

EAST AYRSHIRE COUNCIL

SPECIAL LOCAL GOVERNMENT LICENSING PANEL

13 NOVEMBER 2008

REVIEW OF COUNCIL POLICY ON ADVERTISING ON LICENSED TAXIS

Report by Executive Director of Corporate Support

1. PURPOSE OF REPORT

- 1.1 To invite the Licensing Panel to review Council policy on advertising on licensed taxis.

2. BACKGROUND

- 2.1 At a meeting of the former licensing sub-committee of the Community Services Committee held on 24 January 2001 there was agreed a revised Council policy in relation to advertising on taxis and private hire vehicles.
- 2.2 At that time the sub-committee agreed upon a set of regulations in respect of advertising a copy of which is set out in Appendix 1 to this report. In relation to both taxis and private hire vehicles it was determined that self advertising (i.e. the display of the name and telephone number of the proprietor of the vehicle) be restricted to a single line not exceeding 75mm in height on the front and rear windscreens of the vehicle. Further, it was determined that full livery commercial advertising would only be considered in relation to specified types of vehicle and would also be subject to design approval.
- 2.3 A request has now been received from the East Ayrshire Taxi Trade to revise Council policy to permit self advertising on the sides, bonnet and boot of licensed taxis only. In effect the request is to permit full livery self advertising and to disapply the terms of the current regulation. It should also be noted that, at this time, there has been no request for the Panel to consider the revisal of current policy in respect of private hire vehicles.

3. ISSUES FOR CONSIDERATION

- 3.1 Concern has been expressed by taxi operators to the effect that, as private hire vehicle operators are subject to the same advertising policy as taxis, members of the public gain the impression that private hire vehicles are available for hire in the same way as taxis (i.e. that they can stop when hailed by a potential traveller and be approached in the street to negotiate a hire). The taxi trade have also in the past sought to produce evidence of instances where private hire vehicles have accepted fares which are not pre-booked. This is despite the position that any driver or operator of a private hire vehicle stopping when hailed runs the risk of prosecution and in turn jeopardises the existence of the licence held.

- 3.2 At the same time, it has been reported in the past that a significant percentage of the general public are simply not aware of the differing operating regimes between taxis and private hire vehicles and are accordingly unable to differentiate between the two types of vehicle. The only current discernible difference between the two is that taxis are required to have an illuminated "Taxi" sign on the roof of the vehicle.
- 3.3 Due to these concerns the taxi trade have requested that the Licensing Panel give consideration to reviewing the existing self advertising policy to effectively allow full livery self advertising. The following matters have been advanced by the taxi trade in support of their request:-
- Approval of this request would emphasise that the vehicles are in fact taxis as opposed to private hire vehicles;
 - It would help in assisting members of the general public in identifying vehicles as taxis and private hire vehicles;
 - It would assist in the enforcement of the illegal practice of private hire vehicles being flagged down by customers; and
 - Enhanced self advertising on taxis could also contribute to the overall safety of passengers as it would provide easier identification of vehicles.

4. THE NEXT STEPS

- 4.1 Representatives of the taxi trade intend to attend the meeting and will accordingly be able to provide additional detail, if required in relation to this request. It should also be noted that this request has been made in relation to taxis only and that private hire vehicle operators have not been consulted on this matter.
- 4.2 However, the position in practice is that many of the private hire vehicle operators are also represented by the representatives who will attend the meeting and they may be able to confirm the views of such operators in the absence of any formal consultation.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising from the contents of this report.

6. LEGAL IMPLICATIONS

- 6.1 Section 10 (4) of the Civic Government (Scotland) Act 1982 requires the Licensing Authority to be satisfied as to the suitability of the type, size and design of any vehicles to be used as taxis.
- 6.2 Section 14(1) of the Act requires that there shall not be displayed on or in a private hire vehicle any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.

7. POLICY IMPLICATIONS

- 7.1 East Ayrshire Council's policy on advertising was originally formulated in 1997 and was last reviewed in January 2001. On the basis of the request from the taxi trade it is therefore appropriate that consideration is given to a further review of the Council's policy at this time.

8. RECOMMENDATIONS

- 8.1 The Licensing Panel is accordingly invited to consider the request from the taxi trade and to determine whether to proceed to revise Council policy on the issue of advertising on taxis once again.

Elizabeth Morton
Executive Director of Corporate Support

4 November 2008

LIST OF BACKGROUND PAPERS - NIL

Any person wishing further information on this report should contact David Mitchell, Head of Legal, Procurement and Regulatory Services on telephone 01563 576061 or e-mail on david.mitchell@east-ayrshire.gov.uk.

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APPENDIX 1

REGULATION OF ADVERTISING ON TAXIS AND PRIVATE HIRE VEHICLES

- 1.1 Advertising the name and telephone number of the proprietor shall only be permitted on the front and rear windscreens of the vehicle, outwith the windscreen wiper pattern area and to the satisfaction of the Council's examiner.
- 1.2 Lettering will not exceed 75mm in height.
- 1.3 the advertising shall be contained in one line unless smaller lettering is used but the combined height of any lines of lettering and background shall not exceed 75mm in height.
- 1.4 The use of the rear of the taxi roof sign for advertising a company name or telephone number shall continue to be permitted.
- 2.1 As far as "full livery" commercial advertising is concerned only applications from the operators from new or nearly new, purpose built taxis or vehicles capable of carrying a disabled passenger in their wheelchair will be entertained.
- 2.2 Each individual design must be submitted for approval by the Licensing Authority.
- 2.3 In the event of the vehicle being involved in an accident, it must be removed from service until reinstated to the original design approved by the Licensing Authority.
- 2.4 The Council reserves the right to refuse approval of any design.