

## **EAST AYRSHIRE COUNCIL**

### **LICENSING SUB-COMMITTEE OF THE COMMUNITY SERVICES COMMITTEE - 24<sup>TH</sup> JANUARY 2001**

#### **REVIEW OF COUNCIL POLICY ON ADVERTISING ON (OR IN) TAXIS AND PRIVATE HIRE CARS**

##### **Report by Director of Community Services**

### **1. PURPOSE OF REPORT**

- 1.1 To invite the Sub-Committee to review Council policy on advertising.

### **2. BACKGROUND**

- 2.1 At a meeting of the Sub-Committee held on 3<sup>rd</sup> March 1997 there was considered a report by the Director of Community Services and it was agreed to prohibit any commercial advertising on (or in) Taxis and Private Hire Cars.

- 2.2 The decision did not provide for any definition of "commercial advertising" and since that time a practice of advertising the name of the Company operating the vehicle and a contact telephone number on both taxis and private hire cars has developed.

Until recently the Council and the Trade in general have accepted such advertising as being non-commercial and acceptable provided it was kept within reasonable limits.

- 2.3 A number of taxi operators have now approached Council staff to request that the current prohibition on commercial advertising be reviewed to permit commercial advertising in the form of "full livery" commercial advertising. "Full livery" is understood to mean a complete re-paint of the vehicle used as a taxi in such a form that it advertises a third party's goods/services/products. This arrangement has been allowed by some other authorities in Scotland.

- 2.4 At the same time during the last six months a number of complaints have been regularly received from East Ayrshire Taxi Trade Council and from individual taxi operators regarding the practice of private hire companies advertising their names and telephone numbers on licensed vehicles in such a form that members of the public gain the impression that private hire cars are available for hire in the same way as taxis (i.e. can stop when hailed by a potential traveller and be approached in the street to negotiate a hire). The complainers have provided evidence of an on-going problem in East Ayrshire where private hire cars are accepting fares which are not

pre-booked. Although the licensing service staff have investigated individual complaints and taken necessary action where appropriate limitations on staff time and the amount of investigatory work involved means that there is considerable difficulty in making inroads into the problem.

### **3. DISCUSSION**

- 3.1 It is recognised that a significant percentage of the population are not aware of the differing operating regimes of taxis and private hire cars. It was also recognised that at certain peak times when taxis cannot meet the demands of the travelling public, the latter will tend to use any vehicle which seems available to allow them to complete their journey (despite the fact that any driver or operator of a private hire vehicle stopping when hailed runs the risk of prosecution and in turn jeopardises his/her licence.
- 3.2 Given the fact that taxis must have an illuminated "Taxi" sign on the roof of the vehicle, it is proposed that the Council should consider a policy whereby the operator of a taxi or private hire car is limited to advertising the name and telephone no(s) of his/her taxi or private hire company on the vehicle as **set out in the Appendix.**

### **4. FINANCIAL IMPLICATIONS**

- 4.1 Given the fact that the proposals on self-advertising will have cost implications for the trade, it is recommended that these be introduced immediately for all new vehicles and that all existing vehicles be fully compliant by 31<sup>st</sup> March 2001.

### **5. LEGAL IMPLICATIONS**

- 5.1 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.
- 5.2 Section 14(1) of the Act requires that there shall not be displayed on or in a private hire car any word, sign, notice, mark, illumination or other feature which may suggest that the vehicle is available for hire as a taxi.

### **6. POLICY IMPLICATIONS**

- 6.1 The initial policy on advertising was agreed in March 1997 and it is appropriate that it be reviewed at the present time.

## **7. CONCLUSIONS**

- 7.1 A number of complaints have been received from individual operators and the taxi trade council regarding the size and form of self-advertising in taxis and private hire cars.**
- 7.2 Licensing staff are of the view that the Licensing Sub-Committee should implement a policy restricting the size and format of self-advertising on taxis and private hire vehicles.**
- 7.3 A number of operators and the taxi trade have requested the Council to consider permitting “full livery” commercial advertising on taxis.**
- 7.4 Licensing staff have investigated the matter fully and agree that subject to prior approval of individual designs, there is merit in the Council considering acceptance of “full livery” commercial advertising in taxis.**

## **8. RECOMMENDATION**

- 8.1 It is recommended that the Sub Committee:-**
- (i) consider for approval, the Policy on Advertising on Taxis and Private Hire Vehicles as set out in the Appendix to this report;**
  - (ii) otherwise note the report.**

William Stafford  
**Director of Community Services**

JFC/SAM

2<sup>nd</sup> November 2000

## **LIST OF BACKGROUND PAPERS**

**Nil.**

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## APPENDIX 1

### POLICY ON 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 Sub-Committee.
- 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 Sub-Committee.
- 2.4 The Council reserves the right to refuse approval of any design.

January 2001

**AGENDA**