

# CARLISLE CITY COUNCIL

**Report to:-** THE CHAIRMAN AND MEMBERS OF THE REGULATORY  
PANEL

**Date of Meeting:-** 5 January 2011

**Agenda Item No:-**

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Public	Operational	Delegated Yes
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Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Local Environment	No	No

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<b>Title:-</b>	<b>HACKNEY CARRIAGE ADVERT – REQUEST TO DEPART FROM COUNCIL GUIDANCE</b>
<b>Report of:-</b>	<b>ASSISTANT DIRECTOR - GOVERNANCE</b>
<b>Report reference:-</b>	<b>GD 03/11</b>

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## Summary:-

An application has been received for an advert to be carried on a hackney carriage which contains words of a sexual nature. Adverts of this nature may be contrary to the Council advertising guidelines and requires consideration by this Panel.

This application was adjourned from 24 November 2010 as the applicant was in hospital.

## Recommendation:-

To consider the application alongside the Council's Guidelines on advertising on licensed hire vehicles and determine whether to allow the application.

J A Messenger  
Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers. Consolidated Guidelines for advertising on licensed hackney carriage and private hire vehicles and application information.

## **To the Chairman & Members of the Regulatory Panel on 5 January 2011**

### **BACKGROUND**

1. The Consolidated Guidelines for advertising on licensed hackney carriage and private hire vehicles was approved by the Council's Environment Committee on 23 November 2000 and amended by this Panel in October 2008 (**Appendix 1**).
2. Paragraph 5 concerns the content of the advertisement and states:
  - 5.2 Each proposal is considered on its merits but the following advertisements will not be approved:
    - those with political, ethnic, religious, sexual or controversial texts;
    - those for escort agencies, gaming establishments or massage parlours;
    - those displaying nude or semi-nude figures;
    - those which seek to involve the driver as an agent of the advertiser;
    - those likely to offend public taste (including material depicting bodily functions and genitalia and the use of obscene or distasteful language)
    - those which seek to advertise more than one company/service or product;
    - those which detract from the integrity and/or identity of the vehicle.

### **APPLICATION**

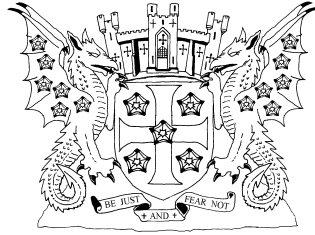
3. On 11<sup>th</sup> November 2010, Mr Frank Sutherland of Kingstown Road, Carlisle made an enquiry regarding placing an advert on a licensed saloon taxi with this authority.
4. Paragraph 3 of the Guidelines states:
  - 3.1.2 Saloon/estate/hatchback (White) Hackney Carriages and saloon/estate/hatchback Private Hire vehicles
    - Rear doors and rear quarter panel only i.e. the advertising material may cover the whole of the rear door panel and rear quarter panel, below window height, on both sides of the vehicle.
5. His company is named SexualHealing.co and provides sexual aids and material over the internet and for parties. Mr Sutherland also stated that they are extending their business to cater for amputees, with particular consideration to personnel from the Armed Forces.
6. The initial draft advert contained the words 'www.SexualHealing.co' in large writing (**Appendix 2a & b**). Officers expressed their concern that this did not comply with the Council's advertising guidelines. Mr Sutherland then presented a second draft using the words 'www.TheRoseBuds.co' as a compromise. The words 'www.SexualHealing.co' were still on the advert, however the size of the lettering had been reduced (**Appendix 3a & b**).

7. Officers remained of the opinion that this advertisement did not comply with the Consolidated Guidelines and informed Mr Sutherland that the application would have to be considered by the Regulatory Panel.
8. The Consolidated Guidance states inter alia:
  - 5.2 Each proposal is considered on its merits but the following advertisements will not be approved:
    - Those with political, ethnic, religious, sexual or controversial texts
  - 9.1 The view taken by Carlisle City Council is that fare paying passengers pay a premium rate to be conveyed from one location to another in safety, comfort and privacy. As a captive audience, being subjected to excessive or intrusive advertising is not considered either necessary or appropriate to the service being offered.

### RECOMMENDATION

To consider the application alongside the Council's Guidelines on advertising on licensed hire vehicles and determine whether to allow the application.

Prepared by J A Messenger  
Licensing Manager



**Carlisle City Council**

**Advertising on Licensed  
Hackney Carriage and Private Hire Vehicles**

## **Consolidated Guidelines**

## 1. INTRODUCTION

- 1.1 Hackney Carriages and Private Hire vehicles are principally intended for the conveying of passengers to their destination and advertising is incidental to that function. Revenue generated by commercial advertising can assist the proprietor with the upkeep of his vehicle, but this advertising must be properly regulated by the Council to ensure acceptable standards.
- 1.2 These guidelines relate only to the makes and models of Hackney Carriage and Private Hire vehicles approved for use in Carlisle City Council District as at the date of issue of the guidelines.
- 1.3 It is recognised that innovation plays an important part in advertising. These guidelines reflect the Council's requirements as at the date of issue and amendments may be issued as and when necessary.

## 2. AUTHORITY TO ADVERTISE

- 2.1 On 10th October 2000, the Licensing Panel of Carlisle City Council made recommendations to the Environment Committee regarding advertising on Hackney Carriage and Private Hire Vehicles licensed by the Council.
- 2.2 On 23<sup>rd</sup> November 2000 the Councils' Environment Committee:
  - approved these recommendations
  - resolved that the City Solicitor & Secretary prepare guidelines for their administration
  - delegated authority to the City Solicitor & Secretary to determine such applications
  - resolved that any appeals as a result of the process be referred to the Licensing Panel

## 3. ADVERTISING SURFACES

### 3.1 Exterior Advertising

#### 3.1.1 Purpose built Hackney Carriages and People Carriers/Mini Buses

- full Livery i.e. the advertising material may cover the complete exterior body shell except for:
  - the windows and any other glass areas with the exception of the rear screen which, subject to approval, may carry an advertisement made from a perforated window marking film
  - the wheels
  - the bumpers

### 3.1.2 Saloon/estate/hatchback (White) Hackney Carriages and saloon/estate/hatchback Private Hire vehicles

- Rear doors and rear quarter panel only i.e. the advertising material may cover the whole of the rear door panel and rear quarter panel, below window height, on both sides of the vehicle
- n.b. where advertising is displayed on the rear doors of Private Hire vehicles, the approved Council "City of Carlisle Pre-Booking only" sign may be fitted to the front doors of the vehicle.

### 3.2 Interior Advertising

#### 3.2.1 FX4 or similar Hackney Carriages

- On the base of the two lift up seats

#### 3.2.2 Advertising is not permitted on any interior surface in any other vehicle

## 4. PROCEDURE FOR OBTAINING APPROVAL FOR AN ADVERTISEMENT

4.1 All applications for advertising on a Hackney Carriage or Private Hire vehicle must be made on the appropriate form to the Licensing Officer, Carlisle City Council, Civic Centre, Carlisle CA3 8QG.

4.2 The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided.

4.3 The approval procedure falls into two distinct parts, provisional approval of submission and final inspection of vehicle.

#### 4.4 Provisional approval

4.4.1 The first stage requires the submission of artwork or a mock up of the proposed advertisement or livery for initial scrutiny as to suitability of content. Written provisional approval will be sent to the applicant normally within 24 hours of the decision being made.

4.4.2 It is essential that all the detail of the proposed advertisement or livery is shown on the original submission. If it is not then the advertisement may subsequently be rejected. Any changes made following the provisional approval must be agreed with the Licensing Officer who will give written agreement to the changes being made.

#### 4.5 Final Inspection

4.5.1 Once the advertisement has been placed on the vehicle, an appointment must be made with the Licensing Officer at the Civic Centre for final inspection. He will confirm that the work has been completed in accordance with the provisional approval granted.

- 4.5.2 Until this final inspection has been carried out, the vehicle cannot be used for hire. Any vehicle displaying an advertisement that has not received its final inspection will be required to remove it forthwith.

## 5. ADVERTISEMENT CONTENT

- 5.1 All advertisements must comply with the British Code of Advertising Practices and it is the responsibility of the applicant seeking the Council's approval to ensure that they do so.
- 5.2 Each proposal is considered on its merits but the following advertisements will not be approved:
- those with political, ethnic, religious, sexual or controversial texts;
  - those for escort agencies, gaming establishments or massage parlours;
  - those displaying nude or semi-nude figures;
  - those which seek to involve the driver as an agent of the advertiser;
  - those likely to offend public taste (including material depicting bodily functions and genitalia and the use of obscene or distasteful language)
  - those which seek to advertise more than one company/service or product;
  - those which detract from the integrity and/or identity of the vehicle.
- 5.3 The Council will refuse advertisements which "seek to advertise more than one company, product or service" but, so long as the principal service or product is clearly predominant, will be prepared to consider the addition of sponsors' logos or the names of products sold by the advertising company where these are:
- an integral part of the advertisement;
  - clearly secondary, i.e. smaller, incorporated in text and/or subdued or unobtrusive colours and limited in number. They must be directly related to, but not distract from the principal product/service.
- ## 6. MATERIALS TO BE USED
- 6.1 Materials that may be used should be of a quality not easily defaced, soiled or detached. The most popular material for exterior advertising is of a glossy PVC type with self-adhesive backing.
- 6.2 The advertisement may be affixed direct onto the body of the vehicle. Use of magnetic panels should be considered carefully, as recent experience has indicated that they are easily removed either deliberately or by normal driving.
- 6.3 Reflective material is not to be used for advertising purposes.
- 6.4 The Council must approve all materials used in the manufacture of and for the purpose of affixing advertisements to the vehicle.

## 7. EXTERIOR ADVERTISING

- 7.1 Coloured artwork of each elevation (front, rear and sides) must be submitted for provisional approval in the first instance. The Council must carry out a final inspection before the vehicle can be used for hire.
- 7.2 No secondary advertising naming the company preparing the vehicle or the name of the advertising agency will be permitted.
- 7.3 Provision must be made for the immediate replacement of any damaged panels. Vehicles will not be permitted to work with damaged or unmatched panels nor will they be accepted for re-licensing in this condition.
- 7.4 As part of the livery contract, at its completion, a re-spray back to black or a recognised manufacturer's base colour of the vehicle owner's choice should be included. This re-spray should be of a standard acceptable to the Council. The work should be timed for completion within an agreed period at the end of the livery contract to avoid any delay in having the vehicle re-licensed in its new colour.
- 7.5 Advertising may appear on the boot of purpose built Hackney Carriages, providing the visibility of the rear Registration and Licence plates are not be impaired.
- 7.6 Single Side Advertisements
  - 7.6.1 The same advertisement must be displayed on both sides of the vehicle

## 8. INTERIOR ADVERTISING

- 8.1 Advertisements may be displayed on the base of the two lift up seats in FX4 or similar Hackney Carriages subject to the same approval conditions as exterior advertising.
- 8.2 No advertising material may be placed on the glazed passenger driver partition.
- 8.3 Audio Material
  - 8.3.1 Rear compartment audio systems are not approved for the purposes of advertising. Only scheduled public radio broadcasts or audio material which is generally on sale to the public (i.e. CD's, audio tapes) may be transmitted to the passenger compartment. Audible advertisements are permitted only if they are received via a scheduled broadcast from a public radio station. See Hackney Carriage vehicle licence condition 23 and Private Hire vehicle licence condition 24.



8.3.2 The audio material must be of a standard that would be acceptable to the Broadcasting Standards Council and the Radio Authority for broadcasting to all age groups, i.e. it must not contain sexually explicit lyrics, profanities or any other language or sounds likely to cause offence.

8.3.3 Any audio system in the rear compartment of a vehicle must be approved by the Licensing Officer.

## 9. NEW DEVELOPMENTS

9.1 The view taken by Carlisle City Council is that fare paying passengers pay a premium rate to be conveyed from one location to another in safety, comfort and privacy. As a captive audience, being subjected to excessive or intrusive advertising is not considered either necessary or appropriate to the service being offered.

9.2 Any proposals to increase or introduce new advertising concepts into the passenger compartment will be viewed against the policy principle stated in paragraph 9.1 above.

9.3 Additionally in any proposals for new technology based on advertising the following issues will need to have been addressed:

- location of equipment to ensure no statutory regulations are breached
- evidence to show that the new technology does not interfere with or compromise any equipment already fitted to the vehicle
- robustness of the equipment
- the broad spectrum of safety issues
- details of equipment operation and arrangements to allow direct control by the passenger
- proposals for testing of equipment

## 10 GENERAL

10.1 In the event of any queries regarding these guidelines, please contact Carlisle City Council Licensing Office Tel: 01228 817523.

# The New Vibe In Town

[www.SexualHealing.co](http://www.SexualHealing.co)



To Book Your Party

Call 01228 593806

Text 07548794777

We Will You Give You A  
BUZZ.....

[www.SexualHealing.co](http://www.SexualHealing.co)



A close-up, high-resolution photograph of a dense field of red roses. The roses are in various stages of bloom, with some showing tightly packed petals and others more open, revealing the intricate spiral patterns of the petals. The color is a deep, vibrant red, with some darker shadows and highlights that give the flowers a three-dimensional appearance. The background is filled with more roses, creating a continuous texture of floral patterns.

Have You Heard  
The New Vibe In Town

[www.TheRoseBuds.co](http://www.TheRoseBuds.co)





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