

**ANGUS COUNCIL**

**CIVIC LICENSING COMMITTEE – 1 JUNE 2017**

**REVIEW OF ADVERTISING ON TAXIS AND PRIVATE HIRE CARS**

**REPORT BY HEAD OF LEGAL AND DEMOCRATIC SERVICES**

The purpose of this report is for the Civic Licensing Committee to review the current arrangements for advertising on taxis and private hire cars.

**1. RECOMMENDATION**

It is recommended that the Committee:-

- (i) note the current Guidance on Advertising on Taxis and Private Hire Cars; and
- (ii) agree to amend the Guidance to the extent provided for in Appendix 2 to this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/CORPORATE PLAN**

This report contributes to the following outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are prosperous and fair

**3. BACKGROUND**

3.1 This Committee, at its meeting on 28 September 1999, considered a report by the Director of Law and Administration in respect of a policy on advertising on both taxis and private hire vehicles (Report 1248/99 refers). Having considered the terms of that report, Committee agreed:-

- (i) to permit advertisements on taxis or private hire vehicles, subject to payment of a minimum charge of £50 to cover administrative expenses;
- (ii) to permit advertising on both the front driver's door and front passenger door of either a private hire vehicle or a taxi but that adverts must leave a space of 150mm beneath either door window to allow for the driver's name and number as per the Regulations; and
- (iii) that, prior to placing any advertisement on any vehicle, the operator be required to obtain the prior written consent of the Director of Law and Administration as to the suitability and location of any such advertisements.

3.2 A copy of the Guidance re Advertising on Taxis and Private Hire Vehicles is attached as **Appendix 1** to this report.

3.3 Committee will note that, effectively, the Guidance only permits adverts on the driver and passenger front doors and only below 15cm from the bottom of each window. It is submitted that this is unduly restrictive and precludes the trade from earning additional income from advertising. It should be noted that adverts which do not meet the terms of the Guidance are considered by the Civic Licensing Committee. The author of this report cannot recall the last time the Committee refused an advert which was considered outwith the Guidance.

3.4 It is, therefore, recommended that the Committee agree to amend the Guidance to the extent set out in **Appendix 2**. The main changes to the Guidance are:-

- (i) to remove the restriction on advertising only on the front driver's door and front passenger door. Advertisements will be permitted anywhere on the outside of the vehicle unless it affects the visibility of the driver of the vehicle or is within 15cm from the bottom of the front driver's door and front passenger door; and
- (ii) to remove the requirement to consult with Police Scotland and Environmental and Consumer Protection. It is considered that this is unnecessary.

3.5 All applications would be considered by the Head of Legal and Democratic Services or nominated officer. In doing so, the Head of Legal and Democratic Services would have regard to the Guidance but would not be bound by the terms. The Head of Legal and Democratic Services could determine not to exercise delegated authority and to place the application before the Committee for determination notwithstanding that it met the terms of the Guidance.

3.6 Finally, Committee are asked to note that, notwithstanding the suggested amendments, 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.

#### **4. CONCLUSION**

4.1 This report relates to a policy agreed by the Committee in 1999. It is submitted that the policy should be amended to permit advertisements on parts of vehicles other than the front driver's door and front passenger door.

#### **5 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising directly from this report.

**NOTE:** No background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

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**ANGUS COUNCIL**

**GUIDANCE RE ADVERTISING ON TAXIS AND PRIVATE HIRE VEHICLES**

1. The holder of a taxi or private hire licence shall not display on or in his/her taxi/private hire vehicle any sign for the purpose of advertising without first making proper application to the Head of Legal and Democratic Services, Angus House, Orchardbank Business Park, Forfar DD8 1AN and first paying the application fee of £50.
2. Applications for approval of any proposed advertisement must be made in writing to the Head of Legal and Democratic Services enclosing two copies of all proposed advertisements in full colour indicating the size of wording, any artwork and the location of the advertisement on the vehicle.
3. All applications for approval of advertisements will be considered by the Head of Legal and Democratic Services or her nominated officer and who if satisfied, after consultation with Police Scotland and the Service Manager Environmental, Communities Directorate shall grant the application. If the Head of Legal and Democratic Services, or her nominated officer is not so satisfied then any such application will be submitted to the Civic Licensing Committee for consideration, who will be entitled to either grant the application, refuse the application or grant the application to such amendment or such conditions as it deems appropriate.
4. All advertisements must comply with the British Code of Advertising Practice issued by and amended from time to time by the Advertising Standards Authority. Each application will be considered on its own merits but advertisements will not be approved if they contain political, ethnic, religious, sexual or controversial texts; refer to tobacco or alcohol products; display nude or semi-nude figures; are likely to offend public taste, depict either directly or indirectly any acts of aggression or violence or in any way appear to promote or advertise any racist group or organisation or any of its activities.
5. No advertisement shall be permitted which in any way affects the visibility of the driver of the vehicle. Advertisements will be permitted on both the front driver's door and front passenger door of either a taxi or private hire vehicle but such advertisements must leave a space of 150mm beneath either window to allow for the driver's name and number as per the regulations.
6. Materials used for advertisements must be of a quality not easily defaced or detached. No paper based materials or water soluble adhesive paste shall be permitted.
7. Advertisements will be checked at the annual vehicle inspection and the Head of Legal and Democratic Services or her nominated officer reserves the right to refuse permission for any advertisement placed on a vehicle which fails to comply with the above or which has not received the appropriate permission and shall be entitled to require its immediate removal. Failing which, the vehicle will be deemed to have failed its annual inspection and will not be used for the purpose of either a taxi or private hire vehicle until the offending advertisement is removed.

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