

BRISTOL CITY COUNCIL

**MINUTES OF A MEETING OF THE
PUBLIC SAFETY AND PROTECTION COMMITTEE
HELD ON 13TH DECEMBER 2011 AT 10.00 A.M.**

P Councillor Chris Davies
P Councillor Fi Hance
P Councillor Alf Havvock
A Councillor Brenda Hugill
P Councillor Jay Jethwa
P Councillor Mike Langley
P Councillor Tim Leaman
P Councillor David Morris (in the Chair)

PSP

121.12/11 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Hugill.

PSP

122.12/11 DECLARATIONS OF INTEREST

No further declarations were received.

PSP

123.12/11 PUBLIC FORUM

Nothing was received.

PSP

**124.12/11 CONSIDERATION OF THE SUSPENSION OF COMMITTEE
PROCEDURE RULES (CMR 10 AND 11) RELATING TO THE
MOVING OF MOTIONS AND RULES OF DEBATE FOR THE
DURATION OF THE MEETING**

RESOLVED - that having regard to the quasi judicial nature of the business on the agenda, those Committee Rules relating to the moving of motions and the rules of debate (CMR 10 and 11) be suspended for the duration of the

meeting.

PSP

125.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION COMMITTEE - 7TH JUNE 2011

RESOLVED - that the minutes of the meeting of the Public Safety and Protection Committee held on 7th June 2011 be confirmed as a correct record and signed by the Chair.

PSP

126.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B - 5TH JULY 2011

RESOLVED - that the minutes of the meeting of the Public Safety and Protection Sub-Committee B held on 5th July 2011 be confirmed as a correct record and signed by the Chair.

PSP

126.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A - 26TH JULY 2011

RESOLVED - that the minutes of the meeting of the Public Safety and Protection Sub-Committee A held on 26th July 2011 be confirmed as a correct record and signed by the Chair.

PSP

128.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE A - 20TH SEPTEMBER 2011

RESOLVED - that the minutes of the meeting of the Public Safety and Protection Sub-Committee A held on 20th September 2011 be confirmed as a correct record and signed by the Chair.

PSP

129.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION SUB-COMMITTEE B - 11TH OCTOBER 2011

RESOLVED - that the minutes of the meeting of the Public

Safety and Protection Sub-Committee B held on 11th October 2011 be confirmed as a correct record and signed by the Chair.

PSP

**130.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE A - 8TH NOVEMBER 2011**

RESOLVED - that the minutes of the meeting of the Public Safety and Protection Sub-Committee A held on 8th November 2011 be confirmed as a correct record and signed by the Chair.

PSP

**131.12/11 MINUTES - PUBLIC SAFETY AND PROTECTION
SUB-COMMITTEE B - 29TH NOVEMBER 2011**

RESOLVED - that the minutes of the meeting of the Public Safety and Protection Sub-Committee B held on 29th November 2011 be confirmed as a correct record and signed by the Chair.

PSP

**132.12/11 HACKNEY CARRIAGES THAT DO NOT COMPLY WITH THE
CURRENT POLICY IN RESPECT OF PERMITTED
ADVERTISING - APPLICANT: AFC TAXIS**

The Committee considered a report of the Director of Neighbourhoods (Agenda Item No. 6) considering a request that taxi company advertising be permitted on vehicles operated by AFC Taxis Limited, other than in accordance with the policy covering such matters.

Three Representatives of AFC Taxis were in attendance and they tabled a letter from their solicitor in support of their request. A copy of this letter is contained in the Minute Book.

The Chair explained the procedure that would be followed and everyone introduced themselves.

The Licensing Officer introduced the report and summarised it. She informed the committee that VOSA have confirmed there is no prohibition on obscuring the rear windscreen of a vehicle, that all

vehicles were required to be fitted with wing mirrors and an internal rear mirror. A number of applicants were interested in this application as it was seen as setting a precedent.

The AFC Representatives then put their case, read out their solicitor's letter and answered questions highlighting the following:

- They are not asking for a change in the Policy, they just want an exception to it for themselves
- They reminded Members of the debate on advertising in relation to the Bristol Blue issue in 2008
- The wording has been on the cars for a number of years and is not considered to be advertising but a means of identification for customers; it is also a safety feature, especially when it is dark and it gives customers confidence in the company - parents often telephone the company and ask them to transport their children and pay when they arrive home
- The telephone number on the car is not to encourage people to book from the street
- They are anxious to work with the Council
- The writing does not obstruct the view out of the rear window and in any event the law only requires the provision of door mirrors on vehicles; no driver has raised any issues about the writing
- The Policy relates to external advertising and not interior advertising, although they do not regard their name on the rear windscreen as advertising
- They do not want to put advertising on the side of their cars as they feel it compromises the Bristol Blue and damages the vehicles. They did not need the condition on the licence to be removed, an amendment to reflect their practice would be fine.
- They summed up their case

The Representative of the Service Director, Legal Services referred to the Sub Committee having requested that this

application be dealt with by the Full Committee as the Sub Committee can only make an exception to the Policy and wanted clear direction about the policy itself. She advised that it was reasonable to consider the placement of the company's name on its vehicles as a form of advertising. With regard to interpretation of the wording of the condition she advised the Committee that a purposive approach would certainly bring this advertising within the scope of the condition on the licence, since the purpose of the condition was clear. It is intended to achieve the purpose of the vehicle specification policy with regard to external appearance. Whether the lettering was fixed from the inside or the outside of the vehicle, the advertising was intended to be read from the outside and so was within the scope of the condition. Members needed to clarify their Policy: was it intended to prohibit advertising only on that part of the vehicle coloured blue, or did this extend to the rear windscreen? If the latter, was the Committee persuaded by the applicant that an exception could be made in this particular case without harming the policy purpose? The placing of advertisements anywhere on the vehicle other than where expressly permitted would breach the condition on the current licence, so if the applicant's request were granted the condition would need to be re-worded on the new licence. If it were not granted and the applicant continued to advertise in breach of the condition then this would be an enforcement issue. She also provided advice about Article 1 of protocol 1, which concerned enjoyment of property (ie the vehicle) but permitted interference. The vehicle specification policy had been challenged as being an unlawful interference with those property rights but the High court had refused permission for judicial review sought by the Trade Association so the policy itself had not been found wanting. This, however, did not stand in the way of an applicant arguing it need not be applied in his particular case and the committee should consider this objectively. He should not be refused in order to avoid setting a precedent, the Council should act consistently and objectively. That said, given that advertising on the sides of vehicles was a revenue raising activity for most owners who do it, it seemed unlikely that many owners would wish to follow suit.

All parties and the representatives of the Director of Neighbourhoods and City Development left the room.

Members considered very carefully all of the written and verbal evidence presented to them.

Members noted that AFC wanted to advertise the company name on the rear windscreens of their vehicles as an alternative to being permitted to place advertisement on other parts of the vehicle as permitted under the vehicle specification policy, not in addition to it. Members who had served on the committee that adopted the policy were emphatic that the committee aspired to ensure no obstruction to windscreens would take place. Also there had been a clear aim to secure consistency in the appearance of vehicles; if this were changed for AFC that would undermine the policy. They noted AFC's comments about the company name being a recognition/safety feature and that AFC do not want to compromise the Bristol Blue colour. It was the case that AFC had been supportive of the policy and this was appreciated. Furthermore the Committee thought any non compliance with the existing condition had been inadvertent and that AFC had acted as soon as the issue had been raised in an attempt to rectify. However these things did not justify an exception being made. There was nothing to prevent AFC placing any reasonable advertisement they wished, which might include advertising their own company details, on the permitted area of the vehicle. If an exception were made in their case then any owner who preferred advertising on the rear windscreen to the area below the passenger doors could expect a consistent response to their request and this would undermine the policy purpose of having a range of vehicle types all of uniform appearance as far as colour and advertising were concerned. It would also present a barrier to achieving the aspiration of maximum visibility into the vehicle which had concerned many elected members over the years as was made clear in this discussion.

It was proposed that the application be granted proving:

- (i) no other advertisement be permitted at all other than the name of the company on the rear window; and
- (ii) (ii) no block lettering to be used

This resolution was not seconded and so was not debated.

It was proposed and seconded that the request made by AFC be rejected and on being put to a vote it was

RESOLVED - (voting 4 for, 2 against and 1 abstention)

that the request from AFC Taxis to allow

**advertising of the company name on the rear
windcreens of their vehicles be refused.**

PSP

133.12/11 INFORMATION ITEM - NEXT MEETING

It was noted that the next Meeting of the Committee would take place on Tuesday 13th December 2011 at 11.00 am or on the rise of this Committee and would be a Meeting of Sub Committee A.

(The meeting ended at 11.50 am.)