2.1 This report is being presented:

- to inform the Scrutiny committee of the new statutory obligation proposed in the 2020 DA Bill, and to seek the Panel's view on the proposal to provide governance for this via the established DASV partnership board
- to update the committee on the review of the Domestic Abuse and Sexual Violence (DASV) Service

- 2.2 This report is for the Adults & Communities Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview Scrutiny Functions, paragraph No. 2.1:

Functions determined by Council:

- Safeguarding Adults
- Equalities

Functions determined by Statute:

To review and scrutinise crime and disorder matters, including acting as the Council's crime and disorder committee in accordance with Sections 19 of the Police and Justice Act 2006;.

- 2.3 Our strategic and operational approach to addressing domestic abuse and sexual violence is directly linked to our corporate priority to safeguard vulnerable adults and children.

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
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### 4. **BACKGROUND AND KEY ISSUES**

#### 4.1 **Domestic Abuse Bill – Statutory Requirement**

The Domestic Abuse Bill 2019-2021 is currently progressing through parliament and has reached a second reading in the House of Lords. It is anticipated that the Bill will receive royal ascent in time for the Bill to become law in April 2021. The Bill will:

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, coercive or controlling, and economic abuse
- establish a Domestic Abuse Commissioner, to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse
- provide for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order
- place a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation
- prohibit perpetrators of abuse from cross-examining their victims in person in the family courts in England and Wales
- create a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal courts (for example, to enable them to give evidence via a video link)
- enable domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody
- place the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) on a statutory footing
- ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy
- extend the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences

The key implication here for Peterborough City Council, is that the Bill will place a statutory duty on tier 1 local authorities to provide support to victims of domestic abuse and their children within refuges and other safe accommodation. It will put in place a four part statutory framework

for the delivery of support to victims of domestic abuse and their children in safe accommodation and:

1. Place a duty on each tier one local authority in England to appoint a multi-agency Domestic Abuse Local Partnership Board which it will consult as it performs certain specified functions. These are to:
  - assess the need for accommodation-based domestic abuse support for all victims in their area, including those who require cross-border support
  - develop and publish a strategy for the provision of such support to cover their locality, having regard to the need's assessment
  - give effect to the strategy (through commissioning / de-commissioning decisions)
  - monitor and evaluate the effectiveness of the strategy
  - report back to central government
2. Require local authorities to have regard to statutory guidance in exercising their functions.
3. Require the Secretary of State to produce statutory guidance, having consulted the Domestic Abuse Commissioner, local authorities and such other persons as considered appropriate.
4. Require tier two councils to co-operate with the lead local authority, so far as is reasonably practicable.

The new duty will cover the provision of support to victims and their children residing in:

- refuge accommodation
- specialist safe accommodation
- dispersed accommodation
- sanctuary schemes
- move-on or second stage accommodation

And domestic abuse support will include:

- advocacy support – development of personal safety plans, liaison with other services (for example, GPs and social workers, welfare benefit providers)
- domestic abuse prevention advice – support to assist victims to recognise the signs of abusive relationships, to help them remain safe (including online) and to prevent re-victimisation
- specialist support for victims with protected characteristics and / or complex needs, for example, interpreters, faith services, mental health advice and support, drug and alcohol advice and support, and immigration advice
- children's support – including play therapy and child advocacy
- housing-related support – providing housing-related advice and support, for example, securing a permanent home and advice on how to live safely and independently
- counselling and therapy for both adults and children

The makeup of Local Partnership Boards may vary across local authority areas, but they are expected to include a broad range of representative partners. As a minimum, the Boards will include persons representing local authorities, victims and their children, domestic abuse charities or voluntary organisations, health care providers and the police or other criminal justice agencies. **It is recommended for Peterborough that the existing Countywide Domestic Abuse and Sexual Violence Strategic Board could be utilised for this purpose, with some adaptations made.**

The duty will require a needs assessment to take place every 3 years, with an annual refresh, using a standardised needs assessment form from the Ministry of Housing Communities and Local Government.

Needs Assessments will explore the level of need for support services within safe accommodation for victims of domestic abuse, including those presenting from out of area. As well as the level of need more broadly, it should include an assessment of the level of need for specialist support services.

Using the needs assessment, Tier 1 authorities will need to develop strategies clearly setting out the local approach in support victims of domestic abuse within safe accommodation. It is hoped that this can be part of the existing Domestic Abuse Strategy, which has recently been reviewed (appendix 1).

Tier 1 local authorities, with support from the Local Partnership Board, will need to submit a report to the MHCLG setting out how they have met their duty. Local authorities will receive appropriate financial support to meet the proposed new duty with final decisions on funding being made as part of the 2020 Comprehensive Spending Review.

#### 4.2 **Domestic Abuse and Sexual Violence Service Review**

The Domestic Abuse and Sexual Violence Partnership, including the IDVA (Independent Domestic Violence Adviser) Service work countywide and are funded through Peterborough City Council and Cambridgeshire County Council, with a reliance on other short term-grant funding to provide a service for all victims of domestic abuse.

Due to the expected ceasing of some of these grants in March 2020, a restructure of the service was planned to redesign services to meet reduced funding. At late notice some of these grants have now been extended until March 2021.

Nationally the COVID-19 lockdown and recovery has impacted on a substantial increase in demand for domestic abuse services. This has also been replicated locally with the IDVA Service (who work predominately with high risk victims) seeing an increase in referral levels of 11% for quarter one (April – June 2020), compared with the same period last year. Quarter two (July – September 2020) is projected to see a 16-20% increase on 19/20 figures. The service has implemented its COVID business continuity plan to manage referral levels, which has meant that referral thresholds have temporarily increased when demand for services was at its highest.

Outreach services provided through Refuge are also reporting increases of up to 100% on referral levels from last year. Refuge support victims at all risk levels and accept self-referrals. This service is currently funded through grants that are due to end in March 2021. There is currently considerable pressure on this service to meet demand. In order to maintain our ability to respond to increased demand, and in light of the extension of grant funding, the service review has been postponed until 2021.

## **5. CONSULTATION**

5.1 Not required – Update information only, no direct ward connotations.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 1 - Councillors are aware of the forthcoming statutory duty for local authorities around the provision of safe accommodation for victims of domestic abuse and the impact of the COVID-19 pandemic on existing domestic abuse services, and approve the recommended approach regarding the statutory board requirement.

2 – Councillors are informed of the service demand challenges as a result of Covid-19, and support the decision to pause further service review this financial year.

## **7. REASON FOR THE RECOMMENDATION**

7.1 These recommendations are made due to the new statutory duty on local authorities being introduced as part of the new domestic abuse bill.

The COVID-19 pandemic has also had a substantial impact on demand for domestic abuse services, which have implications for future planning and service review.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 N/A

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 Statutory Proposals: Local authorities have been advised that additional funding to implement the statutory duty will be made available. Details have not yet been released.

Service Review: The decision to suspend the service review has no financial implications, given the extension of external grant to March 2021 and therefore the budget remains unaffected.

### **Legal Implications**

9.2 The proposed statutory requirement places a legal obligation on the authority. However, this will not become law until 2021 and we await final written instruction to assess any legal implications.

### **Equalities Implications**

9.3 Domestic abuse is a highly gendered crime, with women disproportionately affected. Current safe accommodation provision within Peterborough is only available for women and there is no specific provision for those with complex or additional needs. The needs assessment will need to consider this and may identify gaps within the current provision which could lead to a de-commissioning or recommissioning of existing services.

### **Rural Implications**

9.4 No disproportionate impact

### **Carbon Impact Assessment**

9.5 Neutral impact because at this stage this report is for information only. New duties that will be required of the Council, should these changes be passed, may result in some minor carbon impacts for the Council but officers will seek to ensure that these are minimised where feasible.

## **10. BACKGROUND DOCUMENTS**

10.1 DA Bill 2020

[https://publications.parliament.uk/pa/bills/lbill/58-01/124/5801124\\_en\\_2.html](https://publications.parliament.uk/pa/bills/lbill/58-01/124/5801124_en_2.html)

## **11. APPENDICES**

11.1 Appendix 1 – DA Bill 2020

# Domestic Abuse Bill

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office, have been ordered to be published as HL Bill 124 – EN.

## EUROPEAN CONVENTION ON HUMAN RIGHTS

Baroness Williams of Trafford has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Domestic Abuse Bill are compatible with the Convention rights.



# Domestic Abuse Bill

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**B I L L**

TO

Make provision in relation to domestic abuse; to make provision for and in connection with the establishment of a Domestic Abuse Commissioner; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence or otherwise participate in civil proceedings; to prohibit cross-examination in person in family or civil proceedings in certain circumstances; to make provision about circumstances in which consent to the infliction of harm is not a defence in proceedings for certain violent offences; to make provision about certain violent or sexual offences, and offences involving other abusive behaviour, committed outside the United Kingdom; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**PART 1**

DEFINITION OF “DOMESTIC ABUSE”

**1 Definition of “domestic abuse”**

- (1) This section defines “domestic abuse” for the purposes of this Act.
- (2) Behaviour of a person (“A”) towards another person (“B”) is “domestic abuse” if—
  - (a) A and B are each aged 16 or over and are personally connected to each other, and
  - (b) the behaviour is abusive.
- (3) Behaviour is “abusive” if it consists of any of the following—
  - (a) physical or sexual abuse;
  - (b) violent or threatening behaviour;
  - (c) controlling or coercive behaviour;
  - (d) economic abuse (see subsection (4));

- (e) psychological, emotional or other abuse;  
and it does not matter whether the behaviour consists of a single incident or a course of conduct.
- (4) “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to— 5
- (a) acquire, use or maintain money or other property, or
- (b) obtain goods or services.
- (5) For the purposes of this Act A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child). 10
- (6) References in this Act to being abusive towards another person are to be read in accordance with this section.
- (7) For the meaning of “personally connected”, see section 2.
- 2 Definition of “personally connected”**
- (1) For the purposes of this Act, two people are “personally connected” to each other if any of the following applies— 15
- (a) they are, or have been, married to each other;
- (b) they are, or have been, civil partners of each other;
- (c) they have agreed to marry one another (whether or not the agreement has been terminated); 20
- (d) they have entered into a civil partnership agreement (whether or not the agreement has been terminated);
- (e) they are, or have been, in an intimate personal relationship with each other;
- (f) they each have, or there has been a time when they each have had, a parental relationship in relation to the same child (see subsection (2)); 25
- (g) they are relatives.
- (2) For the purposes of subsection (1)(f) a person has a parental relationship in relation to a child if— 30
- (a) the person is a parent of the child, or
- (b) the person has parental responsibility for the child.
- (3) In this section—
- “child” means a person under the age of 18 years;
- “civil partnership agreement” has the meaning given by section 73 of the Civil Partnership Act 2004; 35
- “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act);
- “relative” has the meaning given by section 63(1) of the Family Law Act 1996.
- 3 Children as victims of domestic abuse** 40
- (1) This section applies where behaviour of a person (“A”) towards another person (“B”) is domestic abuse.

- (2) Any reference in this Act to a victim of domestic abuse includes a reference to a child who –
- (a) sees or hears, or experiences the effects of, the abuse, and
  - (b) is related to A or B.
- (3) A child is related to a person for the purposes of subsection (2) if – 5
- (a) the person is a parent of, or has parental responsibility for, the child, or
  - (b) the child and the person are relatives.
- (4) In this section –
- “child” means a person under the age of 18 years;
  - “parental responsibility” has the same meaning as in the Children Act 1989 (see section 3 of that Act); 10
  - “relative” has the meaning given by section 63(1) of the Family Law Act 1996.

## PART 2

### THE DOMESTIC ABUSE COMMISSIONER 15

#### *Domestic Abuse Commissioner*

#### 4 Appointment of Commissioner

- (1) The Secretary of State must appoint a person as the Domestic Abuse Commissioner (“the Commissioner”).
- (2) The Commissioner is to hold and vacate office in accordance with the terms and conditions of the Commissioner’s appointment. 20
- (3) The Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

#### 5 Funding

- (1) The Secretary of State may make payments to the Commissioner out of money provided by Parliament for the purpose of enabling the Commissioner to meet expenditure incurred in the exercise of the Commissioner’s functions. 25
- (2) Payments are to be made at such times, and subject to any such conditions, as the Secretary of State considers appropriate.
- (3) The Secretary of State may pay, or make provision for paying, to or in respect of the Commissioner – 30
- (a) remuneration;
  - (b) allowances;
  - (c) sums by way of or in respect of pensions.

#### 6 Staff etc 35

- (1) The Secretary of State must provide the Commissioner with –
- (a) such staff, and
  - (b) such accommodation, equipment and other facilities,

as the Secretary of State considers necessary for the carrying out of the Commissioner's functions.

- (2) Before providing any staff, the Secretary of State must –
  - (a) consult the Commissioner, and
  - (b) obtain the Commissioner's approval as to the persons to be provided as staff. 5
- (3) The Secretary of State must consult the Commissioner before providing any accommodation, equipment or other facilities.

### *Functions of Commissioner*

- 7 General functions of Commissioner 10**
  - (1) The Commissioner must encourage good practice in –
    - (a) the prevention of domestic abuse;
    - (b) the prevention, detection, investigation and prosecution of offences involving domestic abuse;
    - (c) the identification of – 15
      - (i) people who carry out domestic abuse;
      - (ii) victims of domestic abuse;
      - (iii) children affected by domestic abuse;
    - (d) the provision of protection and support to people affected by domestic abuse. 20
  - (2) The things that the Commissioner may do in pursuance of the general duty under subsection (1) include –
    - (a) assessing, monitoring, and publishing information about, the provision of services to people affected by domestic abuse;
    - (b) making recommendations to any public authority about the exercise of its functions; 25
    - (c) undertaking or supporting (financially or otherwise) the carrying out of research;
    - (d) providing information, education or training;
    - (e) taking other steps to increase public awareness of domestic abuse; 30
    - (f) consulting public authorities, voluntary organisations and other persons;
    - (g) co-operating with, or working jointly with, public authorities, voluntary organisations and other persons, whether in England and Wales or outside the United Kingdom. 35
  - (3) Subject to subsection (4), the Commissioner may not do anything in pursuance of the general duty under subsection (1) that –
    - (a) relates to a devolved Welsh authority, or
    - (b) otherwise relates to Welsh devolved matters.
  - (4) Subsection (3) does not prevent the Commissioner from – 40
    - (a) doing anything falling within subsection (2)(c), (d) or (e), to the extent that the thing done does not relate to Welsh devolved matters;
    - (b) doing anything falling within subsection (2)(f) or (g);
    - (c) disclosing information to a devolved Welsh authority, or information which relates to Welsh devolved matters, under section 17. 45

- 
- (5) For the purposes of this section something relates to Welsh devolved matters so far as it relates to –
- (a) any matter provision about which would be within the legislative competence of Senedd Cymru if it were contained in an Act of Senedd Cymru, or 5
  - (b) (so far as it is not within paragraph (a)), any matter functions with respect to which are exercisable by the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government or the Senedd Commission.
- (6) In this section – 10
- “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006;
  - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.
- 8 Reports** 15
- (1) The Commissioner may report to the Secretary of State on any matter relating to domestic abuse.
  - (2) The Commissioner must publish every report made under this section.
  - (3) Before publishing a report under this section, the Commissioner must send a draft of the report to the Secretary of State. 20
  - (4) The Secretary of State may direct the Commissioner to omit material from any report under this section before publication if the Secretary of State thinks the publication of that material –
    - (a) might jeopardise the safety of any person, or
    - (b) might prejudice the investigation or prosecution of an offence. 25
  - (5) The Secretary of State must consult the Commissioner before making any direction under subsection (4).
  - (6) The Commissioner must arrange for a copy of any report published under this section to be laid before Parliament.
- 9 Advice and assistance** 30
- (1) The Commissioner may provide the Secretary of State with any advice or assistance that the Secretary of State may request.
  - (2) The Commissioner may, at the request of any other person, provide the person with advice or assistance relating to the exercise of any of the person’s functions, or the carrying out of any activities by the person, in relation to people affected by domestic abuse. 35
  - (3) The Commissioner may charge a person for providing the person with advice or assistance under subsection (2).
  - (4) The Commissioner must publish any advice given to a person under subsection (2). 40
  - (5) Before publishing any advice given under this section, the Commissioner must send a draft of what is proposed to be published to the Secretary of State.

- (6) The Secretary of State may direct the Commissioner to omit anything contained in the advice before publication if the Secretary of State thinks the publication of that material –
- (a) might jeopardise the safety of any person, or
  - (b) might prejudice the investigation or prosecution of an offence. 5
- (7) The Secretary of State must consult the Commissioner before making any direction under subsection (6).

## 10 Incidental powers

- (1) The Commissioner may do anything which the Commissioner considers will facilitate, or is incidental or conducive to, the carrying out of the Commissioner’s functions. 10
- (2) But the Commissioner may not borrow money.

### *Framework document*

## 11 Framework document

- (1) The Secretary of State must issue a document (a “framework document”) that deals with matters relating to the Commissioner. 15
- (2) The matters that may be dealt with by a framework document include (among other things) –
- (a) matters relating to governance, funding and staffing;
  - (b) matters relating to the exercise of functions of the Commissioner; 20
  - (c) matters relating to scrutiny of the Commissioner’s activities by Parliament or by Senedd Cymru.
- (3) The Commissioner must have regard to the framework document when exercising any of the Commissioner’s functions.
- (4) The Secretary of State must have regard to the framework document when exercising any functions in relation to the Commissioner. 25
- (5) The Secretary of State –
- (a) must keep the framework document under review, and
  - (b) may issue a revised framework document.
- (6) The Secretary of State – 30
- (a) must consult the Commissioner in preparing or revising a framework document, and
  - (b) may not issue a framework document without the agreement of the Commissioner.
- (7) The Secretary of State must consult the Welsh Ministers before issuing – 35
- (a) the first framework document under this section, or
  - (b) any other framework document which is, in the opinion of the Secretary of State, significantly different from the framework document it replaces.
- (8) The Secretary of State must – 40

- (a) arrange for any framework document issued under this section to be published in the manner which the Secretary of State considers appropriate,
  - (b) send a copy of the framework document to the Welsh Ministers, and
  - (c) lay a copy of the framework document before Parliament. 5
- (9) The Welsh Ministers must lay before Senedd Cymru a copy of any framework document sent to them under subsection (8)(b).

### *Advisory Board*

## **12 Advisory Board**

- (1) The Commissioner must establish an Advisory Board (“the Board”) for the purposes of providing advice to the Commissioner about the exercise of the Commissioner’s functions. 10
- (2) The Board is to consist of not fewer than six and not more than ten members appointed by the Commissioner.
- (3) Each member of the Board is to hold and vacate office in accordance with the terms and conditions of the member’s appointment. 15
- (4) The members of the Board must include—
- (a) at least one person appearing to the Commissioner to represent the interests of victims of domestic abuse;
  - (b) at least one person appearing to the Commissioner to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in England; 20
  - (c) at least one person appearing to the Commissioner to represent the interests of persons who provide, or have functions relating to, health care services in England; 25
  - (d) at least one person appearing to the Commissioner to represent the interests of persons who provide, or have functions relating to, social care services in England;
  - (e) at least one person appearing to the Commissioner to represent the interests of persons with functions relating to policing or criminal justice; 30
  - (f) at least one person appearing to the Commissioner to have academic expertise in relation to domestic abuse.
- (5) The Commissioner may pay such remuneration or allowances to members of the Board as the Commissioner may determine. 35
- (6) In this section—
- “health care services” means services relating to health care (within the meaning of section 9 of the Health and Social Care Act 2008);
  - “social care services” means services relating to social care (within the meaning of that section). 40

*Strategic plans and annual reports*

- 13 Strategic plans**
- (1) The Commissioner must, as soon as reasonably practicable after the Commissioner’s appointment, prepare and publish a strategic plan.
  - (2) A strategic plan is a plan setting out how the Commissioner proposes to exercise the Commissioner’s functions in the period to which the plan relates, which must be not less than one year and not more than three years. 5
  - (3) A strategic plan must in particular –
    - (a) state the Commissioner’s objectives and priorities for the period to which the plan relates; 10
    - (b) state any matters on which the Commissioner proposes to report under section 8 during that period;
    - (c) state any other activities the Commissioner proposes to undertake during that period in the exercise of the Commissioner’s functions.
  - (4) The Commissioner must, before the end of the period to which a strategic plan relates (“the current period”) – 15
    - (a) prepare a strategic plan for a period immediately following the current period, and
    - (b) publish that plan.
  - (5) At any time during the period to which a strategic plan relates, the Commissioner – 20
    - (a) may revise the strategic plan, and
    - (b) must publish any revised plan.
  - (6) In preparing or revising a strategic plan, the Commissioner must consult – 25
    - (a) the Secretary of State,
    - (b) the Advisory Board established under section 12, and
    - (c) such other persons as the Commissioner considers appropriate.
  - (7) The Commissioner must arrange for a copy of any plan (or revised plan) published under this section to be laid before Parliament.
- 14 Annual reports** 30
- (1) As soon as reasonably practicable after the end of each financial year, the Commissioner must submit to the Secretary of State an annual report on the exercise of the Commissioner’s functions during the year.
  - (2) The annual report must include –
    - (a) an assessment of the extent to which the Commissioner’s objectives and priorities have been met in that year; 35
    - (b) a statement of the matters on which the Commissioner has reported under section 8 during the year;
    - (c) a statement of the other activities the Commissioner has undertaken during the year in the exercise of the Commissioner’s functions. 40
  - (3) The Commissioner must arrange for a copy of every annual report under this section to be laid before Parliament (but see subsection (4)).

- (4) The Secretary of State may direct the Commissioner to omit material from any report under this section before it is laid before Parliament if the Secretary of State thinks the publication of that material –
- (a) might jeopardise the safety of any person, or
  - (b) might prejudice the investigation or prosecution of an offence. 5
- (5) The Secretary of State must consult the Commissioner before making any direction under subsection (4).
- (6) In this section “financial year” means –
- (a) the period beginning with the day on which the first Domestic Abuse Commissioner takes office and ending with the following 31 March, and
  - (b) each successive period of 12 months. 10

*Duties of public authorities in relation to Commissioner*

**15 Duty to co-operate with Commissioner**

- (1) The Commissioner may request a specified public authority to co-operate with the Commissioner in any way that the Commissioner considers necessary for the purposes of the Commissioner’s functions. 15
- (2) A specified public authority must, so far as reasonably practicable, comply with a request made to it under this section.
- (3) In this section “specified public authority” means any of the following – 20
- (a) a chief officer of police of a police force maintained for a police area in England and Wales;
  - (b) a local policing body;
  - (c) the Chief Constable of the British Transport Police Force;
  - (d) the British Transport Police Authority; 25
  - (e) the Ministry of Defence Police;
  - (f) an immigration officer or other official of the Secretary of State exercising functions in relation to immigration or asylum;
  - (g) the Crown Prosecution Service;
  - (h) the Parole Board; 30
  - (i) the Criminal Cases Review Commission;
  - (j) an English local authority;
  - (k) an NHS body in England;
  - (l) Her Majesty’s Inspectors of Constabulary;
  - (m) Her Majesty’s Chief Inspector of the Crown Prosecution Service; 35
  - (n) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (o) a body approved as an independent inspectorate under section 106 of the Education and Skills Act 2008 (inspection of registered independent educational institutions); 40
  - (p) the Care Quality Commission;
  - (q) Monitor.
- (4) The Secretary of State may by regulations amend this section so as to –

- 
- (a) add a public authority as a specified public authority for the purposes of this section;
  - (b) remove a public authority added by virtue of paragraph (a);
  - (c) vary any description of a public authority.
- (5) Before making regulations under subsection (4) the Secretary of State must consult the Commissioner. 5
- (6) Regulations under subsection (4) may not contain provision adding a devolved Welsh authority as a specified public authority for the purposes of this section.
- (7) In this section –
- “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006; 10
  - “English local authority” means –
    - (a) a county council or district council in England,
    - (b) a London borough council,
    - (c) the Greater London Authority, 15
    - (d) the Common Council of the City of London in its capacity as a local authority, or
    - (e) the Council of the Isles of Scilly;
  - “immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971; 20
  - “NHS body in England” means –
    - (a) a National Health Service trust in England established under section 25 of the National Health Service Act 2006,
    - (b) an NHS foundation trust within the meaning given by section 30 of that Act, 25
    - (c) the National Health Service Commissioning Board,
    - (d) a clinical commissioning group established under section 14D of that Act, or
    - (e) the National Health Service Trust Development Authority;
  - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal. 30

## 16 Duty to respond to Commissioner’s recommendations

- (1) This section applies where the Commissioner publishes a report under section 8 containing recommendations in relation to –
- (a) any public authority that is a specified public authority for the purposes of section 15; 35
  - (b) any government department in the charge of a Minister.
- (2) The relevant person must prepare comments on the report.
- (3) In this section “the relevant person” means –
- (a) the public authority, or 40
  - (b) the Minister in charge of the government department, as the case may be.
- (4) The comments must include, in respect of each recommendation made in the report, an explanation of –

- (a) the action which the relevant person has taken, or proposes to take, in response to the recommendation, or
  - (b) why the relevant person has not taken, or does not propose to take, any action in response.
- (5) The relevant person must arrange for the comments to be published in such manner as the person considers appropriate. 5
- (6) The comments must be published before the end of the period of 56 days beginning with the day on which the report is published.
- (7) The relevant person must send a copy of anything published under subsection (5) to— 10
  - (a) the Commissioner, and
  - (b) where the relevant person is a specified public authority for the purposes of section 15, the Secretary of State.

*Disclosure of information*

- 17 Disclosure of information** 15
- (1) The Commissioner may disclose to a person any information received by the Commissioner in connection with the Commissioner’s functions if the disclosure is made for a purpose connected with a function of the Commissioner.
  - (2) A person may disclose any information to the Commissioner if the disclosure is made for the purposes of enabling or assisting the Commissioner to exercise any function. 20
  - (3) A disclosure of information authorised by this section does not breach—
    - (a) any obligation of confidence owed by the person making the disclosure in relation to that information, or 25
    - (b) any other restriction on the disclosure of information (however imposed).
  - (4) But nothing in this Part requires or authorises any of the following—
    - (a) the disclosure of any patient information (see subsection (5));
    - (b) the making of a disclosure which, although made in the exercise of a function under this Part, would contravene the data protection legislation (see subsection (6)); 30
    - (c) the making of a disclosure which is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
  - (5) “Patient information” means information (however recorded) which— 35
    - (a) relates to—
      - (i) the physical or mental health or condition of an individual,
      - (ii) the diagnosis of an individual’s condition, or
      - (iii) an individual’s care or treatment,or is (to any extent) derived directly or indirectly from information relating to any of those matters, and 40
    - (b) identifies the individual or enables the individual to be identified (either by itself or in combination with other information).

- (6) In this section “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).
- (7) This section does not affect any power to disclose that exists apart from this section.

*Miscellaneous and supplementary* 5

## 18 Restriction on exercise of functions in individual cases

- (1) The Commissioner may not exercise any function in relation to an individual case.
- (2) But subsection (1) does not prevent the Commissioner considering individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue. 10

## 19 Amendments relating to Commissioner

- (1) In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership), at the appropriate place insert –  
“Domestic Abuse Commissioner.” 15
- (2) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general), at the appropriate place insert –  
“The Domestic Abuse Commissioner.”
- (3) In section 37 of the Government of Wales Act 2006 (power of the Senedd to call witnesses etc), after subsection (6A) insert – 20  
“(6B) Subsection (1) applies in relation to things done by the Domestic Abuse Commissioner by virtue of section 7(4)(b) or (c) of the Domestic Abuse Act 2020 (functions exercisable in relation to devolved Welsh authorities etc) as it applies in relation to the exercise by the Welsh Ministers of their functions.” 25

### PART 3

#### POWERS FOR DEALING WITH DOMESTIC ABUSE

##### *Domestic abuse protection notices*

## 20 Power to give a domestic abuse protection notice

- (1) A senior police officer may give a domestic abuse protection notice to a person (“P”) if conditions A and B are met. 30
- (2) A domestic abuse protection notice is a notice prohibiting P from being abusive towards a person aged 16 or over to whom P is personally connected.  
(Section 21 contains further provision about the provision that may be made by notices.) 35
- (3) Condition A is that the senior police officer has reasonable grounds for believing that P has been abusive towards a person aged 16 or over to whom P is personally connected.

- (4) Condition B is that the senior police officer has reasonable grounds for believing that it is necessary to give the notice to protect that person from domestic abuse, or the risk of domestic abuse, carried out by P.
- (5) It does not matter whether the abusive behaviour referred to in subsection (3) took place in England and Wales or elsewhere. 5
- (6) A domestic abuse protection notice may not be given to a person who is under the age of 18.
- (7) A domestic abuse protection notice has effect in all parts of the United Kingdom.
- (8) In this Part – 10
  - “senior police officer” means a member of a relevant police force who is a constable of at least the rank of inspector;
  - “relevant police force” means –
    - (a) a force maintained by a local policing body;
    - (b) the British Transport Police Force; 15
    - (c) the Ministry of Defence Police.

## 21 Provision that may be made by notices

- (1) A domestic abuse protection notice may provide that the person to whom the notice is given (“P”) – 20
  - (a) may not contact the person for whose protection the notice is given;
  - (b) may not come within a specified distance of any premises in England or Wales in which that person lives.“Specified” means specified in the notice.
- (2) If P lives in premises in England or Wales in which the person for whose protection the notice is given also lives, the notice may also contain provision – 25
  - (a) prohibiting P from evicting or excluding that person from the premises;
  - (b) prohibiting P from entering the premises;
  - (c) requiring P to leave the premises.

## 22 Matters to be considered before giving a notice

- (1) Before giving a domestic abuse protection notice to a person (“P”), a senior police officer must, among other things, consider the following – 30
  - (a) the welfare of any person under the age of 18 whose interests the officer considers relevant to the giving of the notice (whether or not that person and P are personally connected);
  - (b) the opinion of the person for whose protection the notice would be given as to the giving of the notice; 35
  - (c) any representations made by P about the giving of the notice;
  - (d) in a case where the notice includes provision relating to premises lived in by the person for whose protection the notice would be given, the opinion of any relevant occupant as to the giving of the notice. 40
- (2) In subsection (1)(d) “relevant occupant” means a person other than P or the person for whose protection the notice would be given –
  - (a) who lives in the premises, and
  - (b) who is personally connected to –

- (i) the person for whose protection the notice would be given, or
  - (ii) if P also lives in the premises, P.
- (3) The officer must take reasonable steps to discover the opinions mentioned in subsection (1).
- (4) It is not necessary for the person for whose protection a domestic abuse protection notice is given to consent to the giving of the notice. 5

### 23 Further requirements in relation to notices

- (1) A domestic abuse protection notice must be in writing.
- (2) A domestic abuse protection notice given to a person (“P”) must state –
- (a) the grounds on which it has been given, 10
  - (b) that a constable may arrest P without warrant if the constable has reasonable grounds for believing that P is in breach of the notice,
  - (c) that an application for a domestic abuse protection order under section 26 will be heard by a magistrates’ court within 48 hours of the time of giving the notice (disregarding any days mentioned in section 27(3)) and a notice of the hearing will be given to P, 15
  - (d) that the notice continues in effect until that application has been determined or withdrawn, and
  - (e) the provision that a magistrates’ court may include in a domestic abuse protection order. 20
- (3) The notice must be served on P personally by a constable.
- (4) On serving the notice on P, the constable must ask P for an address at which P may be given the notice of the hearing of the application for the domestic abuse protection order.
- (5) Subsection (6) applies where – 25
- (a) a senior police officer gives a domestic abuse protection notice to a person (“P”) who the officer believes is a person subject to service law in accordance with sections 367 to 369 of the Armed Forces Act 2006,
  - (b) the notice includes provision by virtue of section 21(2) prohibiting P from entering premises, or requiring P to leave premises, and 30
  - (c) the officer believes that the premises are relevant service accommodation.
- (6) The officer must make reasonable efforts to inform P’s commanding officer of the giving of the notice.
- (7) In this section – 35
- “commanding officer” has the meaning given by section 360 of the Armed Forces Act 2006;
  - “relevant service accommodation” means premises which fall within paragraph (a) of the definition of “service living accommodation” in section 96(1) of that Act. 40

### 24 Breach of notice

- (1) If a constable has reasonable grounds for believing that a person is in breach of a domestic abuse protection notice, the constable may arrest the person without warrant.

- (2) A person arrested by virtue of subsection (1) must be held in custody and brought before the appropriate magistrates’ court –
- (a) before the end of the period of 24 hours beginning with the time of the arrest, or
  - (b) if earlier, at the hearing of the application for a domestic abuse protection order against the person (see section 26(3)).
- (3) In subsection (2) “the appropriate magistrates’ court” means the magistrates’ court which is to hear the application mentioned in subsection (2)(b). 5
- (4) In calculating when the period of 24 hours mentioned in subsection (2)(a) ends, the following days are to be disregarded – 10
- (a) any Sunday,
  - (b) Christmas Day,
  - (c) Good Friday, and
  - (d) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. 15
- (5) If the person is brought before the court as mentioned in subsection (2)(a), the court may remand the person.  
(For power to remand a person brought before the court as mentioned in subsection (2)(b), see section 27(8).)
- (6) In the application of section 128(6) of the Magistrates’ Courts Act 1980 to remand under subsection (5) above, the reference to the “other party” is to be read as a reference to the senior police officer who gave the notice. 20
- (7) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with any requirements that appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice. 25
- (8) Sections 57A(2) and 57C of the Crime and Disorder Act 1998 (use of live link at preliminary hearings where accused is at police station) apply in relation to hearings arising by virtue of subsection (2)(a) as they apply in relation to preliminary hearings in a magistrates’ court (within the meaning of section 57A(3) of that Act), but as if – 30
- (a) any reference in section 57C of that Act to being in police detention in connection with an offence were a reference to being held in custody under subsection (2) above, and
  - (b) subsections (4), (10) and (11) of that section were omitted. 35
- (9) In section 17(1) of the Police and Criminal Evidence Act 1984 (entry for purpose of arrest etc), after paragraph (c) insert – 40
- “(cza) of arresting a person who the constable has reasonable grounds for believing is in breach of a domestic abuse protection notice given under section 20 of the Domestic Abuse Act 2020;”.

*Domestic abuse protection orders*

**25 Meaning of “domestic abuse protection order”**

- (1) In this Part a “domestic abuse protection order” is an order which, for the purpose of preventing a person (“P”) from being abusive towards a person aged 16 or over to whom P is personally connected – 45

- (a) prohibits P from doing things described in the order, or
  - (b) requires P to do things described in the order.
- (2) A domestic abuse protection order may be made –
- (a) on application (see section 26), or
  - (b) in the course of certain proceedings (see section 29). 5
- (3) Section 30 sets out the conditions for making a domestic abuse protection order.

## 26 Domestic abuse protection orders on application

- (1) A court may make a domestic abuse protection order under this section against a person (“P”) on an application made to it in accordance with this section. 10
- (2) An application for an order under this section may be made by –
- (a) the person for whose protection the order is sought;
  - (b) the appropriate chief officer of police (see subsection (4));
  - (c) a person specified in regulations made by the Secretary of State;
  - (d) any other person with the leave of the court to which the application is to be made. 15
- (3) Where P is given a domestic abuse protection notice by a member of a relevant police force under section 20, the chief officer of police in relation to that force must apply for a domestic abuse protection order against P.  
(For further provision about such applications, see section 27.) 20
- (4) The appropriate chief officer of police is –
- (a) in a case where subsection (3) applies, the chief officer of police referred to in that subsection;
  - (b) in any other case, any of the following –
    - (i) the chief officer of police of the force maintained for any police area in which P resides; 25
    - (ii) the chief officer of police of any other force maintained for a police area who believes that P is in that police area or is intending to come to it;
    - (iii) the Chief Constable of the British Transport Police Force; 30
    - (iv) the Chief Constable of the Ministry of Defence Police.
- (5) An application for an order under this section must be made to the family court, except where subsection (6) or (7) applies.
- (6) An application made by a chief officer of police for an order under this section must be made by complaint to a magistrates’ court. 35
- (7) In a case where –
- (a) P, and the person for whose protection the order is sought, are parties to any family or civil proceedings, and
  - (b) the court would have power to make a domestic abuse protection order under section 29 in those proceedings without an application being made, 40
- an application for an order under this section may be made in those proceedings by the person for whose protection the order is sought.

- (8) Where an application is made to a magistrates’ court in accordance with this section –
- (a) the magistrates’ court may adjourn the hearing of the application;
  - (b) on the hearing of the application, section 97 of the Magistrates’ Courts Act 1980 (summons to witness and warrant for arrest) does not apply in relation to the person for whose protection the order is sought, except where the person has given oral or written evidence at the hearing. 5

**27 Applications where domestic abuse protection notice has been given**

- (1) This section applies where, as a result of a person (“P”) being given a domestic abuse protection notice under section 20, a chief officer of police is required by section 26(3) to apply for a domestic abuse protection order against P. 10
- (2) The application must be heard by the magistrates’ court not later than 48 hours after the notice was given to P.
- (3) In calculating when the period of 48 hours mentioned in subsection (2) ends, the following days are to be disregarded – 15
- (a) any Sunday,
  - (b) Christmas Day,
  - (c) Good Friday, and
  - (d) any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971. 20
- (4) P must be given a notice of the hearing of the application.
- (5) The notice under subsection (4) is to be treated as having been given if it has been left at the address given by P under section 23(4).
- (6) But if the notice has not been given because P did not give an address under section 23(4), the court may hear the application if satisfied that the chief officer of police has made reasonable efforts to give P the notice. 25
- (7) If the court adjourns the hearing of the application, the domestic abuse protection notice continues in effect until the application has been determined or withdrawn. 30
- (8) If –
- (a) P is brought before the court at the hearing of the application as a result of P’s arrest by virtue of section 24(1) (arrest for breach of domestic abuse protection notice), and
  - (b) the court adjourns the hearing, 35  
the court may remand P.

**28 Remand under section 27(8) of person arrested for breach of notice**

- (1) This section applies where –
- (a) as a result of a person being given a domestic abuse protection notice under section 20, a chief officer of police has applied for a domestic abuse protection order against the person, and
  - (b) the magistrates’ court remands the person under section 27(8). 40

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- (2) In the application of section 128(6) of the Magistrates’ Courts Act 1980 to such remand, the reference to the “other party” is to be read as a reference to the chief officer of police who applied for the order.
- (3) If the court has reason to suspect that a medical report will be required, the power to remand the person may be exercised for the purpose of enabling a medical examination to take place and a report to be made. 5
- (4) If the person is remanded in custody for that purpose, the adjournment may not be for more than 3 weeks at a time.
- (5) If the person is remanded on bail for that purpose, the adjournment may not be for more than 4 weeks at a time. 10
- (6) If the court has reason to suspect that the person is suffering from mental disorder within the meaning of the Mental Health Act 1983, the court has the same power to make an order under section 35 of that Act (remand to hospital for report on accused’s mental condition) as it has under that section in the case of an accused person (within the meaning of that section). 15
- (7) The court may, when remanding the person on bail, require the person to comply, before release on bail or later, with any requirements that appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice.
- 29 Domestic abuse protection orders otherwise than on application 20**
- (1) A court may make a domestic abuse protection order under this section in any of the cases set out below.
- Family proceedings*
- (2) The High Court or the family court may make a domestic abuse protection order against a person (“P”) in any family proceedings to which both P and the person for whose protection the order would be made are parties. 25
- Criminal proceedings*
- (3) Where a person (“P”) has been convicted of an offence, the court dealing with P for that offence may (as well as sentencing P or dealing with P in any other way) make a domestic abuse protection order against P. 30
- (4) But subsection (3) does not apply where the Court of Appeal is dealing with a person for an offence.
- (5) A court by or before which a person is acquitted of an offence may make a domestic abuse protection order against the person.
- (6) Where the Crown Court allows a person’s appeal against a conviction for an offence, the Crown Court may make a domestic abuse protection order against the person. 35
- Civil proceedings*
- (7) The county court may make a domestic abuse protection order against a person (“P”) in any relevant proceedings to which both P and the person for whose protection the order would be made are parties. 40
- (8) In subsection (7) “relevant proceedings” means proceedings of a description specified in regulations made by the Secretary of State.

### 30 Conditions for making an order

- (1) The court may make a domestic abuse protection order under section 26 or 29 against a person (“P”) if conditions A and B are met.
- (2) Condition A is that the court is satisfied on the balance of probabilities that P has been abusive towards a person aged 16 or over to whom P is personally connected. 5
- (3) Condition B is that the order is necessary and proportionate to protect that person from domestic abuse, or the risk of domestic abuse, carried out by P.
- (4) It does not matter –
  - (a) whether the abusive behaviour referred to in subsection (2) took place in England and Wales or elsewhere, or 10
  - (b) whether it took place before or after the coming into force of this section.
- (5) A domestic abuse protection order may not be made against a person who is under the age of 18. 15

### 31 Matters to be considered before making an order

- (1) Before making a domestic abuse protection order against a person (“P”), the court must, among other things, consider the following –
  - (a) the welfare of any person under the age of 18 whose interests the court considers relevant to the making of the order (whether or not that person and P are personally connected); 20
  - (b) any opinion of the person for whose protection the order would be made –
    - (i) which relates to the making of the order, and
    - (ii) of which the court is made aware; 25
  - (c) in a case where the order includes provision relating to premises lived in by the person for whose protection the order would be made, any opinion of a relevant occupant –
    - (i) which relates to the making of the order, and
    - (ii) of which the court is made aware. 30
- (2) In subsection (1)(c) “relevant occupant” means a person other than P or the person for whose protection the order would be made –
  - (a) who lives in the premises, and
  - (b) who is personally connected to –
    - (i) the person for whose protection the order would be made, or 35
    - (ii) if P also lives in the premises, P.
- (3) It is not necessary for the person for whose protection a domestic abuse protection order is made to consent to the making of the order.

### 32 Making of orders without notice

- (1) A court may, in any case where it is just and convenient to do so, make a domestic abuse protection order against a person (“P”) even though P has not been given such notice of the proceedings as would otherwise be required by rules of court. 40

- (2) Subsection (1) does not apply in relation to the making of an order under section 26 on an application made in accordance with subsection (3) of that section (see instead section 27(4) to (6)).
- (3) In deciding whether to exercise its powers under subsection (1), the court must have regard to all the circumstances, including – 5
- (a) any risk that, if the order is not made immediately, P will cause significant harm to the person for whose protection the order would be made,
  - (b) in a case where an application for the order has been made, whether it is likely that the person making the application will be deterred or prevented from pursuing the application if an order is not made immediately, and 10
  - (c) whether there is reason to believe that –
    - (i) P is aware of the proceedings but is deliberately evading service, and 15
    - (ii) the delay involved in effecting substituted service will cause serious prejudice to the person for whose protection the order would be made.
- (4) If a court makes an order against a person by virtue of subsection (1), it must give the person an opportunity to make representations about the order – 20
- (a) as soon as just and convenient, and
  - (b) at a hearing of which notice has been given to all the parties in accordance with rules of court.

### 33 Provision that may be made by orders

- (1) A court may by a domestic abuse protection order impose any requirements that the court considers necessary to protect the person for whose protection the order is made from domestic abuse or the risk of domestic abuse. 25  
“Requirement” includes any prohibition or restriction.
- (2) The court must, in particular, consider what requirements (if any) may be necessary to protect the person for whose protection the order is made from different kinds of abusive behaviour. 30
- (3) Subsections (4) to (6) contain examples of the type of provision that may be made under subsection (1), but they do not limit the type of provision that may be so made.
- (4) A domestic abuse protection order may provide that the person against whom the order is made (“P”) – 35
- (a) may not contact the person for whose protection it is made;
  - (b) may not come within a specified distance of any premises in England or Wales in which that person lives.
- “Specified” means specified in the order. 40
- (5) If P lives in premises in England or Wales in which the person for whose protection the order is made also lives, the order may contain provision –
- (a) prohibiting P from evicting or excluding that person from the premises;
  - (b) prohibiting P from entering the premises;
  - (c) requiring P to leave the premises. 45

- (6) A domestic abuse protection order may require P to submit to electronic monitoring in England and Wales of P’s compliance with other requirements imposed by the order.

In this Part a requirement imposed by virtue of this subsection is referred to as an “electronic monitoring requirement”.

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- (7) Sections 34 and 35 contain further provision about the requirements that may be imposed by a domestic abuse protection order.

### **34 Further provision about requirements that may be imposed by orders**

- (1) Requirements imposed on a person by a domestic abuse protection order must, so far as practicable, be such as to avoid –

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- (a) conflict with the person’s religious beliefs;
- (b) interference with any times at which the person normally works or attends an educational establishment;
- (c) conflict with the requirements of any other court order or injunction to which the person may be subject.

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- (2) A domestic abuse protection order that imposes a requirement to do something on a person (“P”) must specify the person who is to be responsible for supervising compliance with that requirement.

- (3) Before including such a requirement in a domestic abuse protection order, the court must receive evidence about its suitability and enforceability from the person to be specified under subsection (2).

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- (4) Subsections (2) and (3) do not apply in relation to electronic monitoring requirements (see instead section 35(3) to (6)).

- (5) It is the duty of a person specified under subsection (2) –

- (a) to make any necessary arrangements in connection with the requirements for which the person has responsibility (the “relevant requirements”);
- (b) to promote P’s compliance with the relevant requirements;
- (c) if the person considers that –
  - (i) P has complied with all the relevant requirements, or
  - (ii) P has failed to comply with a relevant requirement,to inform the appropriate chief officer of police.

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- (6) In subsection (5)(c) the “appropriate chief officer of police” means –

- (a) the chief officer of police of the force maintained for the police area in which it appears to the person specified under subsection (2) that P resides,
- (b) if it appears to that person that P resides in more than one police area, whichever one of the relevant chief officers of police the person thinks it most appropriate to inform, or
- (c) if it appears to the person specified under subsection (2) that P does not reside in any police area, the chief officer of police of the force maintained for the police area in which the court that made the order is situated.

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- (7) A person (“P”) who is subject to a requirement imposed by a domestic abuse protection order –

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- (a) must keep in touch with the person specified under subsection (2) in relation to that requirement, in accordance with any instructions given by that person from time to time;
- (b) if P changes home address, must notify the person specified under subsection (2) of the new home address; 5
- (c) if P ceases to have any home address, must notify the person specified under subsection (2) of that fact.

These obligations have effect as requirements of the order.

### 35 Further provision about electronic monitoring requirements

- (1) Subsections (2) to (4) apply for the purpose of determining whether a court may impose an electronic monitoring requirement on a person (“P”) in a domestic abuse protection order. 10
- (2) The requirement may not be imposed in P’s absence.
- (3) If there is a person (other than P) without whose co-operation it would be impracticable to secure the monitoring in question, the requirement may not be imposed without that person’s consent. 15
- (4) The court may impose the requirement only if –
  - (a) it has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area, and
  - (b) it is satisfied that the necessary provision can be made under the arrangements currently available. 20
- (5) In subsection (4)(a) “the relevant area” means –
  - (a) the local justice area in which it appears to the court that P resides or will reside, and
  - (b) in a case where it is proposed to include in the order – 25
    - (i) a requirement that P must remain, for specified periods, at a specified place, or
    - (ii) a provision prohibiting P from entering a specified place or area,
 the local justice area in which the place or area proposed to be specified is situated. 30

“Specified” means specified in the order.
- (6) A domestic abuse protection order that includes an electronic monitoring requirement must specify the person who is to be responsible for the monitoring. 35
- (7) The person specified under subsection (6) (“the responsible person”) must be of a description specified in regulations made by the Secretary of State.
- (8) Where a domestic abuse protection order imposes an electronic monitoring requirement on a person, the person must (among other things) –
  - (a) submit, as required from time to time by the responsible person, to – 40
    - (i) being fitted with, or the installation of, any necessary apparatus, and
    - (ii) the inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
  - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and 45

- (c) take any steps required by the responsible person for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

These obligations have effect as requirements of the order.

**36 Duration and geographical application of orders** 5

- (1) A domestic abuse protection order takes effect on the day on which it is made. This is subject to subsection (2).
- (2) If, on the day on which a domestic abuse protection order (“the new order”) is made against a person, the person is subject to another domestic abuse protection order (“the previous order”), the new order may be made so as to take effect on the previous order ceasing to have effect. 10
- (3) A domestic abuse protection order has effect –
  - (a) for a specified period,
  - (b) until the occurrence of a specified event, or
  - (c) until further order. 15“Specified” means specified in the order.
- (4) A domestic abuse protection order may also specify periods for which particular requirements imposed by the order have effect.
- (5) But a domestic abuse protection order may not provide for an electronic monitoring requirement to have effect for more than 12 months. 20
- (6) Subsection (5) is subject to any variation of the order under section 42.
- (7) A requirement imposed by a domestic abuse protection order has effect in all parts of the United Kingdom unless expressly limited to a particular locality.

**37 Breach of order**

- (1) A person who is subject to a domestic abuse protection order commits an offence if without reasonable excuse the person fails to comply with any requirement imposed by the order. 25
- (2) In a case where the order was made against the person without that person being given notice of the proceedings, the person commits an offence under this section only in respect of behaviour engaged in at a time when the person was aware of the existence of the order. 30  
(See also section 43(8) and (9), which makes similar provision where an order has been varied.)
- (3) Where a person is convicted of an offence under this section in respect of any behaviour, that behaviour is not punishable as a contempt of court. 35
- (4) A person may not be convicted of an offence under this section in respect of any behaviour which has been punished as a contempt of court.
- (5) A person guilty of an offence under this section is liable –
  - (a) on summary conviction –
    - (i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020), or 40

- (ii) to a fine,  
or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or both.
- (6) If a person is convicted of an offence under this section, it is not open to the court by or before which the person is convicted to make, in respect of the offence, an order under section 80 of the Sentencing Code (conditional discharge). 5
- (7) If a person is convicted of an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence under this section, it is not open to the service court that convicted the person to make, in respect of the offence, an order under section 185 of that Act (conditional discharge). 10  
In this subsection “service court” means the Court Martial or the Service Civilian Court. 15
- (8) In proceedings for an offence under this section, a copy of the original domestic abuse protection order, certified by the proper officer of the court that made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those matters is admissible in those proceedings. 20
- 38 Arrest for breach of order**
- (1) This section applies where a relevant court has made a domestic abuse protection order against a person (“P”).
- (2) In this section “relevant court” means – 25  
(a) the High Court,  
(b) the family court, or  
(c) the county court.
- (3) A person mentioned in subsection (4) may apply to the relevant judge for the issue of a warrant for P’s arrest if the person considers that P has failed to comply with the order or is otherwise in contempt of court in relation to the order. 30
- (4) The persons referred to in subsection (3) are –  
(a) the person for whose protection the order was made;  
(b) where the order was made under section 26, the person who applied for the order (if different); 35  
(c) any other person with the leave of the relevant judge.
- (5) The relevant judge may issue a warrant on an application under subsection (3) only if – 40  
(a) the application is substantiated on oath, and  
(b) the relevant judge has reasonable grounds for believing that P has failed to comply with the order or is otherwise in contempt of court in relation to the order.
- (6) If – 45  
(a) P is brought before a relevant court as a result of a warrant issued under this section, and

(b) the court does not immediately dispose of the matter, the court may remand P.

(7) Schedule 1 contains further provision about remand under this section.

(8) In this section “the relevant judge” means –

- (a) where the order was made by the High Court, a judge of that court; 5
- (b) where the order was made by the family court, a judge of that court;
- (c) where the order was made by the county court, a judge of that court.

(9) For the power of a constable to arrest P without warrant for breach of a domestic abuse protection order, see section 24 of the Police and Criminal Evidence Act 1984. 10

### 39 Notification requirements

(1) Subsections (2) to (6) apply where a person is subject to a domestic abuse protection order.

(2) The person must, within the period of three days beginning with the day on which the order is made, notify the police of the information in subsection (3). 15

(3) The information referred to in subsection (2) is –

- (a) the person’s name and, if the person uses one or more other names, each of those names;
- (b) the person’s home address.

(4) If the person uses a name which has not been notified under this section, the person must, within the period of three days beginning with the day on which the person first uses that name, notify the police of that name. 20

(5) If the person changes home address, the person must, before the end of the period of three days beginning with the day on which that happens, notify the police of the new home address. 25

(6) If the person ceases to have any home address, the person must, before the end of the period of three days beginning with the day on which that happens, notify the police of that fact.

(7) The Secretary of State may by regulations specify further notification requirements which a court may impose when making or varying a domestic abuse protection order. 30

In this subsection a “notification requirement” is a requirement for the person against whom the order is made to provide specified information to the police.

(8) The requirements imposed by subsections (2) to (6) do not apply where –

- (a) the person is subject to another domestic abuse protection order (and accordingly those requirements already apply), or 35
- (b) the person is subject to notification requirements under Part 2 of the Sexual Offences Act 2003 or section 9 of the Stalking Protection Act 2019.

(9) If on any day the person ceases to be subject to any notification requirements as mentioned in subsection (8)(a) or (b), the requirements imposed by subsections (2) to (6) apply to the person on and after that day, but as if the reference in subsection (2) to the day on which the order was made were a reference to that day. 40

- (10) For provision about how to give a notification under subsection (2), (4), (5) or (6), see section 40.

#### 40 Further provision about notification under section 39

- (1) A person gives a notification under section 39(2), (4), (5) or (6) by – 5
- (a) attending at a police station in the appropriate police area, and
  - (b) giving an oral notification to –
    - (i) a police officer, or
    - (ii) any person authorised for the purpose by the officer in charge of the station.
- (2) In subsection (1) “the appropriate police area”, in relation to a person, means – 10
- (a) if the person’s home address is in England and Wales, the police area in which that home address is situated;
  - (b) if the person does not have a home address in England and Wales, the police area in which the court that last made a domestic abuse protection order against the person is situated. 15
- (3) In a case of a person giving a notification under section 39(5), any reference in subsection (2) to the person’s home address is a reference to the person’s home address at the time of giving the notification.
- (4) A notification given in accordance with this section must be acknowledged – 20
- (a) in writing, and
  - (b) in the form directed by the Secretary of State.
- (5) When a person (“P”) gives a notification under section 39, P must, if requested to do so by the person to whom notification is given, allow that person to do any of the following things – 25
- (a) take P’s fingerprints;
  - (b) photograph, or otherwise produce an image of, P or any part of P.
- (6) The power in subsection (5) is exercisable for the purpose of verifying P’s identity.

#### 41 Offences relating to notification

- (1) A person (“P”) commits an offence if P – 30
- (a) fails, without reasonable excuse, to comply with a requirement imposed by or under section 39, or
  - (b) notifies the police, in purported compliance with such a requirement, of any information which P knows to be false.
- (2) A person who fails, without reasonable excuse, to comply with section 40(5) commits an offence. 35
- (3) A person guilty of an offence under subsection (1) or (2) is liable –
- (a) on summary conviction –
    - (i) to imprisonment for a period not exceeding 12 months (or 6 months, if the offence was committed before the coming into force of paragraph 24(2) of Schedule 22 to the Sentencing Act 2020), or 40
    - (ii) to a fine,

- or both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine, or both.
- (4) A person commits an offence under subsection (1)(a) on the day on which the person first fails, without reasonable excuse, to comply with a requirement imposed by or under section 39. 5
- (5) The person continues to commit the offence throughout any period during which the failure continues.
- (6) But the person may not be prosecuted more than once in respect of the same failure. 10

#### 42 Variation and discharge of orders

- (1) A court may vary or discharge a domestic abuse protection order made by that or any other court.  
This is subject to section 43.
- (2) A court may vary or discharge a domestic abuse protection order under this section – 15
  - (a) on the application of a person mentioned in subsection (3), or
  - (b) in any case in which it could make a domestic abuse protection order under section 29.
- (3) The persons referred to in subsection (2)(a) are – 20
  - (a) the person for whose protection the order was made;
  - (b) the person against whom the order was made (“P”);
  - (c) where the order was made under section 26, the person who applied for the order;
  - (d) the chief officer of police of the force maintained for any police area in which P resides; 25
  - (e) the chief officer of police of any other force maintained for a police area who believes that P is in that police area or is intending to come to it.
- (4) Before deciding whether to vary or discharge an order under this section, the court must hear from – 30
  - (a) any relevant chief officer of police who wishes to be heard, and
  - (b) in a case where the person for whose protection the order was made is seeking to discharge the order, or to remove or make less onerous any requirement imposed by the order, the person for whose protection it was made. 35
- (5) For the purposes of subsection (4)(a) each of the following is a “relevant chief officer of police” –
  - (a) where the order was made on an application by a chief officer of police, that chief officer;
  - (b) the chief officer of police of the force maintained for any police area in which P resides; 40
  - (c) the chief officer of police of any other force maintained for a police area who believes that P is in that police area or is intending to come to it.
- (6) Section 31 (matters to be considered before making an order) applies in relation to the variation or discharge of a domestic abuse protection order as it applies 45

- in relation to the making of such an order, but as if references to the person for whose protection the order would be made were references to the person for whose protection the order was made.
- (7) Section 32 (making of orders without notice) applies in relation to the variation of a domestic abuse protection order as it applies in relation to the making of such an order, but as if – 5
- (a) references to the person for whose protection the order would be made were references to the person for whose protection the order was made,
  - (b) subsection (2) were omitted, and
  - (c) the reference in subsection (4) to making representations about the order were a reference to making representations about the variation. 10
- (8) The court may make any order varying or discharging a domestic abuse protection order that it considers appropriate.  
This is subject to subsections (9) to (13).
- (9) The court may include an additional requirement in the order, or extend the period for which the order, or a requirement imposed by the order, has effect, only if it is satisfied that it is necessary to do so in order to protect the person for whose protection the order was made from domestic abuse, or the risk of domestic abuse, carried out by P. 15
- (10) The court may not extend the period for which an electronic monitoring requirement has effect by more than 12 months at a time. 20
- (11) The court may remove any requirement imposed by the order, or make such a requirement less onerous, only if satisfied that the requirement as imposed is no longer necessary to protect the person for whose protection the order was made from domestic abuse, or the risk of domestic abuse, carried out by P. 25
- (12) If it appears to the court that any conditions necessary for a requirement to be imposed are no longer met, the court –
- (a) may not extend the requirement, and
  - (b) must remove the requirement.
- (13) The court may discharge the order only if satisfied that the order is no longer necessary to protect the person for whose protection it was made from domestic abuse, or the risk of domestic abuse, carried out by P. 30
- 43 Variation and discharge: supplementary**
- (1) Any application to vary or discharge a domestic abuse protection order under section 42 must be made to the court that made the order. 35  
This is subject to subsections (2) and (3).
- (2) Where the order was made by a magistrates’ court, an application to vary or discharge the order may be made to any other magistrates’ court acting in the local justice area in which that court acts.
- (3) Where – 40
- (a) the order was made under section 29 on an appeal in relation to a person’s conviction or sentence for an offence, or
  - (b) the order was made by a court under that section against a person committed or remitted to that court for sentencing for an offence,

any application to vary or discharge the order must be made to the court by or before which the person was convicted (but see subsection (4)).

- (4) Where the person mentioned in subsection (3)(b) was convicted by a youth court, the reference in subsection (3) to the court by or before which the person was convicted is to be read as a reference to a magistrates' court acting in the local justice area in which the youth court acts. 5
- (5) Except as provided for by subsection (3), a domestic abuse protection order made by the Crown Court may be varied or discharged under section 42 only by the Crown Court.
- (6) A domestic abuse protection order made by the High Court may be varied or discharged under section 42 only by the High Court. 10
- (7) An order that has been varied under section 42 remains an order of the court that first made it for the purposes of any further application under that section.
- (8) Subsection (9) applies in a case where –
  - (a) an order made against a person is varied under section 42 so as to include an additional requirement, or to extend the period for which the order, or a requirement imposed by the order, has effect, and 15
  - (b) the person was not given notice of the proceedings.
- (9) The person commits an offence under section 37 only if –
  - (a) the behaviour constituting the offence was engaged in at a time when the person was aware of the making of the variation, and 20
  - (b) the behaviour would not have constituted an offence under that section in the absence of the variation.

#### 44 Appeals

- (1) A person listed in subsection (2) may appeal against any decision of a court on an application for a domestic abuse protection order under section 26 (to the extent that it would not otherwise be so appealable). 25
- (2) The persons referred to in subsection (1) are –
  - (a) the person for whose protection the order was sought,
  - (b) the person who applied for the order (if different), and 30
  - (c) where the court made a domestic abuse protection order under section 26, the person against whom it was made.
- (3) A person against whom a domestic abuse protection order is made under subsection (3), (5) or (6) of section 29 may appeal against the making of the order (to the extent it would not otherwise be so appealable) as if it were a sentence passed on the person for the offence referred to in that subsection (assuming, in a case within section 29(5) or (6), that the person had been convicted of the offence). 35
- (4) A person against whom a domestic abuse protection order is made may appeal against a variation of the order under section 42 that is made in a case within subsection (3), (5) or (6) of section 29 (to the extent it would not otherwise be so appealable) as if the varied order were a sentence passed on the person for the offence referred to in that subsection (assuming, in a case within section 29(5) or (6), that the person had been convicted of the offence). 40

- (5) A person listed in subsection (6) may appeal against any decision of a court under section 42 in relation to a domestic abuse protection order (to the extent it would not otherwise be so appealable, whether under subsection (4) or otherwise).
- (6) The persons referred to in subsection (5) are – 5
- (a) the person for whose protection the order was made;
  - (b) the person against whom the order was made (“P”);
  - (c) where the order was made under section 26, the person who applied for the order;
  - (d) the chief officer of police of the force maintained for any police area in which P resides; 10
  - (e) the chief officer of police of any other force maintained for a police area who believes that P is in that police area or is intending to come to it.
- (7) An appeal arising by virtue of subsection (1) or (5) – 15
- (a) in the case of a decision made by a magistrates’ court, is to be made to the Crown Court;
  - (b) in the case of a decision made by the Crown Court, is to be made to the Court of Appeal.
- For the powers of the Crown Court or Court of Appeal on such an appeal, see section 45(4). 20
- (8) If, in the case of an appeal arising by virtue of subsection (1) or (5) in respect of a decision made by the High Court, the family court or the county court, the person making the appeal was not a party to the proceedings in that court, the person is to be treated for the purposes of that appeal as if the person had been a party to those proceedings. 25
- (9) For further provision about appeals, see (in particular) –
- (a) section 31K of the Matrimonial and Family Proceedings Act 1984 (appeals from the family court),
  - (b) section 16(1) of the Senior Courts Act 1981 (appeals from the High Court), 30
  - (c) section 77 of the County Courts Act 1984 (appeals from the county court),
  - (d) section 108(3) of the Magistrates’ Courts Act 1980 (appeals against orders made on conviction in a magistrates’ court),
  - (e) section 50(1) of the Criminal Appeal Act 1968 (appeals against orders made on conviction in the Crown Court), and 35
  - (f) rules of court.

#### 45 Further provision about appeals

- (1) Before determining any appeal relating to a domestic abuse protection order (whether or not an appeal under section 44), the court must hear from any relevant chief officer of police who wishes to be heard. 40
- (2) For the purposes of subsection (1) each of the following is a “relevant chief officer of police” –
- (a) where the order was made on an application by a chief officer of police, that chief officer; 45
  - (b) the chief officer of police of the force maintained for any police area in which the person (“P”) against whom the order was made, or (in the

- case of an appeal against the decision of a court not to make an order under section 26) against whom it was sought, resides;
- (c) the chief officer of police of any other force maintained for a police area who believes that P is in that police area or is intending to come to it.
- (3) Subsection (4) applies to— 5
- (a) an appeal made to the Crown Court by virtue of section 44(7)(a);
  - (b) an appeal made to the Court of Appeal by virtue of section 44(7)(b).
- (4) On an appeal to which this subsection applies, the court may, on a review of the decision appealed against— 10
- (a) confirm, vary or revoke any part of the decision;
  - (b) refer the matter back to the court that made the decision with a direction to reconsider and make a new decision in accordance with its ruling;
  - (c) make any order which the court that made the decision appealed against could have made; 15
  - (d) make any incidental or consequential orders that appear to it to be just.
- (5) For the purposes of section 43 (variation and discharge: supplementary) — 20
- (a) a domestic abuse protection order that has been confirmed or varied on an appeal (whether under subsection (4)(a) or otherwise) remains an order of the court that first made it, and
  - (b) a domestic abuse protection order made by a court on an appeal (whether under subsection (4)(c) or otherwise) is to be treated as an order made by the court whose decision was appealed against.

#### **46 Nature of certain proceedings under this Part**

- (1) Proceedings before a court arising by virtue of section 29(3), (5) or (6), and proceedings before a court arising by virtue of section 42(2)(b) in any case within section 29(3), (5) or (6), are civil proceedings (like proceedings before a magistrates' court under section 26 or 42(2)(a)). 25
- (2) The court is not restricted in the proceedings to considering evidence that would have been admissible in the criminal proceedings in which the person concerned was convicted or (as the case may be) acquitted. 30
- (3) The court may adjourn any proceedings arising by virtue of section 29(3), (5) or (6), or any proceedings arising by virtue of section 42(2)(b) in any case within section 29(3), (5) or (6), even after sentencing or acquitting the person concerned or allowing the person's appeal. 35
- (4) A domestic abuse protection order may be made or varied in addition to an order discharging the person conditionally or absolutely in spite of anything in sections 79, 80 and 82 of the Sentencing Code (which relate to orders discharging a person conditionally or absolutely and their effect).

#### **47 Special measures for witnesses**

- (1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in case of vulnerable and intimidated witnesses) applies to relevant proceedings under this Part as it applies to criminal proceedings, but with— 40

- (a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision only in the context of criminal proceedings), and
  - (b) any other necessary modifications.
- (2) The provisions are – 5
- (a) section 17(4) to (7);
  - (b) section 21(4C)(e);
  - (c) section 22A;
  - (d) section 32.
- (3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to relevant proceedings under this Part – 10
- (a) to the extent provided by rules of court, and
  - (b) subject to any modifications provided by rules of court.
- (4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications – 15
- (a) to a direction under section 19 of that Act as applied by this section;
  - (b) to a direction discharging or varying such a direction.
- Sections 49 and 51 of that Act (offences) apply accordingly.
- (5) In this section “relevant proceedings under this Part” means – 20
- (a) proceedings under section 26, 29(2) or (7), 38 or 42(2)(a);
  - (b) proceedings arising by virtue of section 29(3), (5) or (6);
  - (c) proceedings arising by virtue of section 42(2)(b) in any case within section 29(3), (5) or (6);
  - (d) proceedings on an appeal relating to a domestic abuse protection order (whether or not an appeal under section 44). 25

*Notices and orders: supplementary*

#### 48 Guidance

- (1) The Secretary of State must issue guidance relating to the exercise by relevant persons of functions under or by virtue of this Part.
- (2) In this section “relevant person” means – 30
- (a) a constable;
  - (b) a person specified in regulations under subsection (2)(c) of section 26 for the purpose of making applications for orders under that section.
- (3) A relevant person must have regard to any guidance issued under this section when exercising a function to which the guidance relates. 35
- (4) The Secretary of State may from time to time revise any guidance issued under this section.
- (5) Before issuing or revising guidance under this section, the Secretary of State must consult – 40
- (a) the Domestic Abuse Commissioner, and
  - (b) such other persons as the Secretary of State considers appropriate.

- (6) Subsection (5) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (7) The Secretary of State must publish –
  - (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.

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#### **49 Data from electronic monitoring: code of practice**

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of electronic monitoring of individuals under electronic monitoring requirements imposed by domestic abuse protection orders.
- (2) A failure to act in accordance with a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.

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#### **50 Powers to make other orders in proceedings under this Part**

- (1) In section 8 of the Children Act 1989 (child arrangements orders and other orders with respect to children), in subsection (4), at the end insert –
  - “(k) Part 3 of the Domestic Abuse Act 2020, where the proceedings are in the family court or the Family Division of the High Court.”
- (2) In Part 4 of the Family Law Act 1996 (family homes and domestic violence), in section 63(2) (definition of “family proceedings”), after paragraph (j) insert –
  - “(k) Part 3 of the Domestic Abuse Act 2020, where the proceedings are in the family court or the Family Division of the High Court.”

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#### **51 Proceedings not to be subject to conditional fee agreements**

- In section 58A of the Courts and Legal Services Act 1990 (conditional fee agreements: supplementary), in subsection (2), after paragraph (fd) (but before the “and” following it) insert –
- “(fe) proceedings under Part 3 of the Domestic Abuse Act 2020 (proceedings for domestic abuse protection order), where the proceedings are in the family court or the Family Division of the High Court;”.

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#### **52 Consequential amendments of the Sentencing Code**

- (1) The Sentencing Code is amended as follows.
- (2) In section 80 (order for conditional discharge), in subsection (3), at the end insert –
  - “(f) section 37(6) (breach of domestic abuse protection order).”
- (3) In Chapter 6 of Part 11 (other behaviour orders), before section 379 (but after

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the heading “Other orders”) insert –

**“378A Domestic abuse protection orders**

See Part 3 of the Domestic Abuse Act 2020 (and in particular section 29(3) of that Act) for the power of a court to make a domestic abuse protection order when dealing with an offender for an offence.”

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**53 Repeal of provisions about domestic violence protection notices and orders**

- (1) In the Crime and Security Act 2010, omit sections 24 to 33 (which make provision for domestic violence protection notices and domestic violence protection orders).
- (2) In consequence of the repeal made by subsection (1), omit the following provisions –
  - (a) in Schedule 8 to the Crime and Courts Act 2013, paragraph 179;
  - (b) in Schedule 14 to the Policing and Crime Act 2017, paragraph 7(g).

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**54 Interpretation of Part 3**

- (1) In this Part –
  - “chief officer of police” means –
    - (a) in relation to a police force maintained by a local policing body, the chief officer of police of that force;
    - (b) in relation to the British Transport Police Force, the Chief Constable of the Force;
    - (c) in relation to the Ministry of Defence Police, the Chief Constable of the Ministry of Defence Police;
  - “domestic abuse protection notice” has the meaning given by section 20(2);
  - “domestic abuse protection order” has the meaning given by section 25(1);
  - “electronic monitoring requirement” has the meaning given by section 33(6);
  - “family proceedings” means –
    - (a) proceedings in the family court (other than proceedings under or by virtue of this Part), and
    - (b) family proceedings within the meaning of Part 5 of the Matrimonial and Family Proceedings Act 1984;
  - “home address”, in relation to a person, means –
    - (a) the address of the person’s sole or main residence in the United Kingdom, or
    - (b) if the person has no such residence –
      - (i) the address or location of a place in the United Kingdom where the person can regularly be found;
      - (ii) if there is more than one such place, the address or location of whichever one of those places the person selects;
  - “relevant police force” has the meaning given by section 20(8);
  - “requirement”, in relation to a domestic abuse protection order, is to be read in accordance with section 33(1);
  - “senior police officer” has the meaning given by section 20(8).

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- (2) Any reference to a member of a police force includes, in the case of a police force maintained by a local policing body, a reference to a special constable appointed by the chief officer of police of that force.
- (3) Any reference to changing home address includes a reference to a case where – 5
  - (a) a person acquires a home address at any time, and
  - (b) immediately before that time, the person did not have a home address.
- (4) See also – 10
  - (a) section 1 (definition of “domestic abuse”);
  - (b) section 2 (definition of “personally connected”).

#### PART 4

##### LOCAL AUTHORITY SUPPORT

### 55 Support provided by local authorities to victims of domestic abuse

- (1) Each relevant local authority in England must – 15
  - (a) assess, or make arrangements for the assessment of, the need for domestic abuse support in its area,
  - (b) prepare and publish a strategy for the provision of such support in its area, and
  - (c) monitor and evaluate the effectiveness of the strategy.
- (2) For the purposes of subsection (1) – 20
  - “domestic abuse support” means support, in relation to domestic abuse, provided to victims of domestic abuse, or their children, who reside in relevant accommodation;
  - “relevant accommodation” means accommodation of a description specified by the Secretary of State in regulations. 25
- (3) A relevant local authority that publishes a strategy under this section must, in carrying out its functions, give effect to the strategy.
- (4) Before publishing a strategy under this section, a relevant local authority must consult – 30
  - (a) the domestic abuse local partnership board appointed by the relevant local authority under section 56,
  - (b) any local authority for an area within the relevant local authority’s area, and
  - (c) such other persons as the relevant local authority considers appropriate. 35
- (5) A relevant local authority that publishes a strategy under this section – 40
  - (a) must keep the strategy under review,
  - (b) may alter or replace the strategy, and
  - (c) must publish any altered or replacement strategy.
- (6) A relevant local authority may request any local authority for an area within the relevant local authority’s area to co-operate with it in any way that the relevant local authority considers necessary for the purposes of its functions under this section.

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- (7) A local authority must, so far as reasonably practicable, comply with a request made to it under subsection (6).
- (8) The Secretary of State may by regulations make provision about the preparation and publication of strategies under this section.
- (9) The power to make regulations under subsection (8) may, in particular, be exercised to make provision about –
- (a) the procedure to be followed by a relevant local authority in preparing a strategy;
  - (b) matters to which a relevant local authority must have regard in preparing a strategy;
  - (c) how a relevant local authority must publish a strategy;
  - (d) the date by which a relevant local authority must first publish a strategy;
  - (e) the frequency with which a relevant local authority must review its strategy.
- (10) Before making regulations under this section, the Secretary of State must consult –
- (a) the Domestic Abuse Commissioner,
  - (b) relevant local authorities, and
  - (c) such other persons as the Secretary of State considers appropriate.

## 56 Domestic abuse local partnership boards

- (1) A relevant local authority in England must appoint a domestic abuse local partnership board for the purposes of providing advice to the authority about the exercise of the authority’s functions under section 55.
- (2) The members of the domestic abuse local partnership board must include –
- (a) a representative of the relevant local authority;
  - (b) at least one person appearing to the authority to represent the interests of local authorities for areas within its area;
  - (c) at least one person appearing to the authority to represent the interests of victims of domestic abuse;
  - (d) at least one person appearing to the authority to represent the interests of children of domestic abuse victims;
  - (e) at least one person appearing to the authority to represent the interests of charities and other voluntary organisations that work with victims of domestic abuse in its area;
  - (f) at least one person appearing to the authority to represent the interests of persons who provide, or have functions relating to, health care services in its area;
  - (g) at least one person appearing to the authority to represent the interests of persons with functions relating to policing or criminal justice in its area.
- (3) In this section “health care services” means services relating to health care (within the meaning of section 9 of the Health and Social Care Act 2008).

## 57 Annual reports

- (1) As soon as reasonably practicable after the end of each financial year, a relevant local authority in England must submit to the Secretary of State an annual report in relation to the exercise of the authority’s functions under this Part during the year. 5
- (2) The Secretary of State may by regulations make provision about –
  - (a) the form of the report, and
  - (b) the content of the report.
- (3) In this section “financial year” means –
  - (a) the period beginning with the day on which this section comes into force and ending with the following 31 March, and
  - (b) each successive period of 12 months. 10

## 58 Guidance

- (1) The Secretary of State must issue guidance relating to the exercise by local authorities in England of functions under this Part. 15
- (2) Local authorities in England must have regard to the guidance when exercising a function to which the guidance relates.
- (3) The Secretary of State may from time to time revise any guidance issued under this section.
- (4) Before issuing or revising guidance under this section, the Secretary of State must consult –
  - (a) the Domestic Abuse Commissioner,
  - (b) local authorities, and
  - (c) such other persons as the Secretary of State considers appropriate. 20
- (5) Subsection (4) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial. 25
- (6) The Secretary of State must publish –
  - (a) any guidance issued under this section, and
  - (b) any revisions of that guidance. 30

## 59 Interpretation of Part 4

In this Part –

“local authority” means –

- (a) a relevant local authority;
- (b) a district council for an area for which there is a county council; 35
- (c) a London borough council;
- (d) the Common Council of the City of London in its capacity as a local authority;

“relevant local authority” means –

- (a) a county council; 40
- (b) a district council for an area for which there is no county council;

- (c) the Greater London Authority;
- (d) the Council of the Isles of Scilly.

## PART 5

### PROTECTION FOR VICTIMS AND WITNESSES IN COURT

<i>Special measures</i>		5
<b>60</b>	<b>Special measures in criminal proceedings for offences involving domestic abuse</b>	
(1)	Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (giving of evidence or information for purposes of criminal proceedings: special measures directions in case of vulnerable and intimidated witnesses) is amended as follows.	10
(2)	In section 17 (witnesses eligible for assistance on grounds of fear or distress about testifying) –	
	(a) in subsection (4), for “a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015” substitute “an offence listed in subsection (4A)”;	15
	(b) after subsection (4) insert –	
	“(4A) The offences are –	
	(a) a sexual offence;	
	(b) an offence under section 1 or 2 of the Modern Slavery Act 2015;	20
	(c) any other offence where it is alleged that the behaviour of the accused amounted to domestic abuse within the meaning of the Domestic Abuse Act 2020 (see section 1 of that Act).”	25
(3)	In section 25(4)(a) (evidence given in private), for “a sexual offence or an offence under section 1 or 2 of the Modern Slavery Act 2015” substitute “an offence listed in section 17(4A)”.	
<b>61</b>	<b>Special measures in family proceedings: victims of domestic abuse</b>	
(1)	This section applies where rules of court provide that the court may make a special measures direction in relation to a person (“P”) who is a party or witness in family proceedings.	30
(2)	Rules of court must provide that where P is, or is at risk of being, a victim of domestic abuse carried out by a person listed in subsection (3), it is to be assumed that the following matters are likely to be diminished by reason of vulnerability –	35
	(a) the quality of P’s evidence;	
	(b) where P is a party to the proceedings, P’s participation in the proceedings.	
(3)	The persons referred to in subsection (2) are –	40
	(a) a party to the proceedings;	
	(b) a relative of a party to the proceedings (other than P);	

- (c) a witness in the proceedings.
- (4) Rules of court may provide for an exception to the provision made by virtue of subsection (2) where P does not wish to be deemed to be eligible for the making of a special measures direction by virtue of that subsection.
- (5) In this section – 5  
“family proceedings” has the meaning given by section 75(3) of the Courts Act 2003;  
“relative” has the meaning given by section 63(1) of the Family Law Act 1996;  
“special measures” means such measures as may be specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings; 10  
“special measures direction” means a direction by the court granting special measures.
- 62 Special measures in civil proceedings: victims of specified offences** 15
- (1) Rules of court must make provision enabling the court to make a special measures direction in relation to a person who is a party or witness in civil proceedings where that person is the victim, or alleged victim, of a specified offence.
- (2) Rules made by virtue of subsection (1) must, in particular, provide for the court to consider – 20  
(a) whether –  
(i) the quality of the person’s evidence, or  
(ii) where the person is a party to the proceedings, the person’s participation in the proceedings, 25  
is likely to be diminished by reason of vulnerability, and  
(b) if so, whether it is necessary to make one or more special measures directions.
- (3) For the purposes of this section – 30  
(a) a person is the victim of a specified offence if another person has been convicted of, or given a caution for, the offence;  
(b) a person is the alleged victim of a specified offence if another person has been charged with the offence.
- (4) In this section – 35  
“civil proceedings” means –  
(a) proceedings in the county court,  
(b) proceedings in the High Court, other than –  
(i) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and 40  
(ii) proceedings in the exercise of its jurisdiction under the Extradition Act 2003, and  
(c) proceedings in the civil division of the Court of Appeal;  
“special measures” means such measures as may be specified by rules of court for the purpose of assisting a person to give evidence or participate in proceedings; 45

“special measures direction” means a direction by the court granting special measures;

“specified offence” means an offence which is specified, or of a description specified, in regulations made by the Lord Chancellor.

*Prohibition of cross-examination in person* 5

### 63 Prohibition of cross-examination in person in family proceedings

In the Matrimonial and Family Proceedings Act 1984, after Part 4A insert –

#### “PART 4B

FAMILY PROCEEDINGS: PROHIBITION OF CROSS-EXAMINATION IN PERSON

### 31Q Prohibition of cross-examination in person: introductory 10

In this Part –

“family proceedings” means –

- (a) proceedings in the family court,
- (b) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and 15
- (c) proceedings in the civil division of the Court of Appeal arising out of proceedings within paragraph (a) or (b);

“witness”, in relation to any proceedings, includes a party to the proceedings. 20

### 31R Prohibition of cross-examination in person: victims of offences

(1) In family proceedings, no party to the proceedings who has been convicted of or given a caution for, or is charged with, a specified offence may cross-examine in person a witness who is the victim, or alleged victim, of that offence. 25

(2) In family proceedings, no party to the proceedings who is the victim, or alleged victim, of a specified offence may cross-examine in person a witness who has been convicted of or given a caution for, or is charged with, that offence. 30

(3) Subsections (1) and (2) do not apply to a conviction or caution that is spent for the purposes of the Rehabilitation of Offenders Act 1974, unless evidence in relation to the conviction or caution is admissible in, or may be required in, the proceedings by virtue of section 7(2), (3) or (4) of that Act. 35

(4) Cross-examination in breach of subsection (1) or (2) does not affect the validity of a decision of the court in the proceedings if the court was not aware of the conviction, caution or charge when the cross-examination took place.

(5) In this section – 40

“caution” means –

- (a) in the case of England and Wales –

- (i) a conditional caution given under section 22 of the Criminal Justice Act 2003,
  - (ii) a youth conditional caution given under section 66A of the Crime and Disorder Act 1998, or
  - (iii) any other caution given to a person in England and Wales in respect of an offence which, at the time the caution is given, the person has admitted; 5
- (b) in the case of Scotland, anything corresponding to a caution falling within paragraph (a) (however described) which is given to a person in respect of an offence under the law of Scotland; 10
- (c) in the case of Northern Ireland –
  - (i) a conditional caution given under section 71 of the Justice Act (Northern Ireland) 2011, or 15
  - (ii) any other caution given to a person in Northern Ireland in respect of an offence which, at the time the caution is given, the person has admitted;
- “conviction” means –
  - (a) a conviction before a court in England and Wales, Scotland or Northern Ireland; 20
  - (b) a conviction in service disciplinary proceedings (in England and Wales, Scotland, Northern Ireland, or elsewhere);
  - (c) a finding in any criminal proceedings (including a finding linked with a finding of insanity) that the person concerned has committed an offence or done the act or made the omission charged; 25
- and “convicted” is to be read accordingly;
- “service disciplinary proceedings” means – 30
  - (a) any proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006 (except proceedings before a civilian court within the meaning of that Act);
  - (b) any proceedings under the Army Act 1955, the Air Force Act 1955, or the Naval Discipline Act 1957 (whether before a court-martial or before any other court or person authorised under any of those Acts to award a punishment in respect of an offence); 35
  - (c) any proceedings before a Standing Civilian Court established under the Armed Forces Act 1976; 40
- “specified offence” means an offence which is specified, or of a description specified, in regulations made by the Lord Chancellor.
- (6) The following provisions (which deem a conviction of a person discharged not to be a conviction) do not apply for the purposes of this section to a conviction of a person for an offence in respect of which an order has been made discharging the person absolutely or conditionally – 45
  - (a) section 14 of the Powers of Criminal Courts (Sentencing) Act 2000; 50

- (b) section 80 of the Sentencing Code;
- (c) section 187 of the Armed Forces Act 2006 or any corresponding earlier enactment.
- (7) For the purposes of this section “offence” includes an offence under a law that is no longer in force. 5
- 31S Prohibition of cross-examination in person: persons protected by injunctions etc**
- (1) In family proceedings, no party to the proceedings against whom an on-notice protective injunction is in force may cross-examine in person a witness who is protected by the injunction. 10
- (2) In family proceedings, no party to the proceedings who is protected by an on-notice protective injunction may cross-examine in person a witness against whom the injunction is in force.
- (3) Cross-examination in breach of subsection (1) or (2) does not affect the validity of a decision of the court in the proceedings if the court was not aware of the protective injunction when the cross-examination took place. 15
- (4) In this section “protective injunction” means an order, injunction or interdict specified, or of a description specified, in regulations made by the Lord Chancellor. 20
- (5) For the purposes of this section, a protective injunction is an “on-notice” protective injunction if –
- (a) the court is satisfied that there has been a hearing at which the person against whom the protective injunction is in force asked, or could have asked, for the injunction to be set aside or varied, or 25
- (b) the protective injunction was made at a hearing of which the court is satisfied that both the person who applied for it and the person against whom it is in force had notice.
- 31T Prohibition of cross-examination in person: evidence of domestic abuse** 30
- (1) In family proceedings, where specified evidence is adduced that a person who is a witness has been the victim of domestic abuse carried out by a party to the proceedings, that party to the proceedings may not cross-examine the witness in person. 35
- (2) In family proceedings, where specified evidence is adduced that a person who is a party to the proceedings has been the victim of domestic abuse carried out by a witness, that party may not cross-examine the witness in person.
- (3) In this section – 40
- “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;
- “specified evidence” means evidence specified, or of a description specified, in regulations made by the Lord Chancellor.
- (4) Regulations under subsection (3) may provide that any evidence which satisfies the court that domestic abuse, or domestic abuse of a specified 45

description, has occurred is specified evidence for the purposes of this section.

**31U Direction for prohibition of cross-examination in person: other cases**

- (1) In family proceedings, the court may give a direction prohibiting a party to the proceedings from cross-examining (or continuing to cross-examine) a witness in person if –
  - (a) none of sections 31R to 31T operates to prevent the party from cross-examining the witness, and
  - (b) it appears to the court that –
    - (i) the quality condition or the significant distress condition is met, and
    - (ii) it would not be contrary to the interests of justice to give the direction.
- (2) The “quality condition” is met if the quality of evidence given by the witness on cross-examination –
  - (a) is likely to be diminished if the cross-examination (or continued cross-examination) is conducted by the party in person, and
  - (b) would be likely to be improved if a direction were given under this section.
- (3) The “significant distress condition” is met if –
  - (a) the cross-examination (or continued cross-examination) of the witness by the party in person would be likely to cause significant distress to the witness or the party, and
  - (b) that distress is likely to be more significant than would be the case if the witness were cross-examined other than by the party in person.
- (4) A direction under this section may be made by the court –
  - (a) on an application made by a party to the proceedings, or
  - (b) of its own motion.
- (5) In determining whether the quality condition or the significant distress condition is met in the case of a witness or party, the court must have regard to, among other things –
  - (a) any views expressed by the witness as to whether or not the witness is content to be cross-examined by the party in person;
  - (b) any views expressed by the party as to whether or not the party is content to cross-examine the witness in person;
  - (c) the nature of the questions likely to be asked, having regard to the issues in the proceedings;
  - (d) any behaviour by the party in relation to the witness in respect of which the court is aware that a finding of fact has been made in the proceedings or in any other proceedings;
  - (e) any behaviour by the witness in relation to the party in respect of which the court is aware that a finding of fact has been made in the proceedings or in any other proceedings;
  - (f) any behaviour by the party at any stage of the proceedings, both generally and in relation to the witness;
  - (g) any behaviour by the witness at any stage of the proceedings, both generally and in relation to the party;

- (h) any relationship (of whatever nature) between the witness and the party.
- (6) Any reference in this section to the quality of a witness’s evidence is to its quality in terms of completeness, coherence and accuracy.
- (7) For this purpose “coherence” refers to a witness’s ability in giving evidence to give answers which—
- (a) address the questions put to the witness, and
  - (b) can be understood, both individually and collectively.
- 31V Directions under section 31U: supplementary**
- (1) A direction under section 31U has binding effect from the time it is made until the witness in relation to whom it applies is discharged.
- (2) But the court may revoke a direction under section 31U before the witness is discharged, if it appears to the court to be in the interests of justice to do so, either—
- (a) on an application made by a party to the proceedings, or
  - (b) of its own motion.
- (3) The court may revoke a direction under section 31U on an application made by a party to the proceedings only if there has been a material change of circumstances since—
- (a) the direction was given, or
  - (b) if a previous application has been made by a party to the proceedings, the application (or the last application) was determined.
- (4) The court must state its reasons for—
- (a) giving a direction under section 31U;
  - (b) refusing an application for a direction under section 31U;
  - (c) revoking a direction under section 31U;
  - (d) refusing an application for the revocation of a direction under section 31U.
- 31W Alternatives to cross-examination in person**
- (1) This section applies where a party to family proceedings is prevented from cross-examining a witness in person by virtue of any of sections 31R to 31U.
- (2) The court must consider whether (ignoring this section) there is a satisfactory alternative means—
- (a) for the witness to be cross-examined in the proceedings, or
  - (b) of obtaining evidence that the witness might have given under cross-examination in the proceedings.
- (3) If the court decides that there is not, the court must—
- (a) invite the party to the proceedings to arrange for a qualified legal representative to act for the party for the purpose of cross-examining the witness, and
  - (b) require the party to the proceedings to notify the court, by the end of a period specified by the court, of whether a qualified legal representative is to act for the party for that purpose.

- (4) Subsection (5) applies if, by the end of the period specified under subsection (3)(b), either –
  - (a) the party has notified the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness, or 5
  - (b) no notification has been received by the court and it appears to the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness.
- (5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by a qualified legal representative appointed by the court to represent the interests of the party. 10
- (6) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the party. 15
- (7) A qualified legal representative appointed by the court under subsection (6) is not responsible to the party.
- (8) For the purposes of this section –
  - (a) a reference to cross-examination includes a reference to continuing to conduct cross-examination; 20
  - (b) “qualified legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act) in family proceedings. 25

### **31X Costs of legal representatives appointed under section 31W(6)**

- (1) The Lord Chancellor may by regulations make provision for the payment out of central funds of sums in respect of –
  - (a) fees or costs properly incurred by a qualified legal representative appointed under section 31W(6), and 30
  - (b) expenses properly incurred in providing such a person with evidence or other material in connection with the appointment.
- (2) The regulations may provide for sums payable under subsection (1) to be determined by the Lord Chancellor or such other person as the regulations may specify. 35
- (3) The regulations may provide for sums payable under subsection (1) –
  - (a) to be such amounts as are specified in the regulations;
  - (b) to be calculated in accordance with –
    - (i) a rate or scale specified in the regulations, or
    - (ii) other provision made by or under the regulations. 40

### **31Y Guidance for legal representatives appointed under section 31W(6)**

- (1) The Lord Chancellor may issue guidance in connection with the role which a qualified legal representative appointed under section 31W(6) in connection with any family proceedings is to play in the proceedings, including (among other things) guidance about the effect of section 31W(7). 45

- (2) A qualified legal representative appointed under section 31W(6) must have regard to any guidance issued under this section.
- (3) The Lord Chancellor may from time to time revise any guidance issued under this section.
- (4) The Lord Chancellor must publish— 5
  - (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.

### **31Z Regulations under Part 4B**

- (1) Any power of the Lord Chancellor to make regulations under this Part— 10
  - (a) is exercisable by statutory instrument,
  - (b) includes power to make different provision for different purposes, and
  - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision. 15
- (2) A statutory instrument containing regulations under this Part is subject to annulment in pursuance of a resolution of either House of Parliament.”

## **64 Prohibition of cross-examination in person in civil proceedings**

In the Courts Act 2003, after Part 7 insert— 20

### **“PART 7A**

#### CIVIL PROCEEDINGS: PROHIBITION OF CROSS-EXAMINATION IN PERSON

### **85E Prohibition of cross-examination in person: introductory**

In this Part—

- “civil proceedings” means— 25
- (a) proceedings in the county court,
  - (b) proceedings in the High Court, other than—
    - (i) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and 30
    - (ii) proceedings in the exercise of its jurisdiction under the Extradition Act 2003, and
  - (c) proceedings in the civil division of the Court of Appeal arising out of civil proceedings within paragraph (a) or (b); 35

“witness”, in relation to any proceedings, includes a party to the proceedings.

### **85F Direction for prohibition of cross-examination in person** 40

- (1) In civil proceedings, the court may give a direction prohibiting a party to the proceedings from cross-examining (or continuing to cross-examine) a witness in person if it appears to the court that—

- (a) the quality condition or the significant distress condition is met, and
  - (b) it would not be contrary to the interests of justice to give the direction.
- (2) The “quality condition” is met if the quality of evidence given by the witness on cross-examination –
  - (a) is likely to be diminished if the cross-examination (or continued cross-examination) is conducted by the party in person, and
  - (b) would be likely to be improved if a direction were given under this section.
- (3) The “significant distress condition” is met if –
  - (a) the cross-examination (or continued cross-examination) of the witness by the party in person would be likely to cause significant distress to the witness or the party, and
  - (b) that distress is likely to be more significant than would be the case if the witness were cross-examined other than by the party in person.
- (4) A direction under this section may be made by the court –
  - (a) on an application made by a party to the proceedings, or
  - (b) of its own motion.
- (5) In determining whether the quality condition or the significant distress condition is met in the case of a witness or party, the court must have regard to, among other things –
  - (a) any views expressed by the witness as to whether or not the witness is content to be cross-examined by the party in person;
  - (b) any views expressed by the party as to whether or not the party is content to cross-examine the witness in person;
  - (c) the nature of the questions likely to be asked, having regard to the issues in the proceedings;
  - (d) any conviction or caution of which the court is aware for an offence committed by the party in relation to the witness;
  - (e) any conviction or caution of which the court is aware for an offence committed by the witness in relation to the party;
  - (f) any behaviour by the party in relation to the witness in respect of which the court is aware that a finding of fact has been made in the proceedings or in any other proceedings;
  - (g) any behaviour by the witness in relation to the party in respect of which the court is aware that a finding of fact has been made in the proceedings or in any other proceedings;
  - (h) any behaviour by the party at any stage of the proceedings, both generally and in relation to the witness;
  - (i) any behaviour by the witness at any stage of the proceedings, both generally and in relation to the party;
  - (j) any relationship (of whatever nature) between the witness and the party.
- (6) Any reference in this section to the quality of a witness’s evidence is to its quality in terms of completeness, coherence and accuracy.

- (7) For this purpose “coherence” refers to a witness’s ability in giving evidence to give answers which –
- (a) address the questions put to the witness, and
  - (b) can be understood, both individually and collectively.
- 85G Directions under section 85F: supplementary** 5
- (1) A direction under section 85F has binding effect from the time it is made until the witness in relation to whom it applies is discharged.
- (2) But the court may revoke a direction under section 85F before the witness is discharged, if it appears to the court to be in the interests of justice to do so, either – 10
- (a) on an application made by a party to the proceedings, or
  - (b) of its own motion.
- (3) The court may revoke a direction under section 85F on an application made by a party to the proceedings only if there has been a material change of circumstances since – 15
- (a) the direction was given, or
  - (b) if a previous application has been made by a party to the proceedings, the application (or the last application) was determined.
- (4) The court must state its reasons for – 20
- (a) giving a direction under section 85F;
  - (b) refusing an application for a direction under section 85F;
  - (c) revoking a direction under section 85F;
  - (d) refusing an application for the revocation of a direction under section 85F. 25
- 85H Alternatives to cross-examination in person**
- (1) This section applies where a party to civil proceedings is prevented from cross-examining a witness in person by virtue of a direction under section 85F.
- (2) The court must consider whether (ignoring this section) there is a satisfactory alternative means – 30
- (a) for the witness to be cross-examined in the proceedings, or
  - (b) of obtaining evidence that the witness might have given under cross-examination in the proceedings.
- (3) If the court decides that there is not, the court must – 35
- (a) invite the party to the proceedings to arrange for a qualified legal representative to act for the party for the purpose of cross-examining the witness, and
  - (b) require the party to the proceedings to notify the court, by the end of a period specified by the court, of whether a qualified legal representative is to act for the party for that purpose. 40
- (4) Subsection (5) applies if, by the end of the period specified under subsection (3)(b), either –
- (a) the party has notified the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness, or 45

- (b) no notification has been received by the court and it appears to the court that no qualified legal representative is to act for the party for the purpose of cross-examining the witness.
- (5) The court must consider whether it is necessary in the interests of justice for the witness to be cross-examined by a qualified legal representative appointed by the court to represent the interests of the party. 5
- (6) If the court decides that it is, the court must appoint a qualified legal representative (chosen by the court) to cross-examine the witness in the interests of the party. 10
- (7) A qualified legal representative appointed by the court under subsection (6) is not responsible to the party.
- (8) For the purposes of this section –
- (a) a reference to cross-examination includes a reference to continuing to conduct cross-examination; 15
- (b) “qualified legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act) in civil proceedings. 20
- 85I Costs of legal representatives appointed under section 85H(6)**
- (1) The Lord Chancellor may by regulations make provision for the payment out of central funds of sums in respect of –
- (a) fees or costs properly incurred by a qualified legal representative appointed under section 85H(6), and 25
- (b) expenses properly incurred in providing such a person with evidence or other material in connection with the appointment.
- (2) The regulations may provide for sums payable under subsection (1) to be determined by the Lord Chancellor or such other person as the regulations may specify. 30
- (3) The regulations may provide for sums payable under subsection (1) –
- (a) to be such amounts as are specified in the regulations;
- (b) to be calculated in accordance with –
- (i) a rate or scale specified in the regulations, or
- (ii) other provision made by or under the regulations. 35
- (4) Regulations under this section may make different provision for different purposes.
- 85J Guidance for legal representatives appointed under section 85H(6)**
- (1) The Lord Chancellor may issue guidance in connection with the role which a qualified legal representative appointed under section 85H(6) in connection with any civil proceedings is to play in the proceedings, including (among other things) guidance about the effect of section 85H(7). 40
- (2) A qualified legal representative appointed under section 85H(6) must have regard to any guidance issued under this section. 45

- (3) The Lord Chancellor may from time to time revise any guidance issued under this section.
- (4) The Lord Chancellor must publish—
- (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.”

5

## PART 6

### OFFENCES INVOLVING VIOLENT OR ABUSIVE BEHAVIOUR

#### *Offences against the person*

#### **65 Consent to serious harm for sexual gratification not a defence**

- (1) This section applies for the purposes of determining whether a person (“D”) who inflicts serious harm on another person (“V”) is guilty of a relevant offence. 10
- (2) It is not a defence that V consented to the infliction of the serious harm for the purposes of obtaining sexual gratification (but see subsection (4)).
- (3) In this section— 15
- “relevant offence” means an offence under section 18, 20 or 47 of the Offences Against the Person Act 1861 (“the 1861 Act”);
- “serious harm” means—
- (a) grievous bodily harm, within the meaning of section 18 of the 1861 Act, 20
  - (b) wounding, within the meaning of that section, or
  - (c) actual bodily harm, within the meaning of section 47 of the 1861 Act.
- (4) Subsection (2) does not apply in the case of an offence under section 20 or 47 of the 1861 Act where— 25
- (a) the serious harm consists of, or is a result of, the infection of V with a sexually transmitted infection in the course of sexual activity, and
  - (b) V consented to the sexual activity in the knowledge or belief that D had the sexually transmitted infection.
- (5) For the purposes of this section it does not matter whether the harm was inflicted for the purposes of obtaining sexual gratification for D, V or some other person. 30
- (6) Nothing in this section affects any enactment or rule of law relating to other circumstances in which a person’s consent to the infliction of serious harm may, or may not, be a defence to a relevant offence. 35

#### *Offences committed outside the UK*

#### **66 Offences against the person committed outside the UK: England and Wales**

- (1) If—

- 
- (a) a person who is a United Kingdom national or is habitually resident in England and Wales does an act in a country outside the United Kingdom,
- (b) the act constitutes an offence under the law in force in that country, and
- (c) the act, if done in England and Wales, would constitute an offence to which this subsection applies,
- the person is guilty in England and Wales of that offence. 5
- (2) The offences to which subsection (1) applies are –
- (a) murder;
- (b) manslaughter; 10
- (c) an offence under section 18, 20 or 47 of the Offences Against the Person Act 1861 (offences relating to bodily harm or injury);
- (d) an offence under section 23 or 24 of that Act (administering poison);
- (e) an offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction). 15
- (3) Subsection (1) does not apply where a person would, in the absence of that subsection, be guilty of an offence of murder or manslaughter under the law of England and Wales.
- (4) An act punishable under the law in force in any country constitutes an offence under that law for the purposes of subsection (1)(b) however it is described in that law. 20
- (5) The condition in subsection (1)(b) is to be taken to be met unless, not later than rules of court may provide, the defendant serves on the prosecution a notice –
- (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in the defendant’s opinion met, 25
- (b) showing the grounds for that opinion, and
- (c) requiring the prosecution to prove that it is met.
- (6) But the court, if it thinks fit, may permit the defendant to require the prosecution to prove that the condition is met without service of a notice under subsection (5). 30
- (7) In the Crown Court the question whether the condition is met is to be decided by the judge alone.
- (8) In this section –
- “act” includes a failure to act;
- “country” includes territory; 35
- “United Kingdom national” means an individual who is –
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject, or 40
- (c) a British protected person within the meaning of that Act.
- 67 Offences against the person committed outside the UK: Northern Ireland**
- (1) If –
- (a) a person who is a United Kingdom national or is habitually resident in Northern Ireland does an act in a country outside the United Kingdom, 45

- (b) the act constitutes an offence under the law in force in that country, and  
(c) the act, if done in Northern Ireland, would constitute an offence to which this subsection applies,  
the person is guilty in Northern Ireland of that offence.
- (2) The offences to which subsection (1) applies are – 5
- (a) murder;  
(b) manslaughter;  
(c) an offence under section 18, 20 or 47 of the Offences Against the Person Act 1861 (offences relating to bodily harm or injury);  
(d) an offence under section 23 or 24 of that Act (administering poison); 10  
(e) an offence under section 25 of the Criminal Justice Act (Northern Ireland) 1945 (child destruction).
- (3) Subsection (1) does not apply where a person would, in the absence of that subsection, be guilty of an offence of murder or manslaughter under the law of Northern Ireland. 15
- (4) An act punishable under the law in force in any country constitutes an offence under that law for the purposes of subsection (1)(b) however it is described in that law.
- (5) The condition in subsection (1)(b) is to be taken to be met unless, not later than rules of court may provide, the defendant serves on the prosecution a notice – 20
- (a) stating that, on the facts as alleged with respect to the act in question, the condition is not in the defendant’s opinion met,  
(b) showing the grounds for that opinion, and  
(c) requiring the prosecution to prove that it is met.
- (6) But the court, if it thinks fit, may permit the defendant to require the prosecution to prove that the condition is met without service of a notice under subsection (5). 25
- (7) In the Crown Court the question whether the condition is met is to be decided by the judge alone.
- (8) In this section – 30
- “act” includes a failure to act;  
“country” includes territory;  
“rules of court” means –
- (a) in relation to proceedings in a magistrates’ court, magistrates’ court rules;  
(b) in relation to proceedings in the Crown Court, Crown Court rules; 35
- “United Kingdom national” means an individual who is –
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, 40  
(b) a person who under the British Nationality Act 1981 is a British subject, or  
(c) a British protected person within the meaning of that Act.
- (9) The Interpretation Act (Northern Ireland) 1954 applies for the purposes of this section as it applies to an Act of the Northern Ireland Assembly. 45

**68 Amendments relating to offences committed outside the UK**

- (1) Part 1 of Schedule 2 contains amendments to provide for extra-territorial jurisdiction over certain other offences under the law of England and Wales.
- (2) Part 2 of Schedule 2 contains amendments to provide for extra-territorial jurisdiction over certain offences under the law of Scotland. 5
- (3) Part 3 of Schedule 2 contains amendments to provide for extra-territorial jurisdiction over certain other offences under the law of Northern Ireland.

**PART 7**

MISCELLANEOUS AND GENERAL

*Management of offenders* 10

**69 Polygraph conditions for offenders released on licence**

- (1) In Part 3 of the Offender Management Act 2007 (other provisions about the management of offenders), section 28 (application of polygraph condition) is amended as follows.
- (2) In subsection (2), for “a relevant sexual offence” substitute “an offence within subsection (3A)”. 15
- (3) In subsection (3)(a), for “for a term of twelve months or more” substitute “that is not for a term of less than twelve months”.
- (4) After subsection (3) insert –
  - “(3A) An offence is within this subsection if it is – 20
    - (a) a relevant offence involving domestic abuse (see subsections (3B) and (3C)), or
    - (b) a relevant sexual offence (see subsection (4)).
  - (3B) In this section “relevant offence involving domestic abuse” means –
    - (a) an offence listed in subsection (3C) which involved behaviour by the offender amounting to domestic abuse within the meaning of the Domestic Abuse Act 2020 (see section 1 of that Act); 25
    - (b) an offence under section 36 of that Act (breach of domestic abuse protection order). 30
  - (3C) The offences are –
    - (a) murder;
    - (b) an offence under section 5 of the Protection from Harassment Act 1997 (breach of a restraining order);
    - (c) an offence specified in Part 1 of Schedule 15 to the Criminal Justice Act 2003 (specified violent offences); 35
    - (d) an offence under section 76 of the Serious Crime Act 2015 (controlling or coercive behaviour in an intimate or family relationship).”

*Disclosure of information by police***70 Guidance about the disclosure of information by police forces**

- (1) The Secretary of State must issue guidance to chief officers of police about the disclosure of police information by police forces for the purposes of preventing domestic abuse. 5  
“Police information” means information held by a police force.
- (2) Each chief officer of police of a police force must have regard to any guidance issued under this section.
- (3) The Secretary of State may from time to time revise any guidance issued under this section. 10
- (4) Before issuing or revising guidance under this section, the Secretary of State must consult –  
(a) the Domestic Abuse Commissioner,  
(b) the National Police Chiefs’ Council, and  
(c) such other persons as the Secretary of State considers appropriate. 15
- (5) Subsection (4) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial.
- (6) The Secretary of State must publish –  
(a) any guidance issued under this section, and  
(b) any revisions of that guidance. 20
- (7) In this section –  
“chief officer of police” means –  
(a) in relation to the British Transport Police Force, the Chief Constable of that Force; 25  
(b) in relation to any other police force, the chief officer of police of that force;  
“police force” means –  
(a) a police force maintained by a local policing body, or  
(b) the British Transport Police Force. 30

*Homelessness***71 Homelessness: victims of domestic abuse**

- (1) Part 7 of the Housing Act 1996 (homelessness: England) is amended as follows.
- (2) In section 177 (whether it is reasonable to continue to occupy accommodation) – 35  
(a) in subsection (1), for “domestic violence or other violence” substitute “violence or domestic abuse”;  
(b) for subsection (1A) substitute –  
“(1A) For this purpose –  
(a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020; 40

- (b) “violence” means –
    - (i) violence from another person; or
    - (ii) threats of violence from another person which are likely to be carried out.”
- (3) Omit section 178 (meaning of associated person). 5
- (4) In section 179 (duty of local housing authority in England to provide advisory services), in subsection (5) –
  - (a) for the definition of “domestic abuse” substitute –
    - ““domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;”;
  - (b) omit the definition of “financial abuse”. 10
- (5) In section 189 (priority need for accommodation) –
  - (a) in subsection (1), after paragraph (d) insert –
    - “(e) a person who is homeless as a result of that person being a victim of domestic abuse.”;
  - (b) after subsection (4) insert –
    - “(5) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.”
- (6) In section 198 (referral of case to another local housing authority) –
  - (a) in subsection (2), in paragraph (c), for “domestic violence” substitute “domestic abuse”; 20
  - (b) in subsection (2ZA), in paragraph (b), for “domestic violence” substitute “domestic abuse”;
  - (c) in subsection (2A), in paragraph (a), for “domestic violence” substitute “violence that is domestic abuse”; 25
  - (d) for subsection (3) substitute –
    - “(3) For the purposes of subsections (2), (2ZA) and (2A) –
      - (a) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020;
      - (b) “violence” means – 30
        - (i) violence from another person; or
        - (ii) threats of violence from another person which are likely to be carried out.”
- (7) In section 218 (index of defined expressions: Part 7), in the table, omit the entry relating to section 178. 35
- (8) In article 6 of the Homelessness (Priority Need for Accommodation) (England) Order 2002 (S.I. 2002/2051) (vulnerability: fleeing violence or threats of violence) –
  - (a) the existing text becomes paragraph (1);
  - (b) after that paragraph insert – 40
- “(2) For the purposes of this article –
  - (a) “violence” does not include violence that is domestic abuse;
  - (b) “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2020.”

- (9) In consequence of the repeal made by subsection (3), omit the following provisions—
- (a) in Schedule 8 to the Civil Partnership Act 2004, paragraph 61;
  - (b) in Schedule 3 to the Adoption and Children Act 2002, paragraphs 89 to 92.

5

*Secure tenancies***72 Grant of secure tenancies in cases of domestic abuse**

- (1) Part 4 of the Housing Act 1985 (secure tenancies and rights of secure tenants) is amended as follows.
- (2) After section 81 insert—

10

**“81ZA Grant of secure tenancies in cases of domestic abuse**

- (1) This section applies where a local housing authority grants a secure tenancy of a dwelling-house in England before the day on which paragraph 4 of Schedule 7 to the Housing and Planning Act 2016 (grant of new secure tenancies in England) comes fully into force.

15

- (2) The local housing authority must grant a secure tenancy that is not a flexible tenancy if—

- (a) the tenancy is offered to a person who is or was a tenant of some other dwelling-house under a qualifying tenancy (whether as the sole tenant or as a joint tenant), and

20

- (b) the authority is satisfied that—

- (i) the person or a member of the person’s household is or has been a victim of domestic abuse carried out by another person, and

- (ii) the new tenancy is granted for reasons connected with that abuse.

25

- (3) The local housing authority must grant a secure tenancy that is not a flexible tenancy if—

- (a) the tenancy is offered to a person who was a joint tenant of the dwelling-house under a qualifying tenancy, and

30

- (b) the authority is satisfied that—

- (i) the person or a member of the person’s household is or has been a victim of domestic abuse carried out by another person, and

- (ii) the new tenancy is granted for reasons connected with that abuse.

35

- (4) In this section—

“abuse” means—

- (a) physical or sexual abuse;
- (b) violent or threatening behaviour;
- (c) controlling or coercive behaviour;
- (d) economic abuse (within the meaning of section 1(4) of the Domestic Abuse Act 2020);
- (e) psychological, emotional or other abuse;

40

- “domestic abuse” means abuse carried out by a person who is personally connected to the victim of the abuse (within the meaning of section 2 of the Domestic Abuse Act 2020);
- “qualifying tenancy” means a tenancy of a dwelling-house in England which is – 5
- (a) a secure tenancy other than a flexible tenancy, or
  - (b) an assured tenancy –
    - (i) which is not an assured shorthold tenancy, and
    - (ii) which is granted by a private registered provider of social housing, by the Regulator of Social Housing or by a housing trust which is a charity. 10
- (5) For the purposes of this section, a person may be a victim of domestic abuse despite the fact that the abuse is directed at another person (for example, the person’s child).”
- (3) In section 81B (cases where old-style English secure tenancies may be granted) – 15
- (a) in subsection (2C) –
    - (i) for the definition of “abuse” substitute –
      - ““abuse” means –
      - (a) physical or sexual abuse; 20
      - (b) violent or threatening behaviour;
      - (c) controlling or coercive behaviour;
      - (d) economic abuse (within the meaning of section 1(4) of the Domestic Abuse Act 2020); 25
      - (e) psychological, emotional or other abuse;”;
    - (ii) for the definition of “domestic abuse” substitute –
      - ““domestic abuse” means abuse carried out by a person who is personally connected to the victim of the abuse (within the meaning of section 2 of the Domestic Abuse Act 2020);”;
  - (b) after subsection (2C) insert –
    - “(2D) For the purposes of this section, a person may be a victim of domestic abuse despite the fact that the abuse is directed at another person (for example, the person’s child).” 35

### *Guidance*

## **73 Power of Secretary of State to issue guidance about domestic abuse, etc**

- (1) The Secretary of State may issue guidance about – 40
- (a) the effect of any provision made by or under –
    - (i) Parts 1 to 5,
    - (ii) section 66 or Part 1 of Schedule 2, or
    - (iii) section 69, 70, 71 or 72;
  - (b) other matters relating to domestic abuse in England and Wales.

- (2) The Secretary of State must, in particular, issue guidance under this section about—
- (a) the effect of sections 1 and 2, including guidance as to particular kinds of behaviour that amount to domestic abuse;
  - (b) the effect of domestic abuse on children. 5
- (3) Any guidance issued under this section must, so far as relevant, take account of the fact that the majority of victims of domestic abuse in England and Wales (excluding children treated as victims by virtue of section 3) are female.
- (4) A person exercising public functions to whom guidance issued under this section relates must have regard to it in the exercise of those functions. 10  
But nothing in this section permits the Secretary of State to issue guidance to a court or tribunal.
- (5) The Secretary of State may from time to time revise any guidance issued under this section.
- (6) Before issuing or revising guidance under this section, the Secretary of State must consult— 15
- (a) the Domestic Abuse Commissioner,
  - (b) the Welsh Ministers, so far as the guidance relates to a devolved Welsh authority, and
  - (c) such other persons as the Secretary of State considers appropriate. 20
- (7) In subsection (6)(b) “devolved Welsh authority” has the meaning given by section 157A of the Government of Wales Act 2006.
- (8) Subsection (6) does not apply in relation to any revisions of guidance issued under this section if the Secretary of State considers the proposed revisions of the guidance are insubstantial. 25
- (9) The Secretary of State must publish—
- (a) any guidance issued under this section, and
  - (b) any revisions of that guidance.

*Powers to make consequential or transitional provision, etc*

- 74 Power of Secretary of State to make consequential amendments 30**
- (1) The Secretary of State may by regulations make provision that is consequential on any provision made by or under—
- (a) Parts 1 to 5,
  - (b) section 65,
  - (c) section 66 or Part 1 of Schedule 2, or 35
  - (d) section 69, 70, 71 or 72.
- (2) The power to make regulations under this section may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act passed before, or in the same session of Parliament as, this Act. 40

## 75 Power to make transitional or saving provision

- (1) The Secretary of State may by regulations make such transitional or saving provision as the Secretary of State considers appropriate in connection with the coming into force of any provision of –
  - (a) Parts 1 to 5, 5
  - (b) section 65,
  - (c) section 66 or 68(1) or Part 1 of Schedule 2, or
  - (d) section 69, 70, 71, 72 or 73.
- (2) The Department of Justice in Northern Ireland may by regulations make such transitional or saving provision as the Department considers appropriate in connection with the coming into force of any provision of section 67 or 68(3) or Part 3 of Schedule 2. 10
- (3) Regulations under this section may (among other things) make any adaptations of provisions of this Act mentioned in subsection (1) or (2) (as the case may be) brought into force that appear to be appropriate in consequence of other provisions of this Act not yet having come into force. 15

### *Final provisions*

## 76 Regulations

- (1) Any power of the Secretary of State or Lord Chancellor to make regulations under this Act is exercisable by statutory instrument. 20
- (2) Any power of the Department of Justice in Northern Ireland to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) Regulations under this Act may –
  - (a) make different provision for different purposes or in relation to different areas; 25
  - (b) contain supplementary, incidental, consequential, transitional or saving provision.
- (4) Subsection (3) does not apply to regulations under section 79 (see instead subsection (6) of that section). 30
- (5) A statutory instrument containing regulations made by the Secretary of State or Lord Chancellor under this Act is subject to annulment in pursuance of a resolution of either House of Parliament, unless the instrument –
  - (a) is required by subsection (6) or any other enactment to be laid in draft before, and approved by a resolution of, each House of Parliament, or 35
  - (b) contains only regulations under section 35(7), 75 or 79.
- (6) A statutory instrument that contains (with or without other provisions) –
  - (a) regulations under section 39(7), or
  - (b) regulations under section 74 that amend or repeal any Act,may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 40

**77 Financial provision**

There is to be paid out of money provided by Parliament –

- (a) any expenditure incurred by a Minister of the Crown under or by virtue of this Act, and
- (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided. 5

**78 Extent**

- (1) Except as set out below, this Act extends to England and Wales only.
- (2) Any amendment or repeal made by Part 2 or 3 has the same extent as the provision amended or repealed. 10
- (3) Section 68(2) and Part 2 of Schedule 2 extend to Scotland only.
- (4) Sections 67 and 68(3) and Part 3 of Schedule 2 extend to Northern Ireland only.
- (5) The following provisions extend to England and Wales, Scotland and Northern Ireland –
  - (a) section 37(7), 15
  - (b) sections 74 to 77,
  - (c) this section, and
  - (d) sections 79 and 80.
- (6) Section 37(7) and this subsection (and sections 74 to 76, 79 and 80, so far as relating to those provisions) extend to – 20
  - (a) the Isle of Man, and
  - (b) the British overseas territories except Gibraltar;
 and the power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify section 37(7) as it extends to the Isle of Man or a British overseas territory other than Gibraltar. 25
- (7) The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend section 37(7) of this Act to any of the Channel Islands (with or without modifications).

**79 Commencement**

- (1) The following provisions of this Act come into force on the day on which this Act is passed – 30
  - (a) section 65;
  - (b) sections 74 to 78, this section and section 80;
  - (c) any power to make regulations under or by virtue of this Act.
- (2) Sections 66 and 68(1) and Part 1 of Schedule 2 come into force at the end of the period of two months beginning with the day on which this Act is passed. 35
- (3) Section 68(2) and Part 2 of Schedule 2 come into force in accordance with provision contained in regulations made by the Scottish Ministers.
- (4) Sections 67 and 68(3) and Part 3 of Schedule 2 come into force in accordance with provision contained in an order made by the Department of Justice in Northern Ireland. 40

- (5) The remaining provisions of this Act come into force in accordance with provision contained in regulations made by the Secretary of State.
- (6) Regulations or an order under this section may make different provision for different purposes or in relation to different areas.
- (7) Regulations under this section bringing any provision of Part 3 or section 69 into force only for a specified purpose or in relation to a specified area may –
  - (a) provide for that provision or section to be in force for that purpose or in relation to that area for a specified period;
  - (b) make transitional or saving provision relating to that provision or section ceasing to be in force at the end of the specified period.
- (8) Regulations containing provision permitted by subsection (7)(a) may be amended by subsequent regulations under this section so as to continue any provision of Part 3 or section 69 in force for the specified purpose or in relation to the specified area for a further specified period.
- (9) The power of the Department of Justice in Northern Ireland to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (10) Any provision which the Department of Justice in Northern Ireland could make by regulations under section 75 may be made by the Department by an order under this section.

## 80 Short title

This Act may be cited as the Domestic Abuse Act 2020.

## SCHEDULES

## SCHEDULE 1

Section 38

## FURTHER PROVISION ABOUT REMAND UNDER SECTION 38

*Introductory*

- 1 This Schedule applies where a court has power to remand a person (“P”) under section 38. 5

*Remand in custody or on bail*

- 2 (1) The court may remand P in custody or on bail.
- (2) If remanded in custody, P is to be committed to custody to be brought before the court – 10
- (a) at the end of the period of remand, or
- (b) at such earlier time as the court may require.
- (3) The court may remand P on bail – 15
- (a) by taking from P a recognizance (with or without sureties) conditioned as provided in paragraph 3, or
- (b) by fixing the amount of the recognizances with a view to their being taken subsequently in accordance with paragraph 7 and, in the meantime, committing P to custody as mentioned in sub-paragraph (2).
- (4) Where P is brought before the court after remand, the court may further remand P. 20
- 3 (1) Where P is remanded on bail, the court may direct that P’s recognizance be conditioned for P’s appearance – 25
- (a) before the court at the end of the period of remand, or
- (b) at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned.
- (2) Where a recognizance is conditioned for P’s appearance as mentioned in sub-paragraph (1)(b), the fixing of a time for P next to appear is to be treated as a remand.
- (3) Nothing in this paragraph affects the power of the court at any subsequent hearing to remand P afresh. 30
- 4 (1) The court may not remand P for a period exceeding eight clear days unless –
- (a) the court adjourns proceedings for the purpose mentioned in paragraph 5(1), or

- (b) P is remanded on bail and both P and the person who applied for the warrant under section 38 consent.

This is subject to paragraph 6.

- (2) Where the court has power to remand P in custody, P may be committed to the custody of a constable if the remand is for a period not exceeding three clear days. 5

*Remand for medical examination and report*

- 5 (1) If the court has reason to suspect that a medical report will be required, the power to remand a person under section 38 may be exercised for the purpose of enabling a medical examination to take place and a report to be made. 10
- (2) If the person is remanded in custody for that purpose, the adjournment may not be for more than 3 weeks at a time.
- (3) If the person is remanded on bail for that purpose, the adjournment may not be for more than 4 weeks at a time.
- (4) Sub-paragraph (5) applies if there is reason to suspect that a person who has been arrested under a warrant issued on an application made under section 38 is suffering from mental disorder within the meaning of the Mental Health Act 1983. 15
- (5) The court has the same power to make an order under section 35 of that Act (remand to hospital for report on accused’s mental condition) as the Crown Court has under that section in the case of an accused person (within the meaning of that section). 20

*Further remand*

- 6 (1) If the court is satisfied that a person (“P”) who has been remanded is unable by reason of illness or accident to appear or be brought before the court at the end of the period of remand, the court may further remand P in P’s absence. 25
- (2) The power under sub-paragraph (1) may, in the case of a person who was remanded on bail, be exercised by enlarging the person’s recognizance and those of any sureties for the person to a later time. 30
- (3) Where a person (“P”) remanded on bail is bound to appear before the court at any time and the court has no power to remand P under sub-paragraph (1), the court may (in P’s absence) enlarge P’s recognizance and those of any sureties for P to a later time.
- (4) The enlargement of P’s recognizance is to be treated as a further remand. 35
- (5) Paragraph 4(1) (limit of remand) does not apply to the exercise of the powers conferred by this paragraph.

*Postponement of taking of recognizance*

- 7 Where under paragraph 2(3)(b) the court fixes the amount in which the principal and the sureties, if any, are to be bound, the recognizance may afterwards be taken by a person prescribed by rules of court, with the same consequences as if it had been entered into before the court. 40

*Requirements imposed on remand on bail*

- 8 The court may, when remanding a person on bail in accordance with this Schedule, require the person to comply, before release on bail or later, with any requirements that appear to the court to be necessary to secure that the person does not interfere with witnesses or otherwise obstruct the course of justice. 5

## SCHEDULE 2

Section 68

## AMENDMENTS RELATING TO OFFENCES COMMITTED OUTSIDE THE UK

## PART 1

## ENGLAND AND WALES 10

*Protection from Harassment Act 1997*

- 1 In the Protection from Harassment Act 1997, after section 4A insert –
- “4B Offences under sections 4 and 4A committed outside the United Kingdom**
- (1) If – 15
- (a) a person’s course of conduct consists of or includes conduct in a country outside the United Kingdom,
- (b) the course of conduct would constitute an offence under section 4 or 4A if it occurred in England and Wales, and
- (c) the person is a United Kingdom national or is habitually resident in England and Wales, 20
- the person is guilty in England and Wales of that offence.
- (2) In this section –
- “country” includes territory;
- “United Kingdom national” means an individual who is – 25
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981 is a British subject, or 30
- (c) a British protected person within the meaning of that Act.”

*Sexual Offences Act 2003*

- 2 (1) The Sexual Offences Act 2003 is amended as follows.
- (2) In section 72 (offences outside the United Kingdom) – 35
- (a) in subsections (1)(b) and (2)(c), for “section” substitute “subsection”;
- (b) after subsection (2) insert –
- “(2A) If –

- (a) a person who is a United Kingdom national or United Kingdom resident does an act in a country outside the United Kingdom,
  - (b) the act constitutes an offence under the law in force in that country, and 5
  - (c) the act, if done in England and Wales, would constitute a sexual offence to which this subsection applies,  
 the person is guilty in England and Wales of that sexual offence.”; 10
  - (c) in subsection (3)(c), for “section” substitute “subsection”;
  - (d) in subsection (5), after “(2)” insert “, (2A)”;
  - (e) in subsection (6), after “(2)(b)” insert “, (2A)(b)”;
  - (f) in subsection (10), for “this section applies” substitute “subsections (1) to (3) apply”. 15
- (3) In Schedule 2 (sexual offences to which section 72 applies) –
- (a) in the heading, for “section 72” substitute “section 72(1) to (3)”;
  - (b) in paragraph 1, in the opening words, for “section 72 applies” substitute “subsections (1), (2) and (3) of section 72 apply”;
  - (c) after paragraph 1 insert – 20
    - “1A In relation to England and Wales, the sexual offences to which subsection (2A) of section 72 applies are an offence under any of sections 1 to 4 where the victim of the offence was 18 or over at the time of the offence.”;
  - (d) in paragraph 3, after “paragraph 1” insert “or 1A”. 25

*Serious Crime Act 2015*

- 3 In the Serious Crime Act 2015, after section 76 (controlling or coercive behaviour in an intimate or family relationship) insert –
- “76A Offences under section 76 committed outside the United Kingdom**
- (1) If – 30
    - (a) a person’s behaviour consists of or includes behaviour in a country outside the United Kingdom,
    - (b) the behaviour would constitute an offence under section 76 if it occurred in England and Wales, and
    - (c) the person is a United Kingdom national or is habitually resident in England and Wales, 35
 the person is guilty in England and Wales of that offence.
  - (2) In this section –
    - “country” includes territory;
    - “United Kingdom national” means an individual who is – 40
      - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
      - (b) a person who under the British Nationality Act 1981 is a British subject, or 45

- (c) a British protected person within the meaning of that Act.”

PART 2

SCOTLAND

<i>Criminal Procedure (Scotland) Act 1995</i>	5
4 (1) Section 11 of the Criminal Procedure (Scotland) Act 1995 (certain offences committed outside Scotland) is amended as follows.	
(2) In subsections (1) and (2), for “British citizen or British subject” substitute “relevant person”.	
(3) After subsection (2) insert—	10
“(2A) Any relevant person who in a country outside the United Kingdom does any act which—	
(a) constitutes an offence under the law in force in that country, and	
(b) if done in Scotland would constitute the crime of assault, is guilty of the same crime and subject to the same punishment as if the act had been done in Scotland.	15
(2B) In subsections (1) to (2A)—	
“country” includes territory;	
“relevant person” means a person who is a United Kingdom national or is habitually resident in Scotland;	20
“United Kingdom national” means an individual who is—	
(a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,	25
(b) a person who under the British Nationality Act 1981 is a British subject, or	
(c) a British protected person within the meaning of that Act.”	
<i>Sexual Offences (Scotland) Act 2009 (asp 9)</i>	30
5 (1) The Sexual Offences (Scotland) Act 2009 is amended as follows.	
(2) After section 54C insert—	
<b>“54D Offences committed outside the United Kingdom: adult victims</b>	
(1) If—	
(a) a person who is a UK national or is habitually resident in Scotland does an act in a country outside the United Kingdom,	35
(b) the act constitutes an offence under the law in force in that country, and	
(c) the act, if done in Scotland, would constitute an offence to which this subsection applies,	40
then the person commits that offence.	

- (2) The offences to which subsection (1) applies are offences under any of sections 1 to 4 where the victim of the offence was 18 or over at the time of the offence.
- (3) A person may be prosecuted, tried and punished for an offence by virtue of this section – 5
- (a) in any sheriff court district in Scotland in which the person is apprehended or is in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine,
- as if the offence had been committed in that district; and the offence is, for all purposes incidental to or consequential on trial or punishment, to be deemed to have been committed in that district. 10
- (4) In this section –
- “country” includes territory;
  - “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation); 15
  - “UK national” means an individual who is –
    - (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, 20
    - (b) a person who under the British Nationality Act 1981 is a British subject, or
    - (c) a British protected person within the meaning of that Act.” 25
- (3) In the heading of section 55, at the end insert “: child victims”.
- (4) For the heading of section 56 substitute “Section 55: continuity of law”.

*Criminal Justice and Licensing (Scotland) Act 2010 (asp 13)*

- 6 In the Criminal Justice and Licensing (Scotland) Act 2010, after section 39 insert – 30
- “39A Offence of stalking committed outside the United Kingdom**
- (1) If –
- (a) a person’s course of conduct consists of or includes conduct in a country outside the United Kingdom,
  - (b) the course of conduct would constitute the offence of stalking if it occurred in Scotland, and 35
  - (c) the person is a United Kingdom national or is habitually resident in Scotland,
- then the person commits that offence.
- (2) If a person’s course of conduct consists entirely of conduct in a country outside the United Kingdom – 40
- (a) the person may be prosecuted, tried and punished for an offence of stalking by virtue of this section –
    - (i) in any sheriff court district in Scotland in which the person is apprehended or is in custody, or 45

- (ii) in such sheriff court district as the Lord Advocate may determine,  
as if the offence had been committed entirely in that district, and
- (b) the offence is, for all purposes incidental to or consequential on trial or punishment, to be deemed to have been committed entirely in that district. 5
- (3) In this section –
- “country” includes territory;
- “sheriff court district” is to be construed in accordance with section 307(1) of the Criminal Procedure (Scotland) Act 1995 (interpretation); 10
- “United Kingdom national” means an individual who is –
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, 15
- (b) a person who under the British Nationality Act 1981 is a British subject, or
- (c) a British protected person within the meaning of that Act.” 20

### PART 3

#### NORTHERN IRELAND

#### *Protection from Harassment (Northern Ireland) Order 1997 (S.I. 1997/1180 (N.I. 9))*

- 7 In the Protection from Harassment (Northern Ireland) Order 1997, after Article 6 insert – 25
- “6A Offences under Article 6 committed outside the United Kingdom**
- (1) If –
- (a) a person’s course of conduct consists of or includes conduct in a country outside the United Kingdom,
- (b) the course of conduct would constitute an offence under Article 6 if it occurred in Northern Ireland, and 30
- (c) the person is a United Kingdom national or is resident in Northern Ireland,
- the person is guilty in Northern Ireland of that offence.
- (2) In this section – 35
- “country” includes territory;
- “United Kingdom national” means an individual who is –
- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, 40
- (b) a person who under the British Nationality Act 1981 is a British subject, or
- (c) a British protected person within the meaning of that Act.”

*Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2))*

- 8 In Article 76 of the Sexual Offences (Northern Ireland) Order 2008 (offences outside the United Kingdom) –
- (a) in paragraphs (1)(b) and (2)(c), for “Article” substitute “paragraph”;
  - (b) after paragraph (2) insert – 5
    - “(2A) If –
    - (a) a person who is a United Kingdom national or is resident in Northern Ireland does an act in a country outside the United Kingdom,
    - (b) the act constitutes an offence under the law in force in that country, and 10
    - (c) the act, if done in Northern Ireland, would constitute a sexual offence to which this paragraph applies, the person is guilty in Northern Ireland of that sexual offence.”; 15
  - (c) in paragraph (3)(c), for “Article” substitute “paragraph”;
  - (d) in paragraph (5), after “(2)” insert “, (2A)”;
  - (e) in paragraph (6), after “(2)(b)” insert “, (2A)(b)”;
  - (f) in paragraph (10), for “this Article applies” substitute “paragraphs (1), (2) and (3) apply”;
  - (g) after paragraph (10) insert – 20
    - “(10A) The sexual offences to which paragraph (2A) applies are an offence under any provision of Part 2 where the victim of the offence was 18 or over at the time of the offence.”;
  - (h) in paragraphs (11) and (12), after “paragraph (10)” insert “or (10A)”. 25

# Domestic Abuse Bill

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## B I L L

To make provision in relation to domestic abuse; to make provision for and in connection with the establishment of a Domestic Abuse Commissioner; to make provision for the granting of measures to assist individuals in certain circumstances to give evidence or otherwise participate in civil proceedings; to prohibit cross-examination in person in family or civil proceedings in certain circumstances; to make provision about circumstances in which consent to the infliction of harm is not a defence in proceedings for certain violent offences; to make provision about certain violent or sexual offences, and offences involving other abusive behaviour, committed outside the United Kingdom; and for connected purposes.

*Brought from the Commons on 7th July 2020*

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*Ordered to be Printed, 7th July 2020.*

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<b>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 7
<b>30<sup>th</sup> September 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Will Patten - Director of Commissioning	
Cabinet Member(s) responsible:	Councillor Wayne Fitzgerald – Deputy Leader and Cabinet Member for Adult Social Care, Health and Public Health	
Contact Officer(s):	Caroline Townsend, Head of Commissioning Partnerships and Programmes	Tel. 07976 832188

<b>CARE HOME SUPPORT PLAN</b>
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<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> <i>Charlotte Black – Service Director, Adults and Safeguarding</i>	<b>Deadline date:</b> <i>N/A</i>
<p>It is recommended that Adults and Communities Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>Note and comment on the contents of this report.</li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 This report is reporting progress on our local Care Home Support Plan, which is a national government condition of all local authorities.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 Following the Minister of State for Care’s letter of 14<sup>th</sup> May 2020 to Council Leaders regarding the need to develop a local plan for Support to Care Homes. Peterborough City Council and Cambridgeshire County Council submitted our joint local plan on the 29<sup>th</sup> May 2020, which was developed jointly with NHS colleagues. The plan outlines our health and care system response to support care homes to embed infection prevention and control to minimise the risk of COVID 19 outbreaks in homes and deliver the outcomes associated with the Infection Control Funding from central government. In conjunction with health and care system partners, we have developed a joint action plan to monitor progress on implementation of the plan. Infection Control Funding national allocation equates to £1.751m in Peterborough.

This report provides an overview and update on implementation of our local Care Home Support Plan.

- 2.2 This report is for the Adults & Communities Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview Scrutiny Functions, paragraph No. 2.1 Functions 13 determined by Council:

1. Adult Social Care
2. Safeguarding Adults

2.4 This report links to the following Corporate Priority:

- Safeguard vulnerable children and adults

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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**4. BACKGROUND AND KEY ISSUES**

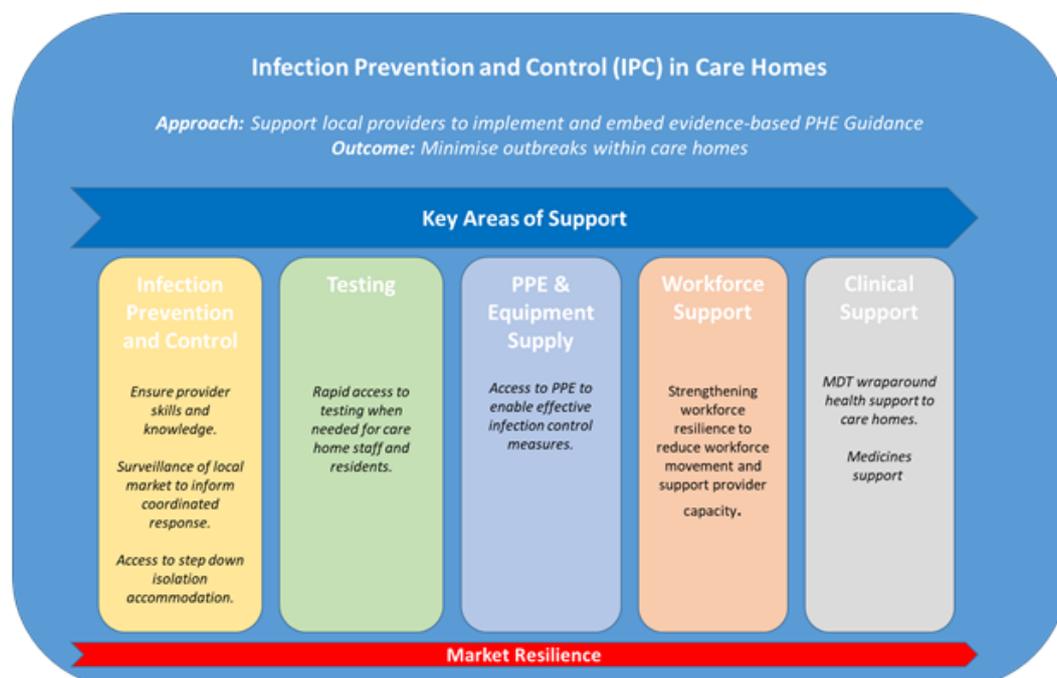
Our local Care Home Support Plan can be found in Appendix 1 and is also published on the Council website [here](#).

The local plan builds on the strong partnership foundations we already have in place across our health and care system. The local response to the pandemic and our current plans incorporate the enhanced understanding provided through local data, feedback, demand and support needs we have identified because of COVID. We continue to work collaboratively with the system and provider market through the establishment of a multi-agency governance structure to manage our local response to COVID. All partners are working extremely closely together to ensure we are maximising the capacity in the system, sharing intelligence and targeting our resources jointly. This is to ensure early identification of issues or support needs including COVID outbreaks and infections in care settings and in the community. We have a good relationship with local providers and liaise with them frequently to identify any issues at the earliest opportunity. This includes via regular online and telephone based forums, coordinated communication channels and a regular social care presence in care homes working alongside and supporting them. Continued collaboration with providers has been central to the development and delivery of our local plan, including ensuring that where the Local Authority has discretion about use of infection control funding, that we consult providers to understand what will achieve the greatest benefit in terms of infection control measures.

Fundamental to our approach is making sure that we support our providers to prepare for the possibility of future outbreaks and make sure any measures put in place increase longer-term resilience, minimising the risk of outbreaks as much as possible.

Our care home support plan is an integrated approach across health and social care, to ensure that providers are receiving the right support at the right time to enable them to strengthen infection prevention and control practices, whilst delivering the best outcomes for people. Working collaboratively with the market is fundamental to our approach and ensures that providers can inform how we move forward. We will continue to identify care homes who are most at risk of an outbreak or have high levels of COVID positive or symptomatic residents and/or staff and focus on these as a priority.

In line with the national guidance, our local plan addresses our approach to infection and prevention control measures in care homes across the following five key areas:



To ensure effective implementation of the plan, a detailed action plan has been developed. Delivery and progress of this is overseen by the multi-disciplinary out of hospital cell, which meets on a weekly basis and has senior representation from the local authority, CCG, CPFT and public health. This meeting is informed by current and recent data about outbreaks in the community and in care homes and uses that data to prioritise support and resources.

Public Health England data shows that from 25/5/20-20/7/20, Peterborough had 6 care homes with suspected or confirmed outbreaks of covid-19. In total, up to 20/7/20, Public Health England data shows that 22 care homes in Peterborough have reported suspected or confirmed outbreaks of covid-19.

The below table summarises the action plan and progress to date:

Action	Description	Timeline	Lead	Progress
<b>Infection Prevention and Control</b>				
<b>IPC Training</b>	<b>Infection Control Training (train the trainer model) rolled out</b>	29 <sup>th</sup> May 2020	CCG	Access to PPE training was rolled out to all 174 care homes across Cambridgeshire and Peterborough. 17 homes declined training.
	<b>Development of training tools and specialist support</b> - We continue to explore with care homes any other work our enhanced local Infection and Prevention Control (IPC) team can do to increase intensive specialist support to the care sector on an ongoing basis.	Ongoing	CCG	
	<b>Ongoing support</b> - There will be continued support in the following areas to ensure sharing of best practice, guidance and lessons learnt with providers, including:	Ongoing	Local Authority and CCG	Regular newsletters are being sent to providers to ensure they are aware of latest guidance.  Provider forums continue to meet weekly, with focused presentations/attendances scheduled.

	<ul style="list-style-type: none"> <li>• Sharing of lessons learnt including areas of infection control weakness and risk</li> <li>• Weekly provider forums supported by infection control nurse</li> <li>• Daily newsletter including a range of support and advice</li> </ul>			
<b>Isolation Accommodation</b>	<b>Implementation of local step down beds</b> - to support safe discharge from hospital for those who cannot return to their care home immediately and require 14 days isolation after hospital discharge, to reduce risk at the point of transfer into a care home.		CCG	CCG exploring options and identifying where wrap around care from local primary care team and CPFT will be strongest.  Further work is being undertaken on this to understand step down bed requirements in light of winter pressures and further COVID peaks.
<b>Outbreak Management</b>	<b>Ongoing outbreak management support for care homes</b> To offer continuing support to care homes and wider residential care settings that develop outbreaks. To link in with the local covid-19 health protection board as required.	Ongoing	Local Authority / CCG / Public Health	Continues to be overseen by the local care home cell in line with the standard operating procedure. Providers are risk assessed and support offered dependent on needs. The care home cell has contributed to and is linked to the local covid-19 outbreak plan.  The care home cell contributes to the development of the local covid-19 outbreak plan Plan Incident Management Team meetings for homes of concern.
<b>Surveillance</b>	<b>Develop coordinated data set to inform local operational and strategic response</b> - Development of a more proactive approach to ensure alignment of provider reports with other sources of intelligence to enable early identification of potential outbreaks. Alignment and review of data on local trends, feedback from MDTs, provider reporting and other sources will be coordinated through the local care home cell to inform a proactive response and target / prioritise testing		Public Health	Analytical support has been identified and work is already in progress to align data sets and coordinate feedback into care home cell and newly formed system-wide surveillance cell, which will sit under the covid-19 health protection board.
<b>Testing</b>				
<b>National Care Home Portal</b>	Department of Health and Social Care launch of strategy for testing in adult social care.  Promoting access to increase uptake by local providers.	June/July 2020	Local Authority / CCG / Public Health	Paused rollout in July 2020 whilst Randox test kits investigated. Reinstated mid-August to reach all homes for older people and people with dementia by 7 September. All other adult care homes will be able to place orders from 31 August.

				<p>Routine testing of staff weekly and residents every 28 days is provided through this Pillar 2 testing. Advice has been released to care homes about how to manage safe visits to residents and the Director of Adult Social Services (DASS) and Director of Public Health (DPH) have written to all care homes to advise. The Contracts team are working with providers to review and ensure robust policies and risk assessments are in place that comply with this.</p> <p>As we approach the autumn period, we are developing plans to maximise opportunities for social care staff (internal and external) to have the flu vaccination as a mitigation against the scenario of winter flu hitting at the same time as a further COVID 19 outbreak.</p>
<p><b>Capacity for rapid local testing and results</b></p>	<p><b>“Test, Track and Outbreak Management”</b>- roll out locally will prioritise care homes and people being admitted to them.</p> <p><b>Appropriate and effective testing policies</b> - We are working across the system to ensure appropriate and effective testing policies for diagnosis, outbreak control and surveillance. This approach includes:</p> <ul style="list-style-type: none"> <li>• Working across the system to understand best practice with regards to routine testing for care home residents, care home staff and key members of the wider health and social care community workforce who need to visit homes as part of their role for the purposes of surveillance and early detection of asymptomatic infection;</li> <li>• Swabbing for all hospital discharges into care homes;</li> <li>• Swabbing for care home admissions from community settings;</li> </ul>		<p>Public Health / CCG</p> <p>CPFT</p>	<p>As part of Test, Trace and Outbreak management roll out, work is ongoing to ensure that testing data flows are aligned to inform operational response when outbreaks are identified (particularly through national testing routes).</p> <p>Work is ongoing to understand the impact of Test and Trace on care workers who are identified as contacts of confirmed cases.</p> <p>There has been a recent change to the arrangements for care home testing due to concerns about the Randox / Pillar 2 tests, which have been withdrawn. The CCG continues to prioritise any local testing capacity to care homes according to risk and the new national portal scheme is now being rolled out.</p> <p>Community nurses are able to swab residents in their own home prior to care home admissions</p>

	<ul style="list-style-type: none"> <li>Rapid access swabbing and results for homes where there is a suspected/confirmed case of COVID 19</li> </ul>			
<b>PPE &amp; Equipment Supply</b>				
<b>Emergency PPE Supply</b>	<p><b>Coordinated access to emergency PPE supplies:</b> centralised access via the LRF supply for providers to access and ensure clear communications to providers on how to access.</p> <p><b>Information and Support to Care Homes</b></p>	<p>Established</p> <p>Ongoing</p>	<p>Local Authority / CCG</p> <p>Local Authority/PP E</p>	<p>Emergency supply was established and access to this was available for providers where an emergency supply is required. Now that PPE costs and supply routes have recovered providers are accessing their own PPE and not requiring emergency supplies but are encouraged to contact us if they are struggling.</p> <p>As well as temporary financial support to aid providers with some of the additional costs associated with COVID 19, including PPE, we continue to support providers with information and access to identified verified PPE suppliers. We recognise that there are still care homes who are not confident about PPE supplies and we will continue to do targeted follow up work with providers where this has been identified as an issue</p>
<b>Workforce Support</b>				
<b>Additional Workforce Capacity</b>	<p><b>Access to volunteers,</b> coordinated through the local COVID county coordination hub, including:</p> <ul style="list-style-type: none"> <li>Training offer for volunteers to ensure skills and knowledge</li> </ul> <p>Effective recruitment of volunteers via the hub and pathways to ensure effective matching of skills with demand</p> <p><b>The use of redeployed staff from the Local Authorities and CPFT</b></p> <p><b>NHS returners to be allocated to care homes</b></p>	<p>Ongoing</p> <p>Ongoing</p>	<p>Local Authority</p> <p>Local Authority / CPFT / CCG</p> <p>CCG</p>	<p>Establishment of virtual training was put in place for volunteers, based on the materials provided by Skills for Care. A number of volunteers with relevant previous experience have received face-to-face personal care training and were matched to homes experiencing pressures.</p> <p>CPFT explored whether they can access support for care homes via their bank staff</p> <p>Redeployed capacity was put in place to support providers with significant workforce issues.</p> <p>A process for returning clinical staff to be allocated to care homes was established, working closely with national identification of nurse returners, student nurses, dentists etc.to inform identification of potential resource. However, we</p>

				have found that both volunteers and returners from all professional groups have been reluctant to work in care homes and deliver personal care. We feel this is due to the homes being seen as 'high risk', and not within their usual experience. We have worked hard to continue to pursue this with individuals but still this has resulted in no NHS returner capacity. The CCG has established training package/practitioner support around returning staff deployed in care homes to help support this.
<b>Small Providers</b>	<b>Targeted review of business continuity plans and support to small providers:</b> We have determined locally that the risks are greater with smaller, single operator settings and identified those providers we need to be particularly vigilant about in terms of need for support.	31 <sup>st</sup> May 2020	Local Authority	Detailed review of business continuity plans with small providers (35 across Peterborough and Cambridgeshire) has been undertaken. Most providers have business continuity plans in place and we continue to offer support to a number where there is an identified need for more robust plans.
<b>Wellbeing</b>	<b>Wellbeing and emotional support for provider workforce</b>	Established	CCG	A significant organisational support offer has been developed for local providers, including individual wellbeing support and more specialist counselling and support for those requiring it. This is available to all social care providers and their staff including care homes, domiciliary care and care staff in other settings.
<b>Clinical Support</b>				
<b>MDT Support to Care Homes</b>	<b>Designated clinical lead for each care home</b>	29 <sup>th</sup> May 2020	CCG	Confirmed existing clinical practice leads to all care homes week ending 29 <sup>th</sup> May 2020.
	<b>Establishment of Care Home Health Team and weekly MDT meetings</b>	29 <sup>th</sup> May 2020		MDT leads for practices, CPFT, social care and medicines agreed.
	<b>Enhanced Primary Care Support Offer in place</b>	29 <sup>th</sup> May 2020		Subject to sign up of the new enhanced service (deadline was Friday 29 <sup>th</sup> May), weekly check ins began week of 1 <sup>st</sup> June 2020.  CCG has worked through all the practice enhanced service responses and sent out letter to care homes week of 1 <sup>st</sup> June.
<b>Technology</b>	<b>Supporting care homes with the technology infrastructure to deliver virtual consultations and remote diagnostic monitoring.</b>	July 2020	CCG	A recent survey of local care homes, which received an 80% response rate, identified that around 17% of care homes across Cambridgeshire and Peterborough

				do not have access to remote working equipment. In addition, there is varied access to diagnostic equipment for remote monitoring of residents' vital signs.  CCG has rolled out provision of equipment to care homes to support this.
<b>Mental Health Support to Care Homes</b>	<b>Review of provision:</b> Communication links between primary care and psychiatric services are currently being reviewed and we anticipate these will be enhanced further in the near future and will benefit the way in which we support care homes.		CPFT	
<b>Medication Support</b>	<b>Access to medications</b>	Ongoing	CCG	The CCG have been working closely with GP Practices and community pharmacies to ensure that care home residents receive their medications by managing supplies and reducing the impact of stock shortages, whilst also implementing new processes for online ordering to reduce face-to-face contacts. This has been vital for all patients, but particularly with respect to the availability of palliative care medications.
	<b>Medications Guidance</b>	Ongoing	CCG	Robust COVID-19 End of Life treatment guidance has been developed including "The Re-Use of Medications in Care Homes SOP" should an urgent need for medication arise and to assist care homes with the administration of medications from original packs, following the withdrawal of Medicines Dosage Systems (MDS) by community pharmacies. Advice from the CCG Ethical Cell has informed this approach, as well as for other resource shortages.
	<b>Roll out of nhs.mail</b>		CCG	Steps are now in place to ensure all care homes have nhs.net email accounts to further support communications.
	<b>Virtual medication reviews</b>	Ongoing	CCG	In addition to this, virtual medication reviews can be carried out to support GPs and care home staff, and guidelines have been released to ensure that the care home residents most in need of a

				medication review are prioritised.
<b>Infection Control Fund</b>				
<b>Payments to Providers</b>	<p>Infection Control Funding will be passed to local providers to implement appropriate workforce measures to support infection prevention and control.</p> <ul style="list-style-type: none"> <li>• 75% of funding will pass direct to CQC registered care homes on a per bed allocation basis</li> <li>• We are engaging with providers to determine the most effective use of the remaining 25% of funding, with a view that this will be used to support other providers such as Support Living, Extra Care settings, Sheltered Housing and the wider domiciliary care workforce</li> </ul>		Local Authority	<p>The local authority received the first instalment of the national Infection Control Fund in June 2020. In line with the national conditions, 75% of this funding was passported to local residential and nursing care providers. We received contract-monitoring returns on the use of funding from providers to inform the first return to the Department of Health and Social Care, which showed us the following IPC measures funding was used for by providers across Cambridgeshire:</p> <ul style="list-style-type: none"> <li>• Proportion of funding spent on measures to isolate residents within their own care homes: 9%</li> <li>• Proportion of funding spent on measures to restrict staff movement within care homes: 14%</li> <li>• Proportion of funding spent on paying staff full wages while isolating following a positive test: 7%</li> <li>• Proportion of funding spent on other areas: 70%.</li> </ul> <p>The local authority received the second instalment of funding at the end of July and payments have been made to providers. However, release of the second instalment is conditional on providers complying with the relevant national standards.</p> <p>In relation to the 25% element of the Infection Control Fund, the local authority had discretion to use this to fund IPC amongst wider domiciliary care provision. The methodology for financial allocations was agreed and this funding has been distributed to domiciliary care, extra care and supported living and direct payments.</p>
<b>Monitoring and Reporting</b>	<b>Regular updating of Capacity Tracker by all care home providers:</b> ongoing review of capacity tracker data on utilisation. Follow up work and	June – September 2020	Local Authority	Initial contact was made with all providers to encourage sign up and completion prior to the 26 <sup>th</sup> May 2020. Further dedicated follow up with providers has continued to

	<p>support with providers who have low utilisation.</p> <p><b>Reports on the use of funding to DHSC 26<sup>th</sup> June and the 30<sup>th</sup> September 2020.</b></p> <p>Governance and oversight of progress and monitoring</p> <ul style="list-style-type: none"> <li>• Out of Hospital Meeting to provide progress oversight of plan delivery</li> <li>• Establishment of Care Homes Strategic Board</li> <li>• Members involvement in approval of decisions and governance where required</li> </ul>		<p>Out of Hospital Cell</p>	<p>offer support and resolve any issues.</p> <p>Funding letter to providers which was sent on the 4<sup>th</sup> June 2020, included detail on the monitoring return we required them to complete. This information is informing the returns to DHSC.</p> <p>The initial return to DHSC was completed on the 26<sup>th</sup> June.</p>
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One of the national conditions associated with the funding was for providers to register and update the national online Capacity Tracker. Additional IPC related questions were added to the capacity tracker to enable oversight of what IPC support was in place amongst providers. Locally, 100% of care home providers are registered with the Capacity Tracker. We have seen a significant improvement in reported IPC measures being in place over the past month, as outlined in the below table:

Description	Current % reporting measure is in place	Previous % reported
Ability to isolate residents	90%	79%
Actions to restrict staff movement between care homes	88%	73%
Paying staff full wages while isolating following a positive test	71%	38%
Registration on the government's testing portal	82%	58%
Access to COVID 19 test kits for all residents and asymptomatic staff	76%	31%
Testing of all residents discharged from hospital to care homes	90%	73%
Access to sufficient PPE to meet needs	98%	86%
Access to medical equipment needed for Covid19	89%	82%
Access to training in the use of PPE from clinical or Public Health teams	96%	81%
Access to training on use of key medical equipment needed for COVID19	81%	69%
Access to additional capacity including from locally coordinated returning healthcare professionals or volunteers	69%	50%
Named Clinical Lead in place for support and guidance	83%	53%
Access to mutual aid offer (primary and community health support)	94%	84%

## 5. CONSULTATION

5.1 The development of our local care home support plan is a local system plan and was developed in partnership with NHS partners across the system, via the STP Recovery and Oversight Group.

## 6. ANTICIPATED OUTCOMES OR IMPACT

6.1 The potential and predicted outcomes are:

- Ensure the sustainability of adult social care during the COVID-19 outbreak
- Ensure that vulnerable adults and older people are supported during the pandemic
- Protect and support workforce in line with national guidelines whilst maintaining critical services and allowing effective emergency planning
- Ensure that the financial impact of COVID is managed effectively

## 7. REASON FOR THE RECOMMENDATION

7.1 The local Care Home Support Plan ensures compliance with the national government conditions associated with Infection Control Funding.

## 8. ALTERNATIVE OPTIONS CONSIDERED

8.1 N/A

## 9. IMPLICATIONS

### Financial Implications

9.1 Compliance with national conditions associated with national government Infection Control Funding.

### Legal Implications

9.2 N/A

### Equalities Implications

9.3 N/A

### Rural Implications

9.4 N/A

### Carbon Impact Assessment

9.5 There are no environmental impacts arising as a result of this progress report to scrutiny. However, in practice, delivery of this plan is likely to have some environmental impacts and therefore conversations are underway between officers to identify these and develop appropriate mitigation measures.

## 10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 Cambridgeshire and Peterborough Care Home Support Plan  
<https://www.cambridgeshire.gov.uk/asset-library/Peterborough-and-Cambridgeshire-Care-Home-Support-Plan.pdf>

Infection Control Fund  
<https://www.gov.uk/government/publications/adult-social-care-infection-control-fund>

**11. APPENDICES**

11.1 Appendix 1 – Cambridgeshire and Peterborough Care Home Support Plan

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PEOPLE & COMMUNITIES DIRECTORATE  
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28<sup>th</sup> May 2020

*Helen Whately MP*  
*Minister of State for Care*  
[Careandreform2@communities.gov.uk](mailto:Careandreform2@communities.gov.uk)

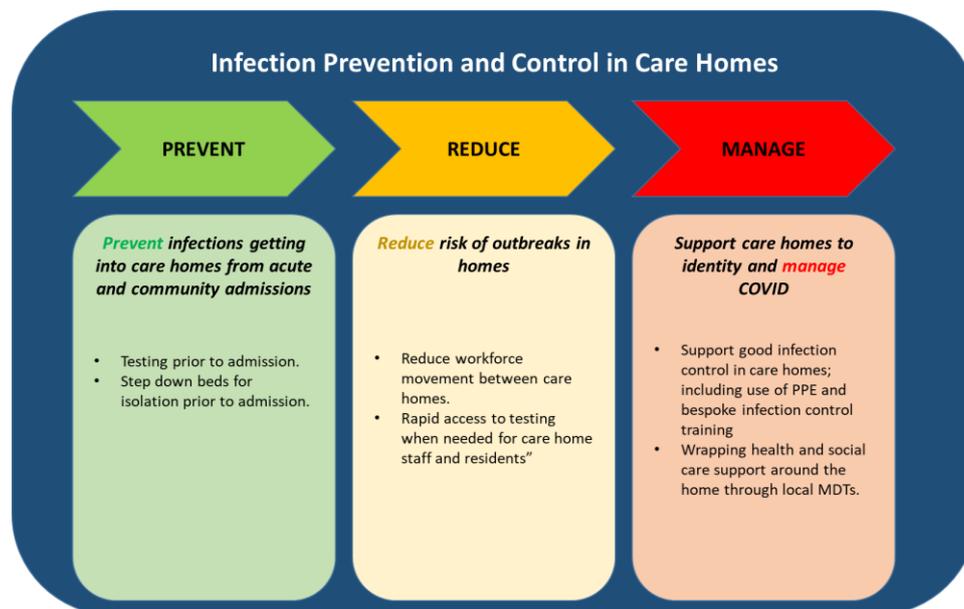
Dear Helen Whately MP,

**Re: Local Care Home Support Plan – Peterborough and Cambridgeshire**

In response to your letter dated the 14<sup>th</sup> May 2020, the below outlines our local Care Home Support plan for the Cambridgeshire and Peterborough health and care system. Whilst this plan focuses on the support we are offering to care homes, it is important to note that our local system response to COVID is wider, recognising interdependencies with sustainability of the wider market. For instance, local support covers a range of financial and practical help to domiciliary care, extra care, supported living and day opportunity providers. The need to ensure we take a holistic view to market sustainability and infection control also means that local plans extend to both commissioned and non-commissioned providers.

### Overview of our Approach

We are committed as a system to do everything we can to reduce the rate of COVID 19 infection in our local care homes. The three most important actions we can take locally to achieve this outcome are **‘Prevent – Reduce – Manage’** as outlined in the diagram below.



Our care home support plan is an integrated approach across health and social care, to ensure that providers are receiving the right support at the right time to enable them to strengthen infection prevention and control, whilst delivering the best outcomes for people. Working collaboratively with the market is fundamental to ensure providers inform how we move forward. We will continue to identify care homes who are most at risk of an outbreak or have high levels of COVID positive or symptomatic residents and focus on these as a priority.

Our local plan has been developed in conjunction with health and care system partners and local providers, including:

- Cambridgeshire and Peterborough Clinical Commissioning Group (CCG),
- Public Health,
- Community health providers,
- Acute providers,
- Primary care,
- Voluntary sector,
- Independent Sector providers delivering care to local residents.

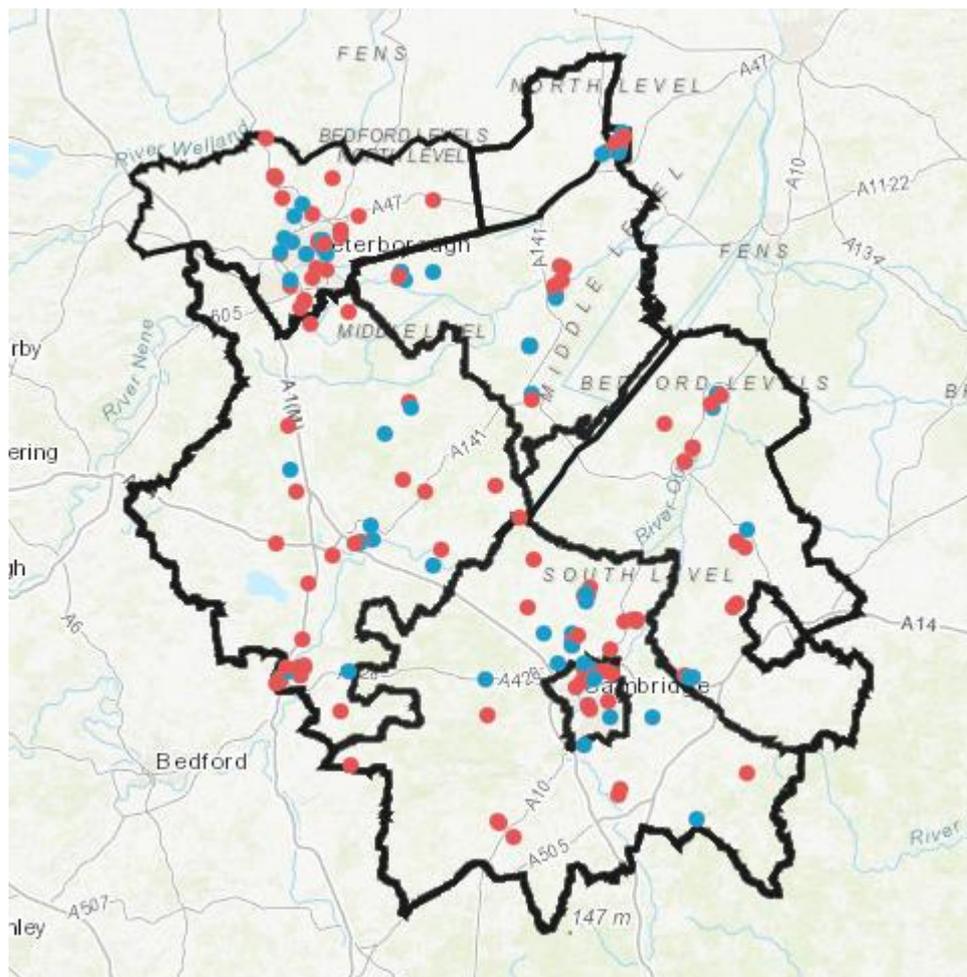
We have also engaged with the local resilience forum, health and wellbeing board and Healthwatch in developing the content of the plan.

Local plans build on the strong partnership foundations we already have in place across our health and care system. The local response to the pandemic and our evolved plans incorporate the enhanced understanding of local data, feedback, demand and identified support needs we have developed as a result of COVID. We continue to work collaboratively with the system and provider market through the establishment of a multi-agency governance structure to manage our local response to COVID. All partners work extremely closely to ensure we are aware of capacity in the system and are sharing intelligence to ensure early identification of issues or support needs. We have a good relationship with local providers and liaise with them frequently to identify any issues at the earliest opportunity; including via regular on line and telephone based forums, coordinated communication channels and a regular presence in care homes working alongside and supporting them. Continued collaboration with providers is fundamental to our local plans, including ensuring that where the Local Authority has discretion about use of infection control funding, that we will consult with providers to understand what will achieve the greatest benefit in terms of infection control.

## Local Context

There are 131 residential care providers in Cambridgeshire and 35 registered providers in Peterborough. Across these providers, there are 4,649 CQC registered beds in Cambridgeshire and 1,324 beds in Peterborough. Small providers make up c. 21% of the registered providers locally.

The location of CQC registered care homes across Cambridgeshire and Peterborough can be seen on the below map.



Cambridgeshire Insights Data – Nursing Homes (blue), Residential Homes (Red)

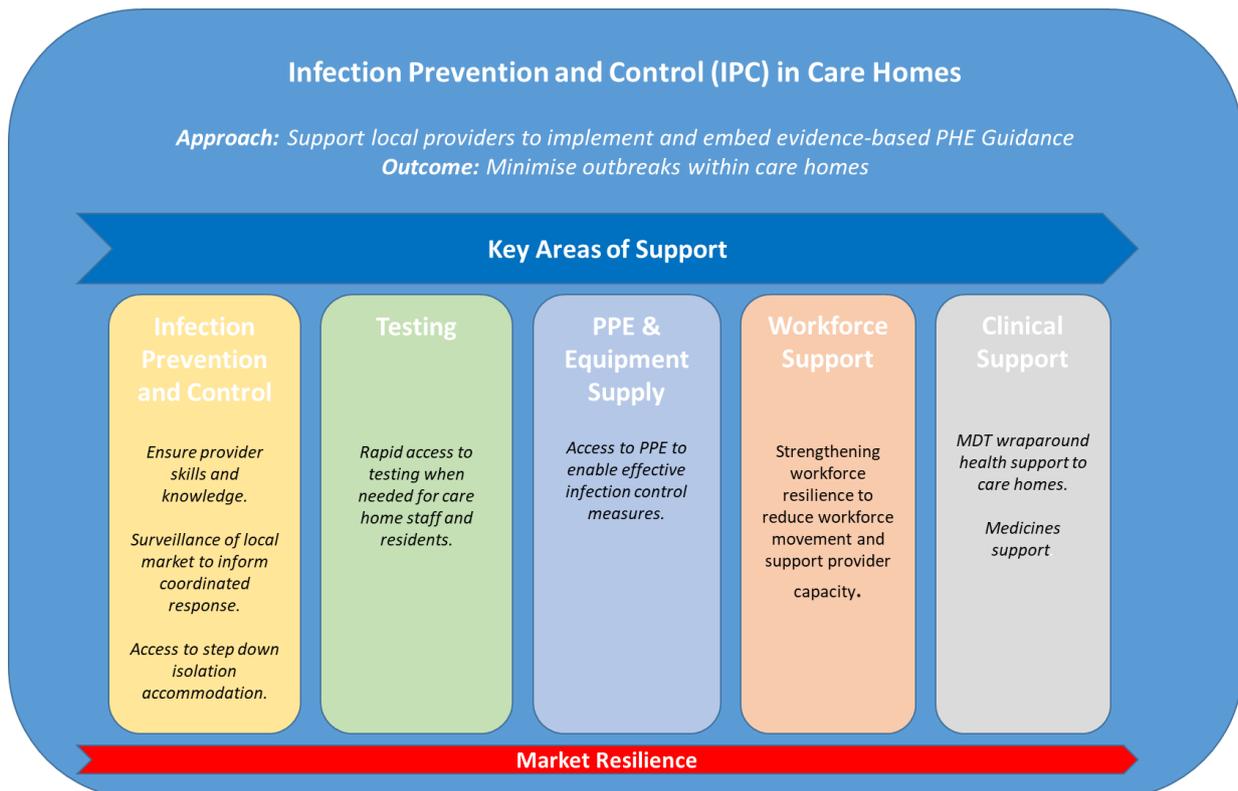
As of the 28<sup>th</sup> May 2020, the rate of covid-19 infections in Cambridgeshire and Peterborough local authorities was 178.4 per 100,000 population and 207.9 per 100,000 population respectively, comparatively lower than the overall rate in England of 269.6 per 100,000 population<sup>1</sup>. As of the 17<sup>th</sup> May 2020, 64 out of 131 care homes in Cambridgeshire (48.9%) and 15 out of 35 care homes in Peterborough (42.9%) had reported a suspected or confirmed outbreak to Public Health England<sup>2</sup>. This is higher than the national figure of 37.8% of homes with a suspected or confirmed outbreak<sup>2</sup>. Our approach to surveillance, outlined later in this document, will help us to understand the progress of the pandemic in local care homes better, and provide further context to local data. We are also working alongside neighbouring authorities and learning from best practice as it emerges

<sup>1</sup> PHE (2020). Coronavirus (Covid-19) in the UK. Available from <https://coronavirus.data.gov.uk/#category=nations&map=rate> (accessed 28/5/20).

<sup>2</sup> PHE (2020). COVID-19: number of outbreaks in care settings (management information) (21<sup>st</sup> May 2020 update). Available from: <https://www.gov.uk/government/statistical-data-sets/covid-19-number-of-outbreaks-in-care-homes-management-information> (accessed 28/5/20).

## Our Local Plan

To be successful, effective infection prevention and control is dependent on a number of key measures being put in place by care home providers, supported by the health and care system as outlined in the below diagram. Fundamental to our approach is making sure that we support our providers to prepare for the possibility of future peaks and make sure any measures put in place increase longer-term resilience. In order to address the range of complex challenges that affect resilience of providers, an overview of our resilience strategy is in Appendix 1.



### Infection Prevention and Control

To ensure the embedding of infection prevention and control measures amongst care homes, we continue to deliver and enhance support in the following areas:

- Infection control training
- Access to alternative accommodation for isolation purposes
- Outbreak management
- Local market surveillance to inform a coordinated response

**Infection control training:** Care Homes are able to access general Infection Prevention & Control advice and guidance from the CCG Infection, Prevention and Control Team all year round and not just during this outbreak. Access is via direct contact with the staff and out of hour's pager system to ensure 7 day a week coverage. The Infection Prevention and Control Team regularly visit care homes to give bespoke guidance, along with guidance on policies and products. In recognition of the additional support that is required during the COVID outbreak, the CCG has bolstered capacity within the Infection Prevention and Control Team to ensure additional support is available for all care homes.

Building further on existing support and guidance, infection control training is being rolled out to all care homes in line with the government target date for completion. To support this, the CCG has recruited 16 district nurses and increased capacity within this area to implement via a train the trainer model of delivery. Access to PPE training as of 27<sup>th</sup> May, based on local training records was 138/174 care homes across Cambridgeshire and Peterborough have received training; 18 are booked for 28<sup>th</sup> May, 1 booked for the 29<sup>th</sup> May and 17 have declined training. Follow up to ensure ongoing access to advice and support for staff and residents is supported by primary care and community health services.

There will be continued support in the following areas to ensure sharing of best practice, guidance and lessons learnt with providers, including:

- Sharing of lessons learnt including areas of infection control weakness and risk
- Weekly provider forums supported by infection control nurse
- Daily newsletter including a range of support and advice

Recognising that we have further to go to achieve a situation where all care homes have a high level of confidence in infection control, additional interventions are being explored including the development of training tools, such as training videos, through the local primary and community health services training hub. We are also continuing to explore with care homes any other work our enhanced local Infection and Prevention Control (IPC) team can do to increase intensive specialist support to the care sector on an ongoing basis.

**Access to alternative accommodation for isolation purposes:** Whilst care homes are working to support isolation where required within their settings, this is not always possible to facilitate due to space and/or facilities. We are in the process of confirming arrangements for local dedicated step down beds to support safe discharge from hospital for those who require 14 days isolation after hospital discharge, to reduce risk at the point of transfer into a care home. Options being considered, include a combination of dedicating specific care homes for this purpose and/or opening additional dedicated capacity (e.g. reopening an old ward or establishing a rest centre facility). Step down beds will receive high intensity rehabilitation input to support people to maximise their independence during this period.

**Outbreak management:** Standard operating procedures for outbreak management in care homes are established with the regional Public Health England Health Protection Team, which provides a risk assessment and infection control advice when first notified of one or more cases in a care home. Further support is provided by the local system, depending on need.

**Surveillance:** Daily recording of infections and deaths in care homes is in place and is reviewed daily via the local multi-agency care home intelligence cell. The level of support is tailored dependent on an assessment of the level of risk for each setting. However, we are conscious that currently, there is a reliance on provider recognition for signs and symptoms and an understanding on when to report them. A more proactive approach to ensure alignment of provider reports with other sources of intelligence to enable early identification of potential outbreaks is a key strand of our local plan as we move forward. Alignment and review of data on local trends, feedback from MDTs, provider reporting and other sources will be coordinated through the local care home cell to inform a pro-active response.

We plan to ensure we work across the system to use all available data streams to feed into strategic as well as operational decision making, including:

- Information on provider preparedness, resilience and capacity;
- Testing data on numbers of infections and outbreaks, including linking in to Local Outbreak Boards to understand local issues;
- Information on excess deaths;
- Utilisation of the NeCs bed tracker to identify areas of risk and take early action.
- Soft intelligence through regular visits and check-ins with homes with confirmed cases of COVID 19, as well as those homes who are showing early signs of outbreak risks (which will require adequate resourcing).
- Routine welfare checks with all providers including PPE stock checks and utilisation.

We recognise that some infection prevention and control measures can be difficult for providers to implement due to available space and associated costs, including isolating of residents, minimising workforce movement and maintaining staff salaries whilst staff are isolating or off sick. Practical support to aid these specific areas of concern are being implemented via the introduction of alternative isolation accommodation and financial support, including via the Infection Control Fund. In addition, we are undertaking targeted work with small providers who are particularly vulnerable to some of these pressures, through proactive identification of issues through business continuity planning support and bespoke support offers tailored to their needs.

### **Testing**

Local access to testing for care home staff and residents is available and online access is in place via the Care Home Portal and via local testing arrangements. Whilst a limited number of our care homes have used the national portal for testing and therefore have access to covered test kits for staff and patients, we can confirm that through the Commissceo contract (where we go in and swab residents and these are processed at the Regional PHE Lab) and local arrangements we have tested patients and staff in a further 69 care homes. Our local homes find using the national portal very time consuming and therefore we are also looking at pulling together a small team of people who can support the homes with swabbing residents via the portal. Promoting access to this across more care homes will be a focus of our local engagement with providers.

It is recognised that capacity for rapid testing and particularly sharing of results needs to increase substantially to ensure that clinical recognition and management of cases, alongside provider responses to outbreaks are fast paced. We will ensure that the “Test, Track and Outbreak Management” roll out locally is prioritising care homes and people being admitted to them. We are working across the system to ensure appropriate and effective testing policies for diagnosis, outbreak control and surveillance. We recognise that the complex pathways that have been established nationally can be confusing for providers, and we are working to provide clarity locally. This approach includes:

- Working across the system to understand best practice with regards to routine testing for care home residents, care home staff and key members of the wider health and social care community workforce who need to visit homes as part of their role for the purposes of surveillance and early detection of asymptomatic infection;
- Swabbing for all hospital discharges into care homes;
- Swabbing for care home admissions from community settings;
- Rapid access swabbing and results for homes where there is a suspected/confirmed case of COVID 19

### **Access to PPE and Equipment Supply**

Coordinated access to emergency PPE equipment for providers is managed in a coordinated way through the local LRF, in conjunction with system partners. As well as temporary financial support to aid providers with some of the additional costs associated with COVID 19, including PPE, we continue to support providers with information and access to identified verified PPE suppliers. We recognise that there are still care homes who are not confident about PPE supplies and we will continue to do targeted follow up work with providers where this has been identified as an issue.

### **Workforce Support**

Support around workforce capacity is in place and being further enhanced; to both reduce staff movement between care settings and increase access to workforce support in the event of an outbreak to ensure safe staffing and the ability to cohort effectively, including:

- Access to volunteers, coordinated through the local COVID county coordination hub. Establishment of virtual training is in place for volunteers, based on the materials provided by Skills for Care. A number of volunteers with relevant previous experience have received face-to-face personal care training and have already been matched to homes experiencing pressures. Early identification and matching of volunteers to high priority homes is being taken forward. Additional volunteer support has been commissioned from St John’s Ambulance Trust and is to be mobilised imminently.
- The use of redeployed staff from the Local Authorities and NHS

partners, including redeployed capacity from the CCG Care Home Support team, Complex Cases Team and Reablement.

- A process for returning clinical staff to be allocated to care homes has been established, working closely with national identification of nurse returners, student nurses, dentists etc. to inform identification of potential resource. However, we have found that returners from all professional groups have been reluctant to work in care homes. We feel this is due to the homes being seen as 'high risk', and not within their usual experience. We have worked hard to continue to pursue this with individuals but still this has resulted in no NHS returner capacity. The CCG has established training package/practitioner support around returning staff deployed in care homes to help support this.
- Exploring alternative provision of workforce support, including establishing local agency offer for support in the event of an outbreak.
- Detailed review of providers' business continuity plans to identify staffing risks and pre-empt actions to support in advance of any outbreak. We have determined locally that the risks are greater with smaller, single operator settings and identified those providers we need to be particularly vigilant about in terms of need for support.

Infection Control Funding will be passed to local providers to implement appropriate workforce measures to support infection prevention and control. This financial support will be beneficial, as we are finding that many homes are not able to implement some of the proposed workforce infection and prevention control measures effectively due to the cost implications. In line with the national conditions, 75% of funding will pass direct to CQC registered care homes on a per bed allocation basis, for providers to invest in workforce measures to minimise movement of staff between care homes. This includes measures such as maintaining wages whilst isolating, cohorting of staff to specific residents, supporting active recruitment for additional staffing, minimising public transport use and providing accommodation for staff who are isolating from their families. We are engaging with providers to determine the most effective use of the remaining 25% of funding, with a view that this will be used to support other providers such as Support Living, Extra Care settings, Sheltered Housing and the wider domiciliary care workforce to adopt best practice in infection control and the proposals set out in the guidance issues for home care on 26 May. This will also include identifying where funding to support infection control amongst complex cohorts, such as learning disabilities and dementia.

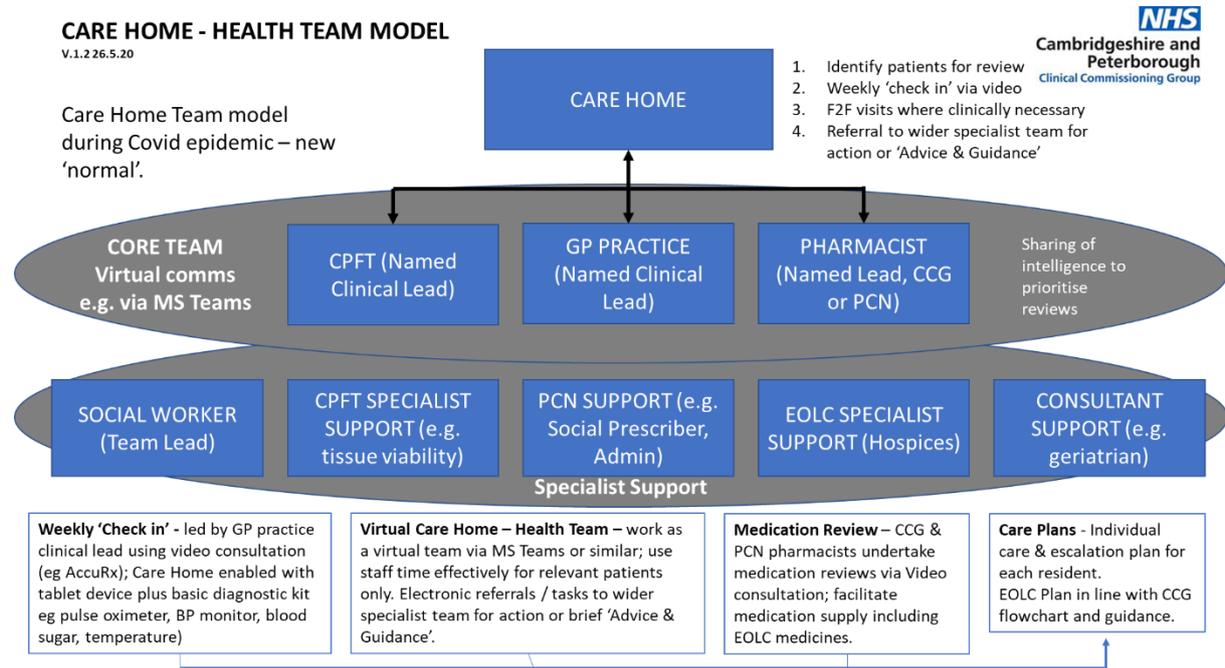
Developing a defined alternative workforce to cover care home staff shortages will be an imperative to minimize likelihood of cross infection and we already have some experience of this using our own staff, volunteers and mutual aid between providers as well as sourcing agency staff and managers when needed. We recognise that care home staff are being asked to work in challenging circumstances.

A significant organisational support offer has been developed for local providers, including individual wellbeing support and more specialist counselling and support for those requiring it. This is available to all social care providers and their staff including care homes, domiciliary care and care staff in other settings.

A dedicated Quality and Practice Support Team is in place. The team has received additional infection control and PPE training, and they are making regular visits to local care homes. We have identified those care homes where we think there would be benefit from a qualified Social Worker being linked to the home to offer quality and practice support. This approach has supported identification of support needed to ensure Care Act and Mental Capacity Act compliance; including ensuring the necessary steps have been taken in relation with regard to meeting; individual's care and support needs, protecting individual's human rights and best interest principles are followed where applicable. Where appropriate, these visits are conducted jointly with health colleagues to further enhance the wraparound support offer and reduce unnecessary multiple visits. We have received very positive feedback about this approach which informs the triangulation process described previously- helping us to direct our support where it is most needed.

### **Clinical Support**

Support to providers has been coordinated through the establishment of local MDTs wrapped around care homes. These are responsible for ensuring the right level of wraparound care and support is in place for residents, including primary care, community health, therapy and social care. An overview of the MDT model is outlined below.



The CCG and our primary care partners have identified a named lead primary care clinician for each care home. Social care and community health provision is being aligned to form a local 'Care Home - Health Team' and this is currently being phased in, with virtual MDTs or check in meetings taking place in each care home on a weekly basis.

These will link to a new enhanced primary care service, which reflects the 1<sup>st</sup> May NHS England guidance. It builds on local good practice and the current established enhanced service already delivered by the majority of GP practices, but will ensure full coverage and consistency across the geography. The CCG has commissioned a local enhanced service (LES) from primary care for care homes since 2008, initially nursing homes and extended to residential homes in 2015, with key elements such as nominated GP, regular ward rounds, medication reviews and care plans. The Nursing Homes LES and Residential Homes LES have been updated and combined into a new Care Homes LES to reflect the 1st May NHS England guidance. Operationalisation will be supported by the roll out of virtual consultations for care homes and face-to-face where needed. MDTs will also support care home residents receiving their Influenza vaccinations maximising coverage and will ensure those with long term conditions have optimal prescribing, particularly for those with respiratory conditions, supporting the aim of decreasing the risk of COVID illness.

A recent survey of local care homes, which received an 80% response rate, identified that around 17% of care homes across Cambridgeshire and Peterborough do not have access to remote working equipment. In addition, there is varied access to diagnostic equipment for remote monitoring of residents' vital signs. We plan to provide equipment and support to care homes to enable the technological infrastructure, alongside training to use the equipment as it is deployed. RESTORE2 training has previously been undertaken with nursing homes, which will aid quick redeployment. The CCG is working with partner organisations to enable virtual multi-disciplinary team working across the geography but with a particular focus on care homes which have been identified as high risk. A local priority list has been developed across system partners based on local intelligence and data about outbreaks, infection rates and where support is needed to improve quality to inform this.

Lead clinicians for end of life have also led extensive work across the system to ensure that care homes have access to the support, expertise and appropriate medication to support end of life situations. This has included the establishment of a helpline run by the local hospice, clear care pathways and out of hours support.

Mental health support to care homes is currently in place and can be accessed via primary care and the MDT. If further support is needed, each care home is offered a number of tiers of support. In addition, a dedicated crisis team covers each care home for older people, which includes a multi-disciplinary dementia intensive support team (DIST) which operates 8am-8pm, 7 days per week. For emergency provisions out of hours, we have a First Response Service, which can be accessed via 111, which operates 24 hours, 7 days per week. Communication links between primary care and psychiatric services are currently being reviewed and we anticipate these will be enhanced further in the near future and will benefit the way in which we support care homes.

We have been working closely with GP Practices and community pharmacies to ensure that care home residents receive their medications by managing supplies and reducing the impact of stock shortages, whilst also implementing new processes for online ordering to reduce face-to-face contacts. This has been vital for all patients, but particularly with respect to the availability of palliative care medications. Robust COVID-19 End of Life treatment guidance has been developed including “The Re-Use of Medications in Care Homes SOP” should an urgent need for medication arise and to assist care homes with the administration of medications from original packs, following the withdrawal of Medicines Dosage Systems (MDS) by community pharmacies. Advice from the CCG Ethical Cell has informed this approach, as well as for other resource shortages. Steps are now in place to ensure all care homes have nhs.net email accounts to further support communications. In addition to this, virtual medication reviews can be carried out to support GPs and care home staff, and guidelines have been released to ensure that the care home residents most in need of a medication review are prioritised.

#### ***Market Resilience (including financial support)***

Commissioners have worked with local providers to understand what financial support is required to sustain, and where appropriate, increase current levels of capacity. This has led to the implementation of a range of measures to provide financial support to local providers (see appendix 2), including a 10% temporary fee uplift until the end of June, the implementation of a distress fund for those facing significant financial pressures and block purchasing £7.7m of additional residential and nursing bed capacity for the next 6 months. Further plans to manage the financial impacts on care providers, include:

- Extension of the temporary 10% fee uplift until October 2020.
- £600m of national Infection Control Funding. 75% is being passed direct to CQC registered care homes, via direct per bed-based allocation, for providers to use on workforce measures to support infection prevention and control.
- We are engaging with providers to determine the most effective use of the remaining 25% of funding, with a view that this will be used to support the wider domiciliary care and workforce infection control needs.
- Greater financial commitment into the sector, through increasing the ratio of block to spot purchasing. Currently we block purchase 42% of our commissioned residential and nursing bed provision, the rest being spot purchased.

In addition to the four key areas of support above, we recognise the fundamental need to work collaboratively with providers to ensure sufficient, resilient market capacity in the short, medium and long term. This includes the following approach over the short and medium term:

- Continued joint commissioning of capacity for health and social care so there is a coordinated approach to commissioning capacity, including a joint brokerage function across health and social care.
- Maintaining additional purchased capacity for a period, to ensure sufficiency to respond to a wave 2 surge and winter pressures.
- Stepping down of capacity during the recovery phase in a structured way to ensure capacity matches demand needs being seen locally. This will happen alongside the phased return of non-critical services which ceased during COVID, e.g. day opportunities.
- Longer term financial commitment and investment with care home and home care providers to provide greater financial security through increasing the proportion of block beds.

- Moving away from traditional ‘residential care’ to explore more sustainable, innovative models of delivery which promote independence; including extra care plus and care suites. These new models are also more able to manage infection control, as each resident has their own space. Developing a community catalyst approach to local place based domiciliary care, through the development of local micro-enterprises.
- The development of place based commissioning on an outcomes basis, transitioning to local per capita commissioned budgets which maximise opportunities for utilisation of community assets and strength-based provision of support.
- Reset resource to ensure both robust contract & market management and quality of care.
- Collaborative working with CQC sharing intelligence and targeted support.
- Longer-term workforce development for the care sector, including recruitment and retention support, including enhancing workforce development opportunities such as the Peterborough City College Health and Social Care Apprenticeship Programme.

## Local Progress and Confidence in Plans

A huge amount of work and support has been developed at a system wide level to deliver a coordinated support offer to local care home providers. We have worked closely with providers to understand local needs and inform the support we put in place. We are committed as a system to implement further plans rapidly to ensure that we have a resilient and sustainable market position as we move forward into the next stages of the pandemic. We are confident that plans are being implemented rapidly and we have strong leadership across the system to deliver on our joint vision.

## Local Challenges and Support Needs

We do recognise that there will be challenges across the system, including:

- Supporting providers to reduce the movement of workforce, including the ability to isolate and managing workforce associated COVID costs is an ongoing challenge for local providers, and this is exacerbated for small providers particularly who do not have the financial and workforce resilience to manage this. More focused work on supporting providers to access the right additional capacity is a key element of our local plans and the use of infection control funding will also support this aim.
- Testing – including access to swabbing and rapid results is an ongoing issue for providers. Whilst the care home portal has been launched, uptake amongst providers needs to be improved and increased laboratory capacity is needed to fully support testing roll out plans.
- PPE access is an ongoing issue locally, reflected by the national picture.
- How the longer-term financial sustainability of adult social care is being addressed at a national level, as we are still awaiting the Green Paper.
- Engaging with providers who we do not commission directly.
- The uncertainty of the COVID pandemic journey and our ability to influence this e.g. the development of a vaccine.
- Determination of the impact of phased return of acute activity during COVID and winter pressures.
- Whilst the additional national COVID funding is welcome, it a) isn’t enough to meet the additional costs associated with COVID, b) it also raises questions around how we will manage stepping back from the additional investment we have put into the sector at the end of the pandemic and c) it doesn’t deal with ongoing increased need resulting from new dependency built up during COVID 19 and helping people back to independence which is more resource intensive up front
- Managing infection control amongst people with complex needs, e.g. learning disabilities and dementia and homeless in supported accommodation.
- Work force resilience, particularly consideration of domiciliary care providers and the increasing demands on this service, and the need to have a resilient work force to manage this.
- Insufficient time between the release of the additional infection control questions on Capacity Tracker and the submission deadline. This has resulted in limited conversations with care homes to discuss the requirements and their context. As a result, we feel there may be some confusion or issues with the interpretation of some of the responses received. We plan to have targeted conversations with care homes regarding the completion

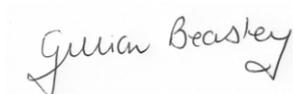
of the Capacity Tracker over the next few weeks, which will enable identification and resolution of any such issues.

In terms of areas of support that would be helpful at a national and local level, we would ask for the following:

- Pandemic modelling on the community and care home sector to help inform future planning and commissioning arrangements.
- Clear national guidance on funding plans, especially in relation to the ending of short term NHS & social care funding to ensure we can plan effectively for the transition.
  
- National guidance on supporting infection control amongst complex cohorts, e.g. people with dementia and learning disabilities.
- Actions to improve the turnaround of test results by increasing lab capacity.
- National guidance around routine testing of asymptomatic staff.
- Learning and good practice sharing nationally and regionally so we can learn from others experiences, including those of service users and families.
- Local flexibility to drive change and improvement and identify what arrangements will be fit for purpose going forward in relation to the way health and care work together to improve outcomes.
- Expanding national supply chains to improve access to PPE for providers.
- Clarity on how long the funding arrangements for hospital discharge will be in place and how they can be ended
- Sharing of test results from the national testing programme with local authorities and the CCGs
- Better information flows from PHE to local authority based Public Health department

I hope that this provides you with a clear overview of our local plans for supporting care homes. If you have any additional questions, please do not hesitate to contact me.

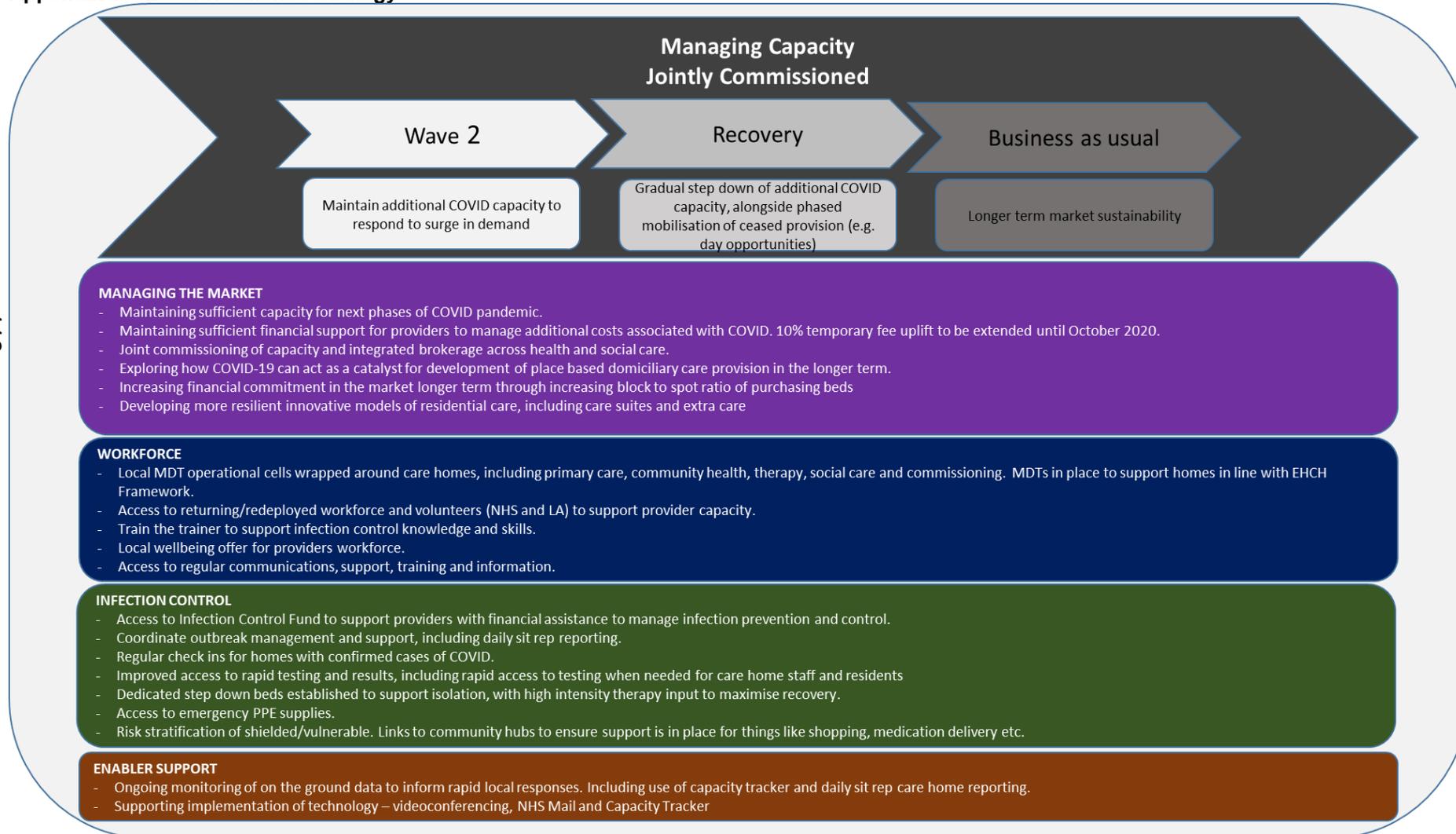
Yours sincerely



**Gillian Beasley**  
Chief Executive – Peterborough City Council and Cambridgeshire County Council



**Appendix 1 – Local Resilience Strategy**



**Appendix 2 – Support delivered to date**

Managing the Market	Workforce	Infection Control	Financial
<p>Working with providers, we reduced care and support provided to individuals to minimum levels and optimised rounds to reduce travel time.</p> <p>Commissioned alternative accommodation to support infection control within housing related support schemes experiencing behavioural challenges.</p> <p>Ensured rapid access to community equipment to facilitate timely discharge and reduce the need for double up packages.</p> <p>Commissioned 24/7 sitting services and utilised in house capacity to ensure support is available around the clock for emergencies.</p> <p>Secured additional residential, nursing bed and extra care capacity to support with initial emptying of acute beds and to ensure sufficient ongoing capacity for hospital discharge demand.</p> <p>Jointly commissioned capacity and integrated brokerage of placements across health and social care.</p>	<p>The use of volunteers and redeployment of resources to support providers' capacity.</p> <p>Access to COVID 19 testing to providers' staff.</p> <p>Emergency PPE supplies.</p> <p>Local wellbeing support offer developed by the CCG for provider's workforce.</p>	<p>Development of outbreak management procedure for care homes.</p> <p>Information, advice and support on PPE and infection control.</p>	<p>Provided financial support, including 10% temporary fee uplift to providers and access to distress funding.</p> <p>We have continued to fund day services which have closed, where staff can be redeployed to alternative critical service provision.</p> <p>We have sustained funding of transport arrangements at 75% of contract value.</p> <p>Establishment of a distress fund for lump sum payments to help providers who are facing significant financial issues.</p> <p>Cash flow supported through introduction of 4 week in advance payments for bed based care, rather than 4 weeks in arrears.</p>

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<b>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 8
<b>30 September 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Adrian Chapman, Service Director: Communities and Partnerships	
Cabinet Member(s) responsible:	Cllr Steve Allen, Cabinet Member for Housing, Culture and Recreation	
Contact Officer(s):	Adrian Chapman, Service Director: Communities and Partnerships	Tel. 07920 160441

**REVIEW OF VIVACITY TRANSITION ARRANGEMENTS**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Service Director for Communities and Partnerships	<b>Deadline date:</b> N/A
<p>It is recommended that Adults and Communities Scrutiny Committee notes and comments upon the progress being made to secure the safe transition of services from Vivacity.</p>	

**1. ORIGIN OF REPORT**

1.1 This report is provided at the request of the Committee.

**2. PURPOSE AND REASON FOR REPORT**

2.1 This report sets out the arrangements for transitioning Vivacity services to the council following their decision to terminate the contract the council has with them.

2.2 This report is for the Adults & Communities Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview Scrutiny Functions, paragraph No. 2.1 Functions 13 determined by Council:

6. Libraries, Arts and Museums

2.3 The breadth of services provided by Vivacity contributes significantly to all of the council's strategic priorities, and this is especially important in the context of recovery from the COVID-19 pandemic, our desire to encourage people to develop and grow through a diverse arts and culture offer, and supporting the improvement of the health and wellbeing of our residents and tackling inequalities. We have an opportunity through this change to ensure transitioned services are wholly focussed on our strategic priorities.

2.4 Many aspects of the Council's Children in Care Pledge will be supported by the transition of Vivacity services to the council, including supporting education, health and wellbeing.

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>YES</b>	If yes, date for Cabinet meeting	N/A*
Date for relevant Council meeting if applicable	N/A	Date for submission to Government Dept.	N/A

\*The decision to transfer Vivacity services to Peterborough Ltd and City College Peterborough was made using urgency procedures due to the limited timescales to undertake the transfer of services to the council.

#### **4. BACKGROUND AND KEY ISSUES**

- 4.1 The Council entered into a Funding and Management Agreement dated 1st May 2010 with Vivacity Cultural and Leisure Trust under which the assets, staff and responsibility for delivering cultural and leisure services transferred to Vivacity in return for grant payments made by the Council. Services included libraries, culture and heritage venues, sports centres and swimming pools.
- 4.2 On 18 June 2020, Vivacity served 90 Days' Notice of Termination of the Agreement on the grounds that Regulations made under the Coronavirus Act 2020 constituted a force majeure which had persisted for more than 90 days preventing performance of the services. Services set out in the Agreement will therefore cease to be provided by Vivacity at the end of the day on 16 September 2020.
- 4.3 This report is being written prior to this date, and it sets out the arrangements being made at time of writing. The work to successfully and smoothly transition services is subject to significant change given the timescales involved and the dynamic nature of the project, and so the Service Director will provide more detail, including final arrangements, during the Committee meeting itself.
- 4.4 The Council has the right under the Agreement to nominate a new provider instead of operating the services directly. We have given careful consideration as to how best to ensure that services (i) transition successfully, (ii) are run efficiently, and (iii) are developed in accordance with the principles described in section 2.4 of this report. As a result, services formerly delivered by Vivacity will transition as follows:
- Arts, Culture and Heritage services will transfer to City College Peterborough, the council's adult skills service and part of the Communities and Partnerships service directorate
  - Sports and leisure services will transfer to Peterborough Ltd, a wholly-owned company of the council
- 4.5 All Vivacity staff will transfer under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) to one of these organisations.
- 4.6 **Arts, Culture and Heritage Services**
- 4.6.1 At time of writing, the status of arts, culture and heritage services was as follows:
- Central Library – reopened on 10 August
  - Bretton, Orton and Werrington libraries – reopened week commencing 24 August
  - Hampton Library – reopened on 3 September
  - All other libraries, including the mobile library service – will reopen on a date to be confirmed
  - Key Theatre – whilst closed to the general public, was available throughout summer for pre-arranged summer schools, and has been running cinema events in a socially distanced way. A full reopening date is to be confirmed
  - Peterborough Museum – will reopen on a date to be confirmed

- Flag Fen – will reopen for the 2021 season to the general public, but will be available for school and university visits in 2020 from a date to be confirmed

#### 4.7 **Sports and Leisure Services**

4.7.1 At time of writing, the status of sports and leisure facilities was as follows:

- Vivacity Premier Fitness – reopened on 17 August
- Regional Swimming Pool – reopened on 17 August
- Athletics Track – reopened on 17 August
- Hampton Leisure Centre – reopened on 4 September
- Jack Hunt Swimming Pool – reopened for school use only from the start of term, with the aim of reopening for community use from 1 October
- Werrington Sports Centre and Bushfield Sports Centre – will reopen following discussions with the Headteachers as these are shared school sites
- Lido – will reopen for the 2021 season
- Bretton Splash Park – will reopen for the 2021 season

#### 4.8 **Other Services**

4.8.1 At time of writing, the status of other services was as follows:

- Community Hydrotherapy Pool – awaiting confirmation of how the facility can be made COVID-secure
- Peterborough Sculpture Trail – sits outside the Agreement between Vivacity and the Council, and will transfer to a third party nominated by Vivacity

4.9 The Service Director for Communities and Partnerships will manage the relationship between the Council, Peterborough Ltd and City College Peterborough, and will set, with those and other partners' input, the vision and strategic direction for services going forwards.

4.10 Following the transfer of services to Peterborough Ltd and City College Peterborough, service delivery will be reviewed between the Council and the two service delivery organisations on a quarterly basis considering effectiveness, usage, COVID-19 compliance and value for money. From this the Council will be able to build up a full understanding of service delivery in the COVID-19 and post COVID-19 environment to assess the affordability and viability of services in their current form, and consider how they might need to be adapted going forwards.

4.11 New specifications for the services can be set out from this data and an assessment made as whether to remain delivering via "in house" arrangements (Peterborough Ltd and City College Peterborough) or by other service delivery mechanisms. It is expected that at least four quarters' data will be required to come to this decision point, which will be September 2021.

4.12 To further inform this work, the existing Active Lifestyles strategy will be reviewed to ensure it remains current and relevant, and work will recommence to develop a new culture strategy for the city which will describe an ambitious new vision for the role that arts, culture and heritage needs to play in Peterborough to support recovery from COVID-19, economic growth and development, community cohesion, and educational attainment and aspiration. It is anticipated that this work will be completed in draft form by Christmas with a view to presenting further detail to Scrutiny Committee in the new year.

4.13 As described above, the detail summarised in this report is correct at time of writing. However, the committee will be provided with the most up to date information during its meeting on 30 September.

### 5. **CONSULTATION**

- 5.1
- Statutory consultation is underway with Vivacity's staff under TUPE legislation.
  - At time of writing, Vivacity remain responsible for all current services, and are liaising directly

with their customers.

- A date is being arranged for the Cabinet Member and the Service Director to meet representatives of the various 'friends' groups that support Vivacity's work.
- The Service Director continues to engage with various agencies including Arts Council England and Historic England.
- The review of the Active Lifestyles strategy and the development of the new culture strategy will be undertaken in very close collaboration with local partners and service users.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 Vivacity services that are subject to the formal agreement between the council and themselves will safely, successfully and smoothly transfer to Peterborough Ltd and City College Peterborough.

## **7. REASON FOR THE RECOMMENDATION**

- 7.1 The process to transfer services from Vivacity to the new arrangements is complex and dynamic, and this report, and the verbal update which will be provided at the committee meeting, seek to ensure Scrutiny Committee members are fully appraised and reassured of the process being followed.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Not applicable.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 Because of COVID-19 and multiple changes to regulations it is not clear what the full costs will be for the services that are transferring, given social distancing and other infection control measures now required. As such the Council will attempt to minimise costs by taking advantage of all Government Schemes made available in July for self-delivered services, as well as submitting a grant request to Arts Council England's Culture Recovery scheme.

### **Legal Implications**

- 9.2 This programme requires compliance with a range of legislation, including TUPE, the Government's furlough scheme, the Public Contract Regulations, and pension obligations. The project is overseen by an internal board which benefits from dedicated legal support.

### **Equalities Implications**

- 9.3 Services are initially transferring on a like-for-like basis, albeit they will need to be reviewed in light of COVID-19 guidance. Every effort is being made to try to ensure that services remain available for all as and when they are safe to reopen.

### **Rural Implications**

- 9.4 Services are initially transferring on a like-for-like basis, albeit they will need to be reviewed in light of COVID-19 guidance. Every effort is being made to try to ensure that services remain accessible for all as and when they are safe to reopen. Some of the libraries still to reopen are based in more rural communities, and we do not yet have a date for relaunching the mobile library service which also serves a number of rural communities.

### **Carbon Impact Assessment**

- 9.5 Services will initially transfer on a like-for-like basis, although there is scope for a review of buildings to be carried out later. Energy Opportunity Assessments have been undertaken and

options to take these forward will be considered in due course.

**10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 None

**11. APPENDICES**

11.1 None

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<b><u>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</u></b>	AGENDA ITEM No. 9
<b>30 September 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Adrian Chapman, Service Director: Communities and Partnerships	
Cabinet Member(s) responsible:	Councillor Mohammed Farooq - Cabinet Member for Digital Services and Transformation Cllr David Seaton, Cabinet Member for Resources and Chairman of the Constitution and Ethics Committee	
Contact Officer(s):	Adrian Chapman, Service Director: Communities and Partnerships	07920 160441

**PROPOSAL FOR TASK AND FINISH GROUP TO PROMOTE EQUALITY AND DIVERSITY AMONGST COUNCILLORS**

R E C O M M E N D A T I O N S	
<b>FROM:</b> Adrian Chapman, Service Director: Communities and Partnerships	<b>Deadline date:</b> N/A
<p>It is recommended that Adults and Communities Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>1. Agree to the formation of a time-limited cross-party scrutiny task and finish group</li> <li>2. Agree the Terms of Reference for the proposed task and finish group</li> <li>3. Agree that the outcomes of the task and finish group should be presented back to the Committee at the relevant meeting</li> <li>4. Makes any initial nominations from the scrutiny committee members to join the task and finish group</li> </ol>	

**1. ORIGIN OF REPORT**

- 1.1 At the Full Council meeting on 29 July, a motion presented by Cllr Aasiyah Joseph was agreed, requesting the formation of a task and finish group to review aspects of equality and diversity amongst councillors.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 This report sets out the proposed detail for the task and finish group agreed at Full Council on 29 July, to focus on aspects of equality and diversity amongst councillors.
- 2.2 This report is for the Adults & Communities Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview Scrutiny Functions, paragraph No. 2.1 Functions 13 determined by Council:

5. Equalities

- 2.3 The outcome of this work has the potential to directly and indirectly support all of the council's corporate priorities.

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
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#### **4. BACKGROUND AND KEY ISSUES**

4.1 At the Full Council meeting of 29 July, a motion presented by Cllr Joseph was agreed, in which it was noted that:

- Women are the biggest consumers of council services, the majority of its staff are women, yet the majority of councillors and council leaders are male
- Equal opportunity is not a 'one size fits all' approach. It is about recognising that different people have different requirements to enable them to achieve the same goal
- It (*the council*) has a duty to consider all individuals when carrying out its day to day work, including shaping policy, delivering services and in relation to its employees
- Improved provision for parental leave will contribute towards increasing the diversity of age, experience and background of councillors, in addition to assisting with retention of experienced councillors and make public office more accessible to those who might otherwise feel excluded
- Action must be taken to improve the number of female councillors, by not only making it easier for them to become councillors but by creating a culture where they wish to stay

4.2 The agreed motion stated that the council therefore resolves to request that the Adults and Communities Scrutiny Committee set up a Task and Finish Group to review:

- i. How the council can promote equality and diversity for all councillors including consideration of phasing out the use of gender defining titles
- ii. The adoption of a Parental Leave policy for councillors, to assist and encourage younger people to come forward as councillors
- iii. How the council can ensure councillors with children and other caring commitments are supported as appropriate
- iv. How political groups, Group Leaders and the Mayor/Chair can help ensure better behaviour in the Council Chamber to create an atmosphere of mutual respect – for example by:
  - Giving a reminder to all members of their responsibilities at the start of each meeting
  - Quick intervention if members fail to behave correctly
  - Ensuring a fair approach is applied to all councillors in the overseeing of meetings.

4.3 The Adults and Communities Scrutiny Committee is therefore asked to agree to the formation of the task and finish group.

#### **5. CONSULTATION**

5.1 Not applicable.

#### **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 It is anticipated that the Committee will agree to the formation of a time-limited cross-party scrutiny task and finish group. This will inform the approach the council will take to supporting equality and diversity amongst our councillors.

#### **7. REASON FOR THE RECOMMENDATION**

7.1 The recommendations set out in this report follow agreement made at Full Council.

#### **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 Not applicable.

#### **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 There are no immediate financial implications that arise as a result of this work. Any financial implications that do arise through the work of the task and finish group will be set out in the group's final report.

### **Legal Implications**

- 9.2 There are no immediate legal implications that arise as a result of this work. Any legal implications that do arise through the work of the task and finish group will be set out in the group's final report.

### **Equalities Implications**

- 9.3 The proposed task and finish group will seek to ensure there is equality and diversity amongst our councillors, and that councillors are provided with the support necessary to enable them to carry out their functions.

### **Rural Implications**

- 9.4 There are no immediate rural implications that arise as a result of this work. Any rural implications that do arise through the work of the task and finish group will be set out in the group's final report.

### **Carbon Impact Assessment**

- 9.5 A Carbon Impact Assessment will be completed to accompany the full report from the task and finish group that will be presented back to the Scrutiny Committee.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 None

## **11. APPENDICES**

- 11.1 Draft Terms of Reference for the task and finish group.

## **Appendix A**

### **Scrutiny Task and Finish Group to Promote Equality and Diversity Amongst Councillors**

#### **DRAFT Terms of Reference**

##### **Membership**

tbc

##### **Advisers**

Adrian Chapman, Service Director: Communities and Partnerships  
Fiona McMillan, Director of Law and Governance, and Monitoring Officer  
Mandy Pullen, Assistant Director for Human Resources  
Cllr David Seaton, Chairman of the Constitution and Ethics Committee

##### **Purpose**

To make recommendations to the Committee to inform the development of initiatives that promote equality and diversity amongst councillors.

##### **Scope**

Using a combination of reviewing good practice and learning from elsewhere, discussions with expert witnesses, research, analysis of data, and interviews with councillors, develop proposals that set out:

- i. How the council can promote equality and diversity for all councillors including consideration of phasing out the use of gender defining titles
- ii. The adoption of a Parental Leave policy for councillors, to assist and encourage younger people to come forward as councillors
- iii. How the council can ensure councillors with children and other caring commitments are supported as appropriate
- iv. How political groups, Group Leaders and the Mayor/Chair can help ensure better behaviour in the Council Chamber to create an atmosphere of mutual respect – for example by:
  - Giving a reminder to all members of their responsibilities at the start of each meeting
  - Quick intervention if members fail to behave correctly
  - Ensuring a fair approach is applied to all councillors in the overseeing of meetings.

##### **Reporting**

The Scrutiny Task and Finish group will report to the Adults and Communities Scrutiny Committee.

<b>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</b>	AGENDA ITEM No. 10
<b>30 SEPTEMBER 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Director of Law and Governance	
Cabinet Member(s) responsible:	Cabinet Member for Digital Services and Transformation	
Contact Officer(s):	David Beauchamp, Senior Democratic Services Officer	Tel. 384628

**REVIEW OF 2019/2020 AND WORK PROGRAMME FOR 2020/2021**

R E C O M M E N D A T I O N S	
<b>FROM:</b> Director of Law and Governance	<b>Deadline date:</b> N/A
<p>It is recommended that the Adults and Communities Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>1. Considers items presented to the Adults and Communities Scrutiny Committee during 2019/20 and makes recommendations on the future monitoring of these items where necessary.</li> <li>2. Determines its priorities and approves the draft work programme for 2020/2021 attached at Appendix 1.</li> <li>3. Notes the Recommendations Monitoring Report attached at Appendix 2 and considers if further monitoring of the recommendations made during the 2019/2020 municipal year is required.</li> <li>4. Notes the Terms of Reference for this Committee as set out in Part 3, Section 4, Overview and Scrutiny Functions and in particular paragraph 2.1 item 2, Adults and Communities Scrutiny Committee and paragraph 3.4 Crime and Disorder as attached at Appendix 3.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 The report is presented to the Committee on behalf of the Director of Law and Governance.

**2. PURPOSE AND REASON FOR REPORT**

2.1 To provide the committee with a review of the work undertaken during 2019/20 by the Adults and Communities Scrutiny Committee and to consider if further monitoring of these items is required.

To determine the committee's priorities and approve the draft work programme for 2020/2021 attached at Appendix 1.

To note the recommendations made last year attached at Appendix 2 and consider if further monitoring is required.

To note the Terms of Reference for this Committee attached at Appendix 3.

2.2 This report is for the Adults and Communities Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4, Overview and Scrutiny Functions, paragraphs 2.1, and paragraph 3, Specific Role of Overview and Scrutiny, sub paragraphs 3.1, 3.2, 3.3 and 3.4.

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	<b>N/A</b>
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### 4. **BACKGROUND AND KEY ISSUES**

4.1 The Adults and Communities Scrutiny Committee was established by Council at its Annual meeting on 12 October 2016.

4.2 During 2019/20 the Adults and Communities Scrutiny committee scrutinised the following items:

#### **Information / Update**

- Community Involvement in Neighbourhood issues
- Co-opted Member report
- Review of 2018/19 and Work Programme for 2019/2020
- Meeting Start Time report

#### **Monitoring / Calling to Account**

- Review of Homelessness Reduction strategy 2018-20 and Safer Off the Streets
- Monitoring Scrutiny Recommendations
- Forward Plan of Executive Decisions
- Peterborough Mental Health Section 75 Partnership Agreement – Annual Report 2018-2019
- Community Asset Transfer
- Cambridgeshire and Peterborough Safeguarding Adult Board Annual Report 2018-19
- Carers Update – Carers Survey and Adult Positive Challenge Programme
- Adult Social Care Annual Complaints Report 2018-19
- Portfolio Progress Report: Housing, Culture and Recreation
- Peterborough Adult Social Care Annual Portfolio Holder Update and Self Assessment
- Adult Social Care Service User Survey 2019
- Portfolio Progress Report – Communities
- Targeted Youth Support Service Update

#### **Policy / Plans / Consultation**

- Prevent Strategy Refresh – 2019/2021
- Youth Justice Plan 2019-22
- Developing a Cultural Strategy for Peterborough

### 4.3 **Call-In**

Call-in of Executive Decision – Authority for the acquisition of housing for temporary accommodation – OCT19/CMDN/45 - 28 October 2019

### 4.4 **Task & Finish Groups**

None.

#### **Joint Committees**

- Joint Scrutiny of the Budget - 18 December 2019
- Joint Scrutiny of the Budget – 12 February 2020

### 4.5 **Recommendations Made**

A list of any recommendations made during the year are attached at Appendix 2 for consideration.

## **5. WORK PROGRAMME 2020/2021**

5.1 The Committee is asked to consider the work undertaken during 2019-2020 and make recommendations on the future monitoring of any of these items where necessary.

5.2 In preparing a work programme for 2020-2021, the Committee is requested to consider its functions as set out in the terms of reference attached at Appendix 3 - Part 3, Section 4, Overview and Scrutiny Functions and Terms of Reference, paragraph 2.1 section 2.

5.3 A draft work programme which shows the items identified for scrutiny at a Group Representatives meeting held on 28 July 2020 is attached at Appendix 1 for consideration and approval.

## **6. CONSULTATION**

6.1 None.

## **7. REASON FOR THE RECOMMENDATIONS**

7.1 To ensure the Scrutiny Committee fulfils the requirements as set out in the terms of reference attached at Appendix 3.

## **8. IMPLICATIONS**

### **Financial Implications**

8.1 None.

### **Legal Implications**

8.2 A review of last year's priorities, acting upon lessons learnt and continuous improvement and approval of the coming year's Scrutiny priorities providing a planned and focussed approach to the work of Scrutiny, is in keeping with good governance.

### **Equalities Implications**

8.3 None.

### **Rural Implications**

8.4 None.

## **9. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

9.1 Minutes of the meetings of the Adults and Communities Scrutiny Committee held on 1 July 2019, 10 September 2019, 28 October 2019, 14 January 2020, and 3 March 2020.

## **10. APPENDICES**

10.1 Appendix 1 – Draft Work Programme 2020/2021  
Appendix 2 – Recommendations made during 2019/2020  
Appendix 3 – Part 3, Section 4 – Overview and Scrutiny Functions

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## Draft Adults and Communities Scrutiny Committee Work Programme 2020/2021

Updated: 18 SEPTEMBER 2020

Meeting Date	Item	Indicative Timings	Comments
<p><b>30 SEPTEMBER 2020</b>  <i>Draft Report 11 September 2020</i>  <i>Final Report 18 September 2020</i></p>	<p><b>Co-opted Member Report</b>                      To agree to the appointment of co-opted members to the committee for the municipal year 2020/2021</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		
	<p><b>Domestic Abuse and Sexual Violence Update Report</b>                      This report is being presented to inform the Scrutiny committee of the new statutory obligation proposed in the 2020 DA Bill, and to seek the Panel's view on the proposal to provide governance for this via the established DASV partnership board and to update the committee on the review of the Domestic Abuse and Sexual Violence (DASV) Service</p> <p><b>Contact Officer: Rob Hill</b></p>		
	<p><b>Care Home Support Plan</b>                      This report is reporting progress on our local Care Home Support Plan, which is a national government condition of all local authorities.</p> <p><b>Contact Officer: Caroline Townsend</b></p>		

	<p><b>Review of Vivacity transition arrangements</b> This report sets out the arrangements for transitioning Vivacity services to the council following their decision to terminate the contract the council has with them.</p> <p><b>Contact Officer: Adrian Chapman</b></p>		
	<p><b>Proposal to Set Up a Task and Finish Group to Promote Equality and Diversity Amongst Councillors</b> This report sets out the proposed detail for the task and finish group agreed at Full Council on 29 July, to focus on aspects of equality and diversity amongst councillors.</p> <p><b>Contact Officer: Adrian Chapman</b></p>		
	<p><b>Review Of 2019/2020 and Work Programme For 2020/2021</b> To review the work undertaken during 2019/20 and to consider the work programme of the Committee for 2020/2021</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		
	<p><b>Forward Plan of Executive Decisions</b> That the Committee identifies any relevant items for inclusion within their work programme which are relevant to the remit of this Committee.</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		

<b>11 NOVEMBER 2020</b> Joint Scrutiny of the Budget Meeting	<b>Medium Term Financial Strategy 2021/22 to 2023/24 -</b>  <b>Contact Officer: Peter Carpenter</b>		
<b>17 NOVEMBER 2020</b> <i>Draft Report – 29 October</i> <i>Final Report – 5 November</i>	<b>Adults Social Care Annual Complaints Report 2019-20</b> To scrutinise the summary of Adult Social Care complaints and compliments received between 1 April 2019 and 31 March 2020 and the learning and actions taken as a result.  <b>Contact Officer: Debbie McQuade / Charlotte Black / Jacky Cozens</b>		
	<b>Leisure and Library Services – Future Vision</b>  <b>Contact Officer: Adrian Chapman</b>		
	<b>Housing Renewals Policy and Affordable Warmth Strategy</b>  <b>Contact Officer: Sharon Malia.</b>		
	<b>Homelessness Reduction and Rough Sleepers Strategy 2020 – 2025</b>		
	<b>PENDING: Housing Register Allocations Policy</b>		

	<b>Contact Officer: Sarah Case</b>		
	<b>Monitoring Scrutiny Recommendations</b> To monitor progress made on recommendations made at the previous meeting.  <b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b>		
	<b>Forward Plan of Executive Decisions</b> That the Committee identifies any relevant items for inclusion within their work programme which are relevant to the remit of this Committee.  <b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b>		
	<b>Work Programme 2020/2021</b> To consider the Work Programme for 2020/2021  <b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b>		
<b>19 JANUARY 2021</b> <i>Draft Report – 21 December</i> <i>Final Report – 7 January</i>	<b>Cambridgeshire and Peterborough Safeguarding Adult Board Annual Report 2019-20</b>  <b>Contact Officer: Jo Proctor</b>		

	<p><b>Portfolio Progress Report for the Cabinet Member for Adult Social Care, Health and Public Health</b></p> <p><b>Contact Officer: Charlotte Black</b></p>		
	<p><b>Section 75 Annual Report</b></p> <p><b>Contact Officer: Shauna Torrance</b></p>		
	<p><b>Monitoring Scrutiny Recommendations</b> To monitor progress made on recommendations made at the previous meeting.</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		
	<p><b>Forward Plan of Executive Decisions</b> That the Committee identifies any relevant items for inclusion within their work programme which are relevant to the remit of this Committee.</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		
	<p><b>Work Programme 2020/2021</b> To consider the Work Programme for 2020/2021</p>		

	<b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b>		
<b>10 FEBRUARY 2021</b> Joint Scrutiny of the Budget Meeting	<b>Medium Term Financial Strategy 2021/22 to 2023/24 -</b>  <b>Contact Officer: Peter Carpenter</b>		
<b>2 MARCH 2021</b> <i>Draft Report – 11 February</i> <i>Final Report – 19 February</i>	<b>Portfolio Progress Report for the Cabinet Member for Communities incorporating Think Communities update</b>  <b>Contact Officer: Adrian Chapman</b>		
	<b>Portfolio Progress Report for the Cabinet Member for Housing, Culture and Recreation</b>  <b>Contact Officer: Adrian Chapman</b>		
	<b>Review of selective licensing scheme incorporating review of HMOs</b>  <b>Contact Officer: Rob Hill</b>		
	<b>Review / Plan for Safer Peterborough Partnership incorporating report on Safer Peterborough</b>		

	<p><b>Partnership Focus areas inc. 'high harm' and knife crime.</b></p> <p><b>Contact Officer: Rob Hill</b></p>		
	<p><b>Adult Social Care User Survey 2019</b> To scrutinise the results of the Service User Survey undertaken in February 2019 and published in October 2019</p> <p><b>Contact Officer: Tina Hornsby</b></p>		
	<p><b>Forward Plan of Executive Decisions</b> That the Committee identifies any relevant items for inclusion within their work programme which are relevant to the remit of this Committee.</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		
	<p><b>Work Programme 2020/2021</b> To consider the Work Programme for 2020/2021</p> <p><b>Contact Officer: Paulina Ford, Senior Democratic Services Officer</b></p>		
<b>Pending Items for 2020/21</b>	<p><b>Deferred from September Meeting - Equalities Strategy and Action Plan</b></p> <p><b>Contact Officer: Adrian Chapman</b></p>		

	<b>Review of selective licensing scheme incorporating review of HMOs</b>  <b>Contact Officer: Rob Hill</b>		
	<b>HMI Probation Youth Offending Inspection</b>		
	<b>Deferred from March 2020 - Housing Register Allocations Policy Changes – Pre-decision Scrutiny.</b>  <b>Contact Officer: Mohamed Hussein / Sean Evans</b>		
	<b>Think Communities: Creating a Unified Approach</b>  <b>Contact Officer: Matt Oliver</b>		

RECOMMENDATIONS MONITORING REPORT 2019 – 2020 and 2018-19

ADULTS AND COMMUNITIES SCRUTINY COMMITTEE

Meeting date Recommendations Made	Portfolio Holder / Directorate Responsible	Agenda Item Title	Recommendation Made	Action Taken	Progress Status
<b>2019/20</b>					
1 JULY 2019	Councillor Walsh, Cabinet Member for Communities	9. Prevent Strategy Refresh 2019/2020	The Adults and Communities Scrutiny Committee <b>RESOLVED</b> to endorse the strategy for approval by Cabinet and supported its relaunch via an internal and external engagement plan.	Recommendation sent to Councillor Walsh, Cabinet Member for Communities.  Scheduled to go to Cabinet on 23 September 2019 but did not.  Approved by Cabinet on 18 November 2019 as follows:  Cabinet considered the report and <b>RESOLVED</b> to endorse the proposed combined Peterborough City Council and Cambridgeshire County Council Prevent Strategy 2019 – 2021.	<b>Completed.</b>
10 SEPTEMBER 2019	Councillor Wayne Fitzgerald – Deputy Leader and Cabinet	5. Peterborough Mental Health Section 75 Partnership Agreement:	The Adults and Communities <b>RESOLVED</b> to endorse the revised Mental Health Section	Recommendation sent to Cabinet member on 25/09/2019. No Cabinet	<b>Ongoing</b>

Meeting date Recommendations Made	Portfolio Holder / Directorate Responsible	Agenda Item Title	Recommendation Made	Action Taken	Progress Status
	Member for Adult Social Care, Health & Public Health	Annual Report 2018- 2019	75 Partnership Agreement for approval including the uplift of £221,000 on the 2014 investment which addresses under-funding in non-pay, learning and development, management costs inc. Approved Mental Health Practitioner service management and the Prison Social Worker.	date at present.	
10 SEPTEMBER 2019	Councillor Irene Walsh – Cabinet Member for Communities	7. Youth Justice Plan 2019-22	The Adults and Communities Scrutiny Committee <b>RESOLVED</b> to endorse the Joint Cambridgeshire and Peterborough Youth Justice Plan for adoption by Cabinet and Full Council.	Recommendation sent to Cabinet member on 25/09/2019.  Endorsed by Cabinet on 3 February as follows:  Cabinet <b>RESOLVED</b> to:  1. Recommend to Council the approval of the Joint Cambridgeshire and Peterborough Youth Justice Plan 2. Endorses and agrees the strategic objectives of the Youth Justice Management Partnership 3. Endorses and agrees	<b>Ongoing</b>

Meeting date Recommendations Made	Portfolio Holder / Directorate Responsible	Agenda Item Title	Recommendation Made	Action Taken	Progress Status
				Peterborough Youth Offending Service operational priorities  Approved by Council on 4 March 2020.	
<b>2018/19</b>					
12 March 2019	Councillor Walsh, Cabinet Member for Communities	7. Selective Licensing – interim review and outcomes	<b>RECOMMENDATION:</b>  The Adults and Communities Scrutiny Committee <b>RESOLVED</b> to recommend that Cabinet should consider extending Selective Licensing across the whole city after the current scheme expires in 2021.	Recommendation sent to Councillor Walsh, Cabinet Member for Communities and Jo Bezant, Manager, Housing Enforcement and Selective Licensing on 18/03/2019.  Response received and sent to committee members on 03/04/2019. Please see below:  Review of selective licensing schedule to go to Committee in the 2020/21 Municipal Year	<b>Ongoing.</b>
Selective Licensing schemes require local councils to demonstrate that certain conditions set by Government are met. In the case of our existing scheme we did this via an extensive analysis of data. To extend the scheme we would need to undertake a similar exercise					

Meeting date Recommendations Made	Portfolio Holder / Directorate Responsible	Agenda Item Title	Recommendation Made	Action Taken	Progress Status
					<p>using the same format as the previous scheme. This data would then identify the areas of the city that meet the government set criteria for a selective licensing scheme to be introduced. Following any decision on proposed areas for a new scheme, a full and comprehensive public consultation of at least 10 weeks would need to take place. In addition, if more than 20% of the city's private rented sector would be affected by any new scheme it would be necessary for approval to be sought from the Ministry for Housing, Communities and Local Government (MHCLG).</p> <p>However, MHCLG is currently undertaking a review of selective licensing across the country. The outcome of the review is expected some time this year. This review could affect any future schemes the council may want to introduce, and we have therefore agreed that it would be prudent to wait for this guidance, given the complexities of developing new schemes described above, before we commence any further work.</p>

**RECOMMENDATIONS MONITORING REPORT 2020-21**

Meeting date Recommendations Made	Portfolio Holder / Directorate Responsible	Agenda Item Title	Recommendation Made	Action Taken	Progress Status
22 JULY – JOINT SCRUTINY	Cllr Steve Allen, Cabinet Member for Housing, Culture and Recreation  Adrian Chapman, Service Director – Communities and Partnerships	Peterborough City Council’s Response to COVID-19	<b>RECOMMENDATION</b>  The Joint Meeting of the Scrutiny Committees <b>RESOLVED</b> to recommend that Cabinet takes immediate steps to open statutory services such as libraries, with due consideration for public health issues, and that a report should be submitted to Central Government outlining the Council’s breach of statutory duties to date.	Letter sent to Department for Digital, Culture, Media and Sport on 09/09/2020 2020. Received from Adrian and Members updated on 15/09/2020.	Ongoing.

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## Section 4 – Overview and Scrutiny Functions & Terms of Reference

### 1. OVERVIEW AND SCRUTINY COMMITTEES

1.1 The Council has appointed the following Overview and Scrutiny Committees to carry out those functions under Sections 9F to 9FI of the Local Government Act 2000, as amended by:

- (a) Section 19 of the Police and Justice Act 2006 in relation to the scrutiny of crime and disorder matters;
- (b) Section 244 of the Health & Social Care Act 2012 in relation to health matters; and
- (c) Section 22 of the Flood Risk Management Act 2010 in relation to flood risk management.

### 2. TERMS OF REFERENCE

2.1 Council has established the following Scrutiny Committees and they shall have responsibility for overview and scrutiny in relation to the matters set out below:

<b>1.</b>	<b>Children and Education Scrutiny Committee</b>	
	<b>No of Elected Members appointed by Council:</b>  Eleven, none of whom may be a Cabinet Member.	<b>Chairman and Vice-Chairman</b>  Appointed by Council.
	<b>Quorum:</b>  At least half the Members of the Committee (including voting co-opted members).	<b>Co-opted Members to be appointed by the Committee/Council</b>  Four representatives as follows with full voting and call-in rights on education matters only: (a) 1 Church of England Diocese representative; (b) 1 Roman Catholic Diocese representative; and (c) 2 parent governor representatives.  No more than four non-voting members.
	<b>Functions determined by Council</b>  1. Children’s Services including <ul style="list-style-type: none"> <li>a) Social Care of Children;</li> <li>b) Safeguarding; and</li> <li>c) Children’s Health.</li> </ul> 2. Education, including <ul style="list-style-type: none"> <li>a) University and Higher Education;</li> <li>b) Careers; and</li> <li>c) Special Needs and Inclusion.</li> </ul>	

	<p><b>Functions determined by Statute</b></p> <p>All powers of an Overview and Scrutiny Committee as set out in Sections 9F to 9FI Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent regulations.</p>
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<b>2.</b>	<b>Adults and Communities Scrutiny Committee</b>	
	<p><b>No of Elected Members appointed by Council:</b></p> <p>Eleven, none of whom may be a Cabinet Member.</p>	<p><b>Chairman and Vice-Chairman</b></p> <p>Appointed by Council.</p>
	<p><b>Quorum:</b></p> <p>At least half the Members of the Committee.</p>	<p><b>Co-opted Members to be appointed by the Committee/Council</b></p> <p>No more than four non-voting members.</p>
	<p><b>Functions determined by the Council</b></p> <ol style="list-style-type: none"> <li>1. Adult Social Care;</li> <li>2. Safeguarding Adults;</li> <li>3. Housing need (including homelessness, housing options and selective licensing);</li> <li>4. Neighbourhood and Community Support (including cohesion and community safety);</li> <li>5. Equalities;</li> <li>6. Libraries, Arts and Museums;</li> <li>7. Adult Learning and Skills;</li> <li>8. Targeted Youth Support (including youth offending).</li> </ol>	
	<p><b>Functions determined by Statute</b></p> <p>To review and scrutinise crime and disorder matters, including acting as the Council's crime and disorder committee in accordance with Sections 19 of the Police and Justice Act 2006;</p>	

<b>3.</b>	<b>Health Scrutiny Committee</b>	
	<b>No of Elected Members appointed by Council:</b> Eleven, none of whom may be a Cabinet Member or the Health and Wellbeing Board.	<b>Chairman and Vice-Chairman</b>  Appointed by Council.
	<b>Quorum:</b>  At least half the Members of the Committee.	<b>Co-opted Members to be appointed by the Committee/Council</b>  No more than four non-voting members.
	<b>Functions determined by the Council</b>  1. Public Health; 2. The Health and Wellbeing including the Health and Wellbeing Board; and 3. Scrutiny of the NHS and NHS providers.	
	<b>Functions determined by Statute</b>  To review and scrutinise local authority services under Sections 9F to 9FI Local Government Act 2000, Local Government and Public Involvement in Health Act 2007, and any subsequent regulations  To review and scrutinise matters relating to the Health Service and to make reports and recommendations to local NHS bodies in accordance with section 244 of the National Health Service Act 2006. This will include establishing joint health committees in relation to health issues that cross local authority boundaries and appointing members from within the membership of the Committee to any joint health overview and scrutiny committees with other local authorities. (Also see The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013)	

<b>4.</b>	<b>Growth, Environment and Resources Scrutiny Committee</b>	
	<b>No of Elected Members appointed by Council:</b> Eleven, none of whom may be a Cabinet Member.	<b>Chairman and Vice-Chairman</b>  Appointed by Council.
	<b>Quorum:</b>  At least half the Members of the committee.	<b>Co-opted Members to be appointed by the Committee/Council</b>  No more than four non-voting members.
	<b>Functions determined by the Council</b>  1. City Centre Management; 2. Tourism, Culture & Recreation; 3. Environmental Capital; 4. Economic Development and Regeneration including Strategic Housing and Strategic	

	<p>Planning;</p> <ol style="list-style-type: none"> <li>5. Transport, Highways and Road Traffic;</li> <li>6. Flood Risk Management;</li> <li>7. Waste Strategy &amp; Management;</li> <li>8. Strategic Financial Planning;</li> <li>9. Partnerships and Shared Services; and</li> <li>10. Digital Services and Information Management.</li> </ol>
	<p><b>Functions determined by Statute</b></p> <p>To review and scrutinise flood risk management in accordance with Section 21F of the Local Government Act 2000 (as amended by the Flood and Water Management Act 2010 and under the Flood Management Overview &amp; Scrutiny (England) Regulations 2011 No. 697).</p>

### **3. SPECIFIC ROLE OF OVERVIEW AND SCRUTINY**

3.1 To review and scrutinise the planning, decisions, policy development, service provision and performance within their terms of reference as follows:

#### **POLICY DEVELOPMENT AND REVIEW**

3.2 Within their terms of reference the scrutiny functions will:

- (a) Help the Council and the Executive to develop its budget and policy framework and service Budgets;
- (b) Carry out research into and consultation about policy issues and possible options;
- (c) Consider and promote ways of encouraging the public to take part in developing the Council's policies;
- (d) Question Members of the Cabinet, Committees and senior officers about their views on policy proposals;
- (e) Work with outside organisations in the area to make sure the interests of local people are taken into account;
- (f) Question, and gather evidence from, any person who gives their permission; and
- (g) Monitor and scrutinise the implementation of Council policy.

#### **SCRUTINY**

3.3 The Scrutiny Committees will:

- (a) Review and scrutinise the Executive, Committee and officer decisions and performance in connection with the discharge of any of the Council's functions;
- (b) Review and scrutinise the Council's performance in meeting the aims of its policies and performance targets and/or particular service areas;
- (c) Question Members of the Executive, Committees and senior officers about their decisions and performance of the Council, both generally and in relation to particular decisions or projects;
- (d) Make recommendations to the Executive and the Council as a result of the scrutiny process;
- (e) Question, and gather evidence from any person with their consent;
- (f) Hold the Executive to account for the discharge of functions in the following ways:
  - i. By exercising the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or decisions which have been delegated to an officer;
  - ii. By scrutinising Key Decisions which the Executive is planning to take, as set out in the Forward Plan of executive decisions;

- iii. By scrutinising decisions the Executive are planning to make; and
  - iv. By scrutinising Executive decisions after they have been implemented, as part of a wider policy review.
- (g) To consider petitions submitted to it;
- (h) Establish ad-hoc Task and Finish Groups to investigate specific topics on a time-limited basis in accordance with the Scrutiny Committee Procedure Rules; and

## **CRIME AND DISORDER**

- 3.4 The Scrutiny Committee responsible for crime and disorder shall, and any sub committees may:
- (a) Act as the crime and disorder committee within the meaning of Section 19 of the Police and Justice Act 2006;
  - (b) Review or scrutinise decisions made, or other actions taken by bodies or persons responsible for crime and disorder strategies in the Peterborough area;
  - (c) Make reports or recommendations to the local authority on any local crime and disorder matter in relation to a member of the authority; and
  - (d) Consider any crime and disorder matters referred by any Member of the Council.

## **HEALTH ISSUES**

- 3.5 The Scrutiny Committee responsible for health and any sub committees shall undertake their responsibilities under section 244 of the National Health Service Act 2006 as follows:
- (a) May review and scrutinise any matter relating to the planning, provision and operation of the health service in the Peterborough area (including NHS Bodies and other NHS providers);
  - (b) Must invite interested parties to comment on the matter and provide reasonable notice;
  - (c) Take account of relevant information available to it and, in particular, from a Local Healthwatch organisation or representative;
  - (d) Acknowledge any referral within 20 working days and keep the referrer informed of any action taken;
  - (e) Request information about the planning, provision and operation of health services in the area to enable it to carry out its functions;
  - (f) Make reports or recommendations on a matter it has reviewed or scrutinised including;
    - i) An explanation of the matter reviewed or scrutinised;
    - ii) A summary of the evidence considered;
    - iii) A list of the participants involved in the reviews; and
    - iv) An explanation of any recommendations made.
  - (g) Where the Committee asks for a response, the person must respond in writing within 28 days of the request.

- 3.6 The Committee will consider any proposals received from a National Health Service body, Clinical Commissioning Groups or other provider about;
- (a) Any substantial development of the health service in Peterborough; or
  - (b) Any substantial variation to the provision of NHS Services as set out the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 3.7 In considering the proposals, the Committee must take account of the effect or potential effect of the proposals on the sustainability of the Health Service in its areas and may refer proposals to the Secretary of State in certain circumstances.

## **FLOOD RISK MANAGEMENT**

- 3.8 The Scrutiny Committee responsible for flood risk management, and any sub committees shall undertake their responsibilities under the Flood and Water Management Act 2010 as follows:
- (a) May review and scrutinise any matter relating to the planning, provision and operation of the flood risk management in the Peterborough area;
  - (b) May invite those authorities responsible for flood risk management to comment on the matter;
  - (c) Request information from them to enable it to carry out its responsibilities; and
  - (d) Make reports or recommendations and request a response from flood risk management authorities.

## **4. MEMBERSHIP**

- 4.1 All Members, except Members of the Executive, may be a member of a Scrutiny Committee. However, no Member may be involved in scrutinising a decision with which he or she has been directly involved. Members of the Health and Wellbeing Board should not be a member of the Health Scrutiny Committee.
- 4.2 It is advised that Members undertake relevant training within the past three years in order to hold a seat on a Scrutiny Committee.

## **CO-OPTES**

- 4.3 The Scrutiny Committees shall be entitled to co-opt, as non-voting members, up to four external representatives or otherwise invite participation from non-members where this is relevant to their work.
- 4.4 The Children and Education Scrutiny Committee shall include in its membership the following representatives. These representatives will have full voting and call-in rights on education matters only, and when other matters are dealt with they may stay in the meeting and speak:
- (a) 1 Church of England Diocese representative;
  - (b) 1 Roman Catholic Diocese representative; and
  - (c) 2 parent governor representatives.

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<b>ADULTS AND COMMUNITIES SCRUTINY COMMITTEE</b>	<b>AGENDA ITEM No. 11</b>
<b>30 March 2020</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan, Director of Law and Governance		
Cabinet Member(s) responsible:	Cabinet Member for Resources		
Contact Officer(s):	David Beauchamp, Democratic Services Officer	Tel. 01733 384628	

**FORWARD PLAN OF EXECUTIVE DECISIONS**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Director of Law and Governance	<b>Deadline date:</b> N/A
<p>It is recommended that the Adults and Communities Scrutiny Committee:</p> <ol style="list-style-type: none"> <li>1. Considers the current Forward Plan of Executive Decisions and identifies any relevant items for inclusion within their work programme or request further information.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 The report is presented to the Committee in accordance with the Terms of Reference as set out in section 2.2 of the report.

**2. PURPOSE AND REASON FOR REPORT**

2.1 This is a regular report to the Adults and Communities Scrutiny Committee outlining the content of the Forward Plan of Executive Decisions.

2.2 This report is for the Adults and Communities Scrutiny Committee to consider under its Terms of Reference No. Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3.3:

The Scrutiny Committees will:

(f) Hold the Executive to account for the discharge of functions in the following ways:

*ii)* By scrutinising Key Decisions which the Executive is planning to take, as set out in the Forward Plan of Executive Decisions;

**3. TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
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**4. BACKGROUND AND KEY ISSUES**

4.1 The latest version of the Forward Plan of Executive Decisions is attached at Appendix 1. The Forward Plan contains those Executive Decisions which the Leader of the Council believes that the Cabinet or individual Cabinet Member(s) can take and any new key decisions to be taken

after 12 October 2020.

4.2 The information in the Forward Plan of Executive Decisions provides the Committee with the opportunity of considering whether it wishes to seek to influence any of these executive decisions, or to request further information.

4.3 If the Committee wished to examine any of the executive decisions, consideration would need to be given as to how this could be accommodated within the work programme.

4.4 As the Forward Plan is published fortnightly any version of the Forward Plan published after dispatch of this agenda will be tabled at the meeting.

## **5. CONSULTATION**

5.1 Details of any consultation on individual decisions are contained within the Forward Plan of Executive Decisions.

## **6. ANTICIPATED OUTCOMES OR IMPACT**

6.1 After consideration of the Forward Plan of Executive Decisions the Committee may request further information on any Executive Decision that falls within the remit of the Committee.

## **7. REASON FOR THE RECOMMENDATION**

7.1 The report presented allows the Committee to fulfil the requirement to scrutinise Key Decisions which the Executive is planning to take, as set out in the Forward Plan of Executive Decisions in accordance with their terms of reference as set out in Part 3, Section 4 - Overview and Scrutiny Functions, paragraph 3.3.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

8.1 N/A

## **9. IMPLICATIONS**

### **Financial Implications**

9.1 N/A

### **Legal Implications**

9.2 N/A

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

10.1 None

## **11. APPENDICES**

11.1 Appendix 1 – Forward Plan of Executive Decisions

# **PETERBOROUGH CITY COUNCIL'S FORWARD PLAN OF EXECUTIVE DECISIONS**

PUBLISHED: 11 SEPTEMBER 2020

# FORWARD PLAN

## **PART 1 – KEY DECISIONS**

In the period commencing 28 clear days after the date of publication of this Plan, Peterborough City Council's Executive intends to take 'key decisions' on the issues set out below in **Part 1**. Key decisions relate to those executive decisions which are likely to result in the Council spending or saving money in excess of £500,000 and/or have a significant impact on two or more wards in Peterborough.

If the decision is to be taken by an individual Cabinet Member, the name of the Cabinet Member is shown against the decision, in addition to details of the Councillor's portfolio. If the decision is to be taken by the Cabinet, this too is shown against the decision and its members are as listed below:  
Cllr Holdich (Leader); Cllr Fitzgerald (Deputy Leader); Cllr Ayres; Cllr Cereste; Cllr Hiller; Cllr Seaton; Cllr Walsh; Cllr Allen and Cllr Farooq.

This Plan should be seen as an outline of the proposed decisions for the forthcoming month and it will be updated on a fortnightly basis to reflect new key-decisions. Each new Plan supersedes the previous Plan and items may be carried over into forthcoming Plans. Any questions on specific issues included on the Plan should be included on the form which appears at the back of the Plan and submitted to philippa.turvey@peterborough.gov.uk, Democratic and Constitutional Services Manager, Legal and Governance Department, Town Hall, Bridge Street, PE1 1HG (fax 08702 388039). Alternatively, you can submit your views via e-mail to or by telephone on 01733 452460. For each decision a public report will be available from the Democratic Services Team one week before the decision is taken.

## **PART 2 – NOTICE OF INTENTION TO TAKE DECISION IN PRIVATE**

Whilst the majority of the Executive's business at the Cabinet meetings listed in this Plan will be open to the public and media organisations to attend, there will be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. In these circumstances the meeting may be held in private, and on the rare occasion this applies, notice will be given within **Part 2** of this document, 'notice of intention to hold meeting in private'. A further formal notice of the intention to hold the meeting, or part of it, in private, will also be given 28 clear days in advance of any private meeting in accordance with The Local Authorities (Executive Arrangements) Meetings and Access to Information) (England) Regulations 2012.

The Council invites members of the public to attend any of the meetings at which these decisions will be discussed (unless a notice of intention to hold the meeting in private has been given).

## **PART 3 – NOTIFICATION OF NON-KEY DECISIONS**

For complete transparency relating to the work of the Executive, this Plan also includes an overview of non-key decisions to be taken by the Cabinet or individual Cabinet Members, these decisions are listed at **Part 3** and will be updated on a weekly basis.

You are entitled to view any documents listed on the Plan, or obtain extracts from any documents listed or subsequently submitted to the decision maker prior to the decision being made, subject to any restrictions on disclosure. There is no charge for viewing the documents, although charges may be made for photocopying or postage. Documents listed on the notice and relevant documents subsequently being submitted can be requested from Philippa Turvey, Democratic and Constitutional Services Manager, Legal and Governance Department, Town Hall, Bridge Street, PE1 1HG (fax 08702 388038), e-mail to [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@peterborough.gov.uk) or by telephone on 01733 452460.

All decisions will be posted on the Council's website: [www.peterborough.gov.uk/executivedecisions](http://www.peterborough.gov.uk/executivedecisions). If you wish to make comments or representations regarding the 'key decisions' outlined in this Plan, please submit them to the Democratic and Constitutional Services Manager using the form attached. For your information, the contact details for the Council's various service departments are incorporated within this Plan.

**PART 1 – FORWARD PLAN OF KEY DECISIONS**

**KEY DECISIONS FROM 12 OCTOBER 2020**

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
<p><b>Sale of the freehold of the London Road Stadium and the Allia Business Centre – KEY/12OCT20/01</b></p> <p>Sale of the freehold of the London Road Stadium and the Allia Business Centre</p>	<p><b>Councillor David Seaton, Cabinet Member for Finance</b></p>	<p><b>January 2021</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Fletton and Stanground</p>	<p>Relevant internal and external stakeholders.</p>	<p>Pete Carpenter, Acting Corporate Director Resources, Tel: 01733 452520, Email: peter.carpenter@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p> <p><b>The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).</b></p>

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
<b>COVID-19 Urgent and Surge Community Swabbing Service - delegation of function to Cambridgeshire County Council - KEY/12OCT20/02 - Decision to delegate a function</b>	<b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health and Public Health</b>	<b>31 October 2020</b>	<b>Health Scrutiny Committee</b>	All Wards	Consultation with Public Health	Dr Emily Smith, Consultant Public Health, CCC & PCC, 07788389673 emilyr.smith@cambridgeshire.gov.uk	It is not anticipated that there will be any documents other than the report and relevant appendices to be published.

**PREVIOUSLY ADVERTISED KEY DECISIONS**

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
<p>1. <b>Affordable Warmth Strategy 2019 – 2021 - KEY/17APR17/03</b>                      Recommendation to approve the Affordable Warmth Strategy 2019 – 2021</p>	<p><b>Councillor Walsh, Cabinet Member for Communities</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All wards</p>	<p>Relevant internal and external stakeholders.</p> <p>The draft strategy will be placed on PCC Consultation pages for 3 week consultation period</p>	<p>Sharon Malia, Housing Programmes Manager,                      Tel: 01733 863764                      Email: sharon.malia@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p> <p>BRE Integrated Dwelling Level Housing Stock Modelling Report July 2016 Housing Renewals Policy 2017 – 2019</p>

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2.	<b>Disposal of freehold in Centre of the City - KEY/12JUN18/01</b> To delegate authority to the Corporate Director of Growth and Regeneration to sell the property	<b>Councillor Seaton, Cabinet Member for Finance</b>	<b>September 2020</b>	Growth, Environment and Resources Scrutiny Committee	Central	Relevant internal and external stakeholders	Peter Carpenter, Acting Corporate Director, Resources Tel: 0792016012 2 Email: Peter.carpenter@peterborough.gov.uk	It is not anticipated that there will be any documents other than the report and relevant appendices to be published.  <b>The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).</b>

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<p>3. <b>To approve the awarding of contracts to external providers following a competitive tender exercise led by Cambridgeshire County Council - KEY/25JUNE18/02</b>            Cambridgeshire County has recently conducted a tendering exercise to establish a Dynamic Purchasing System for the provision Supported Living Services for Adults with a Learning Disability (Reference number: DN311905). Peterborough City Council is the named authority under this arrangement and would want to commission care and support packages (call-off).</p>	<p><b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Adult Social Care, Health &amp; Public Health</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal and external stakeholders</p> <p>Relevant consultations has been carried out with the service users, family carers, Health colleagues and care and support providers across Cambridgeshire and Peterborough.</p>	<p>Cris Green, Commissioner for Learning Disabilities &amp; Autism, 0793261226 6419, cris.green@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

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<p>4. <b>Adoption of the “Dynamic Purchasing System” (DPS) procedure for Public Health contracts with Primary Care providers – KEY/10DEC18/01</b>            To seek the approval to adopt the “Dynamic Purchasing System” (DPS) procedure for contracts with Primary Care providers for the duration of up to five years. The proposals have been approved by the Cambridgeshire and Peterborough Joint Commissioning Board.</p>	<p><b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Adult Social Care, Health &amp; Public Health</b></p>	<p><b>September 2020</b></p>	<p>Health Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal and external stakeholders.</p>	<p>Val Thomas, Consultant in Public Health            Val.Thomas@cambridge-shire.gov.uk            01223 703264/            07884 183374</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

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167	<p><b>5. Vehicle removal for Parking contravention – KEY/15APR19/02</b> To ask the Cabinet Member to approve the policy to implement a scheme to remove vehicles of persistent offenders in breach of parking restrictions in the City and to appoint the Local Authority Trading Company to act as the authorised agent of the policy.</p>	<p><b>Councillor Walsh, Cabinet Member for Communities</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All Wards</p>	<p>Details of any consultation to be decided.</p> <p>Relevant internal and external stakeholders.</p>	<p>Adam Payton, PES Senior Officer, Parking Lead, 01733 452314 adam.payton@peterborough.gov.uk</p>	<p>Prevention and Enforcement Service Vehicle Removal For Parking Contraventions Policy and Guidance</p>
	<p><b>6. Approval for contract to be awarded to Skanska to deliver design of Eastern Industries Access Phase 1 scheme - KEY/10JUN19/01</b> Approval for contract to be awarded to Skanska to deliver design of Eastern Industries Access Phase 1 scheme. The council has received funding (£550k) from the Cambridgeshire and Peterborough Combined Authority to deliver the scheme.</p>	<p><b>Councillor Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>East Ward</p>	<p>Relevant internal and external stakeholders.</p> <p>Consultation will take place with residents and key stakeholders at the relevant stage of the scheme.</p>	<p>Lewis Banks, Principal Sustainable Transport Planning Officer, 01733 317465, lewis.banks@peterborough.gov.uk</p>	<p>Cambridgeshire and Peterborough Combined Authority meeting notes confirming grant funding allocation. Also CMDN for award of contract to Skanska for provision of Professional Services under Peterborough Highway Services partnership.</p>

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<p>7. <b>Approval for contract to be awarded to Skanska to deliver design of A1260 Nene Parkway Junction 15 Improvement scheme – KEY/10JUN19/02</b>  The Council has previously received funding of £362.4k from the Cambridgeshire and Peterborough Combined Authority (CPCA) to deliver the strategic outline business case and outline business case for A1260 Nene Parkway Junction 15 improvement scheme. Now that these stages are complete, the CPCA is in the process of awarding a further £650k so that the detailed design and full business case can be undertaken. The additional funding for the scheme subject to approval will now total £1,012,400. Approval is required for contract to be awarded to Skanska to undertake detailed design and full business case for the scheme.</p>	<p><b>Councillor Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>West Ward</p>	<p>Relevant internal and external stakeholders</p> <p>Consultation will take place with residents and key stakeholders at the relevant stage of the scheme.</p>	<p>Lewis Banks, Principal Sustainable Transport Planning Officer, 01733 317465, lewis.banks@peterborough.gov.uk</p>	<p>Cambridgeshire and Peterborough Combined Authority meeting notes confirming grant funding allocation. Also CMDN for award of contract to Skanska for provision of Professional Services under Peterborough Highway Services partnership.</p>

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8.  169	<p><b>Contract for remedial works by PCC to the Stanground Bypass – KEY/2SEP19/02</b></p> <p>To approve works to the Stanground bypass and authorise the associated package of work to be issued to Skanska Construction UK Limited under the Council's existing agreement with SKANSKA dated 18th September 2013 (the Highways Services Agreement).</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Stanground South and Hargate and Hempstead</p>	<p>Relevant internal and external stakeholders</p> <p>Standard consultation for highway schemes.</p>	<p>Charlotte Palmer, Group Manager – Transport and Environment, charlotte.palmer@peterborough.gov.uk</p>	<p>To be determined.</p>

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170	<p><b>9. Approval of funding for the provision of accommodation to reduce homelessness</b>  <b>KEY/14OCT19/01</b> – Following Cabinet Decision JAN18/CAB/18 this is a new project to increase the supply of housing and address the demand for accommodation resulting from the increase in homelessness.</p>	<p><b>Councillor Steve Allen, Cabinet Member for Housing, Culture and Recreation</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All</p>	<p>Relevant internal and external stakeholders.</p> <p>The issues associated with homelessness in Peterborough have been subject to significant discussion in various forums, including the Council's Adults and Communities Scrutiny, Cabinet and Full Council</p>	<p>Peter Carpenter, Acting Corporate Director of Resources  Email: peter.carpenter@peterborough.gov.uk  Tel: 01733 452520</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published. The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>

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<p><b>10. Introduction of Civil Enforcement of Bus Lane and Bus Gate contraventions pursuant to the Transport Act 2000 - KEY/09DEC19/02</b>            To ask the Cabinet Member to authorise the council to exercise its powers as an approved local authority under The Bus Lane Contraventions (Approved Local Authorities)(England) Order 2005 to issue civil penalties for breaches of Traffic regulation orders in relation to Bus Lanes or Bus Gates in Peterborough. Set the level of penalty charge payable for such an offence at £60, reduced to £30 if paid within 14 days. Join the Bus Lane Adjudication Service Joint Committee so arrangements are in place for an individual to appeal against the issue of a penalty charge notice. Authorise the use of approved devices (cameras) to carry out enforcement at sites where it is deemed necessary and the required infrastructure has been put in place.</p>	<p><b>Councillor Irene Walsh, Cabinet Member for Communities</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal stakeholders.  Cabinet member for Strategic Planning and Commercial Strategy and Investments will be consulted, as will members from any ward where a bus lane or bus gate is to be enforced.</p>	<p>Adam Payton, Senior PES Officer - Parking Lead, Tel: 01733 452314, Email: adam.payton@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

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<p><b>11. Disposal of land at 7-23 London Road, Peterborough - KEY/06JAN20/01</b> Approval to dispose of surplus land to a registered provider for redevelopment to social housing The disposal will be conditional on a successful planning consent; the application has yet to be made.</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Central</p>	<p>Relevant internal and external stakeholders.</p>	<p>Tristram Hill, Strategic Asset Manager, Tel: 07849 079787 Email: <a href="mailto:tristram.hill@peterborough.gov.uk">tristram.hill@peterborough.gov.uk</a></p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p> <p>There will be an exempt annex with details of the commercial transaction.</p>



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13.	<p><b>Contract Award for the Provision of Children and Family Centres in Peterborough and Cambridgeshire - KEY/20JAN19/01 -</b></p> <p>The contract for the delivery of children's centres is due to expire on 30 September 2020. Therefore a tender process is being undertaken for providers to deliver the services. This is a joint procurement for the Peterborough Children's Centres and Cambridgeshire Child and Family Centres in the South Fenland area. Approval will be sought to award a contract to the successful supplier following a compliant tender process.</p>	<p><b>Councillor Lynne Ayres, Cabinet Member for Children's Services and Education, Skills and University</b></p>	<p><b>September 2020</b></p>	<p>Children and Education Scrutiny Committee</p>	<p>All Wards.</p>	<p>Relevant internal and external stakeholders.</p>	<p>Pam Setterfield Children's, Commissioner 07920 160394</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
14.	<p><b>Heltwate Expansion – KEY20JAN19/03</b></p> <p>Expansion of Heltwate Primary School</p>	<p><b>Councillor Lynne Ayres, Cabinet Member for Children's Services and Education, Skills and University</b></p>	<p><b>September 2020</b></p>	<p>Children and Education Scrutiny Committee</p>	<p>Bretton</p>	<p>Public Consultation to be held March 2020 prior to planning submission in April 2020</p>	<p>Vikki Spittalls, Education Capital Projects Officer, vikki.spittalls@cambridgeshire.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

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<p>15. <b>Refurbishments to a Peterborough City Council owned building – KEY/17JAN20/01</b>  The decision is to proceed with refurbishments to a PCC owned building; this building was previously Ofsted Registered as a Children’s Home providing Short Breaks/Respite to children and young people with disabilities and complex needs. The in-house provision was re-designated in November 2018. The premises will now be redeveloped to enable single occupancy residency for a child/young person.</p> <p>This item has been added to the Forward Plan so we are able to proceed with the plans, if/when funding is received from NHSE. The procurement, and the works, need to progress as expediently as possible to allow transition of the child/young person into a residence which has been specifically designed to meet need.</p>	<p><b>Councillor Lynne Ayres, Cabinet Member for Children’s Services and Education, Skills and University</b></p>	<p><b>September 2020</b></p>	<p>Children and Education Scrutiny Committee</p>	<p>Dogsthorpe</p>	<p>Relevant internal and external stakeholders.</p> <p>As a formal tender process has not commenced, a formal consultation with the nearby residents has not yet been undertaken.</p>	<p>Zoe Redfern-Nichols, Commissioner - Zoe.Redfern-Nichols@peterborough.gov.uk 07583 040523</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

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176	<p><b>16. A605 Whittlesey Access Phase 2 - Stanground Access: Contract exemption for Cadent Gas works – KEY/17JAN20/02</b></p> <p>Following a CMDN to approve the budget for the A605 Whittlesey Access Phase 2 - Stanground Access highway scheme (DEC19/CMDN/63); a further CMDN is required to seek an exemption from the Council's contract rules to contract with Cadent Gas in order for them to undertake essential works associated with the highway scheme.</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Stanground South</p>	<p>Relevant internal and external stakeholders.</p> <p>Appropriate level consultation will take place with all relevant stakeholders. This will take place alongside Skanska to ensure consultation details align with delivery programmes and final design details</p>	<p>Lewis Banks, Principal Sustainable Transport Planning Officer, 01733 317465, lewis.banks@pet erborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p> <p>A605 Whittlesey Access Phase 2 - Stanground Access - DEC19/CMDN/63 - <a href="https://democracy.p eterborough.gov.uk/i eDecisionDetails.aspx?ID=1680">https://democracy.p eterborough.gov.uk/i eDecisionDetails.aspx?ID=1680</a></p>

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177	<b>17. Amendment to Loan Facility - KEY/2MAR20/04</b> - A decision is required to amend the terms of an existing loan facility	<b>Councillor David Seaton, Cabinet Member for Finance</b>	<b>September 2020</b>	Growth, Environment and Resources Scrutiny Committee	All Ward	Detailed consultation was undertaken in the original decision to offer the loan facility.	Peter Carpenter, Acting Corporate Director of Resources. Email: <a href="mailto:peter.carpenter@peterborough.gov.uk">peter.carpenter@peterborough.gov.uk</a> Tel: 07920160122	It is not anticipated that there will be any documents other than the report and relevant appendices to be published.  The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).

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<p><b>18.</b> <b>Approval for Framework for Early Intervention and Prevention Services</b>  <b>KEY/27APR20/02</b> - Approval for Pseudo Framework for the commissioning of Early Intervention and Prevention Services in Peterborough</p>	<p><b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health and Public Health</b></p>	<p><b>December 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal and external stakeholders.</p>	<p>Sarah Bye, Senior Commissioner for Early Intervention and Prevention.  Email: sarah.bye@cambridgeshire.gov.uk  Tel: 07468 718793</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
<p><b>19.</b> <b>Re-implementation of the Millfield, New England, Eastfield and Embankment Public Space Protection Order – KEY/11MAY20/01</b>  The current PSPO for Millfield, New England, Eastfield and Embankment expires in July 2020. Orders can be extended for a further 3 years provided that they are reviewed and extended prior to the order expiring. This decision request will consider the enforcement levels of the current order carried out in the last 3 years, current crime and anti-social behaviour levels for the order area and the outcomes of the consultation with the public and interested parties.</p>	<p><b>Councillor Irene Walsh, Cabinet Member for Communities</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>Central, North, Park and East Wards</p>	<p>Relevant internal and external stakeholders.</p> <p>A consultation will be carried out with the Police &amp; Crime Commissioner, Chief Constable, Ward Councillors, Key Interested Parties directly. A 28 day public consultation will be made available to the public and all other interested parties online on the council's website, with hard copies available on request.</p>	<p>Laura Kelsey, Senior Problem Solving Officer, T: 01733 453563  laura.kelsey@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

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<p><b>20. Award of Community Alarm (Lifeline) Contract to commence 1/4/2021 – KEY/8JUN20/01</b> Award of Lifeline contract to successful bidder following formal procurement process.</p>	<p><b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health and Public Health</b></p>	<p><b>November 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All wards.</p>	<p>Relevant internal and external stakeholders.</p> <p>Public consultation through PCC medium term financial strategy 2020-21</p>	<p>Diana Mackay, Commissioner. diana.mackay@cambridgeshire.gov.uk, 07879 430819</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
<p><b>21. Supply of Agency Staff to the Council – KEY/8JUN20/02</b> Framework Agency contracts for the supply of staff to the Council expire in September 2020. This process puts in place a replacement set of contract(s).</p>	<p><b>Councillor Mohammed Farooq, Cabinet Member for Digital Services and Transformation</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All wards.</p>	<p>Relevant internal and external stakeholders.</p> <p>Normal Contract, no further consultation required further than affected internal stakeholders</p>	<p>Pete Carpenter, Acting Corporate Director Resources, 01733 452520, peter.carpenter@peterborough.gov.uk</p>	<p>Analysis of options and recommended solution</p>
<p><b>22. Acquisition of a freehold commercial property in Peterborough City Centre – KEY/8JUN20/03</b> - Acquisition of a freehold property for a community hub.</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Central</p>	<p>Relevant internal and external stakeholders.</p>	<p>Tristram Hill, Strategic Asset Manager, Tel: 07849 079787 Email: tristram.hill@peterborough.gov</p>	<p>The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>

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<p><b>23. Approval of the adoption of Child Yield Multipliers (0-16 age range) - KEY/06JUL20/02</b>  - To approve the adoption of child yield multipliers for children in the 0-16 age range in order to better inform the planning of early years and education places in new communities and growing communities</p>	<p><b>Cabinet</b></p>	<p><b>16 November 2020</b></p>	<p>Children and Education Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal and external stakeholders.</p>	<p>Clare Buckingham-Strategic Education Places Planning Manager (Cambridgeshire and Peterborough)  01223 699779  clare.buckingham@cambridgeshire.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published</p>
<p><b>24. Mental Health and Autism (Adults) Accommodation Framework - KEY/20JUL20/03</b>  The Award of a Framework for the provision of accommodation based support for Adults with Mental Health needs and/or Autism.</p>	<p><b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health and Public Health</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All</p>	<p>No further consultation undertaken</p>	<p>Sarah Bye, Senior Commissioner, Tel:07468 718793, Email: sarah.bye@camb ridgeshire.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
<p>25. <b>Review and Re-Implementation of Gating and Designated Public Place Orders (Public Space Protection Orders) – KEY/17AUG20/01</b>  The Local Authority is required to review the Designated Public Place Orders (DPPOs) and Gating Orders across Peterborough and re-implement these (if required) by October 2020 - under the ASB, Crime &amp; Policing Act these orders converted to Public Space Protection Orders in October 2017.</p>	<p><b>Councillor Irene Walsh, Cabinet Member for Communities</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>Orton Longueville Ward, Orton Waterville Ward, Dogsthorpe Ward, Park Ward, North Ward, Paston &amp; Walton Ward</p>	<p>Relevant internal and external stakeholders.   For orders where there is evidence that these are still required the following will be consulted: Statutory consultees, ward councillors, key interested parties and the public.</p>	<p>Laura Kelsey, Senior Problem Solving Officer, Prevention &amp; Enforcement Service 01733 453563  laura.kelsey@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
<p>26. <b>Approval for contract to be awarded to Skanska to deliver detailed design and full business case for A1260 Nene Parkway Junction 32 to Junction 3 improvement scheme - KEY/17AUG20/03</b>  The Council has previously received funding of £352.4k from the Cambridgeshire and Peterborough Combined Authority (CPCA) to deliver the strategic outline business case and outline business case for A1260 Nene Parkway Junction 32 to Junction 3 improvement scheme. Now that these stages are complete, the CPCA is in the process of awarding a further £500k so that the detailed design and full business case can be undertaken. The additional funding for the scheme subject to approval will now total £852.4k. Approval is required for the contract to be awarded to Skanska to undertake detailed design and full business case for the scheme.</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Hargate &amp; Hempsted Ward and Orton Longueville Ward</p>	<p>Consultation will be undertaken with members of the public and relevant to inform the detailed design.</p>	<p>Lewis Banks, Principal Sustainable Transport Planning Officer, Tel: 01733 317465, Email: lewis.banks@pet erborough.gov.uk</p>	<p>Currently the relevant documents for this decision are not available. The minutes of the CPCA Board meeting scheduled for 5 August 2020 will serve as confirmation of the additional grant funding award. The minutes and any supporting documents will be provided once they are made available.</p>

<b>KEY DECISION REQUIRED</b>		<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
27.	<p><b>Tender for the services of the Dementia Resource Centre Peterborough - KEY/17AUG20/04 -</b> The re-procurement of the Dementia Resource Centre and its services</p>	Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health and Public Health	<b>October 2020</b>	Health Scrutiny Committee	All Wards	Consultations with internal and external stakeholders have taken place	Jaynee Ramsurun, Assistant Commissioner - Mental Health, Tel: 07881 500 801 Email: Jaynee.ramsurun@cambridgeshire.gov.uk	Service specification, Cambridge and Peterborough Dementia Strategy
28.	<p><b>Dedication of common land at Tenter Hill – KEY/31AUG20/01</b> To approve the dedication of land to village green status at Tenter Hill.</p>	<b>Councillor Steve Allen, Cabinet Member for Housing, Culture and Recreation</b>	<b>September 2020</b>	Growth, Environment and Resources Scrutiny Committee	Fletton and Stangr ound	Relevant internal and external stakeholders.  Consultation has taken place between the ward councillor, PCC Legal and the planning department.	Tristram Hill. Strategic Asset Manager, 07849 079787, tristram.hill@pete rborough.gov.uk	It is not anticipated that there will be any documents other than the report and relevant appendices to be published.

<b>KEY DECISION REQUIRED</b>		<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
29.	<p><b>Arrangements for transfer of land for the new Peterborough University – KEY/31AUG20/02</b></p> <p>This report requires a decision to be made on the final form of legal arrangements concerning the transfer of Council owned land at the Wirrina Car Park for the new University, now that Anglia Ruskin has been chosen as the Academic Partner. It seeks approval for a 3 way venture between the Council, CPCA and ARU.</p>	<b>Cabinet</b>	<b>21 September 2020</b>	Children and Education Scrutiny Committee	Central	<p>Relevant internal and external stakeholders.</p> <p>There has been consultation with various partners over plans for the new University. There will be wider public consultation on the first phase buildings through the planning process.</p>	Dave Anderson Interim development Director, 01733 452468, Dave.Anderson@peterborough.gov.uk	It is not anticipated that there will be any documents other than the report and relevant appendices to be published
30.	<p><b>Integrated Community Equipment Service – KEY/31AUG20/03</b></p> <p>Contract extension to 31/3/2022</p>	<b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Health and Public Health</b>	<b>October 2020</b>	Adults and Communities Scrutiny Committee	All wards.	<p>Relevant internal and external stakeholders</p> <p>No additional consultations have been conducted in respect of this decision</p>	Diana Mackay, Commissioner (Adults), 07879 430819, diana.mackay@cambridgeshire.gov.uk	It is not anticipated that there will be any documents other than the report and relevant appendices to be published.

<b>KEY DECISION REQUIRED</b>		<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
<b>31.</b>	<p><b>Purchase of new Fleet and Plant for Environment Base Services – KEY/31AUG20/04</b> Approval for Capital funding to be released from the capital programme to fund the purchase of new fleet and plant for delivering Environment Base Services delivered by Peterborough Limited.</p>	<p><b>Councillor Marco Cereste , Cabinet Member for Waste, Street Scene and the Environment</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All wards</p>	<p>Relevant internal and external stakeholders</p>	<p>Kitran Eastman, Managing Director, Peterborough Ltd kitran.eastman@peterboroughlimited.co.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
<b>32.</b> 185	<p><b>8 month extension to the Interim, Respite and Reablement beds in Peterborough – KEY/14SEP20/01</b> The Interim, Respite and Reablement beds in Peterborough are due to expire on 31/03/2021. An extension to 27/11/2021 is requested in order to allow an assessment and redevelopment of a new step up/step down service to reduce hospital admission and facilitate hospital discharge.</p>	<p><b>Councillor Fitzgerald, Deputy Leader and Cabinet Member for Integrated Adult Social Care and Public Health</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All wards</p>	<p>None - not needed at this stage</p>	<p>Alison Bourne, Commissioner, Tel: 01223 703584 Email: alison.bourne@cambridgeshire.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
<p><b>33. Pupil Forecasts – Adoption of Multipliers for Forecasting Education Provision Arising from New Developments – KEY/28SEP20/01</b> To approve the adoption of child yield multipliers which are one of the forecasting tools used in the planning of education provision in new and expanding communities and inform.</p>	<p><b>Councillor Lynne Ayres, Cabinet Member for Children’s Services and Education, Skills and University</b></p>	<p><b>November 2020</b></p>	<p>Children and Education Scrutiny Committee</p>	<p>All Wards</p>	<p>None specifically. This is a forecasting tool but part of the work to develop it involves surveying recent new communities e.g. The Hamptons, Paston and Cardea</p>	<p>Clare Buckingham, Strategic Education Place Planning Manager for Cambridgeshire and Peterborough, 01223 699779 <a href="mailto:clare.buckingham@cambridgeshire.gov.uk">clare.buckingham@cambridgeshire.gov.uk</a></p>	<p>Methodology Paper from Business Intelligence Service will be an Appendix to the Report</p>
<p><b>34. Disposal of Whitworth Mill – KEY/28SEP20/02</b> The decision concerns a proposal to sell Whitworth Mill to an under bidder following the withdrawal of the previous bidder.</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>October 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Fletton and Stangr ound</p>	<p>Relevant internal and external stakeholders.  The proposal to dispose of the property was subject to an open market bidding process from November 2019 to January 2020</p>	<p>Dave Anderson Interim Development Director Tel: 07810 839657 Email: <a href="mailto:Dave.Anderson@peterborough.gov.uk">Dave.Anderson@peterborough.gov.uk</a></p>	<p>Property Agents report</p>

<b>KEY DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b>
<p><b>35.</b> <b>Proposed transfer of the management for the Energy Hub from the CPCA to PCC – KEY/28SEP20/03</b>  The Energy Hub is one of five hubs created and funded by Central Government, which aims to advance new energy schemes, energy saving programmes, carbon reduction and promote renewables. One of the partners of the Hub is required to act as the coordinating and employing organisation. Until now this has been the CPCA, but subject to agreeing suitable terms it is intended that this role will pass to PCC.</p>	<p><b>Councillor Marco Cereste , Cabinet Member for Waste, Street Scene and the Environment</b></p>	<p><b>October 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal and external stakeholders.</p>	<p>Elliot Smith, Commercial Manager - Smart Energy, Infrastructure and Regeneration, <a href="mailto:elliott.smith@peterborough.gov.uk">elliott.smith@peterborough.gov.uk</a></p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
<p><b>36.</b> <b>Agency Worker extensions – KEY/28SEP20/04</b>  Authority to extend the current corporate frameworks with agency worker providers for social care, and extend with Reed via the MSTAR framework for the provision of non-social care agency workers.</p>	<p><b>Councillor David Seaton, Cabinet Member for Finance</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All Wards</p>	<p>Relevant internal and external stakeholders.   Legal and Procurement</p>	<p>Peter Carpenter, Acting Corporate Director, Resources  Tel: 07920160122  Email: <a href="mailto:peter.carpenter@peterborough.gov.uk">peter.carpenter@peterborough.gov.uk</a></p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

**PART 2 – NOTICE OF INTENTION TO TAKE DECISIONS IN PRIVATE**

**KEY DECISIONS TO BE TAKEN IN PRIVATE**

<i><b>KEY DECISION REQUIRED</b></i>	<i><b>DECISION MAKER</b></i>	<i><b>DATE DECISION EXPECTED</b></i>	<i><b>RELEVANT SCRUTINY COMMITTEE</b></i>	<i><b>WARD</b></i>	<i><b>CONSULTATION</b></i>	<i><b>CONTACT DETAILS / REPORT AUTHORS</b></i>	<i><b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER</b></i>
<b>None.</b>							

**PART 3 – NOTIFICATION OF NON-KEY DECISIONS**

**NON-KEY DECISIONS**

<i><b>DECISION REQUIRED</b></i>	<i><b>DECISION MAKER</b></i>	<i><b>DATE DECISION EXPECTED</b></i>	<i><b>RELEVANT SCRUTINY COMMITTEE</b></i>	<i><b>WARD</b></i>	<i><b>CONSULTATION</b></i>	<i><b>CONTACT DETAILS / REPORT AUTHORS</b></i>	<i><b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b></i>
None							

**PREVIOUSLY ADVERTISED DECISIONS**

<i><b>DECISION REQUIRED</b></i>		<i><b>DECISION MAKER</b></i>	<i><b>DATE DECISION EXPECTED</b></i>	<i><b>RELEVANT SCRUTINY COMMITTEE</b></i>	<i><b>WARD</b></i>	<i><b>CONSULTATION</b></i>	<i><b>CONTACT DETAILS / REPORT AUTHORS</b></i>	<i><b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b></i>
190	<p><b>1. Disposal of former Barnack Primary School caretaker house -</b> Delegate authority to the Corporate Director of Growth and Regeneration to dispose of the property.</p>	<p><b>Councillor Seaton, Cabinet Member for Finance</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment &amp; Resources Scrutiny Committee</p>	<p>NVA</p>	<p>Relevant internal and external stakeholders.</p>	<p>Stuart Macdonald, Property Manager.  Tel: 07715 802 489. Email: stuart.macdonald@peterborough.gov.uk  Bill Tilah (Bill.Tilah@nps.co.uk)</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p> <p><b>The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).</b></p>

<b>DECISION REQUIRED</b>		<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
2.	<p><b>Approval of the leasehold disposal of a brownfield site to a care provider –</b> A site has been found for a care home and the Council are currently looking into a leasehold disposal to a care provider who will build a care facility and then contract to provide services to the Council.</p>	<p><b>Councillor Peter Hiller, Cabinet Member for Strategic Planning and Commercial Strategy and Investments</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Park Ward</p>	<p>Relevant internal and external stakeholders.</p> <p>A forum has been set up by the Combined Authority involving representatives from finance, legal, property and social care.</p>	<p>Tristram Hill - Strategic Asset Manager, 07849 079787, <a href="mailto:tristram.hill@nps.co.uk">tristram.hill@nps.co.uk</a></p>	<p>The decision will include an exempt annexe. By virtue of paragraph 3, information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>
3.	<p><b>Approval of Funding for the BID project -</b> To approve the provision of funding for the BID project</p>	<p><b>Councillor Seaton, Cabinet Member for Finance</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>Central Ward</p>	<p>No formal consultation has been done, a programme of business consultation is planned to take place</p>	<p>Jay Wheeler, Economic Development Manger and Dave Anderson Interim Development Director Tel: 01733 452468 Email: <a href="mailto:dave.anderson@peterborough.gov.uk">dave.anderson@peterborough.gov.uk</a></p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>

<b>DECISION REQUIRED</b>		<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
192	<p><b>4. Modern Slavery Statement</b> To review and agree for publication an updated Statement in compliance with the Modern Slavery Act 2015.</p>	<p><b>Councillor Walsh, Cabinet Member for Communities</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>All wards</p>	<p>Relevant internal and external stakeholders.</p>	<p>Rob Hill, Assistant Director: Public Protection, <a href="mailto:rob.hill@peterborough.gov.uk">rob.hill@peterborough.gov.uk</a></p> <p>Amy Brown, Senior Lawyer and Deputy Monitoring Officer, <a href="mailto:Amy.brown@peterborough.gov.uk">Amy.brown@peterborough.gov.uk</a></p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
	<p><b>5. Peterborough Limited Articles of Association –</b> To alter Peterborough Limited's Articles of Association, and to delegate the power under the Articles.</p>	<p><b>Cabinet</b></p>	<p><b>September 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All wards</p>	<p>Relevant internal and external stakeholders.</p>	<p>James Collingridge, Head of Environmental Partnerships, 01733864376, <a href="mailto:james.collingridge@peterborough.gov.uk">james.collingridge@peterborough.gov.uk</a></p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published</p>

<b>DECISION REQUIRED</b>	<b>DECISION MAKER</b>	<b>DATE DECISION EXPECTED</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
<p>6. <b>Leisure Facility Options Appraisal</b> - Cabinet Member approval to proceed with the development of a business case to test the viability of a new leisure facility in the city</p>	<p><b>Councillor Steve Allen, Cabinet Member for Housing, Culture and Recreation</b></p>	<p><b>September 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>N/A</p>	<p>None at this stage</p>	<p>Dave Anderson Interim Development Director Tel: 07810 839657 Email: Dave.Anderson@peterborough.gov.uk</p>	<p>It is not anticipated that there will be any documents other than the report and relevant appendices to be published.</p>
<p>7. <b>Adoption of Housing Related Support Commissioning Strategy</b> - A Housing Related Support Strategy is being developed for Peterborough and Cambridgeshire. This will set out the commissioning intentions for Housing Related Support Services and identify the commissioning priorities for 2021/22. Once adopted an Action plan will also be developed to monitor implementation.</p>	<p><b>Councillor Steve Allen, Cabinet Member for Housing, Culture and Recreation</b></p>	<p><b>October 2020</b></p>	<p>Adults and Communities Scrutiny Committee</p>	<p>N/A</p>	<p>N/A</p>	<p>Lisa Sparks, Commissioner - Housing Related Support, Tel: 07900163590, Email: lisa.sparks@cambridgeshire.gov.uk</p>	<p>Housing Related Support Strategy, Cambridgeshire and Peterborough</p>

**PART 4 – NOTIFICATION OF KEY DECISIONS TAKEN UNDER URGENCY PROCEDURES**

<b>DECISION TAKEN</b>	<b>DECISION MAKER</b>	<b>DATE DECISION TAKEN</b>	<b>RELEVANT SCRUTINY COMMITTEE</b>	<b>WARD</b>	<b>CONSULTATION</b>	<b>CONTACT DETAILS / REPORT AUTHORS</b>	<b>DOCUMENTS RELEVANT TO THE DECISION SUBMITTED TO THE DECISION MAKER INCLUDING EXEMPT APPENDICES AND REASONS FOR EXEMPTION</b>
<p><b>Transfer of Services from Vivacity to Peterborough Limited and City College Peterborough - AUG20/CMDN/22</b></p> <p>The Cabinet Member approved:</p> <ol style="list-style-type: none"> <li>1. The transfer of services provided by Vivacity to Peterborough Limited and City College Peterborough;</li> <li>2. The proposed client arrangements and the associated processes to re-open services;</li> <li>3. The draft timetable and review process to transfer these services to their final delivery provider;</li> <li>4. The financial remuneration package for Peterborough Limited and City College Peterborough to deliver services in this interim period.</li> </ol>	<p><b>Councillor Steve Allen, Cabinet Member for Housing, Culture and Recreation</b></p>	<p><b>24 August 2020</b></p>	<p>Growth, Environment and Resources Scrutiny Committee</p>	<p>All Wards</p>	<p>There has been consultation as this is a significant transfer including Staff of Vivacity, Council Cabinet, The Board of Peterborough Limited, The Governors of City College Peterborough, Unions.</p>	<p>Pete Carpenter, Acting Corporate Director Resources, Email: <a href="mailto:peter.carpenter@peterborough.gov.uk">peter.carpenter@peterborough.gov.uk</a>, 0792016 0122</p>	<p>N/A</p>