



From mountain to sea

## **Aberdeenshire Council**

### Taxi and Private Hire Car Advertising Policy

(S.127 of the Civic Government (Scotland) 1982)



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# Introduction

- 1.1 This document sets out Aberdeenshire Council's policy on advertising in and on vehicles licensed by them as taxis and private hire cars it also explains the way that the Policy will be enforced.
- 1.2 In this document the following words and expressions have the following meanings:
  - a. **“the Act”** means the Civic Government (Scotland) Act 1982 as amended or any amending or replacement legislation governing the licensing of taxis and private hire cars.
  - b. Any words used in these conditions which are defined in the Act shall be interpreted in accordance with the definition of the Act.
  - c. the masculine will also include the feminine and where appropriate the singular will include the plural.

The following words shall have the meanings set out below:

|                       |  |
|-----------------------|--|
| <b>Council</b>        | means Aberdeenshire Council, incorporated under the Local Government Etc. (Scotland) Act 1994 and having its Headquarters at Woodhill House, Westburn Road, Aberdeen, AB16 5GB or its statutory successor.                                 |
| <b>Driver</b>         | means in relation to a Taxi the holder of a current Aberdeenshire Council Taxi Driver's Licence and in the case of a Private Hire Car a driver holding a current Aberdeenshire Council Taxi Driver's or Private Hire Car Driver's Licence. |
| <b>Licence</b>        | means a licence granted by the Council to any person for the purpose of operating a vehicle as a Taxi or Private Hire Car or the purpose of driving the same as appropriate during the currency or validity of such licence.               |
| <b>Licence Holder</b> | means a person who has been granted and holds a current and valid vehicle licence from the Council in terms of Part II of the Act to operate either a taxi or a Private Hire Car unless otherwise stated.                                  |
| <b>Licence Plates</b> | means the licence plates issued by the Council identifying licensed vehicles as hire cars  |

which are required to be displayed in accordance with these conditions.

**Notice** means a notice in writing.

**PHC** means Private Hire Car.

- 1.3 These guidelines apply to all advertising and marketing material of any kind that appears on or in taxis and private hire cars and includes information presented to passengers .
- 1.4 The licence holder remains responsible for the content of any advertisement displayed on the vehicle, whether internal or external. It remains the licence holder's responsibility to comply with the current law and all relevant Codes of Practice irrespective of whether or not the advertising is deemed to comply with this Policy. The fact that advertising is deemed to comply with this policy should not be taken to mean that it is legal and complies with all other applicable standards.

## Requirement of Policy

2.1. Advertising is permitted on and/or in all taxis subject to the following conditions:-

- (a) Advertisements displayed on taxis will comply with the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) (Twelfth edition) published by the Advertising Standards Authority which came into force on 1 September 2010 and all subsequent editions in force from time to time and any amendments made by the Advertising Standards Authority. In general and without prejudice to the detailed provisions of the Code advertising **must** :-
- (i) Not contain anything that is likely to cause serious or widespread offence. The fact that an advertisement may cause offence to some people does not of itself mean that it does not comply with this policy;
  - (ii) Not cause fear or distress;
  - (iii) Not contain anything that is likely to condone or encourage violence or anti-social behaviour;
  - (iv) Not condone or encourage an unsafe practice, especially those addressed to or depicting a child;
  - (v) Not encourage consumers to drink and drive and where relevant include a prominent warning on the dangers of drinking and driving;
  - (vi) Not portray or represent anyone who is, or seems to be, under 18 in a sexual way;
  - (vii) Not include gender stereotypes that are likely to cause harm, or serious or widespread offence;
  - (viii) Not where targeted directly at or featuring children exploit them;
  - (ix) Ensure that the basis of environmental claims is made clear;
  - (x) Where it is for gambling be socially responsible, with particular regard to the need to protect children, young persons and other vulnerable persons from being harmed

or exploited;

- (xi) Not be targeted at people under 18 where it is for alcoholic drinks and should encourage irresponsible or anti-social drinking.
  - (xii) Not encourage excessive drinking nor claim or imply that alcohol can enhance confidence or popularity;
  - (xiii) Not link alcohol with activities or locations in which drinking would be unsafe or unwise;
  - (xiv) Not condone or encourage unsafe or irresponsible driving;
  - (xv) Distinguish clearly between offers of employment and business opportunities;
  - (xvi) Not contain unrepresentative or overstated earnings figures nor exaggerate the support available to investors for business opportunities;
  - (xvii) Not advertise tobacco products or suggest that smoking is natural, safe, popular, glamorous or aspirational or that it can lead to social, sexual, romantic or business success;
  - (xviii) Be socially responsible where it is for e-cigarettes and must contain nothing which promotes any design, imagery or logo style that might reasonably be associated in the audience's mind with a tobacco brand.
- (b) Advertisements must not be placed on :-
- (i) Any of the vehicle's windows;
  - (ii) Obscure any identification plates, notices or roof signs
  - (iii) Or inside the vehicle so as to obscure the driver's vision in any direction;
  - (iv) The front elevation, i.e. radiator grill and the area either side of it.
- (c) Where the advertisement is full wrap and results in the colour of the vehicle being significantly changed then the vehicle will have to be re-registered with the DVLA. For example, if a white vehicle has a wrap which is blue then, albeit that the white paint has only been covered up, the vehicle will have to be re-registered as blue. Full wrap advertising means one

advert covering the whole vehicle for only one company/  
product/supplier

- (d) Advertisements must be made of a quality not easily defaced or detached. No magnetic panels, paper based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the body of the Licensed Vehicle.

## Ensuring compliance with Policy

- 3.1. Taxi advertising will not be permitted unless it complies with this Policy.
- 3.2. If the Council receives a complaint or it otherwise comes to the Council's attention that a vehicle is in breach of this Policy then the Council will investigate and may require that the licence holder produces the vehicle for inspection at a suitable place and on no less than 48 hours written notice in order that the advertising can be inspected. If the Council decides that the advertisement does not comply with the requirements of this Policy then the licence holder shall be given written notice to either remove the advertising or amend it within a reasonable period of time which shall be no less than 7 days. This initial step in the enforcement process will be carried out by the Council's Head of Legal and People through the Civic Licensing Standards Officers, acting under delegated powers.
- 3.3. In the event that the licence holder disagrees with the decision by the Head of Legal and People that the advertisement does not comply with the policy then they can email a notice of challenge to [licapps@aberdeenshire.gov.uk](mailto:licapps@aberdeenshire.gov.uk) explaining why they do not agree with the decision. They should attach a copy of the initial notice to them advising them that the advertisement does not apply.
- 3.4. The notice of challenge must be received within the time given for compliance in the initial non-compliance notice. Provided that the notice challenging the Head of Legal and People's decision is received within the time stipulated then the effect of the non-compliance notice which is being challenged shall be suspended pending the determination of the matter by the Licensing Sub-Committee or the withdrawal of notice by the licence holder challenging the decision. A report will then be put before the next meeting of the Licensing Sub Committee and the Sub Committee will make a decision as to whether or not the advertisement either complies with policy or if it requires to be amended to comply. The Sub Committee will give the licence holder the opportunity to be heard or make written representations prior to making its decision. In the event that the Sub Committee decides that the advertisement does not comply with this Policy then the licence holder will be given a reasonable period of time in which to comply with the decision of the Sub Committee which shall be no less than 7 days.



- 3.5 If the licence holder continues to use a vehicle as a taxi or PHC after having received a notice under para 3.2 from the Head of Legal and People which they have not challenged within the required time scale or after having received a decision from the Sub Committee and does not remove or amend the advertisement so as to comply then the matter will be reported to the Council's Licensing Sub-Committee as a breach of the conditions of the licence and the Sub-Committee may take such steps as it deems appropriate which may include suspension of the vehicle licence only after all other routes have been explored.

# Enforcement Flowchart

