

LICENSING COMMITTEE (NON LICENSING ACT 2003 FUNCTIONS)

Agenda Item 21

Brighton & Hove City Council

Subject:	Advertising on Hackney Carriage and Private Hire Vehicles		
Date of Meeting:	17 November 2011		
Report of:	Head of Planning and Public Protection		
Contact Officer:	Name:	Martin Seymour	Tel: 29-6659
	Email:	martin.seymour@brighton-hove.gov.uk	
Ward(s) affected:	All		

1. SUMMARY AND POLICY CONTEXT:

- 1.1 That the Committee agree to advertising on the rear wings of Hackney Carriage and Private Hire vehicles.

2. RECOMMENDATIONS:

- 2.1 That advertising may be displayed on the rear wings (as decided by the Head of Planning & Public Protection) of Hackney Carriage and Private Hire Vehicles provided that the vehicle is not exempt from displaying the Council's livery and any advertisement displayed conforms to the council's guidance for licensed vehicles.
- 2.2 That delegated authority be granted to the Head of Planning and Public Protection to vary the standard Hackney Carriage Licence conditions to allow advertising in accordance with 2.1 above.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Trade members of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum have requested that committee considers allowing advertising on the rear wings of licensed Hackney Carriage and Private Hire vehicles.
- 3.2 The trade give the following reasons for this request:
- Drivers income has been severely affected by the economic downturn and overall takings are significantly reduced.
 - Increases to fuel prices, insurance, vehicle maintenance, office dues and the cost of living and this will be a way of increasing income without it having to come from the passengers pocket.
 - London taxis already have substantial advertising on them and the practice is quite widespread in other countries.

- It is envisaged that it will be mainly local businesses and attractions that will participate rather than large national brands.
- 3.3 It should be noted that the fare formula that the Council uses to set hackney fares includes fuel prices, insurance costs, vehicle maintenance and average income figures for the south east.
- 3.4 It should also be noted that it will be the proprietor that will receive any income not the individual driver although many proprietors do drive their own vehicles.
- 3.5 There is no guarantee that it will be local businesses that will take up this opportunity and it is unclear if the main operators will insist that proprietors display their advertising rather than that of other local business.
- 3.6 Members have already approved guidance for advertising in wheelchair accessible vehicles (see appendix 1) and the same guidance will apply to any other advertising on vehicles agreed by members.
- 3.7 Members are asked to restrict advertising to only licensed vehicles displaying the full council livery for hackney carriage or private hire vehicles so that the public can be confident that they are using a legitimate vehicle. The trade have provided examples of how the advertising may look (see appendix 2).

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The use of advertising has been discussed at several meetings of the Brighton and Hove Hackney Carriage and Private Hire Consultation Forum.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

Revenue: There are no direct financial implications for the council by agreeing to allow advertising on the rear wings of Hackney Carriage and Private Hire Vehicles, as any income will be received by the proprietors.

Finance Officer Consulted: Name Karen Brookshaw Date: 26/09/11

5.2 Legal Implications:

Under section 47 of the Local Government (Miscellaneous Provisions) Act 1976, the council may impose such conditions on the grant of a hackney carriage vehicle licence as it may consider reasonably necessary. Pursuant to this power, the council has imposed a number of standard conditions on hackney carriage vehicle licences, including the following:-

No signs, notices, advertisements, plates, marks, letters, figures, symbols, emblems or any devices whatsoever other than those mentioned in paragraph 21.2 below shall be displayed on, in or from the vehicle.

There are a number of exceptions to that condition, but none allow advertising of the type proposed in the report. The standard hackney carriage licence conditions will need to be varied to allow for advertising on the rear wings of a vehicle.

Under section 48 of the 1976 Act, the council may impose such conditions as it may consider reasonably necessary on the grant of a private hire vehicle licence. A standard condition has been imposed prohibiting the display of advertisements on vehicles. There are exceptions, but again none specifically allowing adverts of the type proposed in the report.

Lawyer Consulted:

Name Liz Woodley Date: 5/10/11

5.2 Equalities Implications:

There are no direct implications but additional income may make the economics of running of a licensed vehicle easier especially for new entrants to the trade.

5.4 Sustainability Implications:

The role of the taxi trade is included in the Local Transport Plan, which identifies it as a key element in providing sustainable transport choices. It creates important links in the transport network to other forms of sustainable transport providing a seamless connection. It will contribute to three of the government's four shared transport priorities – reducing congestion, improving air quality and accessibility. Use of taxis for school transport, licensed vehicles using bus lanes, locating ranks at railway stations and the city coach station, approved use of liquid petroleum gas all contribute to reducing congestion and moving passengers quickly.

5.5 Crime & Disorder Implications:

Sufficient late night transport to reduce public place violent crime is recognised in the community safety, crime reduction and drugs strategy.

5.6 Risk and Opportunity Management Implications:

None.

5.7 Public Health Implications:

None.

5.8 Corporate / Citywide Implications:

Tourism needs to provide a warm welcome to visitors and the tourism strategy depends upon effective partnership with transport operators particularly to achieve safe late night dispersal for the night time economy and promoting the City. Modest advertising on exterior of taxis should not significantly diminish the livery of the city's hackney carriages.

6. **EVALUATION OF ANY ALTERNATIVE OPTION(S):**

Taking no action would not support the taxi business's request.

7. REASONS FOR REPORT RECOMMENDATIONS

See 3.1 and 3.2.

SUPPORTING DOCUMENTATION

Appendices:

1. Guidance for Advertising in Hackney Carriage and Private Hire Vehicles.
2. Example of how vehicles may look with advertising on rear wings.

Documents in Members' Rooms

None.

Background Documents

None.

