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## CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Sustainable Communities Scrutiny Committee**  
held on Thursday, 4th November, 2010 at Committee Suite 1,2 & 3,  
Westfields, Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

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

Councillors M Davies, D Hough, J Jones, S Wilkinson and W T Beard

### **In attendance**

Councillor L Smetham  
E Lam – Expert Advisor  
K Khan – Solicitor, Legal Services  
K Shepherd – Cheshire YOS Manager

### **Apologies**

Councillors D Flude, M Hardy and J Wray

### **Absent**

Councillor A Barratt, J Crockatt, and P Edwards

### **55 MINUTES OF PREVIOUS MEETING**

#### **RESOLVED**

That the minutes of the meeting held on 7 October 2010 be approved as a correct record and signed by the Chairman subject to E Lam being included in the list of apologies.

### **56 DECLARATIONS OF INTEREST/WHIPPING DECLARATIONS**

None

### **57 PUBLIC SPEAKING TIME/OPEN SESSION**

None

### **58 SEXUAL ENTERTAINMENT VENUES - SCHEDULE 3 LOCAL GOVERNMENT (MISCELLANEOUS PROVISION) ACT 1982 (AS AMENDED)**

Consideration was given to a report that provided 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 requested 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 formulate a consultation response to the Licensing Committee.

Following detailed consideration of the report the following comments/observations were made:

- That if the Authority decided not to adopt the amendments it would not have the power to regulate and control the venues in the same way.
- That currently citizens needed to live within the vicinity of the premises to object to an application, however with this legislation anybody would be able to object.
- That the legislation did not stipulate a maximum number of venues that could be licensed within one area, as every application would be considered on its merits.
- That all directors and the company secretary of the company applying for a licence should be CRB checked.
- With regard to the advertising requirements, it was noted that the public notice must be displayed for a period of 21 days however members of the public had 28 days to object.

With regard to enforcement, it was noted that a penalty of up to £20,000 could be issued for contravening the terms and conditions of a license and that as a result the license may not be renewed. It was agreed that the possibility of issuing a license for a shorter period of one year be investigated. Members questioned whether or not the authority had the resources to prosecute and enforce. It was agreed that a statement regarding the Licensing sections resources for enforcement be circulated to the Committee at a later date.

## RESOLVED

That subject to the comments highlighted above Cabinet be recommended to approve:

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 the draft policy on the licensing of sexual entertainment venues as set out within the appendix to the report.

## **59 INTRODUCTION TO RESTORATIVE PRACTICES WITHIN CHESHIRE YOUTH OFFENDING SERVICE**

The Committee received an introduction to restorative justice. The report outlined to Members that a restorative justice approach had been adopted in Youth Justice since the original youth justice reforms in 1998. Two of the key aims of the Youth Justice Service were to confront young people with the consequences of their offending for themselves, their families, their victims and the community and to 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 stipulated the minimum level of service to be provided to victims of crime in England and Wales and under the Code, no single organisation had an obligation to support every victim, but it aimed to ensure that all victims had access to appropriate and timely support, suitable for their individual needs.

The Committee was informed that service had received funding until March 2011 for two Restorative Practice Workers and that the Budget for the service was made up of Government, Local Authority and external funding. The service was currently equally split between Cheshire East and Cheshire West and Chester. It was noted that crime rates in Cheshire West and Chester were only marginally higher than in Cheshire East.

It was noted that the service should be notified as a matter of course, when the Police Action Restorative Justice and that it should only be used for first time offenders. However it had come to light that it had been used for repeat offenders by the Police, work was now being undertaken to tackle this issue.

With regard to Compensation Orders, it was noted that only orders made by the Court were enforceable and that any compensation agreed through the Youth Justice Service had no legal backing.

The Committee agreed that the service appeared to be good value for money as only around one third of youths repeat offend. However it was agreed that the Committee would receive the statistics to support this in due course.

It was agreed that the service should work closer with the third sector and Fire Authority with regard to the types of community payback that could be used and that due to the possible future budget cuts the service would also need to be more creative.

It was noted that the Committee would be receiving a report on restorative Justice from the Police perspective at its meeting scheduled to be held on 18 January 2011.

RESOLVED

That the report be noted.

## **60 WORK PROGRAMME**

Consideration was given to the work programme. It was agreed a report justifying the funding for the Community and Voluntary Sector in Cheshire East, including the principals of how funding was awarded, be considered at the meeting scheduled to be held on 18 January 2011.

RESOLVED

That the work programme be approved subject to the amendment highlighted above.

The meeting commenced at 10.30 am and concluded at 1.00 pm

Councillor H Murray (Chairman)