

# **Sustainable Communities Scrutiny Committee**

## **Agenda**

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**Date:** Thursday, 4th November, 2010  
**Time:** 10.30 am  
**Venue:** Committee Suite 1,2 & 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Apologies for Absence**

2. **Minutes of Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 7 October 2010 as a correct record

3. **Declarations of Interest/Whipping Declarations**

To provide an opportunity for Members and Officers to declare any personal and /or prejudicial interests in any item on the agenda.

4. **Public Speaking Time/Open Session**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** Katie Smith

**Tel:** 01270 686465

**E-Mail:** [katie.smith@cheshireeast.gov.uk](mailto:katie.smith@cheshireeast.gov.uk)

5. **Sexual Entertainment Venues - Schedule 3 Local Government (Miscellaneous Provision) Act 1982 (as amended)** (Pages 5 - 36)

To consider both the principle of adoption of the amendments to Schedule 3 and a draft policy on licensing of sexual entertainment venues, and formulate a consultation response to the Licensing Committee.

6. **Introduction to Restorative Practices within Cheshire Youth Offending Service** (Pages 37 - 44)

To receive an introduction to the Restorative Processes used within Cheshire Youth Offending Services.

7. **Work Programme** (Pages 45 - 50)

To give consideration to the work programme

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee**  
held on Thursday, 7th October, 2010 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor W Livesley (Vice-Chair, in the Chair)  
Councillor Murray for part of the meeting

Councillors E Alcock, A Barratt, M Davies, D Hough, J Jones, S Wilkinson and  
J Wray

**In attendance**

Councillors R Bailey, D Brown, B Moran, L Smetham and R Walker

**Officers**

J Blackburn

**Apologies**

Councillors J Crockatt, P Edwards, D Flude and M Hardy

**47 MINUTES OF PREVIOUS MEETING****RESOLVED**

That subject to Councillor D Brown being added to those in attendance, the minutes of the meeting held on 2 September 2010 be approved as a correct record and signed by the Chairman.

**48 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS**

None

**49 PUBLIC SPEAKING TIME/OPEN SESSION**

None

**50 LOCAL AREA PARTNERSHIPS**

Consideration was given to a presentation, which outlined to the Committee that the Local Area Partnership's (LAP's) brought together a wide range of people from the statutory, voluntary and community sectors. By working together they focus collective effort on what really matters, delivering improved outcomes for

local people and places. Their role was to improve services, ensure people influence decision making and actively engage and empower communities.

It was reported that there were 7 LAP's covering the Borough, which all operated differently partly due to the geography of the areas. Councillors Wilkinson, Chairman of the Knutsford LAP; Moran, Chairman of the Congleton LAP and Walker, Chairman of the Nantwich LAP, attended the meeting to explain how their partnerships were operating. It was generally agreed that the LAP's were working well and evolving; however there should be greater focus on delivery and communication needed to be improved. This should be done through better engagement with the public, publishing meetings and achievements and involving members of the public. One of the next steps would be to move towards quarterly assemblies, which was hoped would be more inclusive for Councillors and members of the public.

### RESOLVED

1. That steps be taken to improve publicity of the LAP's and communication with members of the public.
2. That a report be brought back to the committee in 9 months time

## **51 FUNDING FOR THE COMMUNITY AND VOLUNTARY SECTOR IN CHESHIRE EAST**

The Committee received an overview of funding support from Cheshire East to the community and voluntary sector. The report identified how funding for the sector was being considered as part of the business planning process for 2011/12, what communication was taking place with the sector in terms of funding and the next steps in co-ordinating this work across the Council.

It was noted that one of the next steps would be to refine the current list of funding/grants and check that all the relevant funding had been included across the service areas. The Committee requested to receive the current list, however the Portfolio Holder stated that it would not be available for circulation until a policy had been agreed, the information had been brought together and then debated by Corporate Management Team and Cabinet at an away day. Members raised strong concerns regarding this response and eventually it was agreed that the information would be circulated to the Committee as a confidential document.

### RESOLVED

That the current list of funding/grants be circulated to the Committee as a confidential document.

## **52 COMMUNITY SAFETY WARDEN TASK AND FINISH GROUP**

It was reported that the Task and Finish Group had now met with an external service provider and a representative of the Police. The final report would be brought to Committee on 2 December 2010.

## **53 WORK PROGRAMME**

Consideration was given to the work programme. The following amendments were made:

1. A report of the Community Safety Warden Task and Finish Group and a report on the Deployment of the PCSO's/update on the SLA be considered at the Scrutiny Committee scheduled to be held on 2 December 2010.
2. That the work of the LAP's be reviewed in July 2011.
3. That the response to NI47 be considered at the meeting scheduled to take place on 18 January 2010.

RESOLVED

That the work programme be amended to reflect the issues highlighted above.

### 54 **FORWARD PLAN**

RESOLVED

That the extracts of the forward plan which fall within the remit of the Committee be noted.

The meeting commenced at 2.00 pm and concluded at 3.35 pm

Councillor W Livesley (Vice-Chair, in the Chair)

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE**

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<b>Date of Meeting:</b>	<b>4<sup>th</sup> November 2010</b>
<b>Report of:</b>	<b>Kate Khan, Legal Services on behalf of Licensing Manager</b>
<b>Subject/Title:</b>	<b>Sexual Entertainment Venues - Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 (as amended)</b>

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#### **1.0 Report Summary**

- 1.1 The report provides background information in relation to the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, made by section 27 of the Policing and Crime Act 2009, in relation to 'sexual entertainment venues.' The report requests that the Committee consider both the principle of adoption of the amendments to Schedule 3 and a draft policy on the licensing of sexual entertainment venues, and formulates a consultation response to the Licensing Committee.

#### **2.0 Recommendations**

- 2.1 The Committee is requested to consider:
- 2.1.1 the proposed adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009, within the Borough of Cheshire East; and
- 2.1.2 the draft policy on the licensing of sexual entertainment venues set out within the appendix to the report; and

and to formulate a consultation response to be submitted to the Licensing Committee.

#### **3.0 Reasons for Recommendations**

- 3.1 The Licensing Committee has authorised a consultation exercise in relation to the adoption of the amended Schedule 3 of the 1982 Act and a draft policy in relation to the licensing of sexual entertainment venues. The consideration of this matter falls within the remit of the Sustainable Communities Scrutiny Committee.

#### **4.0 Wards Affected**

- 4.1 All

**5.0 Local Ward Members**

5.1 All

**6.0 Policy Implications including - Climate change  
- Health**

6.1 The report requests that comments are made on a draft policy on the licensing of sexual entertainment venues.

**7.0 Financial Implications 2010/11 and beyond (Authorised by the Borough Treasurer)**

7.1 The consultation exercise includes a consultation on the proposed fees which would apply to applications for sexual entertainment venues (if the legislation were to be adopted). The proposed fees are as follows: New application: £2,260; Renewal: £1,130; Transfer: £500

**8.0 Legal Implications (Authorised by the Borough Solicitor)**

8.1 Section 27 of the Policing and Crime Act 2009, which came into force on 6<sup>th</sup> April 2010, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in order to provide local authorities with the power to regulate 'sexual entertainment venues.' Further details about the statutory definition of 'sexual entertainment venues' are provided within paragraph 10 of the report.

8.2 If a local authority wishes to exercise the 'new' powers within Schedule 3 of the 1982 Act it must formally resolve that the provisions are to have effect in its area. The procedure for adoption is set out within section 2 of the 1982, which provides that the local authority must pass a resolution specifying that the amendments made by section 27 of the 2009 Act to Schedule 3 shall apply to its area and must specify the date on which the resolution shall come into force. The specified day must be more than one month after the date on which the resolution was passed. The local authority is also required to publish notice that a resolution has been made for two consecutive weeks in a local newspaper circulating in the area. The first publication may not be later than twenty-eight days before the date specified in the resolution for the provisions to come into force.

8.3 Paragraph 13 of Schedule 3 provides the authority for the Council to "make regulations prescribing standard conditions applicable to licences for sex establishments. Paragraph 13(1A) states that no standard condition may be prescribed in so far it "relates to any matter in relation to which requirements or prohibitions are or could be imposed under the Regulatory Reform (Fire Safety) Order 2005." Paragraph 13(3) provides that regulations may prescribe conditions regulating – (a) the hours of opening and closing of sex establishments; (b) displays or advertisements on or in such establishments; (c) the visibility of the interior of sex establishments to passers-by; and (d) any



change from one kind of sex establishment to another kind of sex establishment. Where the authority has made standard conditions every licence granted, renewed or transferred is presumed to have been granted, renewed or transferred subject to the standard conditions unless they have been expressly excluded or varied.

- 8.4 Paragraph 12 of Schedule 3 sets out the grounds for refusal of an application. Certain grounds, for example that the applicant is under 18 years old or is disqualified, are mandatory grounds for refusal. Other grounds, including those relating to the appropriate number of such establishments in the 'relevant locality,' are discretionary grounds. Further information in relation to the grounds for refusal is set out within the body of the report.

## **9.0 Risk Management**

- 9.1 The Licensing Committee has authorised a consultation exercise on both the principle of adoption and a draft policy; any consultation responses received will be referred to a subsequent meeting of the Licensing Committee.

## **10.0 Background and Options**

- 10.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 makes provision for the regulation of 'sex establishments.' Prior to the enactment of the Policing and Crime Act 2009, the definition of 'sex establishments' was limited to sex shops and sex cinemas. Section 27 of the Policing and Crime Act 2009, which came into force on 6 April 2010, extends the definition of 'sex establishment' to include 'sexual entertainment venues.'
- 10.2 A 'sexual entertainment venue' for the purposes of the 1982 Act is "any premises at which relevant entertainment is provided before an audience for the financial gain of the organiser or the entertainer." 'Relevant entertainment' means "any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)."
- 10.3 If a local authority resolved before 6 April 2010 that Schedule 3 of the 1982 Act was to apply within its area, then the amendments in relation to sexual entertainment venues within the 2009 Act do not apply to the area of the local authority; however, the local authority may resolve that Schedule 3 of the 1982 Act, as amended by section 27 of the 2009 Act, is to apply to its area. Each of the three predecessor district Councils made resolutions to adopt the original provisions of Schedule 3 of the 1982 Act. These resolutions have been preserved, and apply to Cheshire East, on the basis of regulation 4 of the Local Government (Structural changes) (Transitional Arrangements) (No 2) Regulations 2008.
- 10.5 At its meeting on 13<sup>th</sup> September 2010 the Licensing Committee resolved to authorise officers to carry out a consultation exercise in relation to the adoption of the amendments to Schedule 3 of the 1982 Act. The Licensing Committee

also resolved, without prejudice to any decision in relation to adoption, to provide authority for officers to consult in relation to a draft policy (attached as an appendix to this report) and proposed fees (details of which are provided within paragraph 7.1).

- 10.6 As set out within paragraph 8 above, paragraph 12 of Schedule 3 provides both mandatory and discretionary grounds for refusal. The grounds for refusal are set out within the policy appended to the report. Members will note that one of the discretionary grounds for refusal is *“that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;”* The proposed policy, as currently drafted, does not seek to place a figure on the number of sexual entertainment venues which it considers appropriate in any locality within the Council’s administrative area but rather states (i) that each application will be determined on its own merits; and (ii) that consideration will be given to the locality in each case and to the number of Sexual Entertainment Venues suitable for that particular locality. A further discretionary ground within paragraph 12 is on the basis that: *“that the grant or renewal of the licence would be inappropriate, having regard –*
- (i) to the character of the relevant locality; or*
  - (ii) to the use to which any premises in the vicinity are put; or*
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.*

Whilst recognising the each application would be determined on its own individual merits, the draft policy sets out certain factors (such as the existence of ‘sensitive uses’ such as worship and education in the relevant locality) which would generally render the grant or renewal of a licence inappropriate.

- 10.7 In addition to setting out the proposed policy relating to the factors relevant to the determination of an application, the draft policy document sets out the application process to be adopted by the Council together with a set of proposed standard conditions. The provisions of paragraph 12 of Schedule 3 in relation to standard conditions are detailed within paragraph 8.3 above. The proposed standard conditions within the attached policy deal with matters including: hours of opening, conduct of the premises, signs doors and window displays, and the employment of persons on the premises.
- 10.8 As part of the consultation exercise, correspondence has been sent to the Police, Town/Parish Councils, representatives of businesses, the proprietors of sexual entertainment venues and other organisations known to have an interest in the regulation of sex establishments. Details of the consultation have been posted on the Council’s website and a press release issued to the local media. The Sustainable Communities Scrutiny Committee is requested to formulate a response to be submitted to the Licensing Committee as part of the consultation exercise.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 None

### **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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# **CESHIRE EAST BOROUGH COUNCIL**

## **DRAFT**

### **POLICY ON THE LICENSING OF SEXUAL ENTERTAINMENT VENUES**

**Schedule 3, Local Government  
(Miscellaneous Provisions) Act 1982 (as  
amended)**

## **1.0 PREFACE**

- 1.1 On [insert date] Cheshire East Borough Council resolved to adopt the amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') by section 27 of the Policing and Crime Act 2009 with effect from [insert date].
- 1.2 Any person wishing to operate a Sexual Entertainment Venue as defined by Schedule 3 requires a licence, unless the requirement for a licence has been waived by the Council. This document sets out the Council's policy in relation to the licensing of Sexual Entertainment Venues within its administrative area.
- 1.3 A consultation on this policy was undertaken between [insert date] and [insert date] and was formally adopted on [insert date].
- 1.4 This policy will be kept under review and amendments proposed in the light of any changes in the relevant legislative provisions.

## **2.0 INTRODUCTION**

- 2.1 It is intended that this policy will be a guide for both applicants and those other parties who have an interest in the licensing of sexual entertainment venues. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.
- 2.2 Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.

## **3.0 POLICY**

### **3.1 Meaning of 'Sexual Entertainment Venue'**

'Sexual Entertainment Venue' is defined within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the Act') as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." The following are not Sexual Entertainment Venues for the purpose of Schedule 3 of the Act

- (a) sex cinemas and sex shops;
- (b) premises at which the provision of relevant entertainment as mentioned in sub-paragraph (1) is such that, at the time in question and including any relevant entertainment which is being so provided at that time—
  - (i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - (ii) no such occasion has lasted for more than 24 hours; and
  - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in sub-paragraph (i));

### 3.2 Relevant Entertainment

‘Relevant Entertainment’ means “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means).”

In accordance with the Guidance from the Home Office, the Council expects that ‘Relevant Entertainment’ will generally apply to the following types of activity:

- Lap dancing;
- Pole dancing;
- Table dancing;
- Strip shows;
- Peep shows;
- Live sex shows

However this list is not exhaustive and, taking into account that the exact nature of these descriptions may vary, each case will have to be dealt with on its own merits.

### 3.4 Mandatory grounds for refusal

Paragraph 12 of Schedule 3 to the 1982 Act prescribes that a licence for a sexual entertainment venue shall not be granted to:

- (a) a person under the age of 18; or

(b) to a person who is for the time being disqualified under paragraph 17(3) of the Schedule; or

(c) to a person, other than a body corporate, who is not resident in the United Kingdom, or was not so resident throughout the period of six months immediately preceding the date when the application was made; or

(d) to a body corporate which is not incorporated in the United Kingdom; or

(e) to a person who had, within a period of twelve months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

The application form, a copy of which is attached at Appendix 1 asks questions in relation to the above issues.

### 3.5 Discretionary grounds for refusal

Paragraph 12 of Schedule 3 also provides that the authority may refuse (i) an application for the grant or renewal of a licence on one or more of the grounds listed at (a) to (d) below; and (ii) an application for a transfer on either or both of the grounds at (a) and (b):

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard –

- (i) to the character of the relevant locality; or
- (ii) to the use to which any premises in the vicinity are put; or
- (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.



### 3.6 Relevant locality

'Relevant locality' for the purposes of paragraph 12 of Schedule 3 of the Act means:

- (i) in relation to the premises, the locality where they are situated;  
and
- (ii) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

The Council will consider the extent of the locality on a case by case basis taking into account the particular circumstances of each case. However, the Council will not seek to define 'locality' as the whole of the Council's administrative area or an entire town.

### 3.7 Relevant number

As set out within paragraph 3.5 above paragraph 12 of Schedule 3 provides that a local authority may refuse an application if it is satisfied that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality.

The Council does not seek within this policy to place a figure on the number of sexual entertainment venues which it considers appropriate in any locality within the Council's administrative area.

Consideration will be given to the locality in each case and to the number of Sexual Entertainment Venues suitable for that locality.

The Council is able to determine that the appropriate number for a locality is nil.

### 3.8 Character of relevant locality and uses of premises in the vicinity

When considering whether it would be appropriate to grant the licence the Council will take into consideration factors such as:

- the uses to which premises in the vicinity are put, for example whether they are commercial, industrial or residential;
- the users of premises in the area;

Whilst each application will be determined on its own individual merits, the grant of a licence will generally be considered inappropriate where the characteristics of the locality include the following sensitive uses:

- (a) an area predominantly comprising residential accommodation;
- (b) parks and children's play areas;
- (c) schools and youth centres;

- (d) places of worship; and
- (e) community facilities.

### **3.8 Duration of licence**

Unless previously cancelled or revoked a licence will remain in force for twelve months or such shorter period specified in the licence as the Council determines is fit.

### **3.9 Conditions**

Where a licence is granted the standard conditions attached at Appendix 3 will be attached.

Where it is reasonable and proportionate to do so, additional conditions may be imposed on a licence.

### **3.10 Waiver**

The Act makes provision for the Council to grant a waiver from the requirement to hold a Sexual Entertainment Licence in any case where it considers that to require a licence would be unreasonable or inappropriate. A waiver may be for such period as the Council thinks fit.

The Council may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate on a date not less than 28 days from the date the notice is given.

Whilst each application will be considered on its own merits, in light of the exemption in relation to the provision of relevant entertainment on an infrequent basis<sup>1</sup>, the Council takes the view that waivers are unlikely to be appropriate in relation to Relevant Entertainment and would only be considered in exceptional circumstances.

## **4.0 APPLICATION PROCESS**

### **4.1 Submission of application**

The Council's application form in relation to Sexual Entertainment Venues is attached as Appendix 1. The Council requests that the application form is submitted together with:

- a scale plan of the Premises;
- The Licence Fee<sup>2</sup>

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<sup>1</sup> See paragraph 3.1 above and paragraph 2A(3)(b) Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

<sup>2</sup> Information in relation to fees is published on the Council's website and are available from the Licensing Section

- A copy of the completed notice to be displayed on the Premises (see notification requirements below);
- A CRB disclosure (where the applicant is an individual)

A copy of the application must also be served on the Chief Officer of Police:

(a) in a case where the application is made by means of a 'relevant electronic facility'<sup>3</sup>, by the appropriate authority not later than 7 days after the date the application is received by the authority;

(b) in any other case, by the applicant not later than 7 days after the date of the application.

The relevant addresses for service on the Police are as follows:

Area of former Boroughs of Crewe & Nantwich and Congleton:

Police Licensing Officer  
Cheshire Constabulary  
Crewe & Congleton Area  
The Police Station  
Middlewich Road  
Sandbach  
Cheshire  
CW11 1HU

Area of former Borough of Macclesfield:

Police Licensing Officer  
Cheshire Constabulary  
Macclesfield Division  
Brunswick Street  
Macclesfield  
Cheshire  
SK10 1HQ

#### **4.2 Renewal applications**

Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force until the withdrawal of the application or its determination by the Council.

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<sup>3</sup> "relevant electronic facility" means— (a) the electronic assistance facility referred to in regulation 38 of the Provision of Services Regulations 2009, or (b) any facility established and maintained by the appropriate authority for the purpose of receiving applications under this Schedule electronically.

#### **4.3 Advertising requirements**

In accordance with paragraph 10 of the Schedule, applicants for the grant, renewal or transfer of a licence are required to give public notice of the application. Notice shall be given:

- by displaying a notice in a prescribed form (see Appendix 2) on or near the Premises in a place where the notice can be conveniently read by the public for a period of at least 21 days beginning with the date on which the application was made to the Council; and
- by publishing an advertisement (in the form prescribed) in a local newspaper circulating in the Council's area not later than 7 days after the date the application was made to the Council.

Applicants are requested to: (i) send a copy of the completed notice to the Council with the application form; and (ii) to notify the Council of the name of the newspaper in which the advertisement is to appear together with the date of publication.

#### **4.4 Objections**

Objections to an application for the grant, renewal or transfer of a Licence must be made in writing stating in general terms the grounds of the objection. Objections should be made not later than 28 days after the date of the application.

The Act permits a wide range of persons to raise objections in relation to applications for Sexual Entertainment Venues. Objectors may include local residents, residents associations and local businesses. Cheshire Constabulary is a statutory consultee in relation to applications for Sexual Entertainment Venues.

Where objections in relation to an application for the grant, renewal or transfer of a licence are received by the Council, copies of the objections will be provided to the Applicant. However, the name and address of an objector will not be disclosed to the Applicant without the consent of the objector to such disclosure.

#### **4.5 Determination of applications**

In cases where objections have been made (other than objections which are outside the remit of the 1982 Act) the determination of applications will be referred to a meeting of the Council's Licensing Committee or Licensing Sub-Committee.

#### **4.6 Hearing procedure**

A Committee or Sub-Committee determining an application in relation to a Sexual Entertainment Venue will follow the hearing procedure set out at Appendix 4. A copy of the hearing procedure will be sent to the relevant parties when they are notified of the date of the meeting.

#### **4.7 Tacit authorisation**

The Council has determined that tacit authorisation (for the purposes of the Provision of Services Regulations 2009) is not to apply to applications for Sexual Entertainment Venue Licences. In making this decision the Council has considered the public interest inherent in ensuring that applications are fully considered before a licence is granted, particularly in the light of the potential significant adverse impact on local communities of inappropriately located or inadequately managed premises.

#### **4.8 Appeals**

In cases where the Council refuses an application for the grant, renewal or transfer of a Sexual Entertainment Venue licence the applicant may appeal the decision to the Magistrates' Court within 21 days (of the date when the applicant is notified of the decision), unless:

(1) the application was refused under the grounds in paragraph 12(3)(c) or (d) in which case the applicant can only challenge the refusal by way of judicial review; or

(2) the application was refused on any of the grounds specified in paragraph 12(1) of Schedule 3 of the 1982 Act, in which case the applicant shall not have a right of appeal unless he seeks to show that the ground did not apply to him.



**Application for a Sexual Entertainment Venue Licence  
Schedule 3, Local Government (Miscellaneous Provisions) Act 1982**

NOTE: If additional information is submitted on separate sheets please quote the relevant question number in relation to the additional information provided.

<b>1</b>	<b>Applicant's details</b>	
1.1	Is the Applicant:	(a) an individual (b) a partnership or other unincorporated body (c) a body corporate  [please delete as appropriate]
1.2	Full name of applicant	
1.3	Give the following information on behalf of the applicant:  (a) Telephone number(s)  (b) Address to which communications are to be sent  (c) If different from the address in (b) above, the Applicant's permanent address (if an individual) or registered or principal office (if a company etc)	
1.4	If the applicant is an individual please supply the following information:  (a) Date of Birth  (b) Place of Birth  (c) Date on which became a UK resident (if not born in the UK)	
1.5	If the applicant is a body corporate or an unincorporated body please provide the following information in respect of each of	[Please continue on a separate sheet if required]

	<p>the Directors, the Company Secretary or other persons responsible for the management of the body. In the case of a partnership provide details of each partner</p> <p>(a) Full name</p> <p>(b) Address</p> <p>(c) Capacity</p> <p>(d) Date of Birth</p> <p>(e) Place of Birth</p> <p>(f) Date on which became a UK resident (if not born in the UK)</p>	
1.6	<p>Where the applicant is a company please answer the following questions.</p> <p>(a) Is the applicant a wholly or partly owned subsidiary of another company?</p> <p>If the answer to (a) is yes please provide details of the parent company or holding company.</p> <p>(b) What type of company is the applicant?</p> <p>(c) In what country is the company incorporated?</p> <p>(d) What is the date of incorporation of the company?</p> <p>(e) Is the applicant or any person whose name is given in response to question 1.5 concerned in any way with other businesses which controls or manages sex establishments? If yes please provide details.</p>	
1.7	<p>What is the nature of the applicant's interest in the Premises?</p> <p>(a) Freehold (b) Leasehold</p> <p>[please delete as appropriate]</p> <p>If the applicant's interest is leasehold please provide the details of the landlord.</p>	

1.8	<p>Is the whole of the business owned by the applicant?</p> <p>If not, please provide details of the individual/company which owns the remainder of the business</p>	
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<b>2</b>	<b>Premises Details</b>	
2.1	Address of Premises	
2.2	Telephone number of Premises	
2.3	<p>Are the whole of the Premises to be used under the Licence?</p> <p>If no, please describe (by reference to a plan if necessary):</p> <p>(a) which part of the Premises are to be used for the purposes of the Licence:</p> <p>(b) the use to which the remainder of the Premises are put;</p> <p>(c) the names of those who are responsible for the management of the remainder of the Premises.</p>	
2.4	<p>Are the Premises constructed or adapted so as to permit access to and from the Premises for members of the public who are disabled?</p> <p>If the answer is no, please provide information in relation to the applicant's proposals for affording such access.</p>	[please continue on a separate sheet if required]
2.5	<p>Are the Premises in use as a Sexual Entertainment Venue at the date of this application?</p> <p>If the answer is yes, please give the name and address of the persons or body who now operate the business and (if known) the date upon which the Premises were first used for these purposes.</p>	



<b>3</b>	<b>Details of the Business</b>	
3.1	Under what business or trading name will be the business be known?	
3.2	Please provide details of the times (days and hours) during which the Premises is proposed to be open to the public.	

<b>4</b>	<b>Persons responsible for management</b>	
4.1	<p>Please provide the following information in relation to each individual who is to be responsible for the management of the Premises in the absence of the Licence Holder:</p> <p>(a) Full name</p> <p>(b) Address</p> <p>(c) Capacity</p> <p>(d) Date of Birth</p> <p>(e) Place of Birth</p> <p>(f) Date on which became a UK resident (if not born in the UK)</p>	[please continue on a separate sheet if required]

<b>7</b>	<b>Previous refusals and convictions</b>		
7.1	<p>Have the Applicant ever been refused or had a Sexual Entertainment Licence revoked by any licensing authority?</p> <p>If yes, please provide full details (please continue on a separate page if necessary)</p>	Yes / No	

<b>7</b>	<b>Previous refusals and convictions</b>	
7.2	<p>Does the Applicant or any individual named in response to questions 1.5 or 4.1 have previous convictions or cautions?</p> <p>If the answer is yes, please provide of a separate sheet the following information in relation to each individual who has a previous conviction or caution:</p> <p>(a) Name</p> <p>(b) Date of conviction</p> <p>(c) Convicting court</p> <p>(d) Nature of conviction</p> <p>(e) Sentence</p>	Yes / No
7.3	<p>Have you any reason to believe that a prosecution may be pending against the Applicant or any of the individuals named in response to questions 1.5 or 4.1?</p> <p>If yes please provide details</p>	Yes / No
7.4	<p>Is there in force against the applicant or any of the persons named in response to question 1.5 a disqualification from holding a licence for a sex establishment under the Local Government (Miscellaneous Provisions) Act 1982?</p>	Yes / No

<b>8</b>	<b>Additional details</b>	
8.1	<p>Please provide any additional information which the applicant would wish the Council to take into account when considering this application.</p>	[please continue on a separate page if necessary]

**APPLICANTS ARE REMINDED THAT ANY PERSON WHO, IN CONNECTION WITH THE APPLICATION FOR THE GRANT OR RENEWAL OF A SEXUAL ENTERTAINMENT VENUE LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000)**

<b>Declaration</b>	
I hereby declare that the above information is true to the best of my knowledge and belief.	
Signature	
Name	
Capacity	
Date	

We will use the information you give in this form and in any supporting documentation you send us, to process your application. We may check information you have provided, or information about you that someone else has provided with other information held by us. We may also get information about you from certain third parties, or give them information to:

- make sure the information is accurate
- prevent or detect crime, and
- protect public funds

These third parties include Government departments, other departments of the Council and other local authorities. We will not give information about you to anyone else unless the law allow us to.

**Please submit the completed application to the Licensing Section at the relevant address provided below:**

	<b>Congleton (01270) 537112</b>	<b>Crewe &amp; Nantwich (01270) 537114</b>	<b>Macclesfield (01625) 504206</b>
<b>LICENSING AUTHORITY Cheshire East Borough Council</b>	Licensing Section Municipal Buildings Earle Street, Crewe CW1 2BJ	Licensing Section Municipal Buildings Earle Street, Crewe CW1 2BJ	Licensing Section Macclesfield Town Hall Market Place, Macclesfield, Cheshire SK10 1DX



**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT  
1982**

**Notice of Application for the [Grant] [Renewal] of a Sexual  
Entertainment Venue Licence**

NOTICE IS HEREBY GIVEN that on .....

I/we .....  
of  
.....

made application to Cheshire East Borough Council for the [grant] [renewal] of  
a Licence to use the premises named below as a Sexual Entertainment  
Venue.

Address of Premises:.....  
.....

Any objections to this application should be made not later than 28 days after  
..... being the date of the application. Objections must be made  
in writing, stating in general terms the grounds of objection, to The Licensing  
Section, Cheshire East Borough Council [Town Hall, Market Place,  
Macclesfield SK10 1DX] [Municipal Buildings, Earle Street, Crewe, CW1 2BJ].

Signed: .....

**SEXUAL ENTERTAINMENT VENUES****Local Government (Miscellaneous Provisions) Act 1982 (Schedule 3)****CONDITIONS**

These conditions are imposed by the Council pursuant to its powers under paragraph 13(1) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) ('the 1982 Act')

<b>Definitions</b>	<p>1. In these conditions, unless the context otherwise requires:</p> <p>'Council' means Cheshire East Borough Council</p> <p>'Licence Holder' means the holder of a Sexual Entertainment Venue Licence</p> <p>'Premises' means any premises within the Council's area licensed as a Sexual Entertainment Venue</p> <p>'Relevant Entertainment' shall have the meaning given within paragraph 2A of Schedule 3 of the 1982 Act.</p> <p>'Sexual Entertainment Venue' has the meaning set out within Schedule 3 of the 1982 Act.</p> <p>For the purposes of these conditions:</p> <p>(a) Words importing the singular meaning where the context so admits include the plural meaning and vice versa; and</p> <p>(b) Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.</p>
<b>Display of Licence</b>	<p>2. The Licence or a clear copy and any special conditions attached thereto shall be prominently displayed at the Premises at all times so as to be readily and easily seen by all persons using the Premises. The licence shall be adequately protected against theft, vandalism or defacement.</p>

<b>Hours of opening</b>	<p>3. The Premises shall not be open for any purpose of the Licence except during the following hours:</p> <p>[insert hours granted]</p>
<b>Responsibility of Licence Holder</b>	<p>4. The Licence Holder shall maintain good order and take all reasonable precautions for the safety of the public and employees and, except with the consent of the Council, shall retain control over all portions of the premises.</p> <p>5. The Licence Holder shall in particular ensure that none of the following shall take place:</p> <ul style="list-style-type: none"> <li>• Unlawful possession and/or supply of drugs controlled by the Misuse of Drugs Act 1971;</li> <li>• Indecent behaviour, including sexual intercourse;</li> <li>• The offer of any sexual or other indecent service for reward;</li> <li>• Acts of violence against person or property and/or the attempt of threat of such acts.</li> </ul> <p>6. The Licence Holder shall ensure that the public are not admitted to any part or parts of the Premises other than those which have been specified in the Licence.</p> <p>7. The Licence Holder will maintain a register which shall be kept on the Premises to clearly record the identity of persons nominated in accordance with conditions 30 and 31 hereof on duty during the entertainment, the day and times of the start and finish of the entertainment, and the names and addresses of the performers. The register shall be retained for a period of not less than twelve months after the last entry in the register. The register shall be available at all times for inspection by the Police or an authorised officer of the Council.</p> <p>8. Where the Licence Holder is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the control or management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director secretary or manager are to be furnished within 14 days of a request in writing from the Council.</p>

	<p>9. The Licence Holder shall ensure that neither he, nor any person promoting or providing entertainment on the Premises (or any person acting on behalf of such a person), shall display advertisements promoting Relevant Entertainment or the Premises in an unlawful manner.</p> <p>10. The Licence Holder shall inform the Council within seven days if he is convicted of any offence</p>
<b>Conduct of the premises</b>	<p>11. The Licence Holder or any other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting from the premises, immediately outside the premises or in the vicinity of the premises, nor allow the premises to be used by prostitutes. Solicitation shall be taken to include the distribution of leaflets.</p> <p>12. The Premises shall be used only for the purposes specified in the Licence.</p> <p>13. No person under the age of eighteen years shall be admitted to the Premises or be employed in the business of the Sexual Entertainment Venue.</p> <p>14. Customers who appear to be under the age of 21 must be asked to provide photographic proof of their age. The only means of identification which may be accepted are a photocard driving licence, a passport or a recognised proof of age card which includes the 'PASS' hologram on it.</p> <p>15. The Licence Holder shall ensure that performers and members of the public have separate entrances for entering and exiting from the Premises, performers to use staff entrances.</p> <p>16. There shall be agreed in writing with the Council arrangements for restricted access to the dressing rooms used by the performers and such restricted access shall be maintained at all times until all performers using the dressing rooms have vacated the room.</p>
<b>Provision of Relevant Entertainment</b>	<p>17. The performance shall only take place in the designated area of the Premises approved by the Council and in accordance with the staging and seating plan approved by the Council.</p>

	<p>18. Performers shall only perform on the stage area or to seated customers or in such other areas of the Premises as may be agreed in writing with the Council. No audience participation in a performance shall be permitted. During the performance, performers shall not (a) touch customers, (b) climb onto furniture, or (c) simulate sex acts.</p> <p>19. There shall be no physical contact between the performers and customers before, during or after the performance.</p> <p>20. Notices setting out the restriction contained in Condition 19 shall be displayed in prominent positions within the Premises.</p> <p>21. Performers not currently performing shall not be in any public part of the Premises in a state of undress.</p> <p>22. Any person who touches or attempts to touch a performer or directs lewd, vulgar or obscene language or gestures thereto shall be immediately removed from the Premises by the Licence Holder or member of staff acting on his behalf.</p>
<p><b>Signs, doors and window display</b></p>	<p>23. A notice shall be displayed in a conspicuous position at each entrance to any part of the Premises where the performance is to take place stating that 'NO PERSON UNDER 18 YEARS WILL BE ADMITTED'. The notice must also include a statement that proof of age may be required.</p> <p>24. The business or trading title of the Premises which must have received the prior written approval of the Council (in accordance with condition 44 hereof) <u>may</u> be displayed in letters no more than 150mm high.</p> <p>25. With the exception of the signs required and permitted by condition 23 and 24 above, the Licence Holder must ensure that no sign, words, poster, photograph, sketch, painting, display or advertisement is displayed outside or in the vicinity of the Premises which indicate or suggest that Relevant Entertainment takes place at the Premises.</p> <p>26. The exterior design of the Premises shall be such that the interior of the Premises is invisible to passers by.</p>



	<p>27. External doors shall be closed at all times other than when persons are entering or leaving the Premises. The external doors shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.</p> <p>28. The Premises shall be fitted with an inner entrance door or screen so that no part of the interior of the premises or any of the contents of the premises shall be visible when persons are entering or leaving the Premises.</p> <p>29. The windows and openings of the Premises shall be of a material or covered with a material which will render the interior or any items within the Premises invisible to passers-by.</p>
<p><b>Employment of persons on the Premises</b></p>	<p>30. The Licence Holder, or some responsible person over the age of eighteen nominated by him in writing for the purpose, shall be in charge of and upon the Premises at all times that the Premises is open to the public. Such written nomination shall be continuously be available for inspection at the Premises by a Police Officer or by an authorised officer of the Council.</p> <p>31. In addition to the Licence Holder or nominated person, there shall be a nominated female present to oversee the activities of female performers and a like nominated male present to oversee the activities of any male performers.</p> <p>32. The person in charge shall not be engaged on any duties which will prevent him from exercising general supervision and he shall be assisted as necessary by suitable adult persons to ensure adequate supervision. The person in charge should be conversant with these conditions, a copy of which should be held on the premises</p> <p>33. A notice showing the name of the person in charge of the Premises at the time they are open under the licence shall be conspicuously exhibited in a position where it can be seen by customers throughout the period during which he is responsible for the conduct of the Premises.</p> <p>34. The Licence Holder shall at all times keep and</p>

	<p>maintain at the Premises a written record of the names, addresses and dates of birth of all persons employed within the licensed premises whether upon a full time or part time basis, and shall upon request by an authorised officer of the Council make such records available for inspection to him.</p> <p>35. Any individual employed on the Premises to conduct a security activity (within the meaning of the Private Security Industry Act 2001) must be licensed by the Security Industry Authority.</p> <p>36. A register of SIA staff working at the premises shall be maintained, kept at the premises and made available for examination upon request to a Police Officer or authorised officer of the Council or the SIA.</p> <p>37. The Licence Holder must ensure that a suitable number of trained staff are employed to supervise the interior of the Premises whilst performances are being given.</p> <p>38. Performers shall be aged not less than 18 years. The Licence Holder must maintain complete records of the names, addresses and dates of birth of performers including identity checks which are satisfactory to the Council.</p>
<b>Alterations to the Premises</b>	<p>39. No alterations (including temporary alterations) shall be made to the Premises without the prior written consent of the Council. This condition shall not require notice to be given in respect of routine maintenance works.</p> <p>40. Where alterations necessitate the Premises being closed for a period of time, the premises shall not reopen for the purpose of the licence, until the licensee has been notified in writing by the Council of the satisfactory completion of the work</p>
<b>Change of use</b>	<p>41. No change of use of any portion of the Premises from that approved by the Council shall be made until all necessary consents have been obtained from the Council. For the avoidance of doubt this includes a change from one class of sex establishment (e.g. a sex shop) to a different class of sex establishment (e.g. a sex cinema).</p>
<b>CCTV</b>	<p>42. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer</p>

	<p>and it must record at all times the Premises are open to the public. Unedited images must be retained for at least 31 days and copies made freely available upon request to the Police or an authorised officer of the Council.</p> <p>43. At all times the Premises are open to the public there will be a member of staff on duty who is competent to operate the CCTV system and to provide any copies requested</p>
<b>Business title</b>	<p>44. The Licence Holder must obtain the consent of the Council for the business or trading title to be used in relation to the Premises. An application must be made to the Council to change the business or trading title and the Council shall have the discretion to allow or refuse such a change.</p>

**SEXUAL ENTERTAINMENT VENUES**  
**Schedule 3, Local Government (Miscellaneous Provisions) Act 1982**

**COMMITTEE PROCEDURE**

1	<b>Chairman</b>	The Chairman will: (i) call the matter to be considered; (ii) call for any declarations of interest; (iii) ask all parties to introduce themselves; (iv) summarise the procedure to be followed at the hearing;
2	<b>Licensing Officer</b>	Will introduce and summarise the application, highlighting areas of contention or dispute.
3	<b>Committee Members</b>	May ask questions of the Licensing Officer
4	<b>Applicant</b>	Will present his/her case, calling witnesses, as appropriate.
5	<b>Police (if they have made representations)</b>	The Police may ask <u>questions</u> of the applicant, by way of clarification.
6	<b>Objectors</b>	To be invited to ask <u>questions</u> of the applicant, by way of clarification.  <i>It is normal practice for a spokesperson only to speak on behalf of a group of residents.</i>
7	<b>Committee Members</b>	Each in turn may ask <u>questions</u> of the applicant.
8	<b>Applicant</b>	May make a <u>statement</u> or ask his witnesses to clarify any matters which he feels are unclear, or may have been misunderstood.
9	<b>Police (if they have made representations)</b>	Will make their representations (if any).
10	<b>Applicant</b>	Or his representative or witnesses to ask <u>questions</u> of the Police by way of clarification.
11	<b>Objectors</b>	May ask <u>questions</u> of the Police, by way of clarification.
12	<b>Committee Members</b>	May ask <u>questions</u> of the Police
13	<b>Objectors</b>	The objectors will be invited to speak and to present the basis of their objections.
15	<b>Applicant</b>	Or his representative or witnesses may ask <u>questions</u> of the objectors by way of clarification.
16	<b>Committee Members</b>	May ask <u>questions</u> of the objectors
17	<b>Chairman</b>	To invite both <b>Police</b> and <b>Objectors</b> to make their closing

		addresses.
18	<b>Applicant</b>	Or his representative will <u>briefly summarise the application</u> and comment on the representations made.
19	<b>Committee</b>	<u>Will retire</u> to consider the application.
20	<b>Committee</b>	Will return to <u>give its decision</u> , with reasons, which will be announced by the Chairman and subsequently confirmed in writing.

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: Sustainable Communities Scrutiny Committee**

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**Date of Meeting:** 4 November 2010  
**Report of:** Youth Offending Service (YOS)  
**Subject/Title:** Introduction to Restorative Practices within Cheshire YOS

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#### **1.0 Report Summary**

- 1.1 A paper to raise awareness into the Restorative Processes used within Cheshire YOS including the types of process, who is engaged and feedback from victims of crime.

#### **2.0 Recommendations**

- 2.1 To give consideration to the Restorative practices within the Youth Offending Service.

#### **3.0 Wards Affected**

- 3.1 All

#### **4.0 Local Ward Members**

- 4.1 All

#### **5.0 Policy Implications including**

- 5.1 none

#### **6.0 Financial Implications for Transition Costs**

- 6.1 none

#### **7.0 Financial Implications 2009/10 and beyond**

- 7.1 none

#### **8.0 Legal Implications**

- 8.1 none

#### **9.0 Risk Management**

- 9.1 none

**10.0 Background and Options**

10.1 contained within the attached report

**11.0 Overview of Year One and Term One Issues**

11.1 none

**12.0 *Access to Information***

The background papers relating to this report can be inspected by contacting the report writer:

Name: Karen Shepherd

Designation: Cheshire YOS manager

Tel No: 01606 288501

Email: [Karen.shepherd@cheshireeast.gov.uk](mailto:Karen.shepherd@cheshireeast.gov.uk)





### **INTRODUCTION TO RESTORATIVE PRACTICE** **CHESHIRE YOUTH OFFENDING SERVICE**

A restorative justice approach has been adopted in Youth Justice since the original youth justice reforms in 1998. Two of the key aims of the YJS are to:

1. Confront young people with the consequences of their offending for themselves, their families, their victims and the community and
2. Encourage and facilitate reparation to victims by young offenders.

Alongside this, April 2006 saw the introduction of the statutory Victims Code of Practice to support these aims. The Code stipulates the minimum level of service to be provided to victims of crime in England and Wales and under the Code, no single organisation has an obligation to support every victim, but it does aim to ensure that all victims have access to appropriate and timely support, suitable for their individual needs.

The Code requires Youth Offending Services to take victims' needs into account in general, but also gives statutory backing to the National Standards to which YOS' adhere to by:

- ensuring staff working with victims have appropriate training
- contacting victims and allowing victims to make informed choices about involvement in restorative processes
- keeping victims who participate in restorative justice informed about case progress
- storing victims' information

#### **Code of Practice for Victims of Crime**

- Youth offending teams (YOTs) are required to take account of victims' needs and have the following obligations in respect of victims of youth crime referred to youth offending teams.
- On receipt of a victim's details from the police, the YOT must decide if it would be appropriate to invite the victim to become involved in a restorative justice intervention relating to relevant criminal conduct, and record the reasons for this decision.
- The YOT must keep victims' personal details securely and separate from details kept on offenders. Information on victims should be destroyed when the restorative justice intervention in a case is at an end, apart from information that would be relevant for future research and evaluation.

- If it decides to make contact with victims, the YOT must explain its role and allow victims to make informed choices about whether they want any involvement and if so, the nature of that involvement. The involvement of victims must always be voluntary. Victims must not be asked to do anything which is primarily for the benefit of the offender.
- YOTs must ensure that all staff working with victims have had appropriate training.
- If the victim agrees to be involved, either directly or indirectly in a restorative justice intervention in respect of relevant criminal conduct, the YOT must, if the victim requests this, keep the victim informed about the progress of the case and notify the victim when the intervention has concluded.
- The YOT must give victims who ask for additional support before, during or after a restorative justice intervention in respect of relevant criminal conduct access to information about appropriate services

A restorative justice intervention is defined by the YOS as a “process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implication for the future”. Restorative Justice interventions used within the YOS include:

- *Victim –offender mediation* – communication between victim and offender facilitated by a trained mediator
- *Restorative conferencing* – victim/offender and others connected to both parties participating
- *Family Group Conferencing* – includes wider extended family with onus on family to provide an acceptable solution
- *Youth Offender Panels* – panel members work alongside YOS to talk to young person and parents/carers with participation of victim to agree a tailor made contract

There are also indirect methods of engaging with young people and achieving the aims of the YJS including:

- *Letter of Explanation to the victim* – a written letter that explains young persons actions
- *Shuttle mediation* – communication without face to face
- *Victim Awareness work* – to increase empathy of young person and to become aware of the consequences and impact of their behaviour
- *Reparation* – community based placements whereby a young person completes a practical activity

All of the above processes require the active engagement of the young person and it is essential that victims are offered the opportunity to make free and informed decisions and that they consent to the process in which they are to become engaged.

In order to enable the facilitation of these processes the YOS have until recently had two seconded workers from Victim Support, however, their remit was solely to engage with Victims and ascertain their views and offer the first

set of processes. The YOS wished to expand this role and encompass all of the processes listed above and are currently in the process of recruiting two Restorative Practice Youth Offending Service Officers.

### **FLOWCHART FOR WORK WITH VICTIMS**

At the point of allocation, administration staff ensure all victim details are received. Load victim details and then complete victim info form and which is passed to the victim worker and case manager

Restorative Practices YOSO makes initial contact with victim (within 5 working days of sentence) to explain role of YOT and outcome for young person, offers visit from victim worker to further inform about possible RJ process (preferably by telephone, if unavailable victim worker sends a letter offering home visit). Loads initial victim consultation info onto Careworks. **Any decision not to contact a victim should be discussed and agreed by a manager and an exception report completed.**

Agrees to having a home visit from victim worker

Declines further visit, victim worker to send a letter formalising offer of RJ in writing, as per YJB counting rules.

Victim worker reads the Asset (and arranges session via case manager with the young person to start assessment for RJ process?)

Victim worker sends appointment letter to meet with victim

Victim worker completes RJ assessment with the victim and provides further info re possible RJ intervention. Informs victim of other support services available if required to address other needs.

Victim worker sends victim a letter confirming meeting and the offer of RJ intervention (as per YJB current counting rules).

Victim worker feeds this info back to case manager and agrees victim and young person intervention plan (via the change planning meetings)

Victim worker supports victim and facilitates RJ process in consultation with case manager

At the end of RJ intervention, victim worker provides victim with satisfaction questionnaire to complete and return then records this on Careworks, victim screen

**Victim satisfaction feedback Jul– Dec 2009**

31 satisfaction questionnaires were completed during the period July – December 2009. This figure has reduced in comparison with previous quarters and the majority of these were returned in the post however a small number were completed by the Victim workers over the phone. There was a short period whereby there was a lack of consistency about the use of the questionnaire and the majority of victims involved were happy to provide telephone feedback and therefore no questionnaire completed.

From those received however:

- All were happy to be contacted by the Youth Offending Service
- All felt they were approached sensitively
- All understood that they were taking part voluntarily
- All but one answered the question relating to their views and specific needs being taken into consideration

81% (25) were offered the opportunity to meet with the young offender

81% (25) were very satisfied with the service from Cheshire YOS

19% (6) were satisfied

**When asked how the process was beneficial to you? Responses included:**

- The school will use the poster project and letter in constructive ways with other children
- After meeting the offender and being able to question him, made me feel a lot more comfortable about the whole situation
- Being kept up to date with the outcome
- I feel that someone was taking care of things and it wasn't just a case of knowing the outcome of the court appearance. I found it a bit of an eye opener to find out what the YOT does and I found it interesting.
- It was good to be kept informed of his progress and not just get a letter from the Court.

- It did show me that there was some form of follow up and the letter from the person causing the damage restored some faith!
- Helped to put it in the past and forget about it.
- Allows me to understand why the young person acted in that way – helped the young person understand my PCSO role

**Additional comments made about the service offered:**

- In respect of someone not offered the opportunity to meet the offender – I would have liked to have met them.
- I declined the opportunity to meet the young person as I do not know what he looks like and felt it best it stayed that way. The process did allow me to know what he is doing for his sentence and to find out about his remorse.
- Sensitively – the worker was understanding and easy to talk to.
- Slightly disappointed in the content of the letter although liked that idea – I thought the YOT are doing good work though.
- Keep working with young offenders to help them realise the impact of their crimes. Hopefully they will then move on to be better individuals.

The evidence above demonstrates that all the victims are satisfied with the service delivered via the victim workers. All thought the approach used by the YOS was appropriate and sensitive and there were positive comments made in the majority of cases.

This role will be expanded upon once the Restorative Practices workers are in post. They will be responsible for Restorative Practices within the YOS. This service will support and challenge young people to increase their understanding of the impact that their offences have on victims; provide a service to support victims in offering a number of available services including both direct and indirect reparation and will seek to develop links within the community in order for this to be achieved. This role will enable full oversight of the processes offered by the YOS and allow a consistent approach to this area of work whilst adhering to National Standards and the Code of Practice.

*Karen Shepherd*  
*October 2010*

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## **CHESHIRE EAST COUNCIL**

### **REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE**

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<b>Date of Meeting:</b>	4 November 2010
<b>Report of:</b>	Borough Solicitor
<b>Subject/Title:</b>	Work Programme update

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#### **1.0 Report Summary**

- 1.1 To review items in the 2010/2011 Work Programme and to determine whether or not any additional items need to be included.

#### **2.0 Recommendations**

- 2.1 That the Committee note the work programme.

#### **3.0 Reasons for Recommendations**

- 3.1 It is good practice to agree and review the Work Programme to enable effective management of the Committee's business.

#### **4.0 Wards Affected**

- 4.1 All

#### **5.0 Local Ward Members**

- 5.1 Not applicable.

#### **6.0 Policy Implications including**

- 6.1 Not known at this stage.

#### **7.0 Financial Implications 2010/11 and beyond**

- 7.1 Not known at this stage.

#### **8.0 Legal Implications**

- 8.1 None.

#### **9.0 Risk Management**

- 9.1 There are no identifiable risks.

## **10.0 Background and Options**

- 10.2 The monitoring Officer has now issued advice to Overview and Scrutiny Committees on the Membership of Task and Finish Groups for those occasions when Members do not wish to set up a task and finish Group on a proportional basis as follows:
- 10.3 The constitution currently requires that Task and Finish are organised on a proportional basis, but this has proved difficult with such small numbers (they usually consist of 5 or 6 Members).
- 10.4 If the constitutional requirement for proportionality were removed, there is still a statutory requirement. By virtue of the Local Government and Housing Act 1989, Schedule 1, advisory committees are subject to the proportionality rules contained in the act. Unlike the constitutional requirement, however, the Act permits proportionality to be dispensed with, provided that the scrutiny committee so decides on a 'nem con' vote. Removing the requirement in the constitution would therefore provide greater flexibility.
- 10.5 In effect this means that if members are mindful to set up a Task and Finish group on a non proportionate basis, this can only be done by a 'nem con' vote ie a vote without objection, otherwise the Task and Finish Group must be set up on a proportional basis
- 10.6 In reviewing the work programme, Members must pay close attention to the Corporate Plan and Sustainable Communities Strategy.
- 10.7 Members must also have regard to the general criteria which should be applied to all potential items when considering whether any Scrutiny activity is appropriate. Matters should be assessed against the following criteria:
- Does the issue fall within a corporate priority
  - Is the issue of key interest to the public
  - Does the matter relate to a poor or declining performing service for which there is no obvious explanation
  - Is there a pattern of budgetary overspends
  - Is it a matter raised by external audit management letters and or audit reports?
  - Is there a high level of dissatisfaction with the service
- If during the assessment process any of the following emerge, then the topic should be rejected:
- The topic is already being addressed elsewhere



- The matter is subjudice
- Scrutiny cannot add value or is unlikely to be able to conclude an investigation within the specified timescale

## **11    *Access to Information***

The background papers relating to this report can be inspected by contacting the report writer:

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## Sustainable Communities Scrutiny Committee Work Programme – October 2010

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
licensing of 'sexual entertainment venues'	To be consulted on the decision about whether to adopt, a draft policy on the licensing of sexual entertainment venues.	Licensing Committee	Bailey	Safer Communities	On track	4 November 2010
Restorative Justice from the Police and YOS perspective	At its meeting held on 15 July 2010, Members received a presentation on the Youth Offending Service, arising from this it was agreed that the Committee would receive further information on Restorative Justice.	Committee	Bailey	Safer communities	On track	4 November 2010 (YOS)  18 January (Police)
Report of the Community Safety Warden Task and Finish Group	To receive the draft final report of the task and finish group	Committee	Bailey	Safer Communities	On track	2 December 2010
Deployment of the Borough funded PCSO's/ update on the SLA	At its meeting held on 5 August 2010 the Committee reviewed the PCSO SLA. The Committee would now like to review the progress of the SLA and how the PCSO's are deployed.	Committee	Bailey	Safer Communities	On track	2 December 2010
Response to	This issue is a major	Committee	Bailey/	To enhance the	delayed	18 January

## **Sustainable Communities Scrutiny Committee Work Programme – October 2010**

NI47	concern for the Committee and an on going issue. The Committee have requested A Waller to meet with the portfolio holders and report back to the Committee		Menlove	Cheshire East Environment		2011
Review of the LAP's	To receive an update on how the LAPs are working	Committee	Bailey	Working with our partners	On track	July 2011

### **Possible Items to Monitor or consider at future Meetings**

- Probation Service – Response to NI018
- Performance Management – how could the authority improve in this area
- Process and Policy for Anti Social Neighbours in private and let accommodation.
- Budget

### **Dates of Future Meetings**

4 November 2010, 2 December 2010, 18 January 2011, 3 February 2011, 3 March 2011, 7 April 2011

### **Dates of Future Cabinet Meetings**

15 Nov 2010, 6 Dec 2010, 20 Dec 2010, 17 Jan 2011, 14 Feb 2011, 14 March 2011, 11 April 2011.

### **Dates of Future Council Meetings**

16 December 2010, 24 February 2011, 21 April 2011, 18 May 2011