

Borough Council of King's Lynn & West Norfolk

Report to Licensing Panel: **10th November 2015**

Prepared By: **Marie Malt, Senior Licensing Enforcement Officer**

Application to depart from Licensing Conditions and Procedures in respect of Advertising on Licensed Vehicles

Introduction

1. This report is for Members to consider whether to permit advertising to the windows of vehicles licensed by Jason Taylor trading as Barrys Cars and Minibuses Limited, contrary to the Borough Council's standard licensing procedures and conditions.
2. Mr Jason Taylor submitted a request that Panel Members consider departing from the standard conditions on 27th October 2015. A copy of Mr Taylor's email is attached to this report as Appendix 1.
3. Mr Jason Taylor trading as Barrys Cars & Minibuses Ltd currently holds 12 private hire vehicle licenses issued by the Borough Council.

Conditions

4. The Borough Council's Licensing Conditions and Procedures Approved by Full Council on 30th June 2011 prescribe what advertising is permitted on the outside of licensed vehicles:

'3.64 The Borough Council will allow advertisements to be placed upon a vehicle subject to the following:

- *Advertising is to be limited to the back door panels of licensed vehicles only. Advertising on parts of the vehicle in addition to the back door panels may be considered but only after prior written approval of the Borough Council has been given. However, no advertising will be permitted on the windows of the vehicle.*
- *All advertisements shall comply with the British Code of Advertising Practice and shall be in a form acceptable to the Advertising Standards Authority. The Borough Council reserves the right to require the licensee to withdraw from display any advertisement which may be considered inaccurate, misleading, unlawful, defamatory, in bad taste or of an unacceptable standard.*
- *No advertisement will be permitted that relates to or advertises alcohol, nudity, gambling, smoking materials or others of a political nature.*
- *The same advertising must be displayed on the nearside and offside doors of vehicles.*
- *Any advertising may cover both back doors.*

- *Advertising may not be stuck over door trims. Door trims may not be removed to accommodate advertising.*
- In the case of Private Hire Vehicles advertising is subject to the specific exclusion of the words "taxi", "cab" or "hire" the use of which will not be permitted.

Tinted vehicle windows: The Law

5. Information obtained from the GOV.UK website provides the law on tinted vehicle windows for non-licensed vehicles:

'The rules for tinted front windscreens and front side windows depend on when the vehicle was first used. There are no rules for tinting the rear windscreen or rear passenger windows.

Vehicles first used on 1 April 1985 or later

The front windscreen must let at least 75% of light through and the front side windows must let at least 70% of light through.

Vehicles first used before 1 April 1985

The front windscreen and front side windows must both let at least 70% of light through.'

Taxi Law

6. Section 48 (1) of The Local Government (Miscellaneous Provisions) Act 1976 prescribes that a private hire vehicle must be of suitable type, size and design; in a suitable mechanical condition; safe; comfortable and adequately insured. In addition, Section 48 (2) provides that:

'A district council may attach to the grant of a licence under this section such conditions as they may consider reasonably necessary including, without prejudice to the generality of the foregoing provisions of this subsection, conditions requiring or prohibiting the display of signs on or from the vehicle to which the licence relates.'

Determination

7. The Panel are requested to consider the application, including any submissions put forward by Mr Taylor and dispose of the matter by either:

- i. Refusing the application;
- ii. Permitting advertising on all or some of the windows rear of the front windows, on all or some of the vehicles licensed, or
- iii. Any other action deemed appropriate

There is no [statutory](#) right of appeal to Magistrates Court against the decision of the Council [in this matter](#). Should the applicant wish to challenge the Council's decision, based on the current policy, this may be carried out by way of judicial review.

Marie Malt

Senior Licensing Enforcement Officer

Environmental Health – Licensing

27th October 2015

Appendixes

1. Email from Jason Taylor trading as Barrys Cars and Minibuses Ltd dated 27th October 2015.