

LICENSING COMMITTEE

29 JULY 2014

REPORT OF CORPORATE DIRECTOR (PUBLIC EXPERIENCE)

A.2 DOOR ADVERTISING ON TAXIS AND PRIVATE HIRE VEHICLES

(Report prepared by Simon Harvey)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

The Licensing Committee is asked to consider and determine a request submitted by the Tendring District Taxi Association (TDTA) to allow door advertising to be displayed more generally on Taxi and Private Hire vehicles licensed by Tendring District Council.

EXECUTIVE SUMMARY

- The Licensing Committee is asked to consider and determine a request submitted by the Tendring District Taxi Association (TDTA) for the Council to allow door advertising to be more generally displayed on Taxi and Private Hire vehicles licensed by Tendring District Council.
- The TDTA wish to do so in order to provide a potential additional income stream for the hackney carriage and private hire trades from advertising and also to promote local businesses and events across as wide a demographic as possible.
- The Council's current Hackney Carriage and Private Hire Vehicle Licence Conditions in respect of door sign advertising which are shown later in the main body of the report will need amending by the Licensing Committee to agree a more general approach to door advertising and for the Committee to adopt a policy/vehicle licence condition on what the Council will definitely not allow to be advertised on hackney carriage and private hire vehicles.

RECOMMENDATION(S)

That the Licensing Committee agrees to:

Amend the Council's current Hackney Carriage and Private Hire Vehicle Licence conditions to allow a more general display of door advertising on licensed vehicles in its District either by the use of magnetic door signs, adhesive door signs or door wrap advertising, subject to the proposed Policy/schedule of vehicle licence conditions shown as APPENDIX 3 in the agenda and which details the maximum size of door signage area allowed and also such matters and material that the Council would not deem appropriate or reasonable to grant its permission to advertise and also the process for seeking the Council's agreement to advertise.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

A relaxation of the Council's current hackney carriage and private hire vehicle licence conditions and policy in relation to advertising being allowed on these vehicles would help to support and promote the following corporate priority:

Our Prosperity

Promote sustainable economic growth – by supporting the taxi trade in the District which as a trade sustains large direct and indirect employment and also by supporting and promoting local businesses and events through the use of appropriate advertising on hackney carriage and private hire vehicles licensed by the Council.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

Staff or time costs for the Licensing team or Council associated with this proposal would form part of the administration costs of the vehicle licence that the Council can reasonably recover as per Section 70(1) of the Local Government (Miscellaneous Provisions) Act 1976.

Any decision made by the Licensing Committee in regards to matters of grant, renewal, suspension or revocations of licences and its policies or conditions of licence can be further appealed by an appellant to the Magistrates' Court and from there to the Crown Court. In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council. In terms of policy decisions, appeals are most likely to be challenged by way of a Judicial Review to the Queen's Bench Administrative High Court of appeal and again in the event of an appeal being allowed by this Court the costs of the hearing could be awarded against the Council.

Risk

Any risk to the Council may come from any potential legal challenge to its hackney carriage and private hire vehicle licence conditions and through these conditions its policy in regard to advertising on these vehicles. Any successful challenge could result in costs being awarded against the Council and a potential damage to its reputation should the Council lose any such challenge.

LEGAL

Any decision made by the Licensing Committee in regards to matters of grant, renewal, suspension or revocations of licences and its policies or conditions of licence can be further appealed by an appellant to the Magistrates' Court and from there to the Crown Court. In the event of the appeal being allowed by these Courts, the costs of any such hearing could be awarded against the Council. In terms of policy decisions, appeals are most likely to be challenged by way of a Judicial Review to the Queen's Bench Administrative High Court of appeal and again in the event of an appeal being allowed by this Court the costs of the hearing could be awarded against the Council.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder / Equality and Diversity / Consultation/Public Engagement.

CRIME AND DISORDER

Any potential crime and disorder implications are addressed in the proposed schedule of matters and material that the Council would not give its consent to be advertised on a hackney carriage or private hire vehicle licensed by Tendring District Council.

EQUALITY AND DIVERSITY

Any equality and diversity implications are addressed in the proposed schedule of matters and material that the Council would not give its consent to be advertised on a hackney carriage or private hire vehicle licensed by Tendring District Council.

AREA/WARDS AFFECTED

All

CONSULTATION

Has been undertaken by the Licensing Manager with the Tendring District Taxi Association over this proposal and also with the Council's Business Regeneration Officer and its Tourism and Marketing Officer and the Chairman of the Clacton Town Partnership.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

The relevant parts of the Local Government (Miscellaneous Provisions) Act 1976 that allows Councils to attach conditions to any grant of a hackney carriage or private hire vehicle are shown as follows:

47 Licensing of hackney carriages.

- (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary. .
- (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

48 Licensing of private hire vehicles.

- (2) A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
- (7) Any person aggrieved by the refusal of a district council to grant a vehicle licence under this section, or by any conditions specified in such a licence, may appeal to a magistrates' court.

CURRENT POSITION

- **The Council's current Hackney Carriage Vehicle Licence Conditions allow the following in respect of door signs:**
- 2. (b) No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in, or from the vehicle, except as may be required by any statutory provision or required or permitted by these conditions, provided however, that this condition shall not apply to any indication on a taxi meter fitted to the vehicle.

- 3. (b) The proprietor may display such signs, etc., as may from time to time be approved by the Council.
- The Proprietor shall cause signs to be affixed and maintained on the near side and off side front doors of the vehicle to the following specifications:-
- **The Council's current Private Hire Vehicle Licence Conditions allow the following in respect of door signs:**
- 2. (b) "The sign shall be 8¼" x 11¾ "overall with a white background and a border ¼" from the edge, the border to be the same colour as the lettering. The sign shall state only the name, address and telephone number of the operator of the vehicle, and the legend "Licensed Private Hire Vehicle". The size of the lettering for the address and legend shall be ¾"; the name shall not be greater than 2" and the telephone number shall not exceed 2½". The colouring of the lettering may be as chosen by the operator"
- 2. (c) No sign other than the foregoing shall be displayed on the vehicle in such a manner as to be visible to persons outside the vehicle, unless required by law or with the consent of the Council in writing.

The TDTA have submitted a request for the Council to allow the display of door advertising more generally on Taxi and Private Hire vehicles licensed by Tendring District Council and wish to do so in order to provide a potential additional income stream for the taxi and private hire trades from advertising and also to promote local businesses and events across as wide a demographic as possible.

The taxi trade will directly be responsible for setting and agreeing contracts and prices for door advertising with local businesses or event organisers and door sign suppliers. The Council (as the Licensing Authority) will not be involved in these processes, neither is it intended that the Council will be involved. The Council will however retain the right of final approval for the content of the signs which will be in accordance with the suggested Policy/Conditions to be attached to the approval of door sign advertising on hackney carriage and private hire vehicles (**as referred to later in the report and also attached to the agenda as Appendix 3**).

This request and various correspondence from the TDTA providing supporting information is all shown **attached to this report as APPENDIX 1**.

The Licensing Committee will see from this information that the key points of the TDTA's proposal are as follows:

- Magnetic or Adhesive front or rear door signs with a preference for magnetic as they can easily be removed and cleaned.
- Signs will advertise local businesses or events
- Taxi trade to work individually with local businesses to agree length of advertising contracts
- At the end of the advertising contract, the signs will be the property of the business concerned who has paid for the promotion and will be returned to that business
- Are happy to accept a trial period to allow this advertising for six months or more if the Council feels this would be appropriate
- All signs to be in good taste and contain nothing offensive
- All signs to promote the best of the area
- Preliminary discussions the taxi trade association have had with local business suggest they will support this idea

The TDTA have made no particular request or recommendation as the size of door signs that may be advertised, so for the Committee's information and consideration the Licensing Manager has included as an appendix to this report and example of the sizes of small and large signs and what they might look like on a saloon type vehicle. **See attached as APPENDIX 2.**

The Licensing Manager has sought the views of the Council's Tourism and Marketing team, its Town Centre Co-ordinator (Business Regeneration) and also the Chair of the Clacton Town Partnership Mr Darren Bradwell regarding the TDTA's proposal.

The summary of their views are as follows:

Tourism and Marketing Team

- Would strongly support proposal
- Would be disappointed not to at least trial this idea of promoting local businesses and events by way of door advertising on taxis and private hire vehicles
- Would like to see guidelines as to what the Council would or would not give permission to advertise
- Would like to see pre-approval by Council for adverts
- Would welcome opportunity to work with taxi trade so that they could provide visitor information on the District and also events that are taking place and would be happy to give advice and training to the trade on this aspect which would in turn hopefully generate more business for everyone including the taxi trade.

Town Centre Co-ordinator (Business Regeneration)

- Supports proposal as a principle
- Expressed concerns that price of advertising is not too high (which would deter independent retailers/businesses)
- Expressed concern that cost of magnetic door signs may be prohibitive
- Essential that door signs are kept clean and that there is a uniformity of design
- Essential that signs are always placed on the same place on the taxi/private hire vehicle
- What happens to the signs after the advertising contract has ended

Chair Clacton Town Centre Partnership

- Thinks it's a brilliant idea
- Is happy to put forward the concept to all 120 members of the CTP

It is recommended to the Licensing Committee that if it is minded to give its agreement to this proposal submitted by the Tendring District Taxi Association to allow more general advertising of local businesses and events on the front and/or rear doors of hackney carriages and private hire vehicles licensed by this Council that the Committee also agrees the proposed Policy/Conditions as detailed below in italics for matters or material that the Council will not grant its permission to advertise on taxi and private hire vehicles licensed by this Council.

Proposed Policy/Conditions attached to permission to advertise on front and/or rear doors of Hackney Carriage and Private Hire vehicles licensed by Tendring District Council.

In general all advertisements must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority i.e.; all advertisements must be legal, decent, honest and truthful.

In general, each application for approval of advertising material will be considered on its own merits but advertisements will not be permitted which advertise or promote the sale of alcohol or tobacco products; nor if they contain political, ethnic, religious, sectarian, sexual or controversial text; display nude or semi-nude figures; or are likely to offend public taste; depict men, women or children as sexual objects; depict direct and immediate violence to anyone shown in the advertisement or observing it; advertise any racist group or organisation which intends to promote such a group or such organisation and/or any of its activities.

*In particular the Council will **not** give its permission for:*

- *An advertisement which incites someone to break the law*
- *An advertisement that is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement, or by way of inference.*
- *An advertisement which depicts or refers to indecency or obscenity or uses obscene or distasteful language*
- *An advertisement which relates to adult entertainment or activities such as lap dancing, escort agencies or massage parlours.*
- *An advertisement that promotes alcohol or tobacco.*
- *An advertisement which condones or provokes anti-social behaviour*
- *An advertisement which contains images or messages which relate to matters of public controversy and sensitivity*
- *An advertisement which contains negative references to Tendring District Council, its services, staff or Members*

The licensee remains responsible for the content of any advertisement displayed on his vehicle, whether internal or external. It remains the licensee's responsibility to comply with the current law and British Code of Advertising Practice referred to above, irrespective of any consent to display the advertisement which may have been given by the Licensing Authority.

It is the licence holder's responsibility to ensure that none of the advertising material obscures the driver's vision, the vehicle's licence plates, or constitutes a danger to passengers or the public or other road users where they are displayed on the vehicle.

All adverts must comply with the above code and be pre-approved by the Council before they are placed on any hackney carriage or private hire vehicle and permission should be sought in writing giving an example of the size of the door sign and content of the promotion.

A copy of this policy/vehicle licence condition is attached to this report as Appendix 3.

BACKGROUND PAPERS FOR THE DECISION

None

APPENDICES

Appendix 1 – Request and Correspondence from TDTA

Appendix 2 – Example of size of small and large door signs on saloon type vehicle

Appendix 3 – Proposed Policy/Vehicle Licence Conditions for non-permissible content of advertising and maximum size of door sign allowed and process for obtaining Council's agreement to advert/promotion.

APPENDIX 1

LICENSING SECTION	
RECEIVED DATE	04 MAR 2014
FEE PAID:
RECEIPT NO:
GENERAL REF:

Taxi Advertising

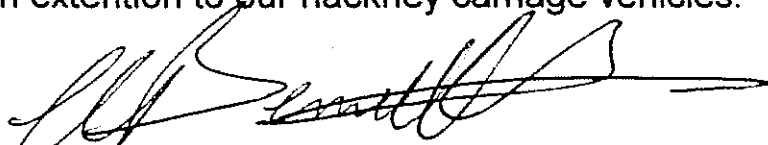
Dear Licencing Office,

I have broached this subject before, but as you are aware, we in the trade are in dire financial straights, I would like to propose advertising on our cab doors as a way to supplement our income, back in 1984 the council gave us permission to advertise but since then it has revoked that decision.

Advertising, would be in good taste of course, nothing untoward or offensive, companies like everyday electrical stores, clothing shops ect, ect this would give us much needed revenue. The signs would be the same standard as our own company signs, place on either the front, or rear doors, and of magnetic quality.

Other areas allow advertising on taxi doors, I see no harm in the idea for those of us that would like to advertise. At the very least could we not have a six month trial to see how this idea pans out. Could this idea be broached at the next licencing hearing, along with the 24mth extention to our hackney carriage vehicles.

Yours sincerely



(Mr) Colin Bennett (T66) Committee member of (T.D.T.A.)

APPENDIX 1



Licensing Section
Council Offices
Thorpe Road
Weeley
Essex CO16 9AJ

Please ask for Mrs E King
Tel: (01255) 686565
Fax: (01255) 686343
E-Mail: eking@tendringdc.gov.uk

Our Ref: EJK/ST
Your Ref:

10 March 2014

Dear Mr Bennett

HACKNEY CARRIAGE LICENSING

Thank you for your letter dated 4 March 2014 regarding the display of advertisements on licensed vehicles.

Due to time restrictions this will not be possible for the meetings due to be heard in April and May this year. However, I will ensure that this matter is placed before the Committee in due course.

If you have any further queries please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E King'.

EMMA KING
LICENSING OFFICER

10th April 2014
APPENDIX 1

Door Adds on Taxi Doors.

Mr Harvey,

If the trade gets the green light from the T.D.C. the idea would be to have neat magnetic door signs, usual size on each front door panel, we would seek out interested local business and discuss a per month payment scheme. The signs would be on our vehicles at least 8hrs each day, and at least (6) days each week. We, in effect would be like a mobile Chamber of Commerce advertizing local industry wherever we ply our trade, whether it be local work, or long distance, the adds will be on view. That way we recieve a monthly payment which in hard times will go some way as to make our business more finacially effective. All signs must be in good taste, promoting the best within our area. Extra monies may be obtained by giving a sole concession to a particular


business, (ie) if I go to an electrical store and have a sign on one side of the taxi door, I would not go to a business rival to put on the other side. There is nothing stopping a store to advertize on both sides of the taxi door for extra revenue.

The above outlines in brief what one would expect from such a service, again it will be up to the Council to either say yes, or no.

I have already contacted local business in our area outlining such a plan, and they like what they hear, of course I have told them that it is subject to the council, but they seem enthusiastic about such a scheme, I believe it is the way forward not only for our trade, but local trade in general, we will be percieved as generating business, forward thinking in an age of modern power thinking, bringing our trade into a new era and hopefully becoming leaders and promoters of

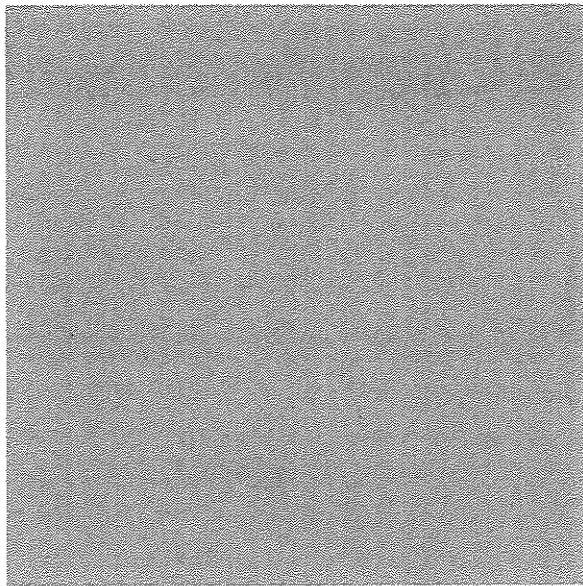
our family of local industry which can only be good for Tendring.

Yours sincerely



(Mr) Colin Bennett (T66) Founder, and Committee member (T.D.T.A.)

email



m

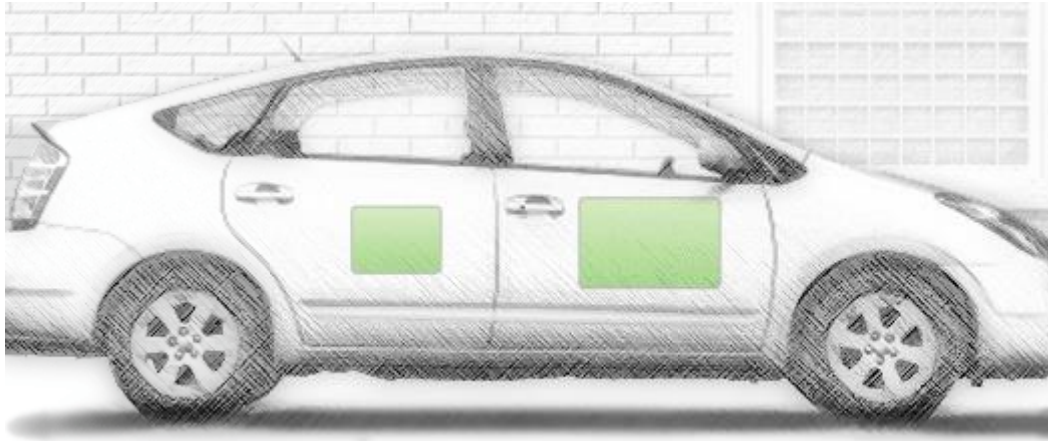
Simon Harvey

From: [REDACTED]
Sent: 28 June 2014 14:24
To: Simon Harvey
Subject: Re door adverts

Hi Simon, further to my last email to you, I thought it best to outline a couple more points so that you will be completely up to scratch with all relevant information re the above. When I said adverts on the front door panels, it could just as easily be applied to all doors, I did not want to over extend the situation, or sound too greedy. When contract has expired with a certain company, then that company can extend contract if they so wish. The driver can pursue another outlet if he/she wants too. It could be that a company may want all four doors with there signs, or conversley just 1/2 doors. In that case provided the Council approve of all four doors, then no problem, in the case of just one door being used, I see no problem with that either, and of course one would charge accordingly, the other side could be used for another outlet, although, this is my personal opinion I would endeavour to seek a different company, simply because the client on one side of the door may not want a rival on the other side, but that would be up for debate. Now how do we charge, and it has to be a balanced fee. I was thinking personally £10.00 each door panel used, per week, the Company could offset the money (pa) to tax. But I have been thinking, If we get the go ahead from the Council then a meeting could be called by the Council, and the Chamber of Commerce to discuss a balanced charge. I hope all this helps you in discussions with various parties. Best Colin. (ps) As the Company will be paying for the initial signs, If a driver lost one, or both signs then the driver has to pay for another pair of signs, I think that is only fair. Once a fee has been sorted out, and conjusive to all parties, what a company would be seeking re a visual mobile display of at least 6/8 hours per day, 6 days per week, again that would be up for discussion with a particular Company, a good working balance must be struck for this scheme to get off the ground. Colin T66

Examples of Door Sign Sizes on Saloon Vehicles

Sizes



○ **Small**
(292 x 222 mm)
(11.49 x 8.74 inches)

● **Large**
(447 x 292 mm)
(17.59 x 11.49 inches)

Proposed Policy/Conditions attached to permission to advertise on front and/or rear doors of Hackney Carriage and Private Hire vehicles licensed by Tendring District Council.

In general all advertisements must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority i.e.; all advertisements must be legal, decent, honest and truthful.

In general, each application for approval of advertising material will be considered on its own merits but advertisements will not be permitted which advertise or promote the sale of alcohol or tobacco products; nor if they contain political, ethnic, religious, sectarian, sexual or controversial text; display nude or semi-nude figures; or are likely to offend public taste; depict men, women or children as sexual objects; depict direct and immediate violence to anyone shown in the advertisement or observing it; advertise any racist group or organisation which intends to promote such a group or such organisation and/or any of its activities.

In particular the Council will not give its permission for:

- An advertisement which incites someone to break the law.
- An advertisement that is likely to cause widespread or serious offence to members of the public on account of the nature of the product or service being advertised, the wording or design of the advertisement, or by way of inference.
- An advertisement which depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- An advertisement which relates to adult entertainment or activities such as lap dancing, escort agencies or massage parlours.
- An advertisement that promotes alcohol or tobacco.
- An advertisement which condones or provokes anti-social behaviour.
- An advertisement which contains images or messages which relate to matters of public controversy and sensitivity.
- An advertisement which contains negative references to Tendring District Council, its services, staff or Members.

***All adverts must comply with the above code and be pre-approved by the Council before they are placed on any hackney carriage or private hire vehicle and permission should be sought in writing giving an example of the size of the door sign and content of the promotion.**

***The Council reserves the right to refuse any request for door sign advertising that does not comply with the above code and to suspend the licence of any vehicle displaying signs that breach the above code or that have not been duly authorised by the Council.**

The licensee remains responsible for the content of any advertisement displayed on his vehicle, whether internal or external. It remains the licensee's responsibility to comply with the current law and British Code of Advertising Practice referred to above, irrespective of any consent to display the advertisement which may have been given by the Licensing Authority.

It is the licence holder's responsibility to ensure that none of the advertising material obscures the driver's vision, the vehicle's licence plates, or constitutes a danger to passengers or the public or other road users where they are displayed on the vehicle.

The **maximum** size of door sign that Tendring District Council will allow to be fixed to a hackney carriage or private hire vehicle licensed by the Council is as follows:

Large
(447 x 292 mm)
(17.59 x 11.49 inches)

Approved by Licensing Committee XX XXXX 2014