

EXTERNAL ADVERTISING ON HACKNEY CARRIAGE VEHICLES

Summary

1. This report follows the advice given to members of this committee at their previous meeting on 1st May 2009 regarding the successful appeal against the implementation of a single livery for hackney carriages. As a consequence of that decision officers have consulted with trade organisations on the subject of external advertising on vehicles and options of future policy are set out for members consideration.

Background

2. The Council is the statutory authority responsible for the licensing and enforcement of hackney carriage and private hire legislation.
3. A licence is required for both the driver and the vehicle in respect to a hackney carriage operation. Vehicle licences are issued with a series of locally determined conditions with the aim of protecting the public.
4. The current vehicle licence conditions state that no advertising shall be allowed without the consent of the council. The policy guidelines to implement that condition are attached as Annex 1.
5. This condition would have been replaced by the adoption of the standard black livery where no advertising would be permitted. As members are aware the requirement for black livery was appealed against successfully in the magistrates court but the requirement to display the city crest decal on the front door panels upheld. As a consequence of this members are invited to review their policy on advertising on hackney carriages .
6. The logic following the requirement to display the decal is that it needs to be clearly visible and that has impact on the display of external advertising. This is a similar requirement to private hire vehicles which are required to display side plates on the rear doors of the vehicle. In that case the policy for private hire vehicle advertising is that it be limited to bonnet and boot.

Consultation

Independent Taxi Association (ITA)

This is a newly formed organisation. It is the policy of the council to recognise, for the purposes of consultation, any formally constituted group which represents 10% or more of hackney carriage owners, owner drivers or drivers. The ITA has a membership that represents 50 of the 173 licensed hackney carriages.

The ITA response is as follows :

“The view of the ITA members regarding advertising on licence hackney carriages is that it seems more beneficial as a "full vehicle wrap" with the exception of the 2 front doors. And after talking to some of the companies who provide this “full wrap” service, the York logo can be super-imposed onto the wrapping as long as there is no copyright infringement. A full vehicle wrap, in our opinion, seems more aesthetically pleasing rather than simply placing the advertising on the front and back of the vehicle”

York Taxi Association (YTA)

“As a result of a recent YTA meeting, the committee voted unanimously to display the City coat of arms decal on the front doors of licensed vehicles and to keep this area free from any other advertising. We then voted unanimously for complete advertising on the rest of the vehicle.

We have taken advice from the National Taxi Association who inform us that under the Miscellaneous Provisions Act 1976, Sections 46 & 47, we are fully entitled to do so.

I would like to note that the decal on coloured cars (i.e. not black) has a poor visual effect; the decal being displayed on a black background. Whether therefore alternative signs could be supplied without the background for those vehicles who remain coloured other than black.”

Options

7. Option 1 – Maintain the existing condition permitting advertising anywhere on the hackney carriage
8. Option 2 – Restrict advertising in the same way as for private hire vehicles ie no advertising the entire side of the vehicle but permitted on the front and rear.
9. Option 3 – Prohibit advertising on the front door panels only
10. Option 4 – Prohibit advertising anywhere on the external of the vehicle
11. Should Members approve any advertising then it should be subject to the same approval procedure and restraint as set out in the policy at Annex 1

Analysis

12. Advertising provides an additional source of income for some taxi vehicle proprietors. At the present time there is only a small minority of vehicles that have advertising on the bodywork. This may be as a result of the movement to a standard livery and a lack of certainty over the current conditions.
13. In considering option 1, it is clear from the photograph at Annex 2 that any advertising on the same door panel as the decal would more than likely render it unreadable, a view that seems to be shared by the trade organisations. The decal also affects the quality of the advertising.
14. Option 2 offers the same requirement as has been applied to private hire vehicles for many years ie keeping the whole of the side of the vehicle clear of advertising. This will allow full prominence to be given to the decal whilst still permitting advertising on the front and rear of the vehicle. Photograph at Annex 3
15. The York Taxi Association favour an approach where advertising is permitted anywhere other than on the same door as the decal as indicated in option 3. If members agreed this approach then it would be rational to amend the private hire conditions in the same way. It should be noted that the private hire conditions have been in existence for many years without problem. The photograph at Annex 4 illustrates this option
16. Finally as option 4 Members may favour an approach that prohibits any form of advertising. Such an approach has been adopted by some local authorities particularly those where a single livery has been adopted. Such an approach in the absence of a standard livery could be difficult to justify particularly if private hire vehicles were permitted to continue with external advertising.
17. In considering any policy change members should be aware that advertising is often supplied for a fixed period of time ie. annual contracts, and the application of any new policy, if made retrospective, could have financial consequences to vehicle proprietors.

Corporate Strategy

18. Taxis provide an essential public transport service often carrying vulnerable people who rely on their services. It is an essential requirement that passengers are safe, and feel safe in using taxis, contributing to York being a Safer City.

Implications

19. **Financial** - None
20. **Human Resources (HR)** - None
21. **Equalities** - None
22. **Legal** - The Council is charged with a duty of ensuring that hackney carriage vehicles are suitable in terms of their safety and appearance. Any condition imposed by the council on a hackney carriage vehicle licence must be considered reasonably necessary and must be proportionate. A person aggrieved by a condition attached to such a licence may appeal to the Magistrates Court.
23. **Crime and Disorder** - None
24. **Information Technology (IT)** - None
25. **Property** - None
26. **Other** – None

Risk Management

27. In coming to any decision on this matter the council can minimise risk by ensuring it takes all factors into consideration in coming to its decision. The decision should be reasonable in the light of the information available.

Recommendations

28. Members are asked to approve option 2 ie to prohibit advertising on the sides of hackney carriages. This shall not be applied to vehicles already displaying advertising on the vehicle side until the vehicle or advertising is changed.
29. Reason – To ensure that full prominence is given to the coat of arms decal which aids identification of the vehicle as a City of York licensed hackney carriage.

Contact Details

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Report Approved**Date** 17/6/09**Specialist Implications Officer**

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Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Report to Licensing and Regulatory Committee 1st May 2009

Annexes

Annex 1 – Existing policy in relation to approval of advertising on hackney carriage and private hire vehicles

Annex 2 – Photograph showing full side advertising

Annex 3 – Photograph showing no advertising on vehicle side

Annex 4 – Photograph showing no advertising on front door only