

**Manchester City Council  
Report for Resolution**

**Report to:** Licensing and Appeals Committee – 18 July 2016

**Subject:** Request to consider an amendment to Section 2 of the Statement of Policy (conditions of fitness, application process and guidelines relating to hackney carriage vehicles) to include 'Roof Top' advertisements on hackney carriage vehicles

**Report of:** Head of Planning Building Control and Licensing

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**Summary**

This report provides information relating to a request from Eyetease, a firm who specialise in the use of vehicles roof advertisements, that the Committee consider an amendment to Section 2 of the Statement of Policy (conditions of fitness, application process and guidelines relating to hackney carriage vehicles) to include the use of 'Roof Top' advertisements for hackney carriage vehicles. Eyetease representatives will be at the Committee to speak in support of their application and will have a vehicle fitted with a roof top sign available for members to view.

**Recommendations**

The Committee are asked to consider the content of the report and having regard to any representations made at the meeting determine:

- Whether to defer the decision to amend Section 2 of the Statement of Policy to a later date to be specified
- Whether to further amend Section 2 of the Statement of Policy to allow the use of roof top signs for advertisements

and if approved:

- Determine if roof signs would be allowed on 'non bespoke hackney carriage vehicles
- Determine whether vehicles who choose roof sign advertisements could also display the 'MCC Crest'.
- Determine the advertisement criteria that roof top signs would be subject to

**Wards Affected: All**

<b>Community Strategy Spine</b>	<b>Summary of the contribution to the strategy</b>
Performance of the economy of the region and sub region	If the Committee determine that roof top advertisements on hackney carriage vehicles are to be permitted. This would potentially create an additional stream of income for vehicle proprietors.
Reaching full potential in education and employment	There is also the potential for creation of spin off employment ie fitting of roof top signs. This however would be dependant on take up by the trade.
Individual and collective self esteem – mutual respect	Not applicable to the content of this report
Neighbourhoods of Choice	Not applicable to the content of this report

**Full details are in the body of the report, along with any implications for:**

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

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**Financial Consequences – Revenue -** None

**Financial Consequences – Capital -** None

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**Background documents**

Copies of these documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Report to Licensing and Appeals Committee 9 February 2015

- Local Government (Miscellaneous Provisions) Act 1976
- Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance published March 2010
- Law Commission Proposals Taxi and Private Hire Services- May 2014

## 1. Introduction

- 1.1 The way in which the Council deals with advertisements in and on hackney carriage vehicles is set out in section 2 of the 'Statement of Policy (conditions of fitness, application process and guidelines relating to hackney carriage vehicles)'. This section of the policy has over the last two years been reviewed, which resulted in an amended Statement of Policy (ratified by this Committee on 6 June 2016). The revised Statement of Policy does not currently allow the use of any 'roof top' advertisements.
- 1.2 The consideration of 'roof top' advertisements was included in the overall review of the way in which the Council deals with advertisements in and on hackney carriage vehicles and was referred to in the report to Committee of 9 February 2015. At that time the Committee determined that roof top advertisements would not be allowed.
- 1.3 Eyetease, the firm who attended the Committee in February 2015, recently approached the Council to request that Committee again consider the use of roof top advertisements. Eyetease assert that their previous request in 2015 was somewhat overshadowed by other advertisement issues and that their submission was not as thorough as it could have been.

## 2. Background

- 2.1 Eyetease is a company who specialise in the use of roof advertisements on hackney carriage vehicles. Eyetease have provided a submission in support of their application to the Committee, a copy of which is attached at **Appendix 1**.
- 2.3 Representatives from Eyetease will be available at the meeting to speak in support of their application and answer any questions. They will also be providing a vehicle that has been fitted with a roof top advert for the Committee to view.
- 2.4 Eyetease have indicated that Transport for London (TfL) now allow roof top advertisements. They began to allow applications in December 2014. The following information has been copied verbatim from the TfL website:

*Rooftop illuminated digital advertising*

*A decision has been made to limit the number of vehicles to 1,000 at this time.*

*In limiting the number to 1,000, we have taken into consideration the fact that this is new technology and it allows us to properly assess their impact and how they are received by the public. It also helps to ensure the visual impact of the London taxi and the streetscape of London is maintained.*

*Eligibility criteria*

- *Only the licence holders of licensed TX4 model taxis are eligible to apply*

- *For each application an agreement must be in place with an approved manufacturer and evidence of this must be provided as part of the application*

*The current approved manufacturers are:*

- *Brightmove*
- *Eyetease*
- *Metropolis Digital Media Ltd.*

### **3. Other Considerations**

- 3.1 The Statement of Policy that this proposal seeks to amend has only just been reviewed and amended, following a report to Committee on 30 November 2015 – the resultant changes taking effect on 1 July 2016. The Committee may want to review the impact of those changes before making any additional changes at this stage. It may also be relevant to make additional changes following further review of the full Policy within a stipulated timeframe. In this regard, the Committee may want to consider the likelihood of further review following the Devolution agreement in April 2017.
- 3.2 The Committee may wish to task officers with obtaining more information from Transport for London about how the rooftop advertising is working in their area, and learn from any recommendations they have or changes they intend to make to their current policy.
- 3.3 When determining this matter the Committee should take into consideration:
- The Local Government (Miscellaneous Provisions) Act 1976
  - The Department of Transport's Taxi and Private Hire Licensing Best Guidance published March 2010
  - The Law Commission Proposals (Taxi and Private Hire Services May 2014) and,
  - The current advertisement policy.
- 3.3.1 To assist in this matter officers have provided additional information below:-
- (i) Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states that a hackney carriage should be of such a design and appearance or bear such distinguishing marks to clearly identify it as a hackney carriage.
  - Considerations for Members may be whether approval of roof top signs on hackney carriage vehicles would maintain the current distinction between Manchester licensed hackney carriage and private hire vehicles. Would they cause any confusion for passengers as to the vehicles identity?
  - (ii) In addition to licensing bespoke hackney carriage vehicles (London Taxi Company TX models) the Council also license other make and model vehicles. Currently the Mercedes M8ES and Peugeot E7ES are

licensed both as hackney carriages and private hire vehicles. The way in which the Council has chosen to distinguish between these and bespoke vehicles is by way of the current policy which states:

Any vehicle (not being a bespoke taxi) that is licensed as a hackney carriage vehicle will during the currency of the licence be (and remain) black in colour.

- i. the vehicle must display the manufacturer's taxi signage along both sides of the vehicle
- ii. the proprietor shall ensure that the manufacturer's taxi signage is maintained in a clean and legible condition.

➤ Members will need to consider whether any approval of roof top signs should also apply to hackney carriage vehicles that are not bespoke hackney carriage vehicles

(iii) The Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance published March 2010 does not provide any particular assistance in relation to the use on of 'roof top signs'. The guidance is limited to there being a distinct difference between the appearance of a private hire and hackney carriage vehicle.

(iv) The Law Commission Proposals (Taxi and Private Hire Services May 2014) advocates that National standards should promote enforcement, protection of the environment and accessibility, in addition to safety. The LC makes reference to section 47(2) of the Local Government (Miscellaneous Provisions) Act 1976 (detailed in 3.1.1(i) above).

3.4 The current Policy allows, for the first time, the use of the Council crest to brand Manchester licensed hackney carriage vehicles. The crest can be displayed only on bespoke hackney carriage vehicles that do not display any external advertisements ie currently body wraps, supersides etc.

➤ Members will need to consider whether any approval of Roof top signs would also be allowed in conjunction with the 'Council crest'.

#### **4.0 Contributing to the Community Strategy**

##### **4.1 (a) Performance of the economy of the region and sub region**

4.1.1 Any enhanced restriction for advertising on hackney carriages will result in a loss of income to those proprietors who currently choose to advertise on their vehicle(s). This may be offset if the Committee determined the permitted use of roof top advertisements on hackney carriage vehicles.

##### **4.2 (b) Reaching full potential in education and employment**

4.2.1 There is also the potential for creation of spin off employment ie fitting of roof top signs. This however would be dependant on take up by the trade.

**4.3 (c) Individual and collective self-esteem – mutual respect**

**4.4 (d) Neighbourhoods of Choice**

**5. Key Policies and Considerations**

**5.1 (a) Equal Opportunities**

5.1.1 There are no equal opportunities issues arising from this report. The policy would apply equally to all hackney carriage proprietor licence holders

**5.2 (b) Risk Management**

5.2.1 Any requirements imposed that are deemed to be unreasonable could be subject to legal challenge via the judicial review process.

5.2.2 Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 provides an opportunity for licence holders to appeal any conditions imposed on a licence to Magistrates Court.

**6 (c) Legal Considerations.**

6.1 The Local Government (Miscellaneous Provisions Act) 1976 details provisions that are directly relevant to this policy in particular section 47 of the Act states the following:

Licensing of Hackney Carriages

- (1) A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.
- (2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.
- (3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.

6.2 In addition to the above legislation the Council ought to have regard to the Department for Transport's Taxi and Private Hire Vehicle Licensing Best Practice Guidance published March 2010. The section relating to policy justification has been reproduced below:

The Role of Licensing: Policy Justification

The aim of local authority licensing of the taxi and PHV trades is to protect the public. Local licensing authorities will also be aware that the public should have reasonable access to taxi and PHV services, because of the part they play in local transport provision. Licensing requirements which are unduly

stringent will tend unreasonably to restrict the supply of taxi and PHV services, by putting up the cost of operation or otherwise restricting entry to the trade. Local licensing authorities should recognise that too restrictive an approach can work against the public interest – and can, indeed, have safety implications.

For example, it is clearly important that somebody using a taxi or PHV to go home alone late at night should be confident that the driver does not have a criminal record for assault and that the vehicle is safe. But on the other hand, if the supply of taxis or PHVs has been unduly constrained by onerous licensing conditions, then that person's safety might be put at risk by having to wait on late-night streets for a taxi or PHV to arrive; he or she might even be tempted to enter an unlicensed vehicle with an unlicensed driver illegally plying for hire.

Local licensing authorities will, therefore, want to be sure that each of their various licensing requirements is in proportion to the risk it aims to address; or, to put it another way, whether the cost of a requirement in terms of its effect on the availability of transport to the public is at least matched by the benefit to the public, for example through increased safety. This is not to propose that a detailed, quantitative, cost-benefit assessment should be made in each case; but it is to urge local licensing authorities to look carefully at the costs – financial or otherwise – imposed by each of their licensing policies. It is suggested they should ask themselves whether those costs are really commensurate with the benefits a policy is meant to achieve.

- 6.3 In general terms the Committee should consider the need for any change of Policy, the effectiveness of the proposals and any unintended consequences/detrimental effects that a policy change could produce. The Committee should also consider any advantages to the City of a change in Policy.

## **7. Conclusion**

- 7.1 The report outlines a submission from Eyetease – a Company who specialise in the fitting of roof top advertisement signs that the Committee consider an amendment to the current advertisement policy to include the use of 'Roof Top' advertisements for hackney carriage vehicles, and that
- 7.2 A similar submission from 'Eyetease' in February 2015 was made as part of a larger report on the review of advertisements on hackney carriage vehicles. Eyetease felt that their submission in 2015 could have been more thorough and that it was somewhat overshadowed by other advertisement issues.
- 7.3 There are a number of relevant factors the Committee may wish to consider :
- The fact that the Statement of Policy review has only just been finalised and completed following the review that began in February 2015, and therefore only just come into effect in July 2016.



- Obtaining information and learning from Transport for London
- Relevant legal and policy considerations set out in section 3 and 6 above.