

REPORT TO: LICENSING COMMITTEE – 20 APRIL 2007

REPORT BY: LICENSING MANAGER

REPORT AUTHOR: NICKII HUMPHREYS

**Local Government (Miscellaneous Provisions) Act 1976
Private Hire and Hackney Carriage Vehicles – Commercial & Company
Advertising**

1.0 Purpose of report

1.1 The purpose of this report is for the Committee to approve a revision to the existing Council policy for commercial and company advertising which is permitted to be displayed on hackney carriage and private hire vehicles.

2.0 Recommendation

2.1 *Recommended that:*

2.2 **(1) *The existing Council policy relating to the display of commercial and company advertising on hackney carriage and private hire vehicles is amended as follows:***

(a) *Company Advertising on licensed Private Hire and Hackney Carriage Vehicles:*

All licensed private hire vehicles, excluding prestige vehicles, and licensed hackney carriage vehicles where appropriate, shall exhibit a sign in the following manner;

- i) which is a strip (which shall not be illuminated) to be only positioned along the top and/or bottom of the windscreen and/or rear window showing, the name or trade name and the telephone number or website address of the firm operating the vehicle, and;***
- ii) which is displayed in such a position that it does not contravene the Road Traffic Regulation Acts or regulations made thereunder.***

2.3 **(b) *Commercial Advertising on licensed Private Hire Vehicles:***

Commercial and company advertising on licensed private hire vehicles shall be permitted on the vehicle, excluding the front windscreen (except for (1)(a) above), front driver and passenger windows, subject to the following:

(a) Any advertisements shall comply with the British Codes of Advertising and Sales Promotion as determined by the

Advertising Standards Authority;

(b) Any request shall be considered on its merits but the following advertising shall not be permitted:

- i) those with political, ethnic, religious, sexual or controversial texts;**
- ii) those for escort agencies, gaming establishments or massage parlours;**
- iii) those displaying nude or semi-nude figures;**
- iv) those likely to offend public taste;**
- v) those which promote tobacco products and/or alcohol.**

The foregoing paragraph is subject to the provisions of the Human Rights Act 1998 and any other relevant legislation.

(c) Any advertisement displayed on the windows of a vehicle shall be of such type and design so as not to obscure the driver's and travelling passengers field of vision and which does not contravene the Road Traffic Regulation Acts or regulations made thereunder;

(d) All advertising is to be completed to a professional standard and quality and shall not compromise the overall appearance of the licensed vehicle;

(e) Any proposed advertisement or notice shall be forwarded to and approved by an authorised officer, in writing, at least seven days prior to such notice or advert being displayed on the vehicle;

(f) Any authorised officer may, after giving notice in writing to the operator or proprietor, request the immediate removal or amendment to any advertising displayed from the licensed vehicle.

2.4 (c) Commercial Advertising on licensed Hackney Carriage Vehicles:

Commercial and company advertising on licensed hackney carriage vehicles (in addition to (1)(a) above), shall be permitted on the front driver and passenger doors and rear window, subject to the following:

(a) Any advertisements shall comply with the British Codes of Advertising and Sales Promotion as determined by the Advertising Standards Authority;

(b) Any request shall be considered on its merits but the following advertising shall not be permitted:

- i) those with political, ethnic, religious, sexual or controversial texts;*
- ii) those for escort agencies, gaming establishments or massage parlours;*
- iii) those displaying nude or semi-nude figures;*
- iv) those likely to offend public taste;*
- v) those which promote tobacco products and/or alcohol.*

The foregoing paragraph is subject to the provisions of the Human Rights Act 1998 and any other relevant legislation.

- (c) Any advertisement displayed on the rear window of a vehicle shall be of such type and design so as not to obscure the driver's field of vision and which does not contravene the Road Traffic Regulation Acts or regulations made thereunder;*
- (d) All advertising is to be completed to a professional standard and quality and shall not compromise the overall appearance of the licensed vehicle;*
- (e) Any proposed advertisement or notice shall be forwarded to and approved by an authorised officer, in writing, at least seven days prior to such notice or advert being displayed on the vehicle;*
- (f) Any authorised officer may, after giving notice in writing to the operator or proprietor, request the immediate removal or amendment to any advertising displayed from the licensed vehicle.*

2.5 (2) That the City Solicitor be granted delegated authority to revise such policy matters and/or conditions in relation to commercial/company advertising in respect of licensed Hackney Carriage and Private Hire vehicles.

3.0 Background Information

3.1 This matter has been referred to the Licensing Committee for consideration following representations by members of the private hire trade to further extend the provision for advertising on licensed vehicles. The requests relate to the following matters:

3.2 a) Company Proprietorship Advertising

A significant proportion of licensed Private Hire vehicles are owned by “company proprietors” who operate their vehicles through licensed Private Hire Operators.

These types of proprietors licence Private Hire vehicles with the Council under a company name and subsequently “hire out” the use of the licensed vehicles to private hire drivers. The proprietors retain responsibility for the upkeep and

maintenance of the vehicle. The companies themselves do not, in the course of their business, make provision for the invitation or acceptance of bookings for a private hire vehicle, as this would require separate licensing as a Private Hire Operator. Instead, their vehicles are made available to Operators licensed by the Council.

Various “company proprietors” have expressed a wish to commercially advertise their own companies by way of window strips on licensed private hire vehicles but are currently prevented from doing so legitimately by virtue of the restrictions currently set out in the Council’s policy relating to advertising.

3.3 b) Display of “Inner Vision” Window Stickers

A licensed Private Hire Operator has expressed a wish to display “Inner Vision” window stickers on his licensed private hire vehicles, in particular 8 seater mini-buses.

“Inner Vision” stickers are manufactured in such a way so that they appear opaque from the external view of the vehicle but are transparent when viewed from inside the vehicle by the driver and passengers.

Images of this type of window sticker are attached as Appendix A to this report.

As per the request outlined in a) above, this type of advertising is not currently permitted under the existing Council policy.

3.4 Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 permit the Council to impose such conditions as may be considered reasonably necessary when licensing Hackney Carriage and Private Hire vehicles. The Act permits conditions to be imposed to either require or prohibit the display of signs on licensed vehicles.

3.5 In February 1996, the Council amended its policy so as to permit exterior advertising on licensed vehicles in addition to approved company window “sunstrips” and to allow exterior advertising on purpose built 8 seater minibuses which predominantly undertake specialist “contract” or airport runs outside of Portsmouth.

3.6 In October 2001, the policy was further amended so as to introduce a corporate livery for licensed hackney carriage vehicles as follows:

- a) The introduction of a corporate livery “logo” using the vehicle plate number to enhance identification;
- b) The introduction of a prescribed colour, namely silver, for all vehicles licensed as Hackney Carriage vehicles;
- c) The introduction of a policy requirement that no licensed Private Hire vehicle shall be permitted to be of a silver colour;

- d) Delegated authority granted to the City Solicitor to revise such policy matters and/or conditions in relation to commercial/company advertising in respect of licensed Hackney Carriage vehicles.

4.0 Company and Commercial Advertising - Current Policy Requirements

- 4.1 The current policy requirements in relation to the provision of company and commercial advertising on licensed vehicles is set out below:

PRIVATE HIRE VEHICLES

- 4.2 All licensed private hire vehicles, excluding prestige vehicles, shall exhibit a sign in the following manner:
 - (a) A strip not exceeding 90mm in height (which shall not be illuminated) to be only positioned along the top and/or bottom of the windscreen and/or rear window showing the name or trade name and the telephone number of the firm operating the vehicle; and
 - (b) the lettering of which does not exceed 64mm in height and which is displayed in such a position that it does not contravene the Road Traffic Regulation Acts or regulations made thereunder.
- 4.3 Commercial and company advertising shall be permitted only on the front driver and passenger doors of a licensed Private Hire vehicle subject to:
 - (a) Any advertisement shall comply with the British Codes of Advertising and Sales Promotion as determined by the Advertising Standards Authority;
 - (b) Advertisements for tobacco products and/or alcohol shall not be permitted;
 - (c) Any proposed advertisement or notice shall be forwarded to and approved by an authorised officer, in writing, at least seven days prior to such notice or advert being displayed on the vehicle;
 - (d) Any authorised officer may, after giving notice in writing to the operator or proprietor, request the immediate removal or amendment to any advertising displayed from the licensed vehicle.
- 4.4 Licensed eight seater minibuses may display a company trade name and any telephone number subject to:
 - (a) Any trade name/telephone number so displayed shall not exceed 152mm in height and may be displayed on the side, front and rear body panels of the vehicle.
 - (b) Any authorised officer may, after giving notice in writing to the proprietor, request the removal or amendment of any sign.

HACKNEY CARRIAGE VEHICLES

- 4.5 Hackney carriage vehicles may display company window strips (as and where appropriate) and commercial advertising subject to the provisions referred to in paragraphs 4.2 and 4.3 above.

In addition, hackney carriage vehicles must also display the corporate livery “logo” on the bonnet and rear passenger doors of any licensed vehicle.

5.0 Proposed Revisions to Current Policy

- 5.1 It is the view of the Licensing Manager that it would be appropriate for the Committee to revisit its existing policy on commercial and company advertising having regard to the requests made by the trade and to make amendments that enable greater flexibility in the use of company and commercial advertising by the private hire and hackney carriage trade on licensed private hire and hackney carriage vehicles.
- 5.2 The implementation of the proposed changes will not lead to public confusion between the respective roles of Hackney Carriage and Private Hire vehicles as the corporate livery policy requirements for licensed Hackney Carriage vehicles will remain and therefore these type of licensed vehicles will not be permitted to display “all over” advertising. This will ensure that the visual distinction between the two types of licences is maintained.

The private hire and hackney carriage trade representatives have been consulted as regards these proposals and, at the time this report was prepared, representatives of the private hire trade have no objections to the proposed changes.

All except one of the hackney carriage trade representatives have no objections to the proposed changes. One trade representative has expressed a view that the current policy should not be amended. Those formal comments were not available at the time this report was prepared but will be made available for the Committee to take into consideration on the day of the meeting.

- 5.3 Advice has been sought from the Traffic Unit of Hampshire Constabulary in respect of the revision of the existing policy and they have offered no objections to the proposals.

They have highlighted that that under the Road Traffic Regulation Acts, there are no restrictions in terms of the use of “inner vision” window stickers on the rear window as offences relating to obscuring the field of vision for drivers relate only to the front windscreen, driver and front passenger windows.

Likewise, the Council’s nominated testing station, Adams Morey, have offered no objection on safety grounds to these proposed policy amendments.

It is therefore proposed that the Council’s policy in relation to company and commercial advertising is amended as follows:

Company Advertising on licensed Private Hire and Hackney Carriage Vehicles

- 5.4 All licensed private hire vehicles, excluding prestige vehicles, and licensed hackney carriage vehicles where appropriate, shall exhibit a sign in the following manner;
- (a) which is a strip (which shall not be illuminated) to be only positioned along the top and/or bottom of the windscreen and/or rear window showing, the name or trade name and the telephone number or website address of the firm operating the vehicle, and;
 - (b) which is displayed in such a position that it does not contravene the Road Traffic Regulation Acts or regulations made thereunder.

Commercial Advertising on licensed Private Hire Vehicles

- 5.5 Commercial and company advertising on licensed private hire vehicles shall be permitted on the vehicle, excluding the front windscreen (except for 5.4 above), front driver and passenger windows, subject to the following:
- (a) Any advertisements shall comply with the British Codes of Advertising and Sales Promotion as determined by the Advertising Standards Authority;
 - (b) Any request shall be considered on its merits but the following advertising shall not be permitted:
 - i) those with political, ethnic, religious, sexual or controversial texts;
 - ii) those for escort agencies, gaming establishments or massage parlours;
 - iii) those displaying nude or semi-nude figures;
 - iv) those likely to offend public taste;
 - v) those which promote tobacco products and/or alcohol.

The foregoing paragraph is subject to the provisions of the Human Rights Act 1998 and any other relevant legislation.

- (c) Any advertisement displayed on the windows of a vehicle shall be of such type and design so as not to obscure the driver's or travelling passengers field of vision and which does not contravene the Road Traffic Regulation Acts or regulations made thereunder;
- (d) All advertising is to be completed to a professional standard and quality and shall not compromise the overall appearance of the licensed vehicle;
- (e) Any proposed advertisement or notice shall be forwarded to and

approved by an authorised officer, in writing, at least seven days prior to such notice or advert being displayed on the vehicle;

- (f) Any authorised officer may, after giving notice in writing to the operator or proprietor, request the immediate removal or amendment to any advertising displayed from the licensed vehicle.

Commercial Advertising on licensed Hackney Carriage Vehicles

5.6 Commercial and company advertising on licensed hackney carriage vehicles (in addition to 5.4 above), shall be permitted on the front driver and passenger doors and rear window, subject to the following:

- (a) Any advertisements shall comply with the British Codes of Advertising and Sales Promotion as determined by the Advertising Standards Authority;
- (b) Any request shall be considered on its merits but the following advertising shall not be permitted:
 - i) those with political, ethnic, religious, sexual or controversial texts;
 - ii) those for escort agencies, gaming establishments or massage parlours;
 - iii) those displaying nude or semi-nude figures;
 - iv) those likely to offend public taste;
 - v) those which promote tobacco products and/or alcohol.

The foregoing paragraph is subject to the provisions of the Human Rights Act 1998 and any other relevant legislation.

- (c) Any advertisement displayed on the rear window of a vehicle shall be of such type and design so as not to obscure the driver's field of vision and which does not contravene the Road Traffic Regulation Acts or regulations made thereunder;
- (d) All advertising is to be completed to a professional standard and quality and shall not compromise the overall appearance of the licensed vehicle;
- (e) Any proposed advertisement or notice shall be forwarded to and approved by an authorised officer, in writing, at least seven days prior to such notice or advert being displayed on the vehicle;
- (f) Any authorised officer may, after giving notice in writing to the operator or proprietor, request the immediate removal or amendment to any advertising displayed from the licensed vehicle.

5.7 It is also proposed that the existing policy relating to commercial and company advertising is amended so as to give delegated authority to the City Solicitor to

revise such policy matters and/or conditions in relation to commercial/company advertising in respect of licensed Private Hire vehicles, as the current delegation of powers relates only to such matters affecting licensed Hackney Carriage vehicles.

6.0 Appendices

Appendix A – Examples of “Inner Vision” window stickers

A handwritten signature in black ink, appearing to read "A. Humphreys". The signature is fluid and cursive, with the first letter 'A' being particularly large and stylized.

Licensing Manager
For City Solicitor

APPENDIX A



APPENDIX A

