

BRISTOL CITY COUNCIL

PUBLIC SAFETY AND PROTECTION COMMITTEE

30th MAY 2012

1. ANNUAL BUSINESS

(Report of the Service Director, Legal Services)

A. MEMBERSHIP OF COMMITTEE

- To note the following Council Members appointed to serve on the Committee for the 2012/13 Municipal Year:

Councillors Jethwa and Morris (Con)

Councillors Hugill and Langley (Lab)

Councillors Davies, Hance, Havvock, and Leaman (Lib Dem)

B. ELECTION OF CHAIR - MUNICIPAL YEAR 2012/2013

- To elect the Chair of this Committee for the Municipal Year 2012/13.

C. ELECTION OF VICE-CHAIR - MUNICIPAL YEAR 2012/2013

- To elect the Vice Chair of this Committee for the Municipal Year 2012/13.

D. TERMS OF REFERENCE

- To note the Committee's Terms of Reference as approved by the City Council at its Annual Meeting attached as Appendix A to this report.

E. DATES AND TIMES OF MEETINGS

- The Committee is asked to consider the following dates for meetings of the Committee for the remainder of the 2012/2013 Municipal Year with a starting time of 10.00 am.

Tuesday 3rd July 2012

Tuesday 31st July 2012

Tuesday 11th September 2012

Tuesday 9th October 2012

Tuesday 13th November 2012

Tuesday 18th December 2012
Tuesday 22nd January 2013
Tuesday 19th February 2013
Tuesday 26th March 2013
Tuesday 23rd April 2013

F. MEMBERSHIP OF SUB-COMMITTEES

- To agree membership of the Public Safety and Protection Sub Committees A and B

G. SUB-COMMITTEE TERMS OF REFERENCE

- To note the Sub Committee's terms of reference as attached at Appendix B to this report

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PUBLIC SAFETY AND PROTECTION COMMITTEE

Terms of Reference

Functions

Full Council has delegated to the Public Safety and Protection Committee all functions relating to public safety and protection as specified in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended) under the following provisions and any related secondary legislation:

1. Power to license hackney carriages and private hire vehicles ((a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55) and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Misc. Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 68, 60 and 79 of the Local Government (Misc. Provisions) Act 1976).
2. Power to license drivers of hackney carriages and private hire vehicles (sections 51, 53, 54, 59, 61 and 79 of the Local Government (Misc. Provisions) Act 1976).
3. Power to license operators of hackney carriages & private hire vehicles (sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976).
4. Power to register pool promoters (Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions Order 2006 (S.I. 2006/3272) (“the Gambling Order”)).
5. Power to grant track betting licences (Schedule 3 to the Betting Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
6. Power to license inter-track betting schemes (Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
7. Power to grant permits in respect of premises with amusement machines (Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).

8. Power to register societies wishing to promote lotteries (Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
9. Power to grant permits in respect of premises where amusements with prizes are provided (Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3) of the Gambling Order Act 2005).
10. Power to issue cinema and cinema club licences (section 1 of the Cinema Act 1985 (c.13)).
11. Power to issue theatre licences (sections 12 to 14 of the Theatres Act 1968 (c.54)).
12. Power to issue entertainments licences (section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c.33), section 79 of the Licensing Act 1964 (c.26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) Act 1982).
13. Power to license sex shops and sex cinemas (the Local Government (Misc. Provisions) Act 1982, section 2 and Schedule 3).
14. Power to license performances of hypnotism (the Hypnotism Act 1952 (c.46)).
15. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).
16. Power to license market and street trading (Part III of, and Schedule 4 to, the Local Government (Misc. Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Authorities Act 1994 (c.xii)).
17. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
18. Power to license persons to collect for charitable and other causes (section 5 of the Police, Factories etc. (Misc. Provisions) Act 1916 (c.31) and s. 2 of the House to House Collections Act 1939 (c.44)).
19. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)).
20. Power to register motor salvage operators (Part 1 of the Vehicles (Crime) Act 2001).

21. Power to issue licences authorising the use of land as a caravan site ("site licences") (Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)).
22. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
23. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 ("the 2006 Act").
24. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
25. Power to enforce offence of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
26. Power to transfer enforcement functions to another enforcement authority (Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)).
27. Power to license premises for acupuncture, tattooing, earpiercing and electrolysis (section 13 to 17 of the Local Government (Misc. Provisions) Act 1982).
28. Powers to license night cafes and take-away food shops (section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994).
29. Duty to keep list of persons entitled to sell non-medicinal poisons (sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)).
30. Power to license dealers in game and the killing and selling of game (sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); s.2 to 16 of the Game Licensing Act 1860 (c.90), s. 4 of the Customs and Inland Revenue Act 1883 (c.10), section 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70)).
31. Power to register and license premises for the preparation of food (section 19 of the Food Safety Act 1990 (c.16)).
32. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (the Safety of Sports Grounds Act 1975 (c.52)).
33. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds (Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)).
34. Power to issue fire certificates (section 5 of the Fire Precautions Act 1971 (c. 40)).

35. Power to license premises for the breeding of dogs (section 1 of the Breeding of Dogs Act 1973 (c.60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)).
36. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business (section 1 of the Pet Animals Act 1951 (c.35); section 1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 & 1970 c70); s.1 of the Breeding of Dogs Act 1973 (c.60), and subsection 1 & 8 of the Breeding and Sale of Dogs (Welfare) Act 1999)).
37. Power to register animal trainers and exhibitors (section 1 of the Performing Animals (Regulation) Act 1925 (c.38)).
38. Power to license zoos (section .1 of the Zoo Licensing Act 1981 (c.37)).
39. Power to license dangerous wild animals (section 1 of the Dangerous Wild Animals Act 1976 (c. 38)).
40. Power to license knackers' yards (Section 4 of the Slaughterhouses Act 1974 see also the Animal By-Products Order 1999 (S.I. 1999/646)).
41. Power to license the employment of children (Part II - Children & Young Persons Act 1933 (c.33), bylaws made under that Part, & Part II -Children & Young Persons Act 1963 (c.37))
42. Power to grant consent for the operation of a loudspeaker (Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)).
43. Power to license agencies for the supply of nurses (Section 2 of the Nurses Agencies Act 1957 (c.16)).
44. Power to issue licences for the movement of pigs (Article 12 of the Pigs (Records, Identification & Movement) Order 1995 (S.I. 1995/11)).
45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification & Movement) Order 1995).
46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification & Movement) Order 1995).
47. Power to issue a licence to move cattle from a market (Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871)).
48. Power to approve meat product premises (Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)).
49. Power to approve premises for the production of minced meat or meat preparations (Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)).

50. Power to approve dairy establishments (regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)).
51. Power to approve egg product establishments (regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)).
52. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods. (Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)).
53. Power to approve fish products premises (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)).
54. Power to approve dispatch or purification centres (regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
55. Power to register fishing vessels on board which shrimps or molluscs are cooked (Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
56. Power to approve factory vessels and fishery product establishments (regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
57. Power to register auction and wholesale markets (regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998).
58. Duty to keep register of food business premises (regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)).
59. Power to register food business premises (regulation 9 of the Food Premises (Registration) Regulations 1991).
60. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer (part 1 of the Health and Safety at Work etc. Act 1974 (c.37)).
61. Functions relating to sea fisheries (sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)).
62. Power to make closing order with respect to take-away food shops (Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)).

APPENDIX B

PUBLIC SAFETY AND PROTECTION SUB COMMITTEES

Terms of Reference

The Public Safety and Protection Sub Committees are established with the following terms of reference:

- A To encompass all of the functions falling within the terms of reference of the Public Safety and Protection Committee.
- B That the Public Safety and Protection Sub Committees shall have the delegated power to do all things falling within their terms of reference provided that:
 - (i) the power to make policy shall be reserved to the Public Safety and Protection Committee (although for the avoidance of doubt the sub committees shall be entitled to exercise the Council's discretion to depart from policy or other guidance in an appropriate case); and
 - (ii) the exercise of the delegated power here conferred shall be subject to the same general provisions as are imposed on the Public Safety and Protection Committee under the Council's Constitution, Part 3 in particular.
- C That the Committee appoints four of its eight member membership to serve on each of the two Sub Committees – 2 Lib Dem Members, 1 Labour Member and 1 Conservative Member.