





**Brighton & Hove
City Council**

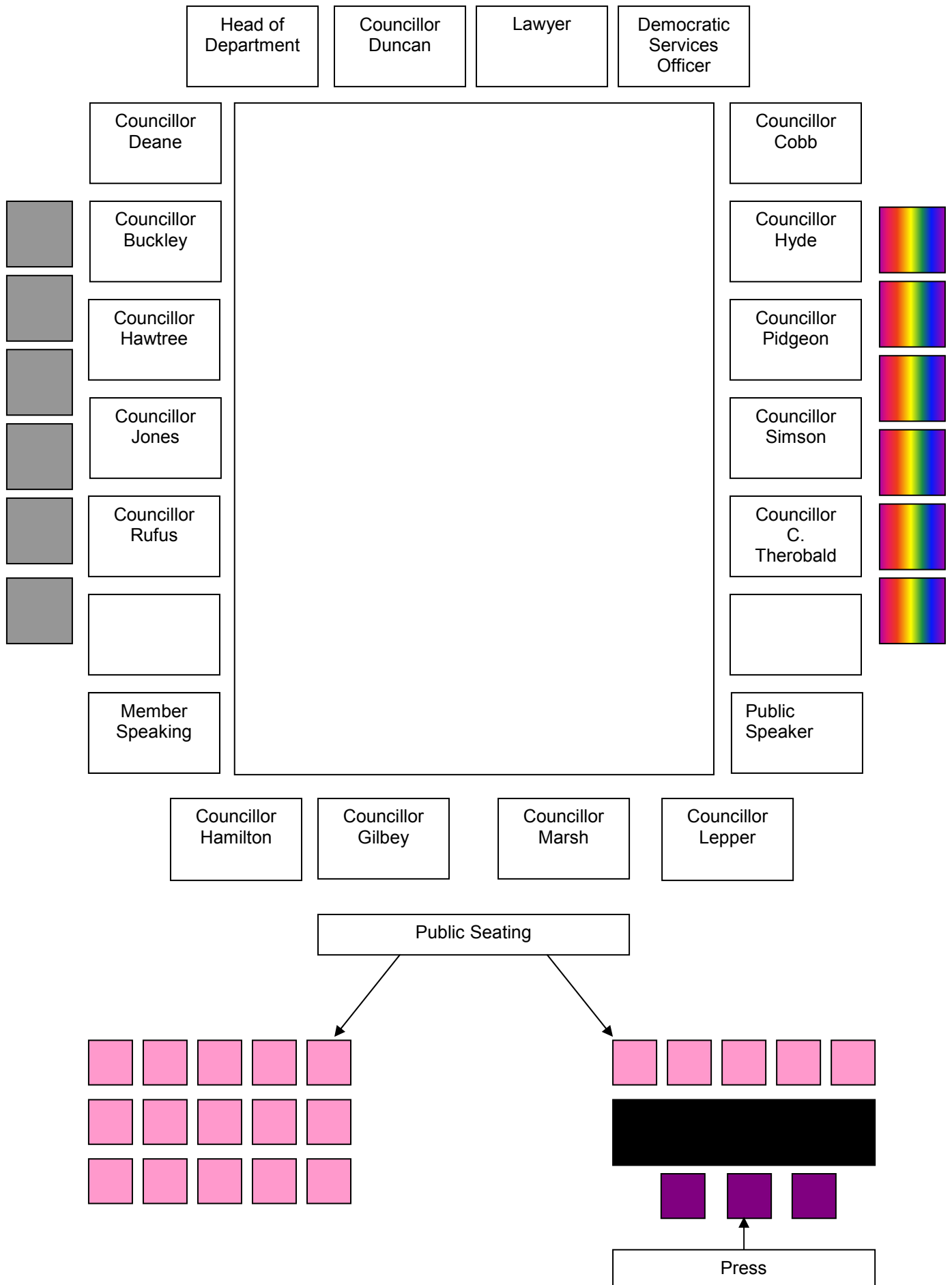
Licensing Committee

(Non-Licensing Act 2003 Functions)

Title:	Licensing Committee (Non Licensing Act 2003 Functions)
Date:	14 March 2013
Time:	3.00pm or at the conclusion of the Licensing Committee (Licensing Act) Meeting
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Duncan (Chair), Deane (Deputy Chair), Cobb (Opposition Spokesperson), Lepper (Opposition Spokesperson), Buckley, Gilbey, Hamilton, Hawtree, Hyde, Jones, Marsh, Pidgeon, Rufus, Simson and C Theobald
Contact:	Penny Jennings Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

21. PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest:

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(c) Exclusion of Press and Public: To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.

22. MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 22 November 2012 (copy attached)

23. CHAIR'S COMMUNICATIONS

24. PUBLIC INVOLVEMENT

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

To consider the following matters raised by members of the public:

- (a) **Petitions:** to receive any petitions presented by members of the public to the full Council or at the meeting itself.
- (b) **Written Questions:** to receive any questions submitted by the due date of 12 noon on 7 March 2013.
- (c) **Deputations:** to receive any deputations submitted by the due date of 12 noon on 7 March 2013.

25. MEMBER INVOLVEMENT

To consider the following matters raised by Members:

- (a) **Petitions:** to receive any petitions submitted to the full Council or at the meeting itself;
- (b) **Written Questions:** to consider any written questions;
- (c) **Letters:** to consider any letters;
- (d) **Notices of Motion:** to consider any Notices of Motion.

26. ZOO LICENSING

9 - 32

Report of the Head of Planning and Public Protection (copy attached)
Ward Affected: All Wards

27. CONSULTATION ON THE ACCESSIBILITY POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS

33 - 56

Report of the Head of Planning and Public Protection (copy attached)

Contact Officer: Martin Seymour Tel: 296659
Ward Affected: All Wards

28. ITEMS TO GO FORWARD TO COUNCIL

To consider items to be submitted to the 28 March 2013 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 6 March 2013

**LICENSING COMMITTEE
(NON LICENSING ACT
2003 FUNCTIONS)**

Agenda Item 22

Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

3.30PM 22 NOVEMBER 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Duncan (Chair), Deane (Deputy Chair), Cobb (Opposition Spokesperson), J Kitcat, Lepper (Opposition Spokesperson), Buckley, Gilbey, Hamilton, Hawtree, Hyde, Marsh, Pidgeon, Shanks, Simson and C Theobald

PART ONE

10. PROCEDURAL BUSINESS

10a Declaration of Substitutes

10.1 Councillor J Kitcat declared that he was substituting for Councillor Rufus and Councillor Shanks declared that she was substituting for Councillor Jones.

10b Declarations of Interest

10.2 There were none.

10c Exclusion of the Press and Public

10.3 In accordance with section 100A of the Local Government Act 1972 ('the Act'), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press or public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 1001 of the Act).

10.4 **RESOLVED** - That the press and public be not excluded from the meeting during consideration of any item of business on the agenda.

11. MINUTES OF THE PREVIOUS MEETING

- 11.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the Licensing Committee (Non Licensing Act 2003 Functions) Meeting held on 28 June 2012 be agreed and signed as a correct record.

12. CHAIR'S COMMUNICATIONS

Hackney Carriage and Private Hire Vehicles

Suspensions and Revocations

- 12.1 The Chair explained that since the last meeting of the Licensing Committee (Non Licensing Act 2003 Functions), officers in the Hackney Carriage Office had:

Revoked one licence following a conviction for driving with excess alcohol and refused two applications due to previous convictions and giving false information on applications and had suspended one Licence on medical grounds.

In addition to this, four drivers had received a formal warning for convictions or cautions and three drivers for not declaring previous convictions on an application.

13. PUBLIC INVOLVEMENT

13a. Petitions

- 13.1 There were none.

13b. Written Questions

- 13.2 There were none.

13c. Deputations

- 13.3 There were none.

14. ISSUES RAISED BY MEMBERS

14a. Petitions

- 14.1 There were none.

14b. Written Questions

- 14.2 There were none.

14c. Letters

- 14.3 There were none.

14d. Notices of Motion

14.4 There were none.

15. LICENCE FEES 2013/14

15.1 The Committee considered a report of the Head of Planning and Public Protection setting out the proposed licence fees and charges for 2013/14 relating to Street Trading, Sex Establishments and Sex Entertainment Licences, Gambling premises, taxi licensing and other licensing functions.

15.2 The Head of Regulatory Services, explained that in order to ensure that council tax payers were not subsidising work concerning licensing administration, income was raised by licence fees which aimed to cover the cost of administration of each regime within constraints of regulation. Licence fees should not be used to raise revenue.

15.3 In the case of Hackney Carriage and Private Hire Licence fees the Council had to be able to show that its licensing fees were set in accordance with specific requirements of the Local Government (Miscellaneous Provisions) Act 1976. This required that such fees were reasonable and recovered the cost of issue and administration. In relation to sex establishments and street trading in consequence of the ruling following Rv. Manchester ex parte King it had been established that fees should be set at a level reasonably expected to cover costs with any surplus reinvested in the service.

15.4 Gambling fees had remained static since the implementation of the Gambling Act. However, detailed accounts had shown that this account was trading at a loss and that in order to address this, fees should be increased by £40 where they were not already set at the maximum allowed.

15.5 Councillor Hawtree referred to the level of fees paid by sex establishments which appeared to show significant fluctuations. Reference was made to the "Westminster" case and the Head of Regulatory Services explained that in order to meet legal requirements that it was incumbent on the Council to review its fees in a proper and transparent way and at level it could reasonably expect to recover.

15.6 Councillor C Theobald stated that the cost of CRB checks could very high, particularly if required annually. It was explained that CRB checks needed to be carried out every three years and that these were cost neutral for the authority. If a conviction or caution was received for an offence during the life of a licence it should be notified.

15.7 **RESOLVED** – That the Committee approves the following variations to licence fees:

- Hackney carriage driver fee +10%, hackney carriage vehicle fee – 7%, private hire driver fee +10%, private hire vehicle fee -7%;
- Sex entertainment venues and sex establishments are amalgamated and the fee for both is set at £6,500;
- Street trading fees – frozen;
- All Gambling Act 2005 fees are increased by £40 then a 10% increase is applied annually in 2014/15 and 2015/16 to remove the shortfall (except where already set at the maximum e.g. Adult Gaming Centres/Family Entertainment Centres).

16. HACKNEY CARRIAGE UNMET DEMAND SURVEY

- 16.1 The Committee considered a report of the Head of Planning and Public Protection which presented the results of the Hackney Carriage Unmet Demand Survey and which set out the various options available to members to advise the executive.
- 16.2 A representative was in attendance from the Halcrow Group who had conducted the study on behalf of the Council and gave a presentation highlighting the purpose of the survey and its key findings. The purpose of this study had been to determine:
- Whether there was any evidence of significant unmet demand for hackney carriage services in Brighton and Hove;
 - If significant unmet demand was found to recommend how many licences would be required to address this; and to
 - Assess the provision and demand for wheelchair accessible vehicles.
- 16.3 In the case of disabled access there were currently 167 wheelchair accessible hackney carriages. This equated to 30.6% of the total fleet. There were also 36 wheelchair accessible private hire vehicles licensed which equated to 8.25% of the fleet. The benchmarking exercise carried out had indicated that provision in Brighton and Hove was in the middle of the comparable authorities having neither the best nor the worst provision. Of respondents 42 (9.4%) had considered themselves to have a mobility impairment and 18 (42.9%) of these respondents were wheelchair users. Of those mobility impaired respondents 34 (81.0%) had used a taxi mainly booking by phone. On average those with a mobility impairment were less satisfied than respondents as a whole, particularly with rank hirings, generally. Mobility impaired residents had a longer waiting time for their taxis and were not satisfied with that delay.
- 16.4 Councillor Hawtree enquired whether there were common findings relating to take up and provision across authorities, particularly neighbouring authorities and whether it had been possible to highlight issues which might have arisen in consequence of the current recession.
- 16.5 The Chair, Councillor Duncan, referred to the fact that a number of broad ranging responses had been received.
- 16.6 Councillors Lepper and Simson queried the fact that Rugby had been cited as a comparable authority in a number of instances. They considered that in most not instances it was appropriate to consider information which related to neighbouring authorities. The Hackney Carriage Officer explained that information available relating to Rugby had been included as this authority had been cited by the FED centre for Independent Living as an example of best practice in terms of provision for the disabled. Whilst this was noted, Councillors Gilbey and Hawtree considered that it was important also to take account of the size and population of Brighton and Hove which were significantly different.
- 16.7 Councillor Marsh referred to the data provided seeking clarification as to whether or not there was an unmet demand. Councillor Marsh also made reference to the arrangements in place at the Amex Stadium on match days. It was confirmed that any on-going work in respect of this matter fell within the remit of another Committee (Transport). Investigations carried out, however, had indicated that it would not be

possible to provide a permanent hackney carriage rank at the stadium on safety grounds.

- 16.8 Councillor C Theobald queried whether servicing arrangements for the Amex Stadium had been addressed at the planning stage and it was confirmed that arrangements in respect of the traffic/infrastructure had been agreed.
- 16.9 Councillor Cobb queried whether as the survey had not identified any significant level of unmet demand, there was any need to increase the number of vehicle licences permitted annually. Councillor Cobb also asked whether there were any plans to increase the existing ranks. The Head of Environmental Health and Licensing explained that from time to time applications for new ranks were received, which were sometimes successful and sometimes not. This issue was considered periodically but ultimately limited highway space was available for all of the demands placed upon it.
- 16.10 Councillor Lepper stated that it was her understanding that if a small increase were to be agreed year on year that would be to ensure that the number of available vehicles remained constant. Councillor Hyde concurred in that view and sought confirmation regarding the bodies and individual service users consulted when the Halcrow Group had prepared their report.
- 16.11 Councillor Deane welcomed the report and the findings that generally the provision within the city was comparable to that for similar authorities.
- 16.12 Councillor Pidgeon referred to the differing needs of individuals dependent on their disability. For instance those who were not wheelchair bound but had other mobility issues or sight impairment actually experienced significant difficulty in trying to access certain types of wheelchair accessible vehicles.
- 16.13 The Chair, Councillor Duncan stated that it was important to have a mixed fleet that catered to the differing needs of taxi users.
- 16.14 Councillor Simson enquired whether it would be possible to review the mix of vehicle types within the Brighton and Hove fleet in advance of the next scheduled review. Councillor Simson referred to paragraph 2.5 as set out in the officers report stating that she wished this to be amended to ensure that it fully reflected the appropriate section of the Council's policy. Councillor Lepper was in agreement with that view. The Head of environmental Health and Licensing explained however that as there was not clear definition of a Wheelchair Accessible Vehicle (WAV) and that any recommendations agreed would need to meet policy requirements that this would be superfluous. Committee Members including Councillors Lepper and Simson agreed.
- 16.15 Councillor Cobb suggested an amendment to paragraph 2.2 to ensure that it was clear that agreement to that recommendation would result in managed growth. Members also considered that this amendment would also be superfluous and therefore it was lost.
- 16.16- Following the discussions and voting referred to above the Committee agreed to paragraphs 2.2, 2.5 (with references to paragraphs 2.1, 2.3 and 2.4 removed) and paragraph 2.6. For clarity these are reproduced below.

16.17 **RESOLVED** – (1) To continue to increase the number of hackney carriage licences issued by the council by 5 annually, such licences to be issued in May each year commencing in May 2013;

(2) That any additional licences issued under (1) above should be issued in accordance with the conditions attached to the Brighton & Hove City Council Hackney Carriage Vehicle Licence Waiting List and to vehicles which are constructed or adapted and configured to carry passengers seated in wheelchairs, the type and design to be agreed by the Head of Planning and Public Protection; and

(3) That policy will not support cycle drawn rickshaws.

17. WHEELCHAIR ACCESSIBILITY POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE, DRIVERS, VEHICLES AND OPERATORS

17.1 The Committee considered a report of the Head of Planning and Public Protection setting out progress on the development of a Wheelchair Accessibility Policy for Hackney Carriages and Private Hire, Drivers, Vehicles and Operators.

17.2 Councillor Duncan, the Chair was pleased to note the outcome of the work carried out to date and to note that although not currently a fully worked up policy that the work carried out to date had made significant progress towards that end.

17.3 Councillor Cobb suggested that in the light of discussions which had taken place in relation to the previous item on the agenda the reference to “wheelchair”, in the first line should be removed from the first recommendation in the officer’s report, Members concurred in that view. Members agreed wording is set out in (1) below.

17.4 Councillor Lepper stated that a number of the key issues in respect of this matter had been considered in relation to the previous agenda item and she was pleased to note the progress made to date. However, she considered that the second recommendation should be amended to refer to the need for a full equalities review to be undertaken in order to inform the accessibility policy. Notwithstanding that this would take place in any event following discussion Members agreed wording is set out in (2) below.

17.5 **RESOLVED** – (1) That the Committee notes progress being made in the development of a Wheelchair Accessibility Policy for Hackney carriage and Private Hire, Drivers, Vehicles and Operators and that officers report back to Committee when complete; and

(2) That Members endorse continued consultation and furthermore that Members require a full equalities review to take place in order to inform the development of an accessibility policy: current work was reflected in the draft set out in appendix 1 to the report.

18. HACKNEY CARRIAGE / PRIVATE HIRE TRADE ETHNICITY MONITORING

18.1 The Committee considered a report of the Head of Planning and Public Protection setting out the results of the Ethnicity Monitoring of the Hackney Carriage/Private Hire Trade for 2011/12.

- 18.2 It was explained that all applications received by the Hackney carriage Office for licensing of vehicles and drivers were monitored for ethnic background and that the results of this monitoring were set out in appendix a, to the report. Ethnic monitoring was undertaken to ensure that the waiting list was maintained and operated in a fair and transparent way as recommended by the Equality and Human Rights Commission.
- 18.3 Councillor Lepper referred to the data set out and stated that she was surprised that this career was not more attractive to working mothers as during the day it could work around child care responsibilities, the school run etc.
- 18.4 Councillor Shanks referred to the fact the data did not give full ethnicity information enquiring whether the Council could address under representation. It was confirmed that the monitoring information received was based on the responses received to specific questions set out and that the format used was being looked at currently. It was possible this might be amended in future. The Council had no control over who applied for licences and it should be noted that whilst there was no waiting list for drivers there was for vehicle licence plates.
- 18.5 The Legal Adviser to the Committee confirmed that the Licensing Authority's policies were not discriminatory as they did not treat any individual or group unfavourably.
- 18.6 Councillor Gilbey stated that she thought that last report to Committee on this subject had contained more information than was currently available.
- 18.7 Councillor Hyde enquired regarding accuracy of the reference to the 2001 census data, it was confirmed that this was the most up to date published data available. Information contained by the 2011 status had yet to be published in its entirety.
- 18.8 **RESOLVED** – That the Committee notes the results of the Ethnicity Monitoring exercise for 2011/12.

19. CCTV MONITORING IN LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES - UPDATE

- 19.1 The Committee considered a report of the Head of Planning and Public Protection updating the Committee on the implementation of CCTV monitoring in licensed Hackney Carriage and Private Hire Vehicles.
- 19.2 It was noted that a petition had been received and noted by the Committee at its meeting held on 8 March 2012 at which time Members had called for a further report to be brought to Committee in 6 months time (2 cycles) setting out the position in the light of operating experience in relation to the installation of CCTV in Hackney Carriages and Private Hire Vehicles.
- 19.2 Councillor Hyde stated that she was pleased to note the outcome of the monitoring exercise. Councillor Cobb stated that there had been a degree of apprehension in some sections of the trade, however, those concerns had proved to be unfounded, this had been well received and officers should be commended for their work with the trade to allay any fears they may have had.

19.4 **RESOLVED** – That the contents of the report be noted.

20. ITEMS TO GO FORWARD TO COUNCIL

20.1 There were none.

The meeting concluded at 5.40pm

Signed

Chairman

Dated this

day of

LICENSING COMMITTEE NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 26

Brighton & Hove City Council

Subject:	Zoo Licensing	
Premises:	Brighton Sea Life Centre Marine Parade Brighton BN2 1TB	
Licence Holder	MERLIN ENTERTAINMENT 3 MARKET CLOSE, POOLE DORSET BH15 1NQ	
Date of Meeting:	14 March 2013	
Report of:	Head of Planning and Public Protection	
Contact Officer: Name:	Roy Pickard	Tel: 292145
	Email: roy.pickard@brighton-hove.gov.uk	
Ward(s) affected:	All	

1. PURPOSE OF THE REPORT:

- 1.1 The report outlines the process for Zoo Licensing

2. RECOMMENDATIONS:

- 2.1 That committee notes the licensing determination and renewal inspection process that officers have completed to renew the licence
- 2.2 That a recommendation is made to Policy and Resources Committee that in reviewing the constitution Zoo Licensing Act determinations are reserved to Licensing Committee.
- 2.3 That the committee determine that it is desirable for the proper conduct of the Sealife Centre, that an elected Member is engaged in the zoo's ethical review process by joining its ethics committee described in paragraph 6 and recommended in DEFRA Zoos Expert Committee Handbook.

3. LEGISLATION AND CONTEXT:

- 3.1 The licensing and inspection of Zoos is a matter for local authorities. Licences are granted under the Zoo Licensing Act 1981.
- 3.2 The Zoo Licensing Act 1981 sets out how Zoos in Great Britain are inspected and licensed. This ensures that Zoos are safe for the public to visit, that high standards of welfare are maintained and that zoos make a contribution to conservation of wildlife. It also implements European Council Directive 1999/22/EC in the UK.

- 3.3 Zoos are places where wild animals are kept for exhibition to the public, and to which the public has access, with or without charge, seven days or more a year. Zoos range from large city Zoos and safari parks to reptile houses, aquaria and bird of prey centres. Any zoo displaying wild animals not normally domesticated in Great Britain could be subject to licensing and inspection under the Zoo Licensing Act 1981.
- 3.4 Vertebrate animals kept in Zoos are subject to protection under the Animal Welfare Act 2006.
- 3.5 The Sealife Centre is Brighton and Hove's only Zoo and is currently licensed under the Zoo Licensing Act 1981. The Zoo licence is due for renewal by March 2013. Licences are issued for six years.

4. KEY GUIDANCE:

4.1 Zoo Licensing Act 1981: Guide to the Act's provisions

This guidance document has been published to help local authorities carry out their duties. The guide brings together guidance and advice which had previously been published by the Zoos Forum. It also updates and replaces other parts of Circular 02/2003 which had become out-of-date. The document comes into effect on 1 November 2012.

4.2 Secretary of State's Standards of Modern Zoo Practice

The Secretary of State specifies minimum Standards that zoos in England are expected to meet. The Standards have received a technical update and include a new standard on the keeping of elephants in zoos. The document comes into effect on 1 November 2012.

4.3 Zoos Expert Committee Handbook

The Zoos Expert Committee Handbook supplements the Secretary of State's Standards of Modern Zoo Practice. The Handbook replaces the Zoos Forum Handbook and contains two new chapters on the background to zoo legislation and zoonoses in zoos. The existing chapters on conservation, education and research and on animal welfare and its assessment in zoos have been updated.

4.4 The Zoos Expert Committee

The Zoos Expert Committee replaced the Zoos Forum in February 2011 and provides UK Ministers with independent and authoritative technical advice to support policies on zoo matters.

The Committee's key role is to provide advice and recommendations on measures to encourage the role of zoos in conservation, education and scientific research; and on the operation and implementation of the zoo licensing system in the UK. When required, the Committee will provide ad-hoc advice for UK Ministers, for example on correspondence received on zoo matters.

5. SUMMARY OF RENEWAL PROCESS:

- 5.1 Zoo licences are required to be renewed every six years. The inspection team consists of authorised officers of the local authority, the Zoo management team and a DEFRA appointed vet.
- 5.2 There are four licensing objectives that are required to be met. These are animal welfare, public safety, education and conservation.
- 5.3 A report is submitted by the DEFRA appointed vet at the end of the inspection which details whether the licensing objectives have been met.
- 5.4 The local authority should send a copy of the inspector's report to the zoo operator within one month of receiving it. After considering the inspection report and any response from the operator, the local authority may renew the licence by extending the period of the licence by six years.
- 5.5 The licence renewal is automatic unless there have been substantial changes to the Zoo in which case the Zoo will be required to apply for a new licence.
- 5.6 Licences can only be refused on the on the following grounds;
- Health or safety of persons living in the neighbourhood of the zoo,
 - Preservation of law and order.
 - Non-compliance with conservation conditions
 - Inadequate standards of accommodation, staffing or management for proper care and well-being of the animals
 - conviction under the Zoo Licensing Act 1981 or animal welfare provisions
 - No planning permission
- 5.7 The Secretary of State would not normally expect a licence to be refused in a situation where adequate standards were not met but where there were reasonable prospects that improvements would take place. In such a case the LA should consider imposing conditions.
- 5.8 Section 5(2A) requires local authorities to ensure every licence always contains appropriate conditions to ensure the zoo gives effect to the requirements in section 1A of the Act. See the Sealife Centre licence and conditions in appendix 1.
- 5.9 Section 18 sets out the rights of appeal and the procedure to be followed when an appeal is lodged. There is a right of appeal against:
- (a) the refusal to grant a licence;
 - (b) any condition attached to a licence
 - (c) any variation or cancellation of a condition;
 - (d) the refusal to approve the transfer of a licence;
 - (e) a direction under section 13(8) (direction to local authorities about the welfare or disposal of animals kept in permanently closed local authority owned zoos) or 16A(2) (direction requiring compliance with a licence condition) or any variation of such a direction;
 - (f) a zoo closure direction;
 - (g) the refusal of an authority to approve a plan prepared under section 16E(2) in relation to a permanently closed zoo;
 - (h) a direction under section 16E(6) (direction about the welfare or disposal of animals kept in a permanently closed zoo) or any variation of such a direction; or

- (i) any arrangements under section 16E(7) or (8) (arrangements made by the local authority for the welfare or disposal of animals kept in a permanently closed zoo).
- 5.10 Any such appeals must be made within 28 days of receipt of written notification of the decision of the local authority. Appeals must be made to a magistrates' court acting for the petty sessions area in which the zoo is (or is proposed to be) situated.
- 5.11 As well as a renewal inspection, additional inspections are carried out. A periodical inspection is carried out by a DEFRA appointed vet in year 3 of the licence. Informal inspections are carried out by the local authority in the years in between. Special inspections can be carried out by the local authority in response to complaints or concerns.

6. INSPECTION HISTORY:

- 6.1 The last licensing renewal inspection was carried out in June 2007. The Zoo complied with the licensing objectives and conditions.
- 6.2 The vets comments were : I have visited this aquarium a number of times as vet, visitor and inspector over almost 25 years and congratulate Merlin Entertainments on the improvements which have been made.
- 6.3 This was an important aquarium historically and had an ornate facade within the central gallery, the sensitive reconstruction over the years has been a pleasure to see. Similarly the evolution of what was a depressing inadequate (but no doubt at the time it was built - state of the art!) dolphin pool into a walkthrough aquarium is excellent, the views offered well repay the effort. The quality of the exhibits and the educational component is high.
- 6.4 Informal inspections were carried out on 11th November 2010 and 13th December 2011. A special informal inspection was carried out by the DEFRA appointed vet on 15th July 2008. A special visit was carried out by an animal welfare officer on 11th September 2012 in response to concerns raised by the Born Free Foundation. No issues were identified. Additionally In response to concerns by the Captive Animals Protection Society a full report was submitted by the DEFRA appointed vet on 29th October 2007. No concerns were identified by the vet.
- 6.5 A periodical inspection was carried out by the DEFRA appointed vet on 4th March 2010. No concerns were identified. The vets comments were:
- 6.6 This is the world's oldest operating aquaria and remains a popular visitor attraction on the sea front. Throughout the aquarium there are many informative display boards that present interesting facts clearly. Many of these increase awareness of several conservation issues and highlight the links between some projects and Sea Life. One research project at the centre identified the benefit of one-way viewing glass and this innovation has enhanced the octopus display, making a positive contribution to keeping this species in captivity.
- 6.7 There is good veterinary support and her reports now provide a useful scoring system for the centre's performance, which is consistently high. The management team and staff enthusiasm is very positive.

- 6.8 The current licence has a Section 14(2) dispensation under the Zoo Licensing Act. The guidance in annex A states that this is suitable for 'small collections' where the number of hazardous and/or conservation-sensitive species does not normally exceed 50 specimens. Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice provides a list of hazardous animal by category. The 2009 stock list shows that there are approximately 16 sharks, 43 foxface rabbitfish, 7 moray eels, 15 long-spined sea urchins, 3 piranhas, 10 lionfish, 1 sea snake (4 at time of inspection) and 2 Cites-listed turtles. In view of this, the 14(2) dispensation should be reviewed when the licence is renewed in 2013. Dispensations are reviewed with advice from the DEFRA appointed vet and by a DEFRA appointed committee of experts.
- 6.9 The Local Authority's Zoo Licensing officer considers public safety issues during his inspections. In addition, the aquarium is part of a risk-based health and safety inspection programme administered by the Environmental Health's Health & Safety team. Prior to this periodical zoo inspection, he had sent detailed copies of the last annual informal inspections, which took place on 11 November 2009 and 15 July 2008.
- 6.10 A touch pool is in regular use and it is constantly supervised by a member of staff when animals are in the pool. There is limited physical contact of animals by the public. There are good animal rotation records and adjacent hand washing facilities.
- 6.11 There is a program of on-going maintenance and development that is restricted by the lease and nature of the Grade 2 listing of this Victorian building. There are significant changes planned over the next few years which will improve some exhibits and public interest in the aquarium.

7. ETHICAL CONSIDERATIONS:

- 7.1 The Zoo has an ethical committee that meets quarterly. Membership includes Members of the Merlin Group, International Vet Group, Sussex University, Seahorse Trust, Marine Conservation Society.
- 7.2 Animal Husbandry, Conservation, Breeding programme, Mortality record, Nutrition, Life support systems, Protocols and procedures, Transportation, Purchase, Breed rescue protect programme, Rescue –oversized creatures, Turtle rescue in Florida and protecting the marine environment, river ways, oceans, coral reefs are discussed at these meetings.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There are no additional financial implications arising from this report. The council sets the license fee under the Zoo Licensing Act 1981. It is set at a level to fully recover the costs of administration, inspection and enforcement.

Finance Officer Consulted: Jeff Coates

Date: 19/02/2013

Legal Implications:

8.2 None

Lawyer Consulted:

Rebecca Sidell

Date: 19/02/2013

Equalities Implications:

8.3 None

Sustainability Implications:

8.4 Sea Life has been a pioneer in the field of seahorse breeding. It has successfully breed and reared nine species to date to help prevent this sensitive and endangered species becoming extinct.

8.5 Sea Life and its sister brand the Seal Sanctuaries annually rescues, cares for and returns to the wild more than 100 orphaned, injured and sick seal pups each year.

8.6 Sea Life also rescues other creatures that need our help, including rare sturgeon, dolphins, Minke Whales and Sea Turtles. In 2009 a rare Kemps Ridley Turtle found close to death on a beach in southern England was returned to the wild off North Carolina.

8.7 Sea Life provides permanent homes for damaged and disabled creatures that have been rescued and would otherwise be killed, die or put to sleep.

Crime & Disorder Implications:

8.8 None

Risk and Opportunity Management Implications:

8.9 None

Public Health Implications:

8.10 None

Corporate / Citywide Implications:

8.11 The Council is committed to providing decent and dignified treatment of animals.

8.12 The Council uses its influence in relation to circus animals and those in captivity, seeking to promote and improve the rights of all creatures. This includes the rights of domesticated animals, whose welfare and quality of life the Council will seek to protect.

8.13 The Council provides advice and support to residents and businesses to prevent circumstances where animals pose a risk to public health. Where the Council

does intervene, it will ensure that it does so humanely, with minimum distress caused to animals.

SUPPORTING DOCUMENTATION

Appendices:

1. Sealife Centre Zoo licence with attached conditions
2. Inspection report 13/02/13

Documents in Members' Rooms

Background Documents

1. The Zoo Licensing Act 1981
2. The Animal Welfare Act 2006
3. Zoo Licensing Act 1981: Guide to the Act's provisions
4. Secretary of State's Standards of Modern Zoo Practice

BRIGHTON & HOVE COUNCIL

ZOO LICENSING ACT, 1981

LICENCE TO OPERATE A ZOO

Name and address of **MERLIN ENTERTAINMENT**
operator **3 MARKET CLOSE, POOLE**
DORSET BH15 1NQ

Name and situation of Zoo **Brighton Sea Life Centre**
Marine Parade
Brighton BN2 1TB

The Brighton and Hove City Council hereby grants to:

MERLIN ENTERTAINMENT (SEA LIFE) LTD

a licence under the Zoo Licensing Act 1981 to operate the above-named Zoo.

This licence is granted subject to the following conditions :-

Annex A – Mandatory conditions to be attached to zoo licences (Taken from section 1A of the Zoo Licensing Act 1981 (as amended))

Conservation measures for zoos

1A.The following are conservation measures to be implemented in zoos in accordance with this Act-

- (a) participating in at least one of the following-
 - (i) research from which conservation benefits accrue to species of wild animals;
 - (ii) training in relevant conservation skills;

- (iii) the exchange of information relating to the conservation of species of wild animals;
 - (iv) where appropriate, breeding of wild animals in captivity; and
 - (v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals;
- (b) promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats;
- (c) accommodating their animals under conditions which aim to satisfy the biological and conservation requirements of the species to which they belong, including-
- (i) providing each animal with an environment well-adapted to meet the physical, psychological and social needs of the species to which it belongs; and
 - (ii) providing a high standard of animal husbandry with a developed programme of preventative and curative veterinary care and nutrition;
- (d) preventing the escape of animals and putting in place measures to be taken in the event of any escape or unauthorised release of animals;
- (e) preventing the intrusion of pests and vermin into the zoo premises; and
- (f) keeping up-to-date records of the zoo's collection, including records of-
- (i) the numbers of different animals;
 - (ii) acquisitions, births, deaths, disposals and escapes of animals;
 - (iii) the causes of any such deaths; and
 - (iv) the health of the animals.

Annex B (Government Circular 02/2003)

Brighton Sea Life Centre must:

- § promote public education and awareness about biodiversity conservation. In particular, provide information about the species of wild animals kept in the zoo and their natural habitats.

- § accommodate and keep the animals in a manner consistent with the standards set out in the Secretary of State's Standards of Modern Zoo Practice.
- § prevent escapes and put in place measures to be taken in the event of any escape or unauthorised release of animals.
- § introduce practical measures designed to prevent the intrusion of pests and vermin into the premises of the zoo.
- § keep up-to-date records of the animals, including numbers of different animals, acquisitions, births, death, disposals and escapes, causes of deaths and the health of the animals.

Cont'd...

- § Participate in at least one of the following:
 - Research which benefits the conservation of wild animals
 - Training in relevant conservation skills
 - Exchanging information about the conservation of wild animals
 - Breeding of wild animals in captivity
 - Repopulating an area with wild animals, or re-introducing wild animals

Brighton Sea Life Centre must keep information to show how it has complied with this condition and supply it to the local authority upon request.

Annex C

Discretionary conditions commonly attached to licences

Discretionary conditions must not conflict with the mandatory conditions giving effect to the conservation measures in section 1A of the Act. But these conditions can complement them if the local authority believes they are necessary to ensure the proper conduct of the zoo.

Insurance

1. Within one month of the date of the licence and one month of the date of renewal of the policy, where applicable, a copy of the zoo's current public liability insurance policy, and of subsequent renewals thereof, to be sent to the licensing authority.

Hazardous Animals

2. The licensing authority to be notified in writing, at least one month in advance, of the proposed addition of any animal listed in category 1 of the Hazardous Animal Categorisation (see Appendix 12 of the Secretary of State's Standards of Modern Zoo Practice), which is from a taxonomic family of which Category 1 species have not previously been kept in the zoo.

Temporary Removal of Animals from the Zoo

3. The licensee/s to notify the licensing authority before the temporary removal from the zoo (other than for veterinary attention or inter-zoo movements) of any animal listed in category 1 of the Hazardous Animal Categorisation of Secretary of State's Standards of Modern Zoo Practice. Such notification to be given as early as possible and, in any case, no later than 12 hours before the removal, unless the zoo operator and licensing authority mutually agree a shorter period. When giving notification, details of the destination and method of transportation of the animal and of the arrangements for its well-being, as well as for the safety of the public whilst it is away from the zoo, to be provided.

Escapes

4. In the event of any non-domestic animal escaping from the confines of the zoo, notification shall be made to the licensing authority as soon as possible, and, in any case, not later than 24 hours following the escape.

Stock Records

5. An annual stocklist of all animals must be kept and a copy must be forwarded to the local authority no later than 1 April of the year following that to which it relates and the stock list must include the information and in the format indicated in Section 9.5 of the Secretary of State's Standards of Modern Zoo Practice (September 2004).

Cont'd...

Note 1. These conditions are attached to the licence without prejudice to the application, where relevant, of the Secretary of State's Standards of Modern Zoo Practice specified in accordance powers conferred under section 9 of the Zoo Licensing Act 1981 (as amended).

Note 2. The grant of this licence does not imply that the requirements of any other legislation have been met.

Date: 11th May 2007



Name in Capitals: JUDITH MACHO

Office held: Assistant Director of Public Safety

on behalf of: Brighton and Hove City Council

- NOTE -
- (1) This licence is granted for a period of 6 years beginning with the above-mentioned date (section 5(1) or (2) of the Act).
 - (2) The issue of this licence is without prejudice to the application of other relevant legislation.

**Zoo Licensing Act 1981 (Amendment)
(England and Wales) Regulations 2002**



defra
Department for Environment
Food and Rural Affairs

Inspection Report

Date Report completed: 13/02/2013

Name of applicant or current licence holder:

Name and address of zoo
Postcode

Telephone number (incl. national dialling code)

Fax number (incl. national dialling code)

Licence Number

Date of last inspection Type of last inspection

Timing of next inspection Type of next inspection

Type of inspection **Statutory composition of inspection team** *Please tick appropriate box*

Section 10:

Full renewal 2 Defra nominees, 1 LA vet. Option of up to 2 more from LA

Full periodical 2 Defra nominees, 1 LA vet. Option of up to 2 more from LA

Section 11:

Special Any number of competent LA authorised appointees.....

Section 12:

Informal One competent LA authorised appointee.....

Section 14(1)(b) dispensation:

Informal One competent LA authorised appointee.....

Section 14(2) dispensation:

Renewal application Defra nominee(s)

Periodical Defra nominee(s)

Please use Appendix 11A (form ZOO 3) for Licence inspections under Section 4(1A) and Significant change inspections under Sections 16(2B) or 16(3A) of the Zoo Licensing Act 1981 (as amended).

Names and designations of Inspectors	Name(s) of zoo representative(s)
MRCVS - DEFRA APPOINTED VET	(general manager)
Roy Pickard (Local Authority)	(curator)
(animal welfare officer)	(regional curator)
	(IZVG vet)

Copies: Original to local authority, 1st copy to applicant/operator, 2nd copy to Defra, 3rd copy to inspectors

Useful information available to applicants

Information about the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002)

Where to find it – available from your local authority who are responsible for administering the Act or from Defra at <http://www.defra.gov.uk/wildlife-countryside/gwd/index.htm> or 0117 372 8209.

Secretary of State's Standards of Modern Zoo Practice

Where to find it - available at <http://www.defra.gov.uk/wildlife-countryside/gwd/index.htm> or from your local authority who are responsible for administering the Zoo Licensing Act 1981 (as amended). A limited number of hard copies are still available from Defra.

Government Circular Guidance 02/2003 on the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002)

Where to find it – available at <http://www.defra.gov.uk/wildlife-countryside/gwd/zoo.htm#circular>

Alternatively hard copies can be obtained by contacting:

Tom Adams,
Defra,
1/16 Temple Quay House,
2 The Square,
Temple Quay,
Bristol BS1 6EB
Tel: 0117 372 8209
E-mail: zoos.branch@defra.gsi.gov.uk

Zoos Forum Handbook

Where to find it – hard copies of available chapters can be obtained from Tom Adams at the above address (while stocks last). Electronic versions can be downloaded from <http://www.defra.gov.uk/wildlife-countryside/gwd/zoosforum/index.htm>.

Preamble to inspectors' report

This is the world's oldest operating aquarium and remains a popular visitor attraction on the sea front. There has been a significant investment by the parent company, Merlin Entertainments Ltd, since the last full periodical zoo inspection. The aquarium was closed to the public for several months from October 2011 until May 2012 while extensive renovations took place. These include:

- renovations of the foyer and main arcade section, education room, public toilets, food prep area and several areas behind-the-scenes
- introduction of a behind-the-scenes tour of the research area and food preparation area
- the 'black box' area, which is a temporary exhibit area where the theme changes periodically and is currently being prepared for several octopus displays and due to open next week
- a glass-bottomed boat started operating after the last inspection and takes visitors a short distance over the ocean tank, with an educational presentation given by a member of staff

Findings at inspection

Marking Key

Score YES or NO or N/A (i.e. not applicable) as appropriate. YES scores may also be graded (if considered appropriate) in the 'YES' column as follows:
 1 = Excellent. 2 = Good. 3 = Adequate. 4 = Barely acceptable.

	YES & grade if used	NO	N/A	Notes
1. Provision of food and water				
Directive Condition 1A(c)(ii):				
1. Is each animal provided with a high standard of nutrition?	YES			
2. Is food and drink appropriate for the species/individual supplied?	YES			
3. Are supplies of food and water:				
(a) kept hygienically?	YES			
(b) prepared hygienically?	YES			
(c) supplied to the animal hygienically?	YES			
4. Has natural feeding behaviour been adequately considered to ensure that all animals have access to food and drink?	YES			
5. Are feeding methods safe for staff and animals?	YES			
6. Is feeding by visitors permitted?	select	✓		
(a) if YES, is it properly controlled?	select		✓	
2. Provision of suitable environment				
Directive Condition 1A(c)(i):				
1. Is each animal provided with an environment well adapted to meet the physical, psychological and social needs of the species to which it belongs?	YES			
2. Are the following environmental parameters appropriate:	YES			
(a) temperature?				
(b) ventilation?	YES			
(c) lighting?	YES			
(d) noise levels?	YES			
(e) any other environmental parameters?	YES			
3. Do animal enclosures have sufficient shelter?	YES			
4. Do animal enclosures provide sufficient space?	YES			
5. Are backup facilities for life support systems adequate?	YES			
6. Is the cleaning of the accommodation satisfactory?	YES			
7. Is the standard of maintenance adequate for:				
(a) the buildings?	YES			
(b) the fences?	select		✓	
8. Is all drainage effective and safe?	YES			

Assessment of the Pre-Inspection Audit

Part	Assessment (tick one box)	Comments
A. Details of Institution	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
B. Animal records	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
C. Animal husbandry and veterinary care	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
D. Health and safety	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
E. Security	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
F. Conservation	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
G. Education	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
H. Staff training	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
I. Research	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	
J. Ethical considerations	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Incomplete <input type="checkbox"/> Absent	

	YES & grade if used	NO	N/A	Notes
3. Provision of animal health care				
Directive Condition 1A(c)(ii):				
1. Is each animal provided with a high standard of animal husbandry?	YES			
2. Do all animals on display to the public appear to be in good health?	YES			
3. Are observations of condition and health made and recorded?	YES			
4. Do all animals receive prompt and appropriate attention when problems are noted?	YES			
5. Are enclosures designed and operated in such a way that social interaction problems are avoided?	YES			
<i>On-site facilities</i>				
6. Are catch-up and restraint facilities adequate?	YES			
7. Is darting equipment satisfactory?	select		✓	
8. Are on-site veterinary facilities adequate?	YES			
<i>Veterinary care</i>				
Directive Condition 1A(c)(ii):				
9. Is each animal provided with a developed programme of preventative and curative veterinary care and nutrition?	YES			
10. Is a satisfactory programme of preventative and curative veterinary care established and maintained?	YES			
11. Is there a system for the regular review of clinical and pathological records?	YES			
12. Are appropriate veterinary records kept?	YES			
13. Are medicines correctly kept?	YES			
14. Are controlled drugs used and recorded satisfactorily?	YES			
15. Are appropriate antidotes available?	select		✓	
16. Are post mortem examination arrangements satisfactory?	YES			
<i>Isolation and containment</i>				
17. Is adequate reserve accommodation available for isolation of animals for:	YES			
(a) assessment?				
(b) treatment?	YES			
(c) recovery?	YES			
(d) quarantine (where required)?	YES			
<i>Sanitation and control of disease</i>				
Directive Condition 1A(e):				
18. Are satisfactory measures in place to prevent the intrusion of pests and vermin into the zoo premises?	YES			
19. Does it appear that general sanitation and pest control are effective?	YES			

	YES & grade if used	NO	N/A	Notes
4. Provision of an opportunity to express most normal behaviour				
1. Does accommodation appear adequately to meet the biological and behavioural needs of the animals?	YES			
5. Provision of protection from fear and distress				
1. Are the animals handled only by or under the supervision of appropriately experienced staff?	YES			
2. Is physical contact between animals and the public consistent with the animals' welfare?	YES			
3. Are interactions between the animals such that they are not excessively stressful?	YES			
6. Transportation and movement of live animals				
1. Can the zoo demonstrate an awareness of the regulations covering transportation of animals and provide copies of certificates to show compliance when transportation has occurred?	YES			
2. Is transport and movement equipment in good order?	YES			
3. Are facilities suitable for lifting, crating and transportation of all the types of animals kept within the zoo to destinations both inside and outside the zoo readily available?	YES			
4. Do the catching and transportation techniques take account of the animal's temperament and escape behaviour in order to minimise injury, damage and distress?	YES			
5. Is adequate provision made for the animal's and the public's safety and well being while the animal is being transported or kept away from the zoo?	YES			
7. Conservation, Education and Research				
Directive Condition 1A(a):				
1. Is the zoo participating in at least one of the following:	YES			
(i) research from which conservation benefits accrue to species of wild animals?				
(ii) training in relevant conservation skills?	YES			
(iii) the exchange of information relating to the conservation of species of wild animals?	YES			
(iv) where appropriate, breeding of wild animals in captivity?	YES			
(v) where appropriate, the repopulation of an area with, or the reintroduction into the wild of, wild animals?	select	✓		

	YES & grade if used	NO	N/A	Notes
7. Conservation, Education and Research (cont.)				
Directive Condition 1A(b):				
2. Is the zoo promoting public education and awareness in relation to the conservation of biodiversity, in particular by providing information about the species of wild animals kept in the zoo and their natural habitats?	YES			
3. Where appropriate are animals managed (including accommodation) in a way consistent with the conservation needs of the species?	YES			
4. Are on-site education facilities commensurate with the collection?	YES			
(a) are they adequate for the purposes?	YES			
5. Are the conservation efforts adequate for the resources of the collection?	YES			
6. Are the research efforts adequate for the resources of the collection?	YES			
7. Is captive breeding properly managed?	YES			
8. Public safety				
Directive Condition 1A(d):				
1. Are there satisfactory measures in place to prevent the escape of animals?	YES			
2. Are there satisfactory measures in place to be taken in the event of any escape or unauthorised release of animals?	YES			
3. Will the perimeter deter unauthorised entry and aid the confinement of zoo stock?	YES			
4. Do stand-off barriers appear adequate?	YES			
5. Are adequate warning signs provided?	YES			
6. Are prohibited areas appropriately signed?	YES			
7. Are exits clearly marked and accessible?	YES			
8. Does maintenance of buildings appear adequate?	YES			
9. Do public areas and walkways appear safe?	YES			
10. Are trees regularly inspected and appropriate remedial action taken?	select		✓	
11. Are the special safety requirements for walk-through or drive-through exhibits adequately met?	select		✓	
9. Records				
Directive Condition 1A(f):				
1. Are there up-to-date records of the zoo's collection, including records of:	YES			
(i) the numbers of different animals?				
(ii) acquisitions, births, deaths, disposals and escapes of animals?	YES			
(iii) the causes of any such deaths?	YES			
(iv) the health of the animals?	YES			

	YES & grade if used	NO	N/A	Notes
9. Records (cont.)				
2. Are daily diaries maintained?	YES			
(a) do they contain appropriate information?	YES			
3. Are animal stock records clear and up-to-date?	YES			
4. Are annual inventories maintained and submitted to the Local Authority?	YES			
5. Are animal source and destination records kept?	YES			
6. Are archived records secure?	YES			
10. Miscellaneous				
1. Do staff numbers and training of staff appear adequate?	YES			
2. Is the management structure adequate for the proper care and well-being of the animals and the safety of the visiting public and zoo staff?	YES			
3. Are effective risk assessments carried out where appropriate?	YES			
4. Has an ethical review process been established?	YES			
5. Are public toilet facilities adequate and serviced?	YES			
6. Are parking facilities adequate?	select		✓	
7. Is a First Aid Policy in effect and is it adequate?	YES			
11. Associated legislation				
1. Is electrical equipment routinely serviced?	YES			
2. Have fire precautions been agreed and implemented?	YES			
3. Is refuse disposed of correctly?	YES			
4. Are the required needs of disabled visitors met?	YES			
5. Is an accident reporting and recording system in use?	YES			
12. Compliance check				
1. Is the current licence or a copy on public display at each public entrance?	YES			
2. Is adequate Public Liability Insurance current?	YES			
3. Have existing licence conditions been met?	YES			
4. On summary inspection, does the zoo appear to be in compliance with CITES legislation?	select			

Additional space

The following space is provided for:

- additional notes and comments on the answers to the earlier questions;
- recommendations (other than in respect of grant or refusal of a licence and any specific conditions recommended for a licence – see overleaf); and
- any general remarks which the inspecting team may wish to record.

Since the last zoo inspection in 2010, there has been a considerable financial investment and redevelopment throughout the aquarium. The Grade 2 listed status of the building has significantly restricted some aspects of the renovation but despite this, the end result is visually impressive and in keeping with the Victorian architecture. Renovated areas are of a high standard and the overall appearance of displays and signage has been improved significantly with the introduction of LED screens next to the displays. These present concise information and interesting facts including the conservation status of animals. The fund-raising has generated a significant amount of money that has gone to several conservation projects across the world. The level of conservation information presented to visitors is very good, with several charities and projects being promoted well. The staff and management are positive and enthusiastic about future redevelopment of the rest of the site.

The current licence has a Section 14(2) dispensation under the Zoo Licensing Act. Annex C of the Guide to the Act's Provisions (2012) states that this is suitable for 'small collections' where the number of hazardous and/or conservation-sensitive species does not normally exceed 50 specimens. Following discussions at the zoo inspector seminar in Bristol on 26 November 2012 and the reduction in number of hazardous species now kept at the aquarium since the re-opening, I consider that the 14(2) dispensation is currently adequate.

Since the last full periodical zoo inspection on 4 March 2010, annual informal inspections by the Brighton & Hove Council Environmental Health Manager were carried out on 11 March 2011 and 19 December 2012.

'Close encounter' activities only relate to a touch pool. This is permanently manned by a member of staff and well controlled with good stock numbers, rotation records, hand washing facilities and appropriate signage. Risk assessments have been carried out and were inspected.

There have been no escapes of non-native species since the last full periodical zoo inspection.

Inspecting team's recommendation to the local authority _____

Having inspected
(name of zoo)

SeaLife Centre Brighton

on

13/02/2013

the inspecting team make the following recommendation:

Please tick appropriate box

- it is recommended that a licence be refused
- it is recommended that the above collection be licensed in accordance with the Act subject to the Directive Conditions
- it is recommended that the above collection be licensed in accordance with the Act subject to the Directive Conditions and the following Additional Conditions.....
- it is recommended that the following alterations be made to the above collection's licence conditions.....

Additional conditions (if appropriate)

Inspector(s) signature(s)	Date signed
	14/02/2013

The Data Protection Act 1998

This form is intended for use by local authorities in England for administering the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002. Completed forms held by public authorities are subject to the provisions of the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and

the Data Protection Act 1998. Copies of forms may be supplied to the Department for Environment, Food and Rural Affairs for the purpose of providing information on the administration of the Zoo Licensing Act 1981 (Amendment) (England and Wales) Regulations 2002.

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 27

Brighton & Hove City Council

Subject:	Consultation on the Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators		
Date of Meeting:	14 March 2013		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29-6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE/ EXEMPTIONS

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To report progress on the consultation of the Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators and associated equalities impact review.

2. RECOMMENDATIONS:

- 2.1 That committee note progress being made in the development of an Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators.
- 2.2 That the engagement plan in paragraph 4.2 is endorsed
- 2.3 That officers develop an equalities impact review and report back to committee when the accessibility policy and equalities impact review is complete.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 At Licensing Committee (Non Licensing Functions) on the 22 November 2012 members

RESOLVED – (1) That the Committee notes progress being made in the development of a Wheelchair Accessibility Policy for Hackney carriage and Private Hire, Drivers, Vehicles and Operators and that officers report back to Committee when complete; and

(2) That Members endorse continued consultation and furthermore that Members require a full equalities review to take place in order to inform the development of an accessibility policy: current work was reflected in the draft set out in appendix 1 to the report.

- 3.2 Officers have taken advice from officers in the council's Policy, Performance and Analysis Unit who have assisted with planning for conducting an engagement exercise in line with the city's Community Engagement Framework regarding the

proposed Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators (see Appendix 1) and an equalities impact review.

- 3.3 Prior to consultation, it is proposed that a small reference group, comprising representatives from equalities groups and taxi operators and drivers is set up to help develop the consultation process and draft questions relating to the accessibility policy which will be used during the consultation. Following on from that, it is proposed, subject to discussion with the reference group, that a group session will be held with a wider range of equalities groups to consult on the accessibility policy. If deemed necessary further meetings with individual equalities groups may be organised. There will be a mail out to all interested groups with a link to the council's consultation portal, for example, the Community and Voluntary Sector Forum's equalities network. There will also be engagement with the taxi drivers and operators through existing meetings and forums as well as with Home to School Transport services within the council.
- 3.4 Once consultation has been concluded, the findings of the consultation will be compiled and used to draft the final version of the policy. A consultation report and the final draft policy will be made available to all participants of the consultation.
- 3.5 The last equalities review of the accessibility policy was reported to Licensing Committee 10 September 2010, and an action plan was developed and updates reported. Progress includes:
- ECSOSC submitted to the Licensing Committee to continue to develop taxi licensing policy to improve services for disabled passengers.
 - Licensing Committee approved that CCTV is fitted to all taxis in 2012/3
 - Licensing Committee approved all new hackney carriage vehicle licences and licences which are renewed following a transfer should be wheelchair accessible vehicles (WAV) and Committee approved the licensing of rear loading WAVs
 - Managed growth policy requires release of five new hackney carriage vehicle licenses annually
 - Further to Equality Act 2010 officers prepared a list of designated vehicles (WAV)
 - Committee approved BTEC replacement entry-level qualification for new drivers (includes disability/equality awareness).
 - Committee endorsed future action to concentrate on the Significant Unmet Demand Survey - benchmarking and consultation over WAV provision
- 3.6 The updated action plan can be found at Appendix 2. Unresolved issues from that action plan relate mainly to driver training and proportion of wheelchair accessible vehicles. It is anticipated that these will be key issues discussed during the consultation.
- 3.7 Driver training for new drivers is undertaken as part of the BTec course. The relevant part of that course could be made available to existing drivers.
- 3.8 Proportion of wheelchair accessible vehicles: draft accessibility policy includes sections relating to vehicle suitability and permits rear loading and side loading vehicles.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The amendments have been discussed at several meetings of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum. Minutes from the taxi forum held on 14 February 2013: **Item 9: Equality and Accessibility Policy Review:**

TN reminded the forum that in November the committee had agreed on an interim policy subject to full equalities impact. This had two main focuses: 1). Driver training 2) What % of vehicles needed wheelchairs, and within this, what % needed to be side/rear loading. TN added that at the next committee they hoped to draw up a plan for this. TN stated that they could really use the circuits' help with this, since they lacked information about what types of vehicles were required. The representatives of the circuits present at the forum suggested that they did hold information that could be useful, and that they would be happy to cooperate with the Council on this matter.

AC did, however, stress that it was not as simple as looking at wheelchair vehicles as a whole, since there were many types of wheelchair vehicles needed. He added that even within City Cabs fleet of wheelchair accessible cars, they sometimes struggled to meet the demands of wheelchair cars. He suggested that it was particularly odd that 80% of their wheelchair accessible cars could not be used for Council contracts due to requirements in steps, seating, and space etc. WEM added that children's wheelchairs were particularly problematic. WEM noted, however, that there was also a problem with having too many wheelchair accessible cars. AC went on to say that it was worrying that at no point had the schools been contacted, and that FED did not work with the schools directly, which was especially problematic considering the increased difficulties for accommodating children's wheelchairs. JS added that there was also a problem with not consulting other types of disabled persons who did not use wheelchairs, since wheelchair accessible cars often posed problems for them.

AC suggested that collecting information was important since for the last 3 years no sufficient evidence had been collected on this issue. He added that in the last two and a half years not one complaint had been made from a passenger saying they had experienced difficulties hiring a WAV vehicle. JH responded that this might be because people were reluctant to complain. JH added that the amount of time passengers requiring a WAV car was also an important factor.

MD agreed that there was a lot of work to be done here, but added that it may all be in vein if the law commission's decision went through, and that PHV were deregulated. JO responded that not everyone supported this decision and that they were going to fight this. This was followed by a discussion on this topic with some members of the forum suggesting that the deregulation was a foregone conclusion and others saying that it was not, and that they would fight it. TN concluded this part of the discussion, stating that they were not going to, nor should they, wait for the verdict, and as it currently stood they had a policy initiative that they were going to see through. DS stated that if TN formulated the questions he wanted answering with this, then the trade would help to provide the information'.

- 4.2 Draft timeline for consultation prior to reporting back to committee is as follows:

Date	Action
11 March 2013	Progress report to licensing committee

March 2013	<p>Desktop research including benchmarking and data collection from taxi companies.</p> <p>Questions going to taxi companies as follows: Please can you provide the following for the past year:-</p> <ol style="list-style-type: none"> 1. The total number of bookings for the past year 2. The number of requests for WAV's ie bookings for more than 5 passengers 3. The total number of requests for WAV's specifically for a wheelchair user 4. For 3 how many were requests for rear entry vehicles 5. For 3 how many were requests for side entry vehicles 6. How many requests did you have for saloon vehicles 7. Bookings from a specific disability groups i.e Hearing impaired, Blind or partially sighted, etc 8. For school contracts how many WAV's for wheelchair users do you provide 9. For 8 how many were requests for rear entry vehicles 10. For 8 how many were requests for side entry vehicles 11. For school contracts how many saloon cars are you specifically requested to provide 12. Total number of vehicles you operate 13. Total number of WAV's you operate 14. How many rear loading WAV's you operate
March 2013	Reference group set up and meet to discuss questions for consultation and consultation process
4 April 2013	Taxi forum
April / May 2013	Consultation via council's consultation portal
April / May 2013	Links to council's consultation portal emailed to all interested / relevant groups
April / May 2013	<p>Consultation meeting with key stakeholders (including but not exclusively FED, Disabled Workers Forum, Sussex Deaf Association, Local RNIB, ASSERT, AMAZE, Brighton & Hove Older People's Council, AGE UK, Brighton & Hove Younger People's Council, Adult Social Care, Home to School Transport, SEN schools and parents, Scope, Speak Out, Alzheimer's Society, BMECP, LGBT HIP (Health Improvement Project), Enquiries and Concessionary Travel Team (Taxis Vouchers).</p> <p>Reference group to help advise on other groups.</p>
16 May 2013	Taxi forum
Late May / early June	Re-circulate accessibility policy to consultant participants with consultation report.
June 2013 (date to be confirmed)	Report on accessibility policy with consultation findings to committee

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Revenue: Any costs associated with changes in respect of the Accessibility Policy have been met from within existing Taxi Licensing revenue budgets. Consultation costs to be met from within existing service budget.

Legal Implications:

- 5.2 There are no direct legal implications arising from this report

Lawyer Consulted: Rebecca Sidell

Date: 01.03.13

Equalities Implications:

- 5.3 The Equality Act 2010 requires the providers of public transport services, including the drivers and operators of taxis and private hire vehicles to ensure that people with protected characteristics are not discriminated against.

Sections 160/172 of the Equality Act 2010 (commonly known as The Taxi Provisions) in relation to access for disabled customers have not yet been fully implemented and will be the subject of an amendment to the Blue Book at the appropriate time. However, in November 2012 committee requested that officer's carry out a full equalities review of the accessibility policy. This will build on the equalities impact assessment of policy development work in 2010

- 5.4 The equalities impact assessment of policy development work in 2010 was reviewed (appendix 3). Satisfactory progress was made against most actions. The matter of continuing training for safe use of wheelchair accessible vehicles requires further development and consultation to establish a standard to achieve appropriate driver capability.

Sustainability Implications:

- 5.5 The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

Crime & Disorder Implications:

- 5.6 Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy. The presence of CCTV can be an important means of deterring and detecting crime and increasing the safety of passengers and drivers.

Risk and Opportunity Management Implications:

- 5.7 The transport industry should be safe, profitable and be a positive experience for all residents and visitors.

Public Health Implications:

5.8 None.

Corporate / Citywide Implications:

5.9 Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Consideration to providing / sourcing a separate booklet is being undertaken for accessibility advice.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 To progress the consultation of the Accessibility Policy for Hackney Carriage and Private Hire, Drivers, Vehicles and Operators and associated equalities impact review.

SUPPORTING DOCUMENTATION

Appendices:

1. Proposed accessibility policy for hackney carriage and private hire, drivers, vehicles and operators.
2. Updated action plan.
3. Previous equality impact assessment

Documents in Members' Rooms

1. None.
2. None.

Background Documents

1. None.

Updated action plan from Committee report recommendations September 10 (updated L Committee 17 November 2011)

Date & Number	Recommendation	Agreed action
10/09/10 1	That the committee notes the position regarding the Equality Act 2010 and its possible implications.	Complete.
2	That the committee notes the current BTEC qualification will not be available to new applicants after 30 th September 2010 and approves the replacement entry-level qualification for new drivers.	Complete.
3	That the HCO, working in partnership with The Fed Centre for Independent Living and other stakeholders, develop the framework for a Certificate of Professional Competence, research providers, and report with firm proposals by the end of March 2011.	Please see 2 above. There is a need to establish the baseline of equalities training and consider how to ensure continuing professional development. Once established, a licence condition would be imposed once the hackney carriage office has legal clearance. There has been difficulty identifying an accredited provider. The three taxi operators agreed to develop their own scheme at taxi forum on 17 June 2011. Hackney Carriage Officer has identified a provider for a disability awareness course. This can be offered to licensed drivers but compulsion may present legal implications.
4	That the HCO implement changes and improvements to the current complaints process to ensure that it is accessible and that all	Complete

	complainants are provided with clear, detailed responses.	
5	That the Committee approve the maximum age limit for a WAV, be increased from 10 to 12 years, subject to it passing two vehicle tests per year, and that the Existing Conditions are amended accordingly with the rider 'all vehicles over ten years old shall be required to pass two vehicle inspections each year' be added.	Complete
5A	That the Committee approve the removal of the maximum age limit for newly licensed vehicles, subject to the maximum age limit appropriate to that vehicle.	Complete.
6	Withdrawn	N/A
7	That the views and evidence provided by all contributing parties to this report be brought to the attention of officers dealing with the school transport contracts.	Complete.
8	That the Committee approve all new hackney carriage vehicle licences and licences which are renewed following a transfer should conform to the Conditions of Fitness as prescribed by the Public Carriage Office (ie purpose built London type hackney carriage vehicles) or be for wheelchair accessible vehicles with M1 ECWVTA.	Officers are aware of 13 transfers that have resulted in new WAVs in the fleet. Taxi licensing is migrating to a corporate software system which should allow transparent reporting of data. Absolute numbers of WAVs stand currently at 145 and increasing. There are another 13 that need to become WAV at next renewal which will take us to 29% and with the 5 extra in May will make 30%.
8A	That the Committee approves the licensing of rear loading M1 ECWVTA WAVs.	Complete
8B	That the Committee approves the immediate release of five new hackney carriage vehicle licenses.	Complete
9	That the Committee approves that CCTV approved by the Director is	Complete. CCTV is expected to be phased in

	<p>installed in all vehicles</p> <p>(a) upon application for a new vehicle licence on or after 1 April 2012, or</p> <p>(b) on annual renewal of a vehicle licence falling between 1 April 2012 and 31 March 2013</p>	during 2012/13 by licence condition.
10	That the Committee approve a pilot scheme initially for one-year, to publish contact details of WAV drivers prepared to take bookings, and where an operator's licence is required for a single vehicle, that operator's licence is provided free of charge.	Complete
11	That the Committee note the promotion of accessible taxi/PHV services to taxi voucher recipients in January 2011.	Complete.
12	That the Committee note the proposal to support National Customer Service week by promoting WAVs and demonstrating access features of vehicles.	Complete
13	That the Committee supports in principle a Star Rating for operators, the detail to be developed by the HCO in partnership with the Federation of Disabled People.	Preliminary work has been undertaken by discussion in taxi forum. This action may not be possible due to trade reservations. There are concerns over transparency and objectivity (criteria for awards).
14	That the Committee ask The Fed Centre for Independent Living to make a detailed proposal as to how they would envisage undertaking 'mystery shopping' setting out any costs that might be incurred.	The Fed Centre for Independent Living to investigate.
15	That the Committee require 'Right to Work' checks carried out on application for drivers' licences.	Complete.
16	That the Committee approve in principle, interior seat advertising in licensed WAVs.	Complete.

13/05/11 New 17	Equalities Act 2010 preparation for a list of designated vehicles. New offences are created concerning failure to pick up, failure to carry safety and overcharging.	Complete.
New 18	Taxi forum terms of reference.	Complete – agreed at committee
05/07/11 New 19	Blue Book to include DfT advice on EA2010.	Complete – agreed at committee.
New 20	Blue Book to include list of designated vehicles.	Complete – agreed at committee
New 21	Use TfL guidance to use as consultation base set for WAV specification locally.	TfL guidance is used as consultation basis. Complete. The Equalities Action Plan was reported to committee on 17 November 2011. EA S160 has been identified via Transport Minister for non-implementation. Taxi accessibility regulations are not expected. This may affect specifying accessible vehicles. Licensing Authority current position is to allow any vehicles meeting M1 crash criteria and general public safety.
New 22	Record Certificate of Competence on driver records.	BTec includes training which would update competency. Awaiting ICT delivery with migration to new software.
New 23	Trawl for funding for training.	None available to local authorities.
New 24	Circulate Bracknell's and Streamline's advice to Forum for comments. This advice is aimed at safe transport of passengers including disabled passengers.	Complete.

LICENSING POLICY

Accessibility Policy for Hackney Carriages

Note: This policy must be read in conjunction with the Council's Blue Handbook for Hackney Carriage and Private Hire Drivers, Vehicles and Operators 2nd Edition.

Background

The Equality Act 2010 requires the providers of public transport services, including the drivers and operators of taxis and private hire vehicles, to ensure people with disabilities are not discriminated against (or treated less favourably). Failure to comply with these duties may lead to any aggrieved person taking legal action in the courts against the driver and operator.

In order to help achieve these duties, the Council has adopted the following as being good practice as well as what it sees as being necessary to support the requirements of the Equality Act 2010.

Vehicle Suitability

Vehicles which conform to the Conditions of Fitness as prescribed by Transport for London, (i.e. purpose built London type hackney carriage vehicles), or vehicles that are M1 ECWVTA (EC Whole Vehicle Type Approved) and wheelchair accessible, must be new at first licensing. All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

The vehicle must also have a single ramp which can accommodate all four wheels of a wheelchair to load and unload persons wishing to travel in the vehicle whilst remaining seated in their wheelchair. The vehicle must be of a size and comfort as decided by the Head of Regulatory Services, Planning and Public Protection and as a minimum it must be able to accommodate the standard NHS manual wheelchair, standard NHS electric wheelchair, Invacare Harrier electric wheelchair or latest equivalent, at least two carers and have sufficient luggage space for the maximum number of passengers permitted on the licence and be physically separated from the passenger seating. The Council will maintain a list of approved vehicles.

Any vehicle transferred to another person, including transfer by the proprietor to her/himself and another person, for registration under the Town Police Clauses Act 1847 s42 will be required to become wheelchair accessible at renewal or replacement following transfer. Where the interest of an existing proprietor's hackney carriage vehicle licence registration is amended to a beneficiary following the death of a proprietor or at the discretion of the Head of Planning and Public Protection, where the change of registration is required for reasons such as the incapacity of a proprietor or following a legal separation from a partner, and is not for financial gain, the vehicle is exempt

from becoming wheelchair accessible at renewal unless previously required by licence conditions.

Rear-loading and side-loading vehicles will be permitted and designated as either Class RL or Class SL. Class RL is rear-loaders and Class SL is side-loaders. The Council will permit a mixed fleet of wheelchair accessible vehicles. However, rear-loaders are the preferred type. If the applicant requests a vehicle which is not in Class RL to be licensed the applicant is required to submit in writing (which can include e-mail) to the Council as licensing authority an application explaining why. The Council will aim to achieve a minimum of 60:40 rear-loaders: side-loaders. The Council may have to, from time to time; insist on rear-loaders if there is significant deviation from this target. Where possible this will be through discussions with the trade but it may be necessary for the Council to specify a specific class. However, applicants will have a right of appeal to the Courts.

In order to determine the suitability of a vehicle, it may be necessary for any vehicle to undergo a practical test to confirm suitability and class. Testing will include the types of wheelchair that can access the vehicle, any physical restrictions (e.g. having to lower their head to access the vehicle, excessive length ramps) and head height in the vehicle. Only vehicles on the approved list will be licensed as a wheelchair accessible. The Head of Regulatory Services Planning and Public Protection, to consult with the Fed Centre for Independent Living and the trade, types and models of vehicles that are accepted as wheelchair accessible.

Vehicles with sliding doors must have an audio warning when the doors are open. Extra handles be fitted in a position above the steps at the rear side entrances to the vehicle to assist passengers when getting into and out of the vehicle. A suitable additional step must also be provided at the rear side entrances to the vehicle. All vehicles must have CCTV installed and operated and maintained in accordance with the requirements of the Head of Regulatory Services, Planning and Public Protection.

The council will maintain a list of wheelchair-accessible hackney carriages and private hire vehicles in accordance with Sec 167 Equality Act 2010. All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

The drivers of wheelchair accessible hackney carriages are required to have completed a training course approved by the Head of Regulatory Services, Planning and Public Protection on the embarking, disembarking and safe carriage of passengers in wheelchairs and must provide proof of training to the Council.

Guidance from the Department for Transport Regarding Wheelchair Accessible Vehicles

Vehicles should normally meet the requirements set out below. Any vehicle that does not meet these requirements may be considered on its own merits.

Ergonomic Requirements for Wheelchair Accessible Vehicles

The department for transport commissioned ESRI and Ricability to undertake research on the ergonomics of taxi design that would make taxis available to the largest number of disabled people and has issued the following guidelines. Licensed vehicles are expected to meet or exceed these guidelines.

Taxis Ramps

A steep ramp can make accessing a taxi difficult for wheelchair users; it may also represent a hazard for their assistants and taxi drivers. An ideal design would involve level entry from the kerb. If a gradient is required it should be less than 7°. Ramps should not provide an obstacle for pedestrians on the pavement and their length should be restricted to 1000mm. It is also important that ramps have a safety lip (50mm), are the same width as the door opening and comprise a single non-slip surface. Their edges should be highlighted to reduce the risk of trips.

Steps

Some people cannot manage even a single step and may need a ramp with a gentle gradient if level entry isn't possible. If steps are necessary they should be restricted to a single step that is 100mm high. The steps should be the width of the door entry and be closed at the back without an overhang to reduce the risk of tripping.

Doors and Door apertures

Narrow doors and a low head clearance can cause significant difficulties for ambulant passengers and wheelchair users. A door width of at least 850mm will provide adequate clearance for wider wheelchairs and walking frames. A door height of 1595mm is required to prevent painful stooping and to minimise the risk of a head strike for passengers with visual impairments. While hinged doors can provide a valuable form of support for passengers entering or leaving a vehicle, opening and closing them from the inside can be difficult for seated passengers and larger doors become a potential hazard for pedestrians on the pavement. Sliding doors can provide a large opening but secure latching must be ensured. Powered closure is now available in some vehicles and, if under the driver's supervision, this may provide an effective solution. Sliding doors are often associated with more generous door apertures but care must be taken to ensure that opening and closing efforts are kept below 70N. Again, powered closure may provide an effective solution. There are advantages and disadvantages associated with

wheelchair access from the side and rear of a vehicle. Side access does not require wheelchairs to negotiate a kerb or enter the carriageway and enables shallower ramp angles from the pavement. Rear access may be the most practicable means of access in non-urban environments. It may also enable simpler manoeuvres to a secure travelling position inside the vehicle but may not be possible from a taxi rank or kerbside. The requirements outlined above (ramps and door size) are applicable in both cases.

Passenger Compartment

As low seats can be difficult for passengers with stiff or painful joints to use seat heights need to be between 430mm - 460mm from the floor and the squab should not have a pronounced angle. In order to accommodate passengers with limited leg flexibility a space of at least 1176mm between the seat back and any forward obstruction is required. A swivel seat (preferably powered) can provide a valuable alternate means of entry for passengers who find even a low single step difficult to negotiate. It is important that such seats provide a sense of security for the passenger while they are in operation and that they are large enough to provide a secure and comfortable ride. An interior roof height of at least 1625mm (ideally 1825) is required. If internal space is limited then it is important that passengers can access seats as directly as possible from an entrance. If there is a more generous provision (as when wheelchairs can also be accommodated in front of the passenger seats) it is important that there is sufficient internal height to prevent the need to stoop. Adequate provision of grab handles is an important requirement in either case. Manoeuvring space measuring' to identify that this research is referring to manoeuvring space only and has not considered the kinematics of a wheelchair occupant during a vehicle impact at least 1300mm by 1340mm is required. This assumes that the wheelchair will be carried facing backwards and there is a side entrance. If the wheelchair is to face forwards then a slightly larger manoeuvring space is required. The position of the side door affects the manoeuvring space required and for forward facing carriage the manoeuvring space is minimised if the door way is set back from the main bulkhead.

Handles and Grab Handles

Door handles that allow the passenger to use their whole hand to exert leverage and a range of opening strategies are preferable. Handle operation and latching efforts should be minimised to assist passengers who have limited upper body strength. Grab handles play an important role in supporting access and providing stability support whilst passengers are inside a vehicle. The precise location will be dependent on the design of the vehicle and, in particular, the means of entry (i.e. step, ramp, swivel seat etc). Handles should have a diameter of 40mm and surface clearance of 45mm. For standing passengers (travelling in other modes of public transport) a height of around 900mm is recommended. However, lower positioning is more appropriate for handles in taxis intended to assist passengers getting up from seats or children climbing into a vehicle Horizontal handles are more helpful inside a vehicle but vertical handles are recommended for doorways.

Visibility and Lighting

For passengers with impaired vision feature and edge high-lighting can provide important assistance. The following features should be visually emphasised: exterior and interior door handles, step and ramp edges, door edges and door apertures, grab handles, seat edges and facilities provided to allow communication with the driver. Ambient lighting within the passenger compartment should be at least 150lux but higher levels of illumination may cause distraction for the driver and adaptation problems for some passengers alighting into a dark street. Brighter feature lighting (>200lux) is recommended for steps, the meter display and the communication window. In all cases lighting sources should be positioned so as to prevent shadowing.

Additional Information for Drivers

Duties to assist Passengers in Wheelchairs

Section 165 of the Equality Act 2010 deals with the imposition of duties on the drivers of designated wheelchair accessible taxis and private hire vehicles to assist passengers who use wheelchairs. Designated vehicles are those listed by the licensing authority under section 167 of the Equality Act 2010.

Designated Vehicles

A list of wheelchair-accessible hackney carriages and private hire vehicles will be maintained by the Council in accordance with Sec 167 Equality Act 2010.

All vehicles will be included in this Designated List if they conform to the accessibility requirements in force at the time.

The duties are:

- to carry the passenger while in the wheelchair;
- not to make any additional charge for doing so;
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair;
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

NB Mobility assistance is assistance -

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Exemptions from the duties - Section 166 requires licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

Advice to drivers when carrying disabled passengers

Taxis are an important, and sometimes the only means of transportation for many disabled people.

It is important to remember that disabilities are not always visible. It may not be immediately obvious to you that the person has a disability or special requirements. Physical access for people who use wheelchairs is obviously important but an accessible vehicle is only part of the answer. Your attitude and understanding of the problems that may be faced by disabled people is very important.

Vehicles, streets, the built environment and your operating practices, can all provide obstacles for disabled people. Never make assumptions, always ask what help (if any) a passenger may need from you. Make sure that you are familiar with any access and safety equipment in your vehicle. Be ready to help, but do not insist on helping. If you are asked to help, listen carefully to the information given, or ask what is the best way to assist.

The following is some basic advice to assist you in giving the best service to your passenger.

Wheelchair Users

If a passenger is a wheelchair user, you should:

- Leave the passenger in a safe and convenient place which enables them to move away independently.
- Make sure that the brakes of the wheelchair are on during the journey.
- Secure the wheelchair with clamps or straps and suggest that the passenger uses the seat belt provided. You may also need to assist them with the seat belt.
- Avoid sudden braking or acceleration. Be careful when going over speed humps etc.
- Ensure that they travel forwards or backwards and never travel sideways in the vehicle.

Consider asking the passenger to move to a safer or more accessible pick-up/drop-off point nearby

These are important safety rules that apply to all wheelchair users whether manual or powered wheelchairs and you will need to carry out your own risk assessment to decide if it is safe to load and unload the passenger safely and

whether you can do it on your own or need assistance from another driver. If you do need assistance the passenger will need to pay for both vehicles.

If you drive a saloon car, you may still be able to take wheelchair users provided that the passenger is able and willing to transfer. In those circumstances, you should ask the passenger what help they require, listen to their response, and act only as advised. Take care when loading the wheelchair into the boot. Wheelchairs can be expensive to repair or replace and without it the passenger may be totally immobile. Some wheelchairs are collapsible and some parts, such as handles and plates may come away easily, so care needs to be taken when folding or loading collapsible wheelchairs.

Ambulant Disabled people

Whilst some disabled people may use crutches or sticks, many who have mobility difficulties, will not. People, with arthritis in particular, may be unable to walk using a stick or crutches due to painful upper limbs. If the passenger appears to have walking difficulties, or is frail or elderly, always:

- Offer to fit the additional step if there is one – this reduces the first step and makes it easier to get into vehicles. If in an MPV, ask whether pulling up as close as possible to the kerb would be helpful. For saloon cars this may not be useful because it increases the height the passenger has to drop down to the seat and may make it more difficult for them to get out of the seat at the end of the journey.
- If you have used a swivel seat, (as in purpose built London type hackney carriage vehicles) make sure it is locked back in position once inside the vehicle.

Blind or partially sighted Passengers

If a passenger is blind or partially sighted, ask what assistance they require and always:

- Look out for the “TAXI” sign which may be held out by some visually impaired people in order to hail a cab.
- If you are knowingly collecting a blind or partially sighted passenger from a pre-booked location, knock at the door on arrival – do not remain in the cab and hoot your horn.
- If your customer would like to be accompanied to or from the entrance of a building, offer them your arm (gripping you just above the elbow will enable them to be guided more easily).
- Tell your passenger whether they are entering a saloon car or purpose-built cab.
- Demonstrate which way the doors open where appropriate.
- If possible, place a visually impaired person’s hand on the open door and indicate the position of the roof.
- Make sure the passenger(s) know which way the vehicle is facing.

- Make sure the passenger(s) are seated and have secured the seat belt (where applicable) before you move off. They may require assistance with the belt.
- Tell passenger(s) if you are taking a different route from that which they might expect, or if there is a hold-up or diversion.
- Tell passenger(s) the fare and count out the change.
- Set the passenger(s) down in a safe place and make sure they know where they are going.
- Remember guide dogs and other assistance dogs are trained to remain on the floor of a vehicle and will not abuse your vehicle. Refusal to carry an assistance dog without an exemption certificate is an offence under the Equality Act and is in contravention of the conditions of your licence. In saloon cars, there is more room for the dog on the floor in the front of the vehicle.

Hearing Impaired Passengers

If a passenger's hearing is impaired, always:

- Look at them when you are speaking. Speak clearly, but do not shout and do not use your hands to gesticulate in front of your face.
- Have a pad of paper and pen handy, as it is sometimes easier to communicate in writing.
- Make sure that they are aware that you have understood their instructions and that you know where the passenger is going.

People with learning disabilities

In Brighton & Hove there is a scheme called Thumbs Up which includes ten tips for good customer service to people with learning disabilities. Some of these include

- Listen to the person
- Give the person extra time
- Use plain English
- Use pictures as well as writing
- If the person has a carer, talk to the person rather than the carer
- If you notice someone needs extra help, offer it
- Do your best to assist the person in using your taxi

Extra support, for example with shopping bags and making sure the person is safely inside their destination will always be appreciated. People with learning disabilities may also require assistance understanding money.

Maintenance of Vehicles

- Keep door handles, locks and hinges well lubricated. This reduces the amount of physical (often painful) effort required to operate them.

Appendix 2

Equalities Impact Assessment Publication Template

Name of review:	Hackney Carriage & Private Hire Vehicle Licensing
Period of review:	March/September 2010
Date review signed off by DMT:	September 2010
Scope of the review:	The Review has a focus on disability. The council's Equality Scheme includes a commitment to address issues identified by disabled people over a period of years in relation to the availability and certainty of taxis and private hire vehicles.
Review team:	T Nichols, Head of Environmental Health & Licensing J Redford, Access Manager
Relevant data and research:	Halcrow Unmet Demand Survey (2009) Equality Act 2010 Dept for Transport Guidance to Licensing Authorities Edexcel BTEC in Passenger Transport Disabled Peoples Transport Advisory Committee Transport for London Age Concern (research conducted in B&H)
Consultation:	Members of the Federation of Disabled People via their Get Involved Group and G DesMoulins, Chief Officer B&H Taxi Forum members Streamline Directors GMB & Unite Owners of City Cabs & Radio Cabs Independent Taxi Drivers Ass Sudanese Drivers & United Taxi drivers Community Transport Jayne Fox (taxi vouchers) Hackney Carriage Officer Members of the Licensing Committee
Assessment of impact, outcomes and key follow-up actions:	The assessment showed that a package of measures were needed to increase availability of WAVs, improve the complaints process and ensure drivers were trained and confident when providing services to disabled people. Recommendations agreed by Licensing Committee (10 th September 2010) include ...

	<p>Older vehicles in good condition can remain in service. Owners of newly issued taxi plates and plates that have been transferred, are required to put on WAVs. Some rear loading WAVs can be licensed. List of WAV drivers' contact details to be publicised. Improvements to be made to the complaints process. CCTV in all taxis and PH vehicles. Feasibility of an accreditation scheme for operators and 'mystery shopping' by the Federation, should be examined. Compulsory BTEC training should remain for new drivers and further research was needed into continuing training for established drivers.</p>
<p>Name and contact details of lead officer responsible for follow-up action:</p>	<p>T Nichols, Head of Environmental Health & Licensing 2nd floor, Bartholomew House 01273 292163 Tim.nichols@brighton-hove.gov.uk</p>
<p>For further information on the assessment contact:</p>	<p>T Nichols (as above)</p>