

Public Safety and Protection Committee



9 June 2020

Report of: Director – Legal & Democratic Services

Title: Public Safety and Protection Committee Annual Business Report 2020/21

Ward: All

Officer Presenting Report: Oliver Harrison, Democratic Services

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Recommendation

See Recommendations as set out in each paragraph.

Summary

To agree the Annual Business for the Municipal Year 2020/21.

1. Membership of Committee.

Recommendation: To note the following Council Members appointed to serve on the Committee (5 Labour, 2 Conservative, 1 Green, 1 Liberal Democrat) for the 2020/21 Municipal Year:

Chair - Labour

Vice Chair - Liberal Democrat

Councillor Tom Brook – Labour

Councillor Carole Johnson – Labour

Councillor Ruth Pickersgill – Labour

Councillor Lucy Whittle - Labour

Councillor Estella Tincknell - Labour

Councillor Richard Eddy – Conservative

Councillor Steve Jones - Conservative

Councillor Fi Hance – Green

Councillor Chris Davies – Liberal Democrat

2. Election of Chair (Labour) – Municipal Year 2020/21

Recommendation: To elect a Chair of the Committee for the Municipal Year 2020/21.

3. Election of Vice-Chair (Liberal Democrat) – Municipal Year 2020/21

Recommendation: To elect a Vice-Chair of the Committee for the Municipal Year 2020/21.

4. Terms of Reference.

Recommendation: To note the Committee's Terms of Reference as agreed in the constitution remains unchanged, attached as Appendix A to this report.

5. Code of Conduct

Recommendation: To note the Committee's Code of Conduct approved by the City Council at its Annual Meeting on 21st May 2020 attached as Appendix B to this report.

6. Appointment of Sub-Committees

Recommendation: To appoint two Sub-Committees, A and B, with Terms of Reference attached at Appendix C.

6. Membership of Sub-Committees

Option 1: Unanimous Agreement of non-politically balanced Sub-Committees

In previous years, Members have agreed that the two Sub-Committees should not be politically balanced so that all Members of the full Committee could sit on one or other of the Sub-Committees, but not require any Member to attend all Sub-Committee Meetings. Under

these arrangements, Members of either Sub-Committee can substitute for each other on a non-political basis. This arrangement would require the unanimous agreement of all Members of the Committee.

Option 2: Politically balanced Sub-Committees

If Members do not unanimously agree that the Sub-Committees should not be politically balanced, Members are asked to consider the membership for Sub-Committee A and Sub-Committee B based on the Political Balance calculations attached at Appendix D.

The Membership for Sub-Committee B will need to be agreed immediately as there is a meeting immediately following this Annual Committee meeting.

Recommendation 1: that the Committee agree unanimously to appoint 2 Sub-Committees that do not reflect the political balance of the Council as follows:

Sub-Committee A: 5 Members of PSP Committee

Sub-Committee B: 4 Members of PSP Committee

With members of each Sub-Committee being able to substitute on the other Committee on a non-political basis.

Recommendation 2: that the Committee agree which Members will sit on each of the Sub-Committees.

7. Dates and Times of Meetings.

Recommendation: that the Committee confirm the following dates for meetings of the Committee for the 2019/20 Municipal Year:

Tuesday 9 June 2020 AGM at 10am	Full Committee and Sub Committee B
Tuesday 16 June 2020 – Sub Committee A	
Tuesday 23 June 2020 – Sub Committee B	
Tuesday 7 July 2020 – Sub Committee A	
Tuesday 21 July 2020 - Sub Committee B	
Tuesday 4 August 2020 – Sub Committee B	
Tuesday 18 August 2020 – Sub Committee A	
Tuesday 15 September 2020 - Sub Committee B	
Tuesday 13 October 2020 - Sub Committee A	
Tuesday 17 November 2020 - Sub Committee B	
Tuesday 15 December 2020 - Sub Committee A	
Tuesday 19 January 2020 - Sub Committee B	
Tuesday 16 February 2020 - Sub Committee A	
Tuesday 16 March 2020 - Sub Committee B	
Tuesday 20 April 2020 - Sub Committee A	

Meetings of the Full Committee will be added to these dates when it becomes necessary and it may also become necessary to add additional Sub-Committee Meetings.

8. Public Sector Equality Duties

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
- ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.

9. Legal and Resource Implications

Legal

Not applicable

Financial

(a) Revenue

Not applicable

(b) Capital

Not applicable

Land

Not applicable

Personnel

Not applicable

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Appendices:

Appendix A – Terms of Reference – PSP Committee

Appendix B – Code of Conduct – PSP Committee

Appendix C – Terms of Reference – PSP Sub Committees

Appendix D - Proportion of Seats

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None.

Appendix A**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 and 11 Vict. c. 89) as extended by section 171 of the Public Health Act 1875 (38 and 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 and 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 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 performances of hypnotism (the Hypnotism Act 1952 (c.46)).

14. Power to license pleasure boats and pleasure vessels (Section 94 of the Public Health Acts Amendment Act 1907 (c.53)).
15. 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.viii) and section 6 of the London Authorities Act 1994 (c.xii).
16. Power to license scrap yards (section 1 of the Scrap Metal Dealers Act 1964 (c.69)).
17. 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)).
18. Power to sanction use of parts of buildings for storage of celluloid (section 1 of the Celluloid and Cinematograph Film Act 1922 (c.25)).
19. Power to register motor salvage operations (Part 1 of the Vehicles (Crime) Act 2001).
20. 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)).
21. Power to license the use of moveable dwellings and camping sites (section 269(1) of the Public Health Act 1936) (c.49).
22. Power to enforce offences to the display of no-smoking signs (section 6(5) of the Health Act 2006 (“the 2006 Act”).
23. Power to enforce offences relating to smoking in smoke-free places (section 7(4) of the 2006 Act).
24. Power to enforce offences of failing to prevent smoking in smoke-free places (section 8(4) of the 2006 Act).
25. Power to enforce offences 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, ear piercing 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 Sports 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 and 1970 c70); s.1 of the Breeding of Dogs Act 1973 (c.60) and subsection 1 and 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 and Young Persons Act 1933 (c.33), bylaws made under that Part and Part II – Children and Young Persons Act 1963 (c.37)).
42. Power to grant consent for the operation of 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 o the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11)).
45. Power to license the sale of pigs (Article 13 of the Pigs (Records, Identification and Movement) Order 1995).
46. Power to license collecting centres for the movement of pigs (Article 14 of the Pigs (Records, Identification and 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 Mead 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 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)).

Public Safety and Protection Committee

Code of Conduct

1. Introduction

1.1 This Code of Conduct must be read in conjunction with the Member Code of Conduct, the Protocol on Member / Officer Relations, any other codes and protocols approved by the Full Council.

1.2 The sub committees meet to determine applications for licences relating to the Hackney Carriage and Private Hire Trade or to review licences where officers have concerns relating to the fit and proper standing of those persons to hold a licence. Such decisions will be in conjunction with the relevant Bristol City Council Policies relating to licensed vehicles, including the Council's policy on the Relevance of Criminal Behaviour of Private Hire and Hackney Carriage Drivers.

1.3 The Public Safety and Protection Committee also considers applications for Street Trading licences and consents and has further powers and duties under the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) including animals, food safety and Health Act 2006 in relating to smoking.

1.4 The Public Safety and Protection Committee determines applications under the Town Police Clauses Act 1847 and the Local Government Miscellaneous Provisions act 1976 (as amended) for licences in connection with the taxi trade and also under Schedule 4 of The Local Government (Miscellaneous Provisions) Act 1982 (as amended) for street Trading Licences and consents.

1.5 Whilst all local authority actions are subject to the rules regarding probity, as embodied in the Council's Code of Conduct for Members, the Public Safety and Protection Committee will need to be especially diligent in this respect.

1.6 The Public Safety and Protection function of the Committees entails it acting in a quasi-judicial capacity so it must follow a fair and proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

1.7 Members must not, in their official capacity, or any other circumstances, conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. Members of the Public Safety and Protection Committee must make their decisions in accordance with the rules of natural justice, which includes an obligation not to act with bias or where there is an appearance of bias (the test for appearance of bias being that there exists a "real possibility" of bias in the particular circumstances).

1.8 A Member who accepted a free taxi ride from an applicant for a licence in connection with the taxi trade or free goods from a street trader whose application was before the committee could give rise to an appearance that they are likely to be biased in favour of the applicant. This may be so even though the value of the hospitality is less than the £25 which would trigger an entry into the Authority's hospitality register. If a decision has been made which has shown bias to a party then this decision could be quashed. Any bias whether influencing a decision or not can bring the Councillor's office and the Local Authority into disrepute. Therefore, whilst the receipt of hospitality

under the value of £25 would not be declarable in the register, this Code discourages the acceptance by Public Safety and Protection Committee members of any gift or hospitality from applicants or others involved in applications for licences or consents within the remit of the committee, even where those gifts are of nominal value.

1.9 This Code is primarily aimed at Members of the Public Safety and Protection Committee and substitute; however various parts of it (such as the Section on Councillors supporting applicants) are relevant to all Bristol City Councillors.

2. The Councillor supporting a complaint on an Application

2.1 The complaint may be from the personal experience of the Councillor or otherwise they may be representing one or more of their constituents who have raised concerns, for example, with the behaviour of a licenced driver.

2.2 A Councillor wishing to establish if they would be entitled to make a representation in their own right can seek guidance from a member of the Licensing team.

2.3 If a Member either makes a complaint or supports another's complaint then paragraph 4 of the Code of Conduct, which addresses the issue of when a personal interest is a prejudicial interest, should be considered as this action could be argued to give rise to an interest "which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest". Councillors should exercise caution and take great care not to conduct themselves in a manner which may subsequently be viewed as being in breach of the Code. Further advice in respect of interests can be sought from the monitoring officer.

2.4 A Councillor who is involved in an application as an interested party should take care not to abuse his position as an elected member to gain access to more information than would be available to an ordinary member of the public.

3. Constituents and Lobbying

3.1 Lobbying of Members by their constituents is legitimate as is the practice of a Member who does not have a prejudicial interest acting as the representative of a constituent at a hearing if requested to do so. However, if a member of the Public Safety and Protection Committee is approached by persons wishing to persuade them to make a decision one way or another on a pending application then the Member should politely explain that they cannot discuss the issue as it may be construed as an unlawful pre-determination of the matter. The person should be referred to the Licensing Office who will provide suitable guidance in the circumstances of the particular case.

3.2 Where a Member, who is a serving member of the Public Safety and Protection Committee is asked to represent a constituent they cannot act as both a representative and a decision maker.

3.3 In assisting their constituents, Members should take care not to pressurise officers of the Licensing Authority or any other Authorities to exercise their professional judgement in a particular way and of course any conduct towards officers which amounts to bullying is entirely inappropriate. If Members have concerns they should raise them through appropriate channels, such as an individual's line manager or through the established scrutiny processes.

4. The appearance of bias and pre-determination

4.1. Decision making which may be described variously as being quasi-judicial/being a hearing to which the rules of natural justice apply/being a decision to which Article 6 of the European Convention on Human Rights (the right to a fair trial) applies, requires the decision maker to be able to act judicially. This includes a requirement to act without actual bias or without the “appearance of bias”. It is obvious what constitutes actual bias.

4.2. The appearance of bias arises where a fair minded observer informed of the facts and having regard to circumstances of the particular case would conclude that there was a real possibility (sometimes referred to as “real danger”) of apparent bias effecting the Local Authority’s decision.

4.3. Section 25 of the Localism Act 2011 introduced a codified test for dealing with issues of bias and pre-determination where the decision maker had “or appeared to have had” a closed mind when making the decision.

4.4. Section 25 of the Localism Act 2011 provides that:

“a decision maker is not to be taken to have had, or to have appeared to have had a closed mind when making the decision because:

- a) The decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter, and;
- b) The matter was relevant to the decision.”

4.5. The key point is that at the time the member considers the application they must have an open mind and appear to have an open mind when determining the application.

4.6. It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing strong opinions or views on licensing matters.

4.7. A Councillor may be involved in discussions about a taxi or street trading application before the matter comes before the PSP Committee. Such involvement need not on its own debar a Councillor from participating in the decision making process when the application comes before committee for determination, providing that the Councillor has not already decided how they will vote on the matter. Councillors should, however, always consider carefully whether in any particular case they can reasonably be seen to approach the application on its own merits and with an open mind. If the Councillor considers this is not possible, the Councillor should withdraw from consideration of that application.

5. Procedure and conduct at meetings.

5.1. Members of the Public Safety and Protection Committee or its sub-committees who are considering applications which may affect an individual’s livelihood and/or the private and family life of residents etc. should take special care to ensure not only that justice is done but that it is seen to be done. To this end Councillors should conduct themselves at all times in an appropriate manner. They must remain alert and focussed on the business of the meeting and, importantly, they must appear to be alert and focussed on the business of the meeting during hearings. Councillors should not sleep, or appear to be asleep, consume food or drink, use electrical devices for any purpose not connected to the committee or allow other interruptions to the business in hand

5.2. Councillors should not be over familiar with officers and other individuals who regularly appear before the Committee. Whilst the hearings are to be conducted as a discussion rather than as a formal debate, this does not lessen the importance of the role of the Chair in providing a firm steer. On the contrary, the role of the Chair in leading the discussion that is required under the Regulations is extremely important and Councillors should, like the parties to the meeting, be led in the discussion by the Committee Chair so that the discussion remains focussed on relevant issues and proceeds in an orderly fashion with all relevant points being explored fully around the table.

5.3. The Chair and his/her colleagues must under no circumstances engage in unwarranted joviality or make comments and asides which are not directly relevant to the matter under consideration. It may be considered that such conduct will serve to put applicants and members of the public at their ease, but there is always a risk that the opposite effect will be produced and that the Applicant and other parties will feel that they are not being taken seriously. The Chair should therefore aim to foster a relaxed but nonetheless business like atmosphere in the hearing.

5.4. Whilst it is permissible for Members to make clear that they have relevant local knowledge (for example, the Chair may say “we all know the premises and their vicinity very well”) it is not appropriate for Members to engage in personal anecdotes which are not directly relevant to the business before the meeting; members should focus on their duty to have regard to the representations made by other persons and bodies and to consider guidance and policy. It is unlikely anecdotes will have any relevance to the business of the meeting and recounting them can give the appearance that the Committee is not taking the matter as seriously as the parties expect them to, or that the member is predisposed towards the interests of one party over another in advance of hearing from them all.

Fairness

5.5. When the Public Safety and Protection Committee is considering an application, all parties will be given an opportunity to put their case before the Committee. If a party does not attend, the Public Safety and Protection Committee may proceed in their absence providing it is in the public interest to do so.

5.6. All Members of the Public Safety and Protection Committee shall be present throughout the consideration of a particular application. Where a Member arrives late or leaves the room once consideration of a particular application has started, that Member shall play no part in the decision making process for that particular application. Where an application is adjourned part heard, it shall be heard by the same Members, save for in exceptional circumstances.

Prejudicial and Disclosable Pecuniary Interests and the Prevention of Bias

5.7. The rules about prejudicial interests and disclosable pecuniary interests as set out in the Member Code of Conduct shall be firmly applied.

5.8. Members are also referred to the guidance about bias and pre-determination above.

Decision Making Process

5.9. When the Members of the Public Safety and Protection Committee move into private session to deliberate and reach a decision, they should be accompanied only by the Democratic Services Officer, Policy Officer and Legal Advisor, who shall take no substantive part in the debate nor in the decision making process. Only Members of the Committee can take part in the decision making process.

Site Visits

5.10. It is considered the need for site visits will only occasionally arise. While it is proper for the Committee to do this, care must be taken not to undermine the integrity of the hearing process. The following guidelines will help to prevent this: -

- a) Arrangements for visits should be approved by the Committee and arranged by officers. Members should not make their own arrangements. If Members are approached direct, they should refer the person concerned onto officers
- b) There should be no discussion of individual applications (including those that have been determined) or of the application under consideration
- c) At the site visit, there should be no one-to-one discussions between Members and others
- d) Officers should always be in attendance at site visits.
- e) Officers should keep a note of who attended the visits, what occurred and an outline of any discussions

6 Participation of Ward Member in Sub-Committees which are convened to consider applications in the Member's own Ward

6.1. All Councillors are required to act in the public interest and this will prevail over the interests of individual constituents in their Ward. Therefore a well informed observer would not consider that there was a real possibility of bias arising when Ward Members are participants in a Committee making decisions in respect of premises or individuals in their Ward. However, the volume of applications and the number of potential parties appearing before Committee Members is such that there is a higher risk in this area of the Council's work of a Member inadvertently serving on a Committee when they should have stepped down for example because they have provided assistance to one of the parties at an earlier stage. For this reason it would be good administrative practice in the context of this legislation to generally select Members to serve on Committees which will be dealing with matters in other areas of the City.

7. Training of members

7.1. All Members serving on the Public Safety and Protection Committee and/or who have any decision making role on licensing matters including substitute members in accordance with the Council's Constitution shall be trained in relevant procedures prior to serving on the Committee.

7.2. Members must not take part in the decision making process at committee meetings unless they have attended mandatory training which will generally be provided in-house.

7.3. Members should attend any other specialised training sessions provided, since these will be designed to extend their knowledge of law and procedures for the matters dealt with by the committee. All training will be devised to assist Members in carrying out their role properly and effectively.

7.4. A training record will be maintained in respect of all training received.

Public Safety and Protection Sub Committee

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.

Appendix D

The number of Council Members for each political group expressed as a percentage of the total Councillor membership of political groups on the City Council (70) is as follows:

Labour 36 Members (% of 70) = 51.43 %
 Conservative 14 Members (% of 70) = 20 %
 Green 11 Members (% of 70) = 15.71 %
 Liberal Democrat 9 Members (% of 70) = 12.86 %

Following discussion with the Party Group Whips, the following committee sizes are proposed:

	LAB	CON	GREEN	LD
11 Member Committees:				
Development Control Committee A	6	2	2	1
Development Control Committee B	6	2	2	1
Overview and Scrutiny Management Board	6	2	2	1
People Scrutiny Commission	6	2	2	1
Growth and Regeneration Scrutiny Commission	6	2	2	1
Communities Scrutiny Commission	6	2	2	1
Resources Scrutiny Commission	6	2	2	1
9 Member Committee:				
Public Safety and Protection Committee	5	2	1	1
7 Member Committees:				
Public Rights of Way and Greens Committee	4	1	1	1
Audit Committee	4	1	1	1
Human Resources Committee	4	1	1	1
Selection Committee	4	1	1	1
TOTAL = 114 seats, breaking down as	63	20	19	12
	LAB	CON	GREEN	LD
The % which this distribution gives each party:	55.26%	17.54%	16.7%	10.53%
As compared with the entitlement %	51.43%	20%	15.71%	12.86%

These totals reflect, as far as is reasonably practicable, the aggregate entitlement of the political groups to committee seats.