

Regulatory Committee

9.30am, Monday, 21 October 2019

Taxi Vehicle Licence Conditions (Advertising)

Item number	
Executive/routine	
Wards	Citywide
Council Commitments	

1. Recommendations

- 1.1 It is recommended that the Regulatory Committee:
 - 1.1.1 Notes the contents of this report; and
 - 1.1.2 Discharges the outstanding remit from the Regulatory Committee on 19 August 2019

Paul Lawrence

Executive Director of Place

Contact: Andrew Mitchell, Regulatory Services Manager
E-mail: andrew.mitchell@edinburgh.gov.uk | Tel: 0131 529 4042

Contact: Gordon Hunter, Licensing Regulatory Officer
E-mail: gordon.hunter@edinburgh.gov.uk | Tel: 0131 529 4042

Request for Variation: Taxi Vehicle Licence Conditions (Advertising)

2. Executive Summary

- 2.1 Following the decision of the Committee to allow taxi top illuminated advertising technology on City of Edinburgh Taxi vehicles the Committee requested a further report setting out the framework and guidance principles on types of advertising which are permitted or not permitted. This report provides the Committee with an update as requested.

3. Background

- 3.1 The City of Edinburgh Council's Licensing Conditions for Taxis, Private Hire Cars, Taxi Drivers and Private Hire Car Drivers regulate the display of signage on or in any vehicle submitted for licensing.
- 3.2 On 1 February 2013 the Regulatory Committee agreed to remove all existing controls on advertising on taxis, but to retain a general condition which allows the Licensing Sub-Committee to direct that a particular advert is removed after a complaint has been referred. Prior to this date all adverts or personalised marks had to be specifically approved prior to them being placed on the taxi.
- 3.3 On 15 November 2013 the Regulatory Committee following a period of consultation, agreed new conditions which removed the requirement for Council permission for certain types of advertising. In effect this deregulated licensing controls on the content of advertising on taxis. These conditions are detailed in Appendix 1 Licensing Conditions for Taxis, Private Hire Cars and their Drivers (Advertising and Personalising Marks)
- 3.4 Historically taxis have been permitted to have advertising on the vehicle and approval for roof top advertising only applies to Taxis. Private Hire Car conditions prevents all advertising apart from a sign on the rear passenger doors on vehicles indicating the name of the business and the telephone number in the format approved by the Council.

- 3.5 On 19 August 2019 the Regulatory Committee agreed to allow Dooh Smart Ltd to install its 'Brightmove taxi top illuminated advertising technology' on City of Edinburgh Taxi vehicles and to delegate authority to the Executive Director of Place to approve this type of advertising, and to vary the standard conditions of licence to disapply condition 299, insofar as it applies to 'Dooh Smart Ltd taxi tops' in the future. The committee also requested a further report setting out the framework and guidance principles on types of advertising which are permitted or not permitted.

4. Main report

- 4.1 The advertising industry operates within a regulated landscape. The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all online and offline media. The UK advertising codes lay down rules for advertisers, agencies and media owners to follow. The ASA proactively monitors advertising for compliance as well as responding to complaints and issues rules on its investigations.
- 4.2 The ASA issues codes of practice which cover a wide range of guidance, including:
- misleading advertising;
 - harm and offence;
 - political advertisements;
 - environmental claims;
 - medicines, medical devices, health-related products and beauty products;
 - weight control and slimming;
 - financial products;
 - gambling;
 - lotteries;
 - alcohol;
 - tobacco, rolling papers and filters;
 - electronic cigarettes; and
 - specific guidance when featuring or addressing children.
- 4.3 The City of Edinburgh Council Licensing Conditions for Taxis, Private Hire Cars and their Drivers (Advertising and Personalising Marks) broadly mirror the categories laid down by ASA in that "advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities."
- 4.4 The conditions ensure that the Committee has the right to require the immediate removal of any advertising on Licensed Vehicles that are not permitted in terms of the conditions. Since the introduction of the conditions in 2013 there have been no examples or complaints that have required action to be taken to remove adverts.
- 4.5 It is recommended that the current conditions are sufficiently robust.

- 4.6 Additionally, the Council's Trading Standards Service has powers of enforcement should any advert breach consumer protection legislation.

5. Next Steps

- 5.1 Council officers will continue to monitor the implementation of the taxi top advertising as appropriate.

6. Financial impact

- 6.1 The Council's scale of fees for licensing applications was approved with effect from 1 April 2019. Any costs implementing policy changes will be contained within the current ring-fenced income generated from licence application fees.

7. Stakeholder/Community Impact

- 7.1 There is no equalities impact arising from the contents of this report.
7.2 There is no environmental impact arising from the contents of this report.

8. Background reading/external references

- 8.1 [Licensing conditions for taxis and private hire cars, taxi and private hire car drivers](#)
8.2 [Item 7.2 Regulatory Committee Meeting 1 February 2013 - Work Plan Review of Taxi Advertising](#)
8.3 [Item 7.5 Regulatory Committee Meeting 15 November 2013 - Control of Advertising on Taxis – feedback on Consultation](#)
8.4 [Item 7.2 Regulatory Committee 19 August 2019 - Request for Variation: Taxi Vehicle Licence Conditions](#)

9. Appendices

- 9.1 Appendix 1 - Licensing Conditions for Taxis, Private Hire Cars and their Drivers (Advertising and Personalising Marks)

Appendix 1 – Licensing Conditions for Taxis, Private Hire Cars and their Drivers (Advertising and Personalising Marks)

25. The Licence Holder shall not display in or on their Licensed Vehicle any signs by way of identifying or personalising marks.
26. The Licence Holder may display advertisements in or on their Licensed Vehicle subject to the following criteria:
 - (a) Advertisements may only be displayed in the interior of taxis on the underside of the tip-up seats. Advertisements on the exterior of taxis will be categorised as either door, super-sides or full livery. Door advertisements may only be fitted to the lower panels of the front and rear doors. No material may be placed on any glass including the dividing glass partition, other than notices approved by the Council. The Council reserves the right to require the immediate removal of any advertising on Licensed Vehicles which would not be permitted in terms of condition 27 below.
 - (b) Materials used for advertisements must be made of a quality not easily defaced or detached. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.
 - (c) Interior advertisements on the underside of the tip-up seats must be encapsulated in clear non-flammable plastic.
27. Advertisements are not required to be approved by the Council. However, advertisements should not contain political, ethnic, religious, sexual or controversial texts; advertise tobacco products; display nude or semi-nude figures; are likely to offend public taste; depict men, women or children as sex objects; depict direct and immediate violence to anyone shown in the advertisement or anyone looking at it; advertise any racist group or organisation which intends to promote the group/organisation and/or any of its activities. Placement of inappropriate adverts could result in the Licence Holder being regarded as an unfit person to hold a licence.