

Sustainable Communities Scrutiny Committee

Agenda

Date: Thursday, 3rd February, 2011
Time: 10.30 am
Venue: Committee Suite 1,2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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 - 6)

To approval the minutes of the meeting held on 18 January 2011 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**

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

For any apologies or requests for further information, or for a member of the public to make a statement:

Contact: Katie Smith
Tel: 01270 686465
E-Mail: katie.smith@cheshireeast.gov.uk

5. **Safer Cheshire East Partnership Response to NI47 - Road Safety**

The Strategic Director for Places and the Portfolio Holder to attend the meeting to discuss the concerns of the Committee regarding road safety in Cheshire East.

6. **Review of Community Safety Wardens**

To receive an update of the Community Safety Manger prior to a formal report being submitted to the Committee on 3 March 2011.

7. **Work Programme** (Pages 7 - 14)

To give consideration to the work programme

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee** held on Tuesday, 18th January, 2011 at Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Murray (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors E Alcock, J Crockatt, M Davies, S Wilkinson and J Wray

In attendance

E Lam – Expert Advisor
E Acton – Police Authority
A Waller – Cheshire Fire and Rescue Authority
J Blackburn – Performance and Partnerships Manager

Apologies

Councillors A Barratt, D Flude, D Hough and J Jones

67 MINUTES OF PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 6 January be approved as a correct record

68 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS

None noted.

69 PUBLIC SPEAKING TIME/OPEN

There were no members of the public present who wished to address the Committee.

70 RESTORATIVE JUSTICE FROM THE PERSPECTIVE OF CHESHIRE CONSTABULARY

Ellie Acton from the Police Authority attended to provide a presentation on the principle and practice of Restorative Justice. It was reported that the Police Authority had agreed on the following definition for Restorative Justice, namely that – ‘all parties with a stake in a particular conflict or offence come together to resolve collectively how to deal with the aftermath of the conflict or offence and its implications for the future’. It was also asserted that within the framework, offenders had the opportunity to acknowledge the impact of what they had done,

and to make reparation, and that victims also had the opportunity to have their harm or loss acknowledged and amends made.

Ellie Acton continued to explain the aims of Restorative Justice. It was noted that the initiative attempted to have a particularly strong victim focus. With this came a greater emphasis on the victim and their needs, expressed by listening to them and seeking their input. It was reported how this process often helped to produce safer and stronger communities, another aim of the initiative. Attention was also drawn to the fact that Restorative Justice aimed to produce a reduction in re-offending and the number of first-time offenders who were needlessly entering the criminal justice system. It was also reported that the process helped to restore discretion for officers, improving their motivation and subsequent performance.

In terms of who could receive a Restorative Justice disposal, it was explained that the case must have met the following criteria: suitability of offence, suitability of offender and finally, victim agreement. In terms of the first element, it was reported that the offence must have been trivial in nature with Ellie Acton citing examples such as criminal damage, petty theft and minor violence against the person. In terms of the second point, it was explained that Restorative Justice was usually disposed to those who had no previous in terms of that particular crime. Lastly, attention was drawn to the fact that Restorative Justice was only ever used when the police had full agreement and compliance from the victim.

Ellie Acton then went through a number of case studies to illustrate the efficacy of the concept. Throughout these the point was made that Restorative Justice was not the 'soft option' that it was often made out to be. On the contrary, it was explained that it was a more immediate type of justice which provided a satisfactory outcome for all parties.

As a final point, it was reported that there were other uses for Restorative Justice beyond those already discussed. These were as follows:

- Crime Conferencing
- Complaints
- Non crime conferencing
- As an addition to other reprimands.

As an opening statement, the Chairman wished to emphasise how powerful a process Restorative Justice could be. Building on this assertion, it was pointed out that a large majority of calls that the Police had received tended to be focused on minor neighbourhood disturbances. With this in mind, it was explained how Restorative Justice could provide opportunities to conduct a conference on the street immediately after the event, which proved useful for reconciliation. Furthermore, The Chairman drew attention to how the penalties resulting from Restorative Justice could often be more flexible and practical than more orthodox punitive measures.

A comment was also made about how Restorative Justice could be particularly useful in close knit communities in which other types of punishment had tended to build resentment towards the perpetrator following an unsatisfactory conclusion. With a crime conference, the community would be offered the opportunity to vent their grievances and the perpetrator offered the chance to apologise face-to-face. The often, 'informal' mixing after the event, commonly results in the offender being reintegrated into the community rather than being viewed as a criminal.

RESOLVED

- a) That the report be received
- b) That Restorative Justice be placed on the induction programme for new Councillors following the May 2011 election.

71 SAFER CHESHIRE EAST PARTNERSHIP RESPONSE TO NI47 - ROAD SAFETY

Alex Waller from the Cheshire Fire and Rescue Authority attended to provide a verbal update on the future provision of road safety in Cheshire East. Referring to a previous update provided at the meeting held on 15 July 2010, it was explained that whilst a comprehensive response had been promised to follow from this, little detail had emerged regarding the future of road safety in Cheshire East. As a result, it was confirmed that this update would only be able to outline the possible changes that could occur.

Prior to engaging with this, a quick recap of the current arrangements was reported. It was explained that local authorities currently had a number of statutory responsibilities with regards to road safety. Indeed, the 1988 Road Traffic Act Section 39 detailed these as follows:

Each local authority must prepare and carry out a programme of measures designed to promote road safety and may make contributions towards the cost of measures for promoting road safety taken by other authorities or bodies.

(3) Without prejudice to the generality of subsection (2) above, in pursuance of their duty under that subsection each local authority—

(a) Must carry out studies into accidents arising out of the use of vehicles on roads or parts of roads, other than trunk roads, within their area,

(b) Must, in the light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of roads for which they are the highway authority (in Scotland, local roads authority) and other measures taken in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads, and

(c) In constructing new roads, must take such measures as appear to the authority to be appropriate to reduce the possibilities of such accidents when the roads come into use.

It was explained that at the current time the Cheshire Safer Roads Partnership (CSRP) receives funding from the four Cheshire authorities to meet these requirements. Attention was drawn to the fact that this had been a useful model because there had been logic to there being one central analyst who then distributed money to the relevant areas in a targeted way.

It was reported however, that funding was likely to be withdrawn from the CSRP by at least one authority after March 2011. In this reduced funding environment, it would be likely that the CSRP would take on a different guise, with a heavier focus on operating road safety cameras leaving the other statutory function to the respective local authorities. In order to circumvent this funding gap, it was explained that one possible option that was available would be include a road safety responsibility in any highways contract tender. Alex Waller confirmed that if this option was to be pursued questions would need to be asked around the specifics of the contract and over who would take the responsibility for conducting any analysis.

After considering the update in detail a number of concerns were expressed over the future of road safety in Cheshire East, especially regarding the education element. It was suggested that the Strategic Director for Places and/or the Portfolio Holder responsible for road safety be requested to attend a subsequent meeting to provide the Committee with some reassurances over their concerns and queries.

RESOLVED

- a) That the update be received
- b) That the Strategic Director for Places and/or the Portfolio Holder responsible for road safety be requested to attend a subsequent meeting to provide the Committee with some reassurances over their concerns and queries.

72 FUNDING FOR THE COMMUNITY AND VOLUNTARY SECTOR IN CHESHIRE EAST

Juliet Blackburn, Partnerships' Business Manager, attended to provide a presentation on the funding for the community and voluntary sector in Cheshire East.

In providing an overview, it was explained that a cross-directorate working group had been set up to agree an approach to funding for the sector as part of the budget setting process. It was reported that each service had reviewed the need for services currently funded and commissioned from the sector and in doing so; they had continued to communicate with the sector and individual organisations throughout the budget setting process. As a result of this review, some current funding arrangements would be transferred from Partnerships to the relevant departments in Adult and Children's services.

Juliet Blackburn continued to explain the current funding situation. It was reported that there were approximately 160 organisations funded which resulted in a total spend of £6m. Attention was drawn to the following cuts in the respective directorates:

- **Partnerships team** – reduced funding by 5% per year for the next two years, with community grants being kept the same
- **Adult Services** – reduced funding by approximately 5% for next year
- **Children's Services** – reduced funding by approximately 5%, extended contracts for 6 months whilst carrying out systematic review of commissioning practice.
- **Health and Wellbeing and Places** – had reduced funding levels according to service need, reflecting the diversity of funding given.

As a final point, the next steps of the process were outlined:

1. Budget consultation event on 27 January 2011 for partners, including the community and voluntary sector.
2. To complete the table showing the detailed funding position for 2011/12
3. To implement a robust and consistent contracting and performance management systems.
4. To increase joint commissioning of services from the sector eg with the health sector.

The Chairman thanked Juliet Blackburn for her presentation and suggested that it would be useful that if in the aforementioned table, the detailed funding position could be broken down to illustrate which teams got what money. This would then strengthen the Committee's ability to question each directorate on their community and third sector commissioning practices.

RESOLVED

- a) That the presentation be received.
- b) That an updated table providing a detailed breakdown of the funding that each Directorate commission to the community and third sector be brought to the meeting on 3 March 2011.

73 FORWARD PLAN - EXTRACTS

Consideration was given to the extracts of the forward plan which fell within the remit of the Committee.

RESOLVED

That the extracts be noted.

74 WORK PROGRAMME UPDATE

Consideration was given to the work programme. It was suggested that a more detailed table illustrating the community and voluntary sector commissioning practice of each directorate be brought to the meeting scheduled to be held on 3 March 2011.

RESOLVED

- a) That the work programme be approved
- b) That a detailed table illustrating the community and voluntary sector commissioning practice of each directorate be brought to the meeting scheduled to be held on 3 March 2011.

The meeting commenced at 10.30 am and concluded at 12.15 pm

Councillor H Murray (Chairman)

CHESHIRE EAST COUNCIL

REPORT TO: SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

Date of Meeting:	3 February 2011
Report of:	Borough Solicitor
Subject/Title:	Work Programme Update

1.0 Report Summary

- 1.1 To review items in the 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

- 6.1 Not known at this stage.

7.0 Financial Implications 2010/11

- 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 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 – 21 January 2011

Issue	Description/Comments	Suggested by	Portfolio Holder	Corporate Priority	Current Position	Date
Report of the Community Safety Warden Task and Finish Group	At the meeting held on 6 January 2011, it was decided that further work was needed before the recommendations could be accepted. Suggested that a report be carried out by Tony Potts and be brought back to Committee for consideration – Verbal Update prior to report	Committee	Bailey	Safer Communities	Ongoing	3 February 2011
Response to NI47	This issue is a major concern for the Committee and an on going issue. The Committee have requested John Nicholson and C Menlove attend to allay fears.	Committee	Bailey/ Menlove	To enhance the Cheshire East Environment	Ongoing	3 February 2011
Report of the Community Safety Warden Task and Finish Group	At the meeting held on 6 January 2011, it was decided that further work was needed before the recommendations could be accepted. Suggested that a report be carried out by Tony Potts and be brought back to Committee for	Committee	Bailey	Safer Communities	Ongoing	3 March 2011

Sustainable Communities Scrutiny Committee Work Programme – 21 January 2011

	consideration.					
Deployment of the Borough funded PCSO's/ update on the SLA	At the meeting held on 6 January, the Committee heard an update on the funding situation of PCSOs. It was explained that no decision had yet been made on how the recently de ring-fenced budget would be allocated. The Committee wished to be kept abreast as to the outcome of this decision and be consulted on further decisions.	Committee	Bailey	Safer Communities	Ongoing	3 March 2011
Community Payback/Probation Service	To receive an update on the status of community payback in Cheshire East	Committee	Bailey	Safer Communities	On track	3 March 2011
Funding for the Community and Voluntary Sector in Cheshire East	Further to the meeting held on 18 January 2011, Members agreed to receive an update on the detail and principals for awarding funding.	Committee	Brown	Being an excellent Council and working with our partners	Deferred	3 March 2011
Review of the LAP's	To receive an update on how the LAPs are working	Committee	Bailey	Being an excellent Council and working with our partners	On track	July 2011

Sustainable Communities Scrutiny Committee Work Programme – 21 January 2011

Possible Items to Monitor or consider at future Meetings

- Performance Management – update January
- Process and Policy for Anti Social Neighbours in private and let accommodation.
- Budget

Dates of Future Meetings

3 February 2011, 3 March 2011, 7 April 2011

Dates of Future Cabinet Meetings

14 Feb 2011, 14 March 2011, 11 April 2011.

Dates of Future Council Meetings

24 February 2011, 21 April 2011, 18 May 2011

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