

North Tyneside Council

Report to Regulation and Review Committee

Date: 1 March 2018

ITEM 6b

Title: Request to Consult on Proposed Amendment to Hackney Carriage / Private Hire Vehicle Proprietor Conditions of Licence – Proposal to Permit In-Car Digital Advertising in Seat Headrests

Report from Service Area: Environment, Housing and Leisure

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Wards affected: All

PART 1

1.0 Purpose

The purpose of the report is to seek Committee's approval to expand the consultation exercise set out in Item 6 *Request to Consult on Proposed Change to Hackney Carriage/Private Hire Vehicle Condition of Licence (Permit Advertising on Rear Screen of Vehicles)* in the agenda to include another proposed amendment to the Hackney Carriage / Private Hire Vehicle Proprietor Conditions of Licence regarding the use of in-car digital advertising in the seat headrests of licensed vehicles.

1.1 Recommendations

Request officers to undertake a consultation on this proposed amendment to the conditions of licence.

1.2 Information

- 1.2.1** On 14 December 2017 Committee considered an appeal from the proprietor of a private hire vehicle to permit the use of in-car digital advertising in the seat headrest of his vehicle.

This type of advertising was not permitted by condition 7 of the Hackney Carriage/ Private Hire Vehicle Proprietor Conditions of Licence.

- 1.2.2** The appeal confirmed that any advertising would comply with the Advertising Standards Agency or, if applicable, be approved by the Authority's Trading Standards service; that all installed equipment complied with any legislative requirements in respect of Construction and Use Regulations; no age restricted products would be advertised; that at all times during the display of an advert it would be apparent to the passenger(s) how the system may be switched off and that drivers would also be able to switch off the system from the driver's compartment.

If any adverts contained audio then passengers were be able to control the volume (which should be capable of being muted) with either a pre-set maximum volume acceptable to the driver or an override for the driver to lower the sound level if it is causing him/her a distraction.

- 1.2.3** After considering this matter Committee resolved to uphold the appeal and permit the use of in-car digital advertising in this vehicle and to any vehicle licensed by the company subject to the above points being added to condition 7 of the licence.

Committee also resolved that any other proprietor wishing to install this or similar equipment would still need to be referred to the Committee.

- 1.2.4** Having regard to the above Officers would request a period of consultation is carried out in order to gauge the views of the hackney carriage and private hire trade and other interested parties in respect about the use of in-car digital advertising in licensed vehicles.

Following this period of consultation the responses will be collated and a report brought back to Committee.

- 1.2.5** If Committee is minded to approve the request for consultation, example questions that could be set in the consultation are set out below:

1. Should the Authority permit in-car digital advertising in seat headrests in licensed vehicles?
2. If in-car digital advertising is permitted should it be subject to additional conditions, for example those set out in paragraph 1.2.2 above?

1.3 Contact Officers:

- 1.3.1** Colin MacDonald, Senior Manager, Technical & Regulatory Services, Tel: 0191 643 6620
Joanne Lee, Public Protection Manager, Tel: 0191 643 6901
Alan Burnett, Principal Trading Standards & Licensing Officer, Tel: 0191 643 6621

1.4 Background Information:

- 1.4.1** The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author of the report.

1. Local Government (Miscellaneous Provisions) Act 1976
2. North Tyneside Council Hackney Carriage and Private Hire Licensing Policy
3. Minutes of the Regulation and Review Committee meeting held on 14 December 2017.

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and Other Resources:

There are no financial implications for the Authority arising directly from this report.

2.2 Legal

2.2.1 Legislative Framework

The Local Government (Miscellaneous Provisions) Act 1976 makes provision for the

licensing authority to issue licences for hackney carriage and private hire drivers, vehicles, and operators.

Local authority Hackney Carriage and Private Hire licensing activity is governed by legislation and best practice guidance, including the Town Police Clauses Acts of 1847 and 1889, the Local Government (Miscellaneous Provisions) Act of 1976 and the Transports Acts of 1980 and 1985. In response to this legislation, the Authority has developed a Licensing Policy which has supported and informed its licensing function.

2.3 Consultation/Community Engagement:

If approved, a six week consultation exercise will be undertaken with members of the trade and other interested parties. Details of the consultation will be on the North Tyneside Council internet site. In addition the views of the North Tyneside Hackney Carriage and Private Hire Licensing Forum will be considered.

At the conclusion of the consultation the responses will be collated and reported to Committee.

2.4 Human Rights:

The economic interests connected to the use of a licence may be considered to be a possession belonging to existing licensees and as such are afforded protection under Article 1 of Protocol 1 of the European Convention on Human Rights.

2.5 Equalities and Diversity:

There are no equality and diversity implications arising from this report. The North Tyneside Council Hackney Carriage and Licensing Policy has been subjected to an Equality Impact Assessment.

2.6 Risk Management:

There are no significant risk management implications to the Authority arising directly from this report.

2.7 Crime and Disorder:

It is not considered that there are any crime and disorder implications arising directly from this report.

2.8 Environment and Sustainability:

It is not considered that there are any environment and sustainability implications arising directly from this report.