

PUBLIC PROTECTION COMMITTEE: 29 January 2019

Report of the Head of Shared Regulatory Services

HACKNEY CARRIAGE FULL LIVERY ADVERTISING

1. Background

- 1.1 An application has been received from Mr Karl Maresch of Ubiquitous Ltd for full livery advertising on wheelchair accessible hackney carriage vehicles (MPV style vehicles referred to in the Council's Policy as 'purpose-built'), such as the Peugeot Partner and Euro Cab etc.
- 1.2 Currently the authority only permits full livery advertising on hackney carriage vehicles that meet the London Metropolitan Conditions of Fitness e.g. London style taxis such as TX1s, FX4s etc.

2. Application.

- 2.1 Condition 5.2 (f) of Cardiff Council's Hackney Carriage Vehicle Licence Conditions states:
'Full external advertising livery for one product is permitted on the whole of the vehicle subject to the advertisement being approved by the authority, in writing, prior to its use. This condition applies only to purpose built vehicles which meet the Metropolitan Police Conditions of Fitness'.
- 2.2 Vehicles that meet the Metropolitan Police Conditions of Fitness include: London Taxis International FX4, London Taxis International TX1/2, London Taxis International TX4, Reliant Metrocab, and Mercedes Bens Vito Taxi.
- 2.3 In his application Mr Maresch has observed that there are now only a low number of vehicles licensed by Cardiff Council that meet the Metropolitan Police Conditions of Fitness, and these are the only vehicles could display full wrap advertising.
- 2.4 At the time of writing this report, Cardiff Council currently licences seven TX4 vehicles and two TX2 vehicles, and these are the only licensed vehicles that meet the Metropolitan Police Conditions of Fitness.
- 2.5 To support his application, Mr Maresch states:

'Ubiquitous has been the UK's leading taxi advertising company for more than 10 years. We have the greatest national footprint of any taxi company, operating in more than 20 key cities outside of London.

A percentage of these City Councils will have specific requirements which need to be included in any Campaign design which is applying for approval in that region. Southampton as an example require that 60 percent of the livery is White in colour, Cambridge require that the Council crest is placed on both front doors and Norwich do not allow advertising on the boot. Leeds City Council require the Bumper area to remain White. All these requirements are easily included into the design and are incorporated onto any Taxi Type. If there are any requirements that Cardiff County Council require these can be introduced into any design for any Hackney Carriage Models. The majority of regional councils have a mixed fleet of HCV and will allow advertising on these vehicles when their requirements are included into the Campaign design.

As part of their clean air policy Nottingham City Council took a decision back 2017 to remove all Euro 5 type Taxis from the City by 2020. On the back of that policy change Nottingham City Council also relaxed their requirement on taxi advertising. The idea behind the change in policy on advertising is to give the driver additional revenue to help in purchasing new cleaner Euro 6 Taxis or the LEVC Electric taxi.'

- 2.6 Mr Maresch has provided the artwork showing samples of the type of advertisements provided. (see Appendix A).
- 2.7 Mr Maresch has confirmed that payment to the vehicle proprietor depends on the length of the advertising campaign, but most are for a minimum of either 6 or 12 months. He has stated that the average income for the vehicle proprietor for a 12 month advertising campaign is between £1000- £1,500.
- 2.8 Once full livery has been removed from the vehicle, Ubiquitous will respray the vehicle and repair any damage caused by the livery (excluding rust spots and dents).
- 2.7 As outlined in Mr Maresch's application in paragraph 2.5 above, different local authorities require slight differences to full livery specifications. It should be noted that although not included in their standard full livery design, full livery advertising can in some cases cover the rear windows. In such cases, the material used is partially transparent and is made from a material called Contra Vision (See Appendix B for photos). At its meeting of 6 November 2018 the Committee resolved to maintain the vehicle licence condition restricting darkened glass in the interests of protecting public safety. If the Committee were minded to grant the application for full livery advertising on all wheelchair accessible hackney carriages the Committee may want to consider specifying that the full livery advertising should not be permitted on the rear windows.

3. Considerations

- 3.1 In order to assist the public in identifying licensed vehicles, hackney carriages in Cardiff are required to be coloured black with a white bonnet, apart from vehicles that meet the Metropolitan Police Conditions of Fitness which can be all black without the white bonnet (other than subject to advertising as permitted by the Conditions)
- 3.2 When determining an application for full livery advertising in 2001, the Public Protection Committee gave consideration to the fact that vehicles that meet the Metropolitan Police Conditions of Fitness have a distinctive shape and are easily recognisable to the public as taxis. Therefore the colour of vehicles that meet the Metropolitan Police Conditions of Fitness is less of a significant factor in terms of identifying the vehicle as a licensed hackney carriage compared with standard saloons and other wheelchair accessible vehicles.
- 3.3 Wheelchair accessible vehicles that do not meet Metropolitan Police Conditions of Fitness such as Peugeot Partner and Eurocab etc are not as instantly recognisable as taxis from their shape, and these vehicles are commonly used as domestic vehicles. Due to a request from the licensed trade in 2001, the Committee resolved to further distinguish between appearance of hackney carriage and private hire vehicles of this type by approving a condition that required all licensed hackney carriages that do not meet the Metropolitan Police Conditions of Fitness to be black with a white bonnet.
- 3.4 In the last few years there has been a large increase in the number of vehicles licensed by other local authorities legitimately working in Cardiff. In Wales, the hackney carriage black with a white bonnet colour scheme is unique to Cardiff so vehicles are easily recognisable as Cardiff hackney carriages. Consideration should be given to whether allowing full livery would make Cardiff hackney carriage vehicles less recognisable to the public.
- 3.5 As full livery advertisements have been permitted in Cardiff since 2001, the public will be familiar with licensed vehicles that are completely covered by advertising slogans. It could be said that allowing this type of advertising on all wheelchair accessible vehicles would not have an impact of the identification of these vehicles. However commercial advertising of this kind on vehicles is not purely restricted to the taxi trade.
- 3.6 The Committee may also wish to consider the overall impact on the appearance of the licensed fleet. There are presently 9 licensed vehicles that meet the Metropolitan Police Conditions of Fitness which are the only ones permitted to display this form of advertising present, whereas there are around 500 wheelchair accessible hackney carriages in total.
- 3.7 A comparison of full livery restrictions in some other local authorities is detailed in the table below:

Local Authority	Full Livery Advertising Restrictions
Swansea	No full livery allowed. Advertising allowed on the bottom of the rear doors.
Vale of Glamorgan	No full livery.Rear wing advertising only.
Birmingham	Full livery permitted except in the case of Mercedes Eurocab, Peugeot Euro & Taxi or Fiat Eurocab vehicles.
Manchester	Full livery permitted on hackney carriages
Oxford	Full livery permitted on purpose built vehicles only.
Bridgend	No full livery.
Sheffield	Full livery allowed on any hackney carriage vehicle
Southampton	Full livery permitted but white body colour must predominate (no less than 65% of total area excluding windows and bumpers)
Newcastle	Full livery permitted on wheelchair accessible vehicles, but not saloon vehicles
Leeds	Full livery permitted on wheelchair accessible vehicles, but not saloon vehicles or private hire vehicles
Newport	No full livery
Bristol	Full livery permitted on hackney carriages
Guildford	No full livery
Cambridge	No full livery. Front doors only
Stoke on Trent	Full livery permitted on purpose built hackneys

- 3.8 If the Committee were minded to grant this application it is recommended that as with all other types of vehicle advertising, the applicant must submit details of the advert to the Licensing Section for approval prior to its use.
- 3.9 There is an intention to undertake a complete review of the Taxi Licensing Policy, including standardising and improving the appearance of licensed vehicles. The Committee may wish to take this into consideration when determining this application.

4. Previous Applications

- 4.1 The Committee have considered this matter twice previously in the last 5 years. An application made by Huge Media Advertising Ltd for full livery on wheelchair accessible vehicles was considered by Committee on 4 February 2014 and was refused.
- 4.2 At its meeting of 3 March 2015 the Committee resolved to refuse a similar application for full livery made by Ubiquitous Ltd. The Committee were concerned that all over livery would affect the appearance of the vehicle to such an extent as to put public safety at risk.

5. Consultation

- 5.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

6. Legal Implications

- 6.1 Under Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may impose such conditions upon hackney carriage licences as it may consider reasonably necessary.
- 6.2 In particular the Council may require any hackney carriage licensed by it to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- 6.3 It should also be noted that under Section 48 of the same Act a private hire vehicle cannot be of such a design and appearance as to lead any person to believe that the vehicle is a hackney carriage. It is considered that if the application for full livery advertising for hackney carriage vehicles is granted it would not then be possible to grant any future similar application for private hire vehicles.

7. Financial Implications.

- 7.1 This report does not result directly in any additional financial implications.

8. Recommendation

- 8.1 It is recommended that the Committee determine the application made by Ubiquitous Ltd to allow full livery advertisements on all wheelchair accessible hackney carriage vehicles.
- 8.2 If the Committee resolve to approve the application, it is recommended that Condition 5.2 (f) of the Hackney Carriage Vehicle Licence Conditions is amended as follows:
‘Full external advertising livery for one product is permitted subject to the advertisement being approved by the authority, in writing, prior to its use. The livery is limited to the body shell of the vehicle and must not extend onto the rear windows/windscreen.’ This condition applies only to wheelchair accessible hackney carriage vehicles.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

10 December 2018

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

APPENDIX A