

Appendix 2

Proposed Draft Policy submitted jointly by three Members

EXETER CITY COUNCIL ADVERTISING AND SPONSORSHIP POLICY

1 Context and definitions

1.1. Advertising and sponsorship encompasses goods, services, ideas, causes, opportunities, prizes and gifts.

1.2. Advertising definition

Advertising is defined within this policy as:

“an agreement between the council (or its intermediaries) and an advertiser, whereby the council receives money from an organisation or individual in consideration of which the advertiser gains publicity in the form of an advertisement in council-controlled print, outdoor, broadcast or electronic media.”

or

“an agreement between the council (or its intermediaries) and a provider, whereby the council pays money to an organisation or individual in consideration of which the council gains publicity in the form of an advertisement in externally- controlled print, outdoor, broadcast or electronic media.”

1.3. Sponsorship

To sponsor something is to support an event, activity, person, or organisation financially or by providing products or services. It should be mutually beneficial. Sponsorship should not be confused with other types of funding which the council administers e.g. grants.

Sponsorship is a business relationship between a provider of funds, resources or services and an individual, event or organisation which offers in return rights and association that may be used for commercial advantage in return for the sponsorship investment. There can be cross-over between how advertising and sponsorship works in practice. For example, advertising on roundabouts is usually called sponsorship because the funds support the cost of maintaining these sites.

2. Purpose of the Policy

2.1. Exeter City Council aspires to use its assets and build positive relationships with businesses through advertising and sponsorship *where appropriate*.

2.2. The purpose of this policy is to set out the terms upon which advertising and sponsorship may be sought and accepted by Exeter City Council (the Council).

2.3. The Policy:

- a) outlines the rules and guidelines that the Council and its potential sponsors and advertisers must follow;
- b) assesses risk and managing potential conflicts of interest;
- c) clarifies public accountability and transparency of decision making.

3. Rules on Sponsorship and Advertising

3.1. All advertising must fall within the guidelines and rules laid out by:

- the Code of Recommended Practice on Local Authority publicity
<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
 - In the case of any ambiguity, please refer to this document for guidance.
- the Advertising Standards Authority (ASA) www.asa.org.uk;
- ‘The Consumer Protection from Unfair Trading Regulations’ and ‘The Business Protection from Misleading Marketing Regulations 2008’ (all of which can be found at <https://www.gov.uk/marketing-advertising-law/regulations-that-affect-advertising>);

3.2. Any existing advertising or sponsorship arrangements must be reviewed against this policy and the above listed documents at the end of any contractual term.

3.3 The council will not permit any advertising and/or sponsorship that represents a conflict of interest or is likely to cause serious or widespread offence. Particular care will be taken in relation to race, age, religion or belief, sex, sexual orientation, disability, gender reassignment, or gender identity or expression, pregnancy or maternity and marriage or civil partnership.

3.4. Without any limitation on the Council’s ability to exercise its discretion, the Council does not consider the following companies, partnerships, organisations or individuals as suitable for entering into advertising or sponsorship agreements with:

- a) those involved in the manufacture, distribution or wholesaling of tobacco-related products, alcohol, fossil fuels, pornography or addictive drugs;
- b) those whose services or products are considered to be injurious to health, or are seen to be in conflict with the Council’s priorities and responsibilities to the community concerning healthy and active lifestyles. In particular, the promotion or availability of foods and drinks that are high in fat, salt and/or sugar (HFSS) as defined by the Department of Health and Social Care’s nutrient profiling model will not be permitted, without exceptions. This includes advertisements where there is a range of food/drink featured, some of which is HFSS.

This also includes food or drink brands (including food and drink service companies or ordering services) where no food or drink product is featured directly. These brands and services will only be able to place advertisements if the advertisement promotes healthier options (i.e. non- HFSS products) as the basis of the copy.

- c) those whose business activities/practices do not align with the Council's wider values, corporate objectives and strategic goals, such as the net zero carbon city.
- d) those whose business activities/practices do not align with the Council's commitment to the environment and priority for a net zero carbon city by 2030, including, but not limited to, fossil fuel companies, car companies, fossil fuel financiers, and airlines, airports and holiday destinations that necessitate air travel;
- e) providers of gambling or betting services;
- f) financial organisations and loan advancers with punitive interest rates;
- g) providers that appear to promote discrimination against any individual or group on the basis of any protected characteristic detailed in the Equality Act 2010;
- h) providers with active or pending legal actions concerning the Council, or those found guilty of illegal or improper conduct by any other legal authority;
- i) advocacy of, or opposition to, any political party or any socially inflammatory or controversial subjects or issues;
- j) advertising that infringes on any trademark, copyright or patent rights of another company;
- k) claims or representations in violation of advertising or consumer protection laws; those that have been found, or are suspected, to have failed to comply with the guidelines laid out by the Advertising Standards Authority
- l) those whose advertising may result in the Council being subject to prosecution.

3.5. The Council reserves the right to remove advertising deemed to be objectionable.

3.6. The Council also reserves the right to remove advertising at short notice should the subject matter be likely to appear insensitive/cause offence, particularly, but not exclusively, in the light of local or national events e.g., natural disasters, missing children, etc.

3.7. Sponsorship recognition should be tasteful and discrete and must not create situations of potential embarrassment or criticism of the Council.

3.8. There may be times when the Council's Traded Services want to sponsor local events or services. The list of unsuitable partners for sponsorship (at 3.3) applies and if the Council is not the sole sponsor for an event / service, the team should also ensure that the other sponsors are not 'unsuitable partners for sponsorship'.

3.9. Services must comply with the Council's branding guidelines when acknowledging sponsors.

3.10. Exceptions may be considered if the companies, partnerships, organisations or individuals involved can prove that less than 5% of their overall income is derived from any of the excluded items detailed in 3.3. This decision will be made on a case by case basis by the Head of Procurement and the Service Director Finance.

3.11. If any advertising or sponsorship agreements concerning Council assets are managed by a third party, this party must also ensure that these rules and exclusions are followed.

3.12 The Council will follow these rules and exclusions where it manages or places advertising or sponsorship on assets owned by third parties.

4. Principles

4.1. Any consideration given to the establishment of advertising or sponsorship agreements shall have regard to the following principles:

a) Exeter City Council will generally accept paid for advertising and sponsorship which does not conflict with the priorities, aims and objectives of our Corporate Plan and whose association will not bring Exeter City Council into disrepute.

b) We will offer advertising opportunities through our channels to generate income for the authority aimed at achieving best value for our residents. As a local authority with specific duties and responsibilities we will have close regard to the type and nature of the advertising that is deemed acceptable.

c) We will not seek to exploit our position to offer advertising at a cost which undercuts locally available market rates.

d) Where we seek a partner to sell advertising opportunities on our behalf this will be subject to a tendered arrangement for a fixed term with regular review.

e) Channel advertising will be regularly reviewed and overly intrusive advertising will be avoided.

f) All advertising channels will be managed through the council's advertising portal.

g) An arrangement cannot be perceived to influence or hinder how the Council operates or makes decisions.

h) Arrangements must not impose or imply conditions that would limit or appear to limit the Council's ability to carry out its functions fully or impartially.

i) This framework provides guidelines for the acceptance of all forms of advertising, both print and electronic.

j) This framework will be reviewed when needed in line with the Council's Corporate Plan.

K) Digital advertising screens will be energy efficient (minimum A rated) and powered by renewable energy. The use of digital advertising screens will be phased out by 2030 in order to reduce energy demand in line with the Council's net zero and ecological policies. Digital

screens will be turned off between dusk and dawn in order to protect nocturnal and crepuscular creatures.

5. Agreements

6.3. The agreement must include a statement to the effect that any attempted influence of the Council's regulatory functions will result in an automatic review and/or termination of the agreement.

6. Public Accountability / Reporting

6.1. The Council is committed to principles of open government and of public accountability, transparency and accessibility. To meet these objectives, the Council agrees that:

- a) advertising and sponsorship agreements must be in the form of written agreements;
- b) the Council's Sponsorship and Advertising Policy is publicly available on the Council's website;
- c) a public register of advertising and sponsorship agreements is maintained by the Council and is publicly available on the Council's website.

7. Marketing and Media Relations

7.1. The Council's Communications and Information Team must be notified from the outset of all agreements to be entered into by the Council.

7.2. Media relations for all agreements are undertaken by the Council's Communications team.

7.3 There should be a Council approved written form of agreement which clearly sets out:

- a) the benefits, including economic benefits, available to the Council and the sponsor and the nature of the benefits e.g., naming rights;
- b) any personal benefits available to the sponsor's employees and their relatives;
- c) the form or forms of sponsorship which will be available;
- d) the scope of uses which the sponsor can make of the advertising or sponsorship arrangement;
- e) the term of the advertising or sponsorship agreement and any conditions regarding renewal;
- f) consequences of change which may occur over time e.g. a shift in the relationship, new policies, new corporate missions or objectives;
- g) financial accountability requirements;
- h) provision for termination or suspension of the agreement.

6.2. The agreement must include a statement that "the Council's function will continue to be carried out fully and impartially, notwithstanding the existence of an advertising or sponsorship arrangement."

6.3. All media information produced by the sponsor must be approved by the Council's Communication and Information team before circulation.

6.4. The use of sponsors' logos and other branding must not interfere or conflict with the Council's own corporate identity.

6.5. The use of the Council's corporate identity on any sponsors' publicity must be approved by the Council's Communication and Information team.

7. Disclaimer

7.1. All agreements for advertising and sponsorship should operate under the provision that the Council is not explicitly endorsing the product.

7.2. Advertising on Council assets should be clearly labelled as such.

7.3. Recognition of sponsorship should include phrases such as "sponsored by/ funded by/ in partnership with" to reflect that the Council's contribution is distinct from that of the business partner.

7.4. All advertising and sponsorship should include a disclaimer stating the following: "This advertisement is not an official endorsement by Exeter City Council for this product/service. It is a paid-for advertisement/recognition of sponsorship. All efforts have been made to ensure that the content of this advertisement is compliant with the Council's Advertising and Sponsorship Policy, available on the Council's website."

8. Policy Implementation

8.1. This version of the policy will come into effect from [Jan 2024] and will be applied to all current Advertising and Sponsorship agreements and contracts as and when they are due for renewal and once this policy is adopted for any open ended agreement and contracts

8.2. Voluntary adoption of this policy in the middle of a contractual arrangement will be encouraged but not enforced if it would result in claims against the Council or additional costs.

9. Policy Review

9.1. This policy will operate in tandem with the Council's Corporate Strategy and is subject to review in line with that Strategy.