

**BRISTOL CITY COUNCIL
PUBLIC SAFETY AND PROTECTION COMMITTEE
13 DECEMBER 2011**

**HACKNEY CARRIAGES THAT DO NOT COMPLY WITH THE CURRENT
POLICY IN RESPECT OF PERMITTED ADVERTISING.
APPLICANT- AFC TAXIS**

Report of the Director of Neighbourhoods

Purpose of Report

1. To consider a request that taxi-company advertising be permitted on vehicles operated by AFC Taxis Ltd, other than in accordance with the policy covering such matters.

Background

2. As members will be aware this matter was previously placed before a sub committee on the 23 August 2011. On that occasion members resolved that the matter should be deferred to a full committee meeting as the issue related to the interpretation of policy. Departure from policy is within the scope of the sub committee, however, on that occasion the sub committee was reluctant to make the decision as it may have a wider impact in respect of setting precedents and as such it was rightly a matter for the full committee to resolve.
3. AFC Taxis Ltd currently operate or have an interest in thirteen licensed hackney carriages. A full list of the vehicles details and expiry dates are attached as Appendix A for member's attention. The normal procedure would be that each vehicle would be considered on its merits, however, as the advertising issue is common to thirteen vehicles Members are asked to consider the issue in respect of all the vehicles licensed by AFC.
4. The conditions attached to licensed hackney carriages state that with effect from midnight on 30 April 2011 licensed hackney carriages may not be used in standing or plying for hire in any street within the administrative area of the City of Bristol unless its exterior appearance accords with the vehicle specification policy that was effective from 1 May 2008, that is to say that
 - (i) Any advertising that may lawfully be displayed on the exterior of the vehicle shall only be displayed on the sides of the vehicle in those areas (or part thereof) situated beneath the side windows;

- (ii) Save for any area where advertising is displayed in accordance with the condition in (i) above, all Exterior Paintwork shall be uniformly coloured Bristol Blue.
5. AFC taxis have advertising on the rear screen of the vehicle consisting of white outlined letters. A picture of the advertising is attached as Appendix B for information.
 6. Members may have concerns regarding the obstruction of the rear screen in relation to vehicle safety legislation. Enquiries have been made with the Council's own vehicle testing department who as a part of test to ascertain fitness to be a licensed taxi, also test vehicles against the Ministry of Transport mechanical standards (MOT), a check was also made with the Vehicle and Operator Services Agency (VOSA). The information received from them is clear that vehicles must have nearside and offside mirrors, and an internal rear view mirror irrespective of whether the rear screen is obstructed. Obstruction of the rear screen would not result in an MOT failure.
 7. The testing undertaken to ascertain the fitness of vehicles to be licensed as either private hire vehicles or hackney carriages contain elements including mechanical fitness and MOT certificates can be obtained if the vehicle is judged to have passed that standard. The test also includes elements in respect of cleanliness, appearance, carrying of equipment such as ramps for wheelchair access, display of plates, etc.
 8. A letter has been received from Mr Chris Cronin as a representative of AFC Taxis Ltd, copy attached as Appendix C in which it gives that the advertising is used as a means for their customers to identify the correct vehicle. AFC taxis have been advertising on their Hackney Carriages in this way for fifteen years.
 9. AFC are aware that in May 2008 agreement was reached that advertising would be confined to the sides only but that over all advertising on hackney carriages would be subject to committee approval. An extract from the committee report relating to Bristol City Council policy on vehicle specification and a copy of the relevant minute are attached at Appendix D for member's information.
 10. AFC Taxis Ltd have been requested to have a vehicle available for inspection should Members require to view the advertising as currently displayed.
 11. Concern has been expressed by AFC that the minutes of the meeting may have been misread and as such application is now made for approval for AFC Ltd to continue to advertise the company name on the rear window of their hackney carriages.

12. Section 48 of the Local Government (Miscellaneous Provisions) Act 1976 states:
 Subject to the provisions of this part of this Act a District Council may on receipt of an application from the proprietor of any vehicle for the grant in respect of such vehicle of a licence to use the vehicle as a Private Hire vehicle, grant in respect thereof a vehicle licence.
 (a) Provided that a District council shall not grant a licence unless they are satisfied that the vehicle is:
 (i) suitable in type size and design for the use as a private hire vehicle,
 (ii) not of such a design and appearance as to lead any person to believe that the vehicle is a Hackney carriage.
 (iii) in a suitable mechanical condition
 (iv) safe,
 (v) comfortable.
13. Section 48(2) of the Local Government (Miscellaneous Provisions) Act 1976 states:
 A district Council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including without prejudice to the generality of the foregoing provisions of this sub section conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.
14. Mr C Cronin as a representative of AFC Taxis Ltd has been invited to attend this meeting and has been supplied with a copy of this report.

Appendices	Appendix A – Details of vehicles to be considered Appendix B – Photograph of advertising Appendix C – Letter from AFC Taxis Ltd Appendix D – Extract of report and minutes from PSP committee of the 8 April 2008
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RECOMMENDED **the committee is asked to determine the request that the taxi company advertising be permitted on AFC vehicles other than in accordance with the policy covering such matters.**

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background papers

Contact Officer: Myra McSherry, Licensing Administration Manager
 Neighbourhoods,
 Telephone 01179142 250

APPENDIX A

Vehicle Registration	Plate Number	Expiry Date of Licence
BF55 WNN	312	14.12.11
BJ58 PXA	8028	07.11.12
BF55 WNL	3	23.01.12
BF55 WNJ	491	23.01.12
LS55 LCX	311	23.11.12
LS56 GZB	668	18.03.12
BF55 WNE	372	01.04.12
BJ59 PFA	8044	11.04.12
BF55 WNH	271	15.04.12
BU08 KHK	780	18.04.12
BU08 BFE	8002	08.06.12
BU08 BAO	8001	08.06.12
BU08 BAA	8000	26.06.12



A.F.C TAXIS LTD

5 The Parade, Hengrove, Bristol. BS14 9DB
Tel: 01275 540401 Fax: 01275 540403
Executive Cars Available for All Occasions
Web: www.afctaxiswLtd.co.uk
VAT No: 794 3965 69

Licensing Office
Princess House
Princess Street
Bedminster
Bristol



Date 08.06.11

Dear Bristol City Licensing,

After a conversation with Mr Jerry Cronin this morning, we have been made aware that we may be contravening the licensing conditions by placing our company name on the rear window of our London taxis.

We consider that this is a means for our customers to identify the correct vehicle from the company that they have requested it from.

As we have been doing this for 15 years and in May 2008 it was agreed that super sides will be allowed on taxis, but in the minutes over all advertising on a hackney vehicles would be subject to committee approval.

If we have misread the minutes in the meeting, can we apply to the licensing committee for approval for us to continue displaying the company name on the rear windows of the fleet.

Yours Sincerely

A handwritten signature in black ink, appearing to read "Chris Cronin".

Chris Cronin.
On behalf of AFC Taxis Limited

Copies to: Mr N Cater
Mrs M McSherry

PSP**144.4/08 HACKNEY CARRIAGE POLICY – REVISED VEHICLE SPECIFICATION**

Paragraph 7: It is proposed that the vehicle specification be amended to achieve the following:

Hackney carriage licences should generally be issued only in respect of vehicles that satisfy the following specification:-

- Vehicles should be brand new with only reasonable delivery mileage.
- Vehicles should comply with European Community Whole Vehicle Type Approval (i.e. constructed as purpose built taxis).

• Vehicles should be capable of conveying a passenger using a wheelchair and should be both accessible and comfortable. In considering whether the vehicle for which a licence is sought meets this requirement the Council will have regard to the design and quality standards recommended by the Bristol Physical Access Chain and as varied by the Licensing Manager in consultation with the committee chair from time to time.

- Vehicles should display a uniform all over livery, defined by a paint code, except on the areas where advertisements can be displayed. There has been considerable discussion on the proposed livery scheme. Bristol blue has been suggested by a number of interested parties. Some councils have adopted a livery policy that reflects a local connection, for example Nottingham taxis carry a forest green livery.

Consideration was also given to using the new council corporate colour schemes however this may lead to difficulties if the corporate colour scheme is changed during the lifespan of the taxi. Consideration could also be given to using yellow as this is a colour associated with taxis due to the New York policy. A number of livery options will be presented at the meeting.

- Private hire vehicles will be prohibited from displaying the approved livery or any similar colour. Any private hire proprietor wishing to licence a vehicle that is in any shade of the approved colour should first seek guidance from the licensing manager.

- Vehicle advertising to be restricted to the sides of the vehicle in the area below the vehicle side windows.

- Any vehicle written off within three years of first registration can be replaced with another vehicle provided it is not older than the written off vehicle.

- No vehicle to be licensed beyond seven years from date of first registration.

RESOLVED –

(i) that Members agreed to amend the Vehicle Specification to reflect

the policy set out in Paragraph 7 and that with effect from 1st May 2008 this specification will apply to all new applications (as distinct from renewal applications which may be subject of transitional arrangements as determined in recommendation 2 below) – the specification to include the requirement for a uniform livery of Bristol Blue and an upper age limit of 10 years applied;

(ii) that Option 4 of transitional provisions be (as amended for a 36 month livery transition period and an eight-year transitional period for the remaining);

(iii) that a policy of refusal of applications to renew certain hackney carriage vehicle licences (i.e. those that do not comply with the new vehicle specification agreed here) that have been transferred to new proprietors who were not proprietors as at 1st May 2008 be adopted;

(iv) that the Licensing Manager be instructed to review the private hire vehicle specification policy to reflect any necessary changes as a result of any revisions to the hackney carriage policy approved by members;

(v) that the Licensing Manager bring a report to the next appropriate meeting of this Committee with any proposed revisions to the Private Hire Policy;

(vi) that the Licensing Manger produce an annual report, to be presented at the last committee of the next Municipal year, to update the committee on the impact of the policy change.