

**BASINGSTOKE AND DEANE BOROUGH COUNCIL
LICENSED VEHICLE ADVERTISING POLICY
APPROVED BY THE LICENSING COMMITTEE ON 18 NOVEMBER 2014**

Introduction

This policy sets out the council policy in relation to advertising permitted on/within licensed hackney carriage and private hire vehicles.

It sets out our:

- Policy Aim
- General Notes
- Application Procedure
- External Advertising Criteria and content
- In car digital media criteria
- Compliance and Enforcement

Abbreviations

Committee of Advertising Practice	CAP
Advertising Standards Agency	ASA
Private Hire	PH
PHV	Private Hire Vehicle
HCV	Hackney Carriage Vehicle
OFCOM	Office of Communications (the UKs Communications Regulator)

Policy Aim

The purpose of this policy is to ensure the integrity of any advertising used on licensed vehicles within the Borough. It will ensure any permitted advertising does not detract from the high standard of vehicle presentation and identity required by the council.

The policy acts as an aid to our licensees and advertising agencies to ensure they comply with advertising laws and codes.

1 **General**

- 1.1 Each application for approval of advertising material is considered on an individual basis and on its own merits. Advertisements of a controversial nature or which could cause offence to members of the public will not be permitted.
- 1.2 The CAP created, revise and enforce a code which regulates **non-broadcast** advertising, sales promotions and direct marketing to ensure the integrity of advertising. This code, known as the CAP code and is endorsed by the ASA and primarily concerns the contents of marketing communications. OFCOM operate a code to regulate **broadcast** advertising. In summary, compliance with these codes ensures all advertisements are legal, decent, honest and truthful. To receive approval, all advertisements must meet advertising laws and comply with the CAP and OFCOM codes.
- 1.3 BDBC shall have no responsibility for the organisation represented or the vehicle operator, proprietor, driver or other persons should any situation occur whereby the display of advertisements has a detrimental effect on that person or organisation.
- 1.4 The licensee is responsible to ensure any advert they display on or within their vehicle complies with current advertising laws and codes referred to above irrespective of any consent to display the advertisement which may be given by Licensing Officers.
- 1.5 The licensee shall ensure none of the advertising material obscures the driver's vision or constitutes a danger to passengers, other road users or the public whether they are displayed on or within the vehicle.
- 1.6 External advertising on PHVs must not obscure the vehicle's licence plates, any BDBC corporate livery or any PH operator details displayed. Neither shall adverts be located next to any sign required by law or local conditions or in such a close proximity that the signage required by law or local condition could be mistakenly assumed to be part of the sign or advertisement.
- 1.7 The council may intervene if any advertised organisation, for any reason, comes to the attention of the council, and it is subsequently considered that it would not be proper for that organisation to be connected to the council by means of advertisements on a vehicle licensed by BDBC. The council shall not intervene, should either party wish to prematurely end any advertising agreement other than to be satisfied that the removal of advertising has not caused damage to the vehicle rendering it non compliant with vehicle testing standards.
- 1.8 Users of in car screens must liaise with their insurer about using advertising screens. Some advertising agencies provide insurance for the screens.
- 1.9 Applications will specify the vehicle(s) they are to be used on. If vehicles are replaced and are of a different make and model, a new application will be required.

2 Application Procedure

- 2.1 All applications for advertising on HCVs or PHVs must be made in writing to the Licensing Team and be accompanied by a sample of the advertising proposed which can be in electronic format. The application should include dimensions, details of the vehicle the application refers to, and the proposed period of time the advertisement will be applied.
- 2.2 The application must be accompanied with a contact name and telephone number of the organisation to be represented in any advertisement **or** a contact at the agency providing the advertisement(s).

3 Provision to approve or reject advertising

- 3.1 Licensing Officers will have regard to this policy when determining applications and whether the advertisement complies with the standards required.
- 3.2 Applicants and advertising agencies should check advert contents meet the relevant codes before submitting their application. If necessary and prior to deciding whether an advertisement complies with the standards required, officers may consult whether the adverts comply with the CAP and OFCOM codes and current laws. Officers may, at their discretion take any response from regulators into account when determining whether an advertisement complies with required standards.
- 3.3 Officers will aim to approve or reject applications for advertising as soon as is reasonably practicable but this will depend on the volume of statutory licensing work awaiting completion at the time. In any case officers will endeavour to approve or reject all advertising applications within 28 days of the date of receipt.

4 Rejections of advertising applications

- 4.1 If officers consider that the advertisement does not comply with the standards required by this policy and should be rejected, they may propose or invite from the applicant reasonable variations to the application to achieve compliance with the policy standards.
- 4.2 If the advertisement is rejected, the notification shall include details of the reasons why the officer considered that the advertisement did not comply with the standards contained in this policy.

5 EXTERNAL ADVERTISING CONDITIONS

- 5.1 The proprietor of a HCV or PHV shall not display or permit to be displayed on the vehicle any sign or advertisement whatsoever unless written permission has been obtained from the Licensing Authority.
- 5.2 Advertising must not obscure any signage issued by the council which is permanently affixed to the vehicle. Advertising must not be similar in design or layout to any of the council's corporate signage.
- 5.3 No advertising containing the words 'taxi', 'cab' or any other wording which may lead members of the public to believe the vehicle is a HCV will be permitted on PHVs.
- 5.4 Due to purpose built vehicle licensing requirements and the ease of identifying HCVs by their design as taxis, HCVS may display advertising material mounted or painted advertising by way of side, half or full wrap style adverts. Internal seat flip up adverts are also permitted.
- 5.5 Proprietors of PHVs/HCVs shall ensure that any advertisements carried on their vehicles are well maintained and shall immediately remove any advertisements that become damaged or disfigured.
- 5.6 The Council reserves the right to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.
- 5.7 No advertisement shall relate to or promote any activity regarding drugs, tobacco, alcohol, nudity (semi or full), gambling, sex, smoking materials, violence, race, religion, or be of a political or any other nature that may cause, harm, distress or conflict.
- 5.8 Advertisements must not contain images or messages which relate to matters of public controversy and sensitivity.
- 5.9 No vehicle will be permitted to bear any sign or advertisement in any form that may cause any confusion as to the licence status of the vehicle.
- 5.10 Reflective material (for example as used by the emergency services) must not be used in any proposed advertisements.
- 5.11 Advertisements must be manufactured and affixed by a professional company or competent person. All material must be maintained in good condition at all times. Manufacturer's recommendations should be followed to maintain and clean the material.
- 5.12 No advertising of any kind shall be placed on the front windscreen and windows that could diminish or affect the driver's visibility.
- 5.13 Only one supplier or brand name may be advertised on a licensed vehicle at any time.
- 5.14 If when a vehicle ceases to be used for advertising and the advertising is removed, should the vehicle paintwork be damaged or discoloured, a re-spray back to a recognised manufacturer's base colour must be undertaken.

The respray must be of an acceptable standard to comply with section H.2 of the councils testing standard.

- 5.15 It is the responsibility of the vehicle owner to notify the DVLA of any changes to the vehicle's colour as identified on its V5 document at all times.

6 WINDOW ADVERTISING

- 6.1 Signs on the rear windscreen/windows may be the full width and height of the window. For clarification the signs must not obscure rearward vision or any high level brake lights.
- 6.2 Any advertisements placed on vehicle windows must be of an approved material (e.g. dot matrix style). If fitted to rear windscreens, the film must be of a perforated one-way vision film or similar type design which will allow the image/graphics to be seen from the outside of the vehicle only.
- 6.3 Advertising material must be maintained in a good condition at all times. Advertisements should be correctly fitted and sealed to prevent the egress of water on to the advertising materials.

7 CONDITIONS FOR ADVERTISING INTERNALLY WITHIN THE VEHICLE VIA TV SCREENS - (DIGITAL MEDIA TECHNOLOGY)

- 7.1 Hackney carriage and private hire vehicles may install in-vehicle digital media technology to be used for advertising purposes and/or live feed material. To use this form of technology for advertising purposes and/or live feed material it must comply with the following conditions:
 - 7.1.1 Digital media systems must be approved by the licensing authority before they are installed.
 - 7.1.2 All broadcast material must comply with the OFCOM Broadcasting Code.
 - 7.1.3 All films/video material must be classified by the BBFC as U or exempt from classification.
 - 7.1.4 The only live feed material that can be shown is national/local news and weather.
 - 7.1.5 All equipment must comply with any legislative requirements in respect of Construction and Use Regulations and other legislation.
 - 7.1.6 All equipment must be designed, constructed and installed in such a way and in such material as to present no danger to passengers or driver, including from impact with the equipment in the event of an accident or damage from the electrical integrity being breached through vandalism, misuse or wear and tear.
 - 7.1.7 The equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite or radio system in the vehicle.
 - 7.1.8 The intensity of any screen should not be such as to be visually intrusive or dazzling. The position of the screen must not obstruct the passenger's view of the meter and the visibility of the screen to following vehicles should be minimal.
 - 7.1.9 Any screen shall be no larger than 15" (measured diagonally).
 - 7.1.10 All equipment installed in the driver's compartment, within headrests or attached to partition screens must not be visible from the driver position. The screen may be installed in the driver and front passenger seat headrests, on partitions screens or other suitable locations agreed by the licensing authority.
 - 7.1.11 The installation must not be such as to weaken the structure or any other component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
 - 7.1.12 The design must be discreet and complement the interior furnishing of the vehicle.
 - 7.1.13 The system must include safeguards to maintain the integrity of the system and prevent the display of unapproved material.

- 7.1.14 Passengers must be able to control the volume level, including turning the sound off. The driver must have overall control of the volume to make sure it does not distract them while driving. The sound should be automatically muted when the intercom is operated.
- 7.1.15 Passengers must be able to turn the screen off.
- 7.1.16 A notice should be displayed within prominent view and physical reach of all passenger seats giving instructions to passengers as to adjusting the volume and turning the screen off. The notice shall be in a suitable format and design for visually impaired people and visible in low light conditions.
- 7.1.17 The mute/volume control must be accessible from the nearside and offside passenger seats.
- 7.1.18 Once activated the mute should continue without further activation by the passenger until the passenger leaves the vehicle.
- 7.1.19 All equipment must be protected from the elements, secure from tampering and located such as to have no impact on the seating and luggage carrying capacity of the vehicle.
- 7.1.20 Only approved screens specifically designed for the effective provision of a taxi service e.g. despatch /navigational systems, may be visible to the driver when the vehicle engine is running or the cab is hired.
- 7.1.21 Warnings signs or footage must accompany any advertising material which may impact upon medical conditions passengers may suffer from (e.g. a warning message must accompany footage which contains flash photography or strobe lighting to protect passengers who may suffer from epilepsy).
- 7.1.22 In the case of digital media, the advertisement must not pose a health and safety risk to the driver and the passengers as a result of flickering or other visual imagery.
- 7.1.23 Proprietors are required to provide the licensing team with a letter of conformity and a disclaimer absolving the council of any resultant liability which rests between the licensee and the supplier of screens.

8 Compliance and Enforcement

- 8.1 Vehicle checks will be carried out by Licensing Officers to ensure compliance with the policy. In the event of non-compliance with any aspect of the policy, consent may be withdrawn. Action may be also taken against vehicle drivers and proprietors in the event of non-compliance with the policy. The action would depend on the circumstances but could include suspension of the vehicle or driver licence, prosecution or a notice to rectify a defect.
- 8.2 The Licensing Team will order the immediate removal of any unauthorised advertisements or stipulate that the furnished vehicle's licence be suspended until such a time as the sign or advertisement is approved or removed.
- 8.3 The Licensing Authority will exercise its authority in respect of hackney carriage and private hire licensing in the interest of the residents of and visitors to, the Borough of Basingstoke and Deane.