

REPORT TO / STRATEGIC SCRUTINY COMMITTEE

Date of Meeting: June 22nd 2023

Report of: Jon-Paul Hedge, Director

Title: Ethical and Low Carbon Advertising

Is this a Key Decision?

No

Is this an Executive or Council Function?

N/A

1. What is the report about?

1.1 A Motion was presented at Council by Councillor Sparling in April 2023 regarding ethical and low carbon advertising. This report looks at the Motion, existing advertising arrangements, and potential options moving forward. A second report to be presented to Members in the autumn will look into planning aspects of the Ethical Advertising Framework.

2. Recommendations:

2.1 That Members comment on the revisions proposed in the current Ethical Advertising Framework circulated with this report in the light of the Motion, against existing policies/framework and work of officers.

2.2 That matters relating to planning policy will be acknowledged in the updated Ethical Advertising Framework are brought back to Strategic Scrutiny Committee in September for further scrutiny.

2.3 That any cost or resource implications recommended are clearly outlined.

2.4 That recommendations from the meeting of this Scrutiny Committee and the one in September are combined and brought to Executive and Council along with an updated Ethical Advertising Framework for approval.

2.5 That the updated Ethical Advertising Framework be brought to Executive and Council are in place for the advertising under the control of Exeter City Council, not existing external contracts with third parties (such as Clear Channel)

3. Reasons for the recommendation:

3.1 The Ethical and Low Carbon Advertising Policy Motion was referred by Council to the Strategic Scrutiny Committee for a report, to be brought back to Council in due course, but stated:

This Council notes:

- That it is possible for local authorities to implement advertising policies against specific products if they consider them to be harmful to the amenity of an area. This Council notes that the Greater London Authority (GLA), which controls Transport for

London (TFL) property, was able to enact a Healthier Food Advertising Policy in 2018 prohibiting High Fat, Sugar or Salt (HFSS) food advertising on TFL property.

- That the continued paid promotion of activities or products that are potentially harmful to mental or physical health or the environment, such as junk food, gambling, alcohol or high carbon products (including cars, fossil fuel companies and airlines and airports), are very common across a variety of out-of-home advertising media
- That statistical evidence shows how exposure to advertising increases consumption of advertised goods and services and, where these are carbon intensive, higher consumption takes us further away from Net Zero. However, a ban on advertising for unhealthy food across the Transport for London network resulted in a drop in household purchases of unhealthy food and drink, preventing 100,000 obesity cases with an expected saving to the NHS of £200 million
- That advertising prohibitions and restrictions already exist regarding all tobacco products and e-cigarettes, guns and offensive weapons, breath testing and products designed to mask the effects of alcohol, 'pyramid schemes', as well as other rules regarding marketing to children, HFSS products, medical and health claims, religion, financial products.
- That many advertising companies are switching to digital boards that allows them to sell many more advertising slots, however, these digital boards consume huge amounts of unnecessary energy. A double-sided digital bus stop advertising screen uses four times the electricity of an average British home whilst a digital billboard can use eleven times the energy of an average British home (<https://adfreecities.org.uk/2019/11/the-electricity-cost-of-digital-adverts>)
- The bright illumination of digital billboards at night has a detrimental effect on local wildlife, in direct opposition to the Ecological Emergency declared by this Council
- That the purpose of advertising is to stimulate demand for goods and services, most of which are national and international brands, not local businesses, with limited benefits to the local economy
- That some advertising content undermines the Council's objectives regarding air pollution and sustainable consumption. For example: petrol and diesel car adverts (especially for Sports Utility Vehicles) undermine air quality objectives, airline advertising undermines carbon emission targets and whilst this Council is not the local health authority, HFSS products undermine the health of Exeter's residents
- That banning advertising for certain products is not the same as banning the products themselves

This Council Resolves:

- To develop and implement an Ethical Advertising Policy as part of the council's planning policies, to apply to bus stops, billboards and advertising spaces within the jurisdiction of the local planning area and embed this within the Local Plan. This policy would then be used to set targets, expectations or restrictions on all advertising in the city that interacts with the Council's objectives on public health, air pollution, climate change and more sustainable consumption and to ascertain which companies and products the Council wishes to associate itself with and support, including local businesses, and ban harmful products, companies or services from being advertised on council owned land, in our communications, or from sponsoring council organised events.
- To review any Advertising Concession Agreements to investigate the possibility of amending the current set of prohibitions and restrictions to include products and services that contribute to climate change and air pollution. Should this not be possible, to begin work on a new agreement for when any such agreements are next renewed
- To adopt a presumption against planning permission for all new digital advertising screens in the City due to the high energy use of these technologies.

- Embed these low carbon advertising principles within the Local Plan, including the requirement to switch off of digital screens at night
- Write to the Secretary of State for Digital, Culture, Media and Sport, asking for a ban on such forms of unethical advertising nationally
- Write to the Secretary of State for Levelling up, Housing and Communities asking for reforms to Planning Guidance on outdoor advertising to take into account the unique problems with energy-intensive digital billboards

4. What are the resource implications including non-financial resources

4.1 Exeter City Council has clear financial targets for advertising within existing budgets. Acceptance of advertising is currently checked against ECC's Ethical Advertising Policy. Further restricting this policy would likely mean officers would be unable to reach the budget agreed by elected members. Restricting digital options would further impact revenue.

5. What are the legal aspects?

5.1 The display of advertisements is subject to a separate consent process within the planning system. This is principally set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Advertisements are controlled with reference to their effect on amenity and public safety only. There are 3 categories of advertisement consent: (i) Those permitted without requiring either deemed or express consent from the local planning authority; (ii) Those which have deemed consent; and (iii) Those which require the express consent of the local planning authority. Consideration therefore of the further detailed report on planning policy aspects will be necessary to understand the scope of the proposed ethical and low carbon advertising report. Any amendment to local planning policy is likely to have to feature in the new Local Plan and will be subject to consultation and review by a Planning Inspector.

5.2 There are presently contracts in place for both ECC controlled advertising and joint Devon County Council and Exeter City Council advertising.

5.3 Members will also note that there is statutory guidance on advertising, including the Code of Non-Broadcast Advertising and Direct and Promotional Advertising.

6. Report details:

6.1 Exeter City Council currently runs a successful advertising network throughout Exeter, which promotes local businesses and helps stimulate the local economy, as well as providing much needed income to the authority. The Council already has an Ethical Advertising Framework. In preparation for this meeting, officers have revised a new draft which is attached for Members to discuss.

The advertising media available consists of:

- Digital advertising screens
- High Street banners
- City Centre poster sites
- Exeter Citizen (Quarterly newspaper which is distributed to every residential and commercial property within the Exeter boundary)
- Vehicle fleet advertising

- Website

6.2 Exeter City Council and Devon County Council have a contract with Clear Channel to provide advertising in the city outside the main high street. DCC has similar contracts across Devon. ECC receives an annual percentage of revenue from the joint contract along with the provision of bus shelters.

6.3 The exclusions for advertising in this contract are: *“those that contravene British Code of Advertising, are likely to offend those that see them, or are of a political nature calling for the support of a particular viewpoint or action”*.

6.4 Exeter City Council has been expanding its digital advertising and reducing its reliance on printed material.

Digital signage uses energy and contributes to a business’s carbon footprint, however the use has been deemed preferable to the use of printed material. Digital options include energy efficient LED screens, which have long life spans and use much less electricity.

Exeter City Council’s digital advertising screens are all located within enclosed areas. They have the ability to be switched off when not in use.

6.5 The Communications, Culture, Leisure and Tourism department have a financial target of £200,000 for the 2023/24 financial year, with £48,906 already secured. Substantial changes to how Exeter City Council sell and manage its advertising, especially digital and print, could have a detrimental effect on the end of year figure/target which is crucial to helping support Exeter City Council’s front line services. At the moment the draft ethical advertising policy does not require changes to the operational budgets and targets. If additional measures are recommended, the financial resource implications should be listed.

6.6 The proposed revisions of the Ethical Advertising Framework build on the existing policy and is a starting point to take on greater sustainability and ethical procedures without undermining the financial targets set.

7. How does the decision contribute to the Council’s Corporate Plan?

7.1 The Ethical Advertising Policy contributes to the following Council Corporate Strategic priority of ‘A prosperous local economy’ and a ‘A well run council’.

8. What risks are there and how can they be reduced?

8.1 N/A

9. Equality Act 2010 (The Act)

9.1 No potential impact has been identified on people with protected characteristics as determined by the Act because the report is for noting only.

10. Carbon Footprint (Environmental) Implications:

For recommendation only. Carbon footprint impact would be assessed in the report to Executive/Council.

11. Are there any other options?

11.1 To retain the status quo.

Director Jon-Paul Hedge

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

Ethical advertising Policy 2019

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