

Advertising and sponsorship policy

22 August 2024 (rev)

Control schedule

Version control

Approved by	Policy & Sustainability Committee
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Senior Responsible Officer	Dr Deborah Smart, Executive Director of Corporate Services
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Version	Date	Author	Comment
0.1	08/2019	Mike Pinkerton, Head of Communications and Iain Strachan, Head of Commercial and Procurement Services	Authors also included Communications and Estates services
0.2	03/2024	Lynette Robertson, Head of Commercial and Procurement Services Graeme McGartland, Head of Estates Mike Pinkerton, Head of Communications Christine Downie, Strategy Manager (Sustainability & Climate)	Amended to reflect the Council's Climate and Nature Emergency declarations
0.3	06/2024	Lynette Robertson, Head of Commercial and Procurement Services	Amended to reflect the proposed amendments made at Committee and revised review date.

Subsequent committee decisions affecting this policy

Date	Committee	Link to report	Link to minute
28/05/24	Policy & Sustainability	9.1	tbc

Advertising and sponsorship policy

1. Policy statement

- 1.0 The policy provides proposals for (i) advertising by third parties which would be installed on assets directly owned by the Council, or contracted, and (ii) third party sponsorship of Council events or initiatives.
- 1.1 The policy sets out existing recognised industry codes, legislation, regulations and Council policies and guidance which influence and impact upon advertising and sponsorship activities.

2. Scope

- 2.1 This policy aims to:
 - 2.1.1 establish a corporate approach and standards to guide the consideration of proposals for advertising and sponsorship as set out in this policy;
 - 2.1.2 establish governance arrangements that ensure that future advertising and sponsorship proposals are considered by appropriate Council directorates/divisions prior to approval;
 - 2.1.3 ensure the Council complies with its legislative obligations, and Council policies, and is also guided by relevant nationally recognised industry codes;
 - 2.1.4 support the Council's strategic objectives as set out in the Council's Business Plan, including the Council 2030 net zero emissions target;
 - 2.1.5 support the Council securing Best Value and maximisation of income;
 - 2.1.6 support the Council's development of suitable commercial partnerships;
 - 2.1.7 uphold the Council's reputation and brand;
 - 2.1.8 support the safeguarding of citizens' interests and their well-being, and the image and environment of those elements of the local authority area which are within the control of the Council, and not the subject of separate regulation or control;
 - 2.1.9 support the alignment of the Council's involvement in advertising and sponsorship to the Council's corporate social responsibility and sustainability commitments.

3. Definitions

- 3.1 Advertising and sponsorship can encompass goods, services, ideas, causes,

opportunities, prizes and gifts.

Advertising

- 3.2 Advertising is a form of communication used to raise awareness, encourage or persuade an audience - viewers, readers or listeners or a specific group of people - to do or believe something. Advertising is usually paid for by an organisation.
- 3.3 Advertising messages can take a variety of forms and can be viewed through a wide range of media and platforms including, but not limited to, newspapers, magazines, television commercials, radio advertising, out of home advertising, direct mail, online and digital such as paid social media, blogs and other electronic platforms. Advertising mediums change rapidly in the digital and electronic age. This policy aims to be sufficiently flexible to encompass platforms which are yet to be developed.
- 3.4 The Council seeks to generate and maximise income from Council-owned assets. This policy is intended to cover third party advertising which would be installed on assets directly owned or contracted by the Council, but not advertising in public realm areas, commercial areas, park and greenspace and Council-owned development/brownfield sites which are subject to separate contractual agreements.
- 3.5 The Council uses advertising for a range of activities which promote the Council's commitments and strategic objectives, and ultimately enhance and maintain the Council's reputation. When undertaking such advertising, be it on assets owned by the Council, contracted by the Council or by third parties, the Council already adheres to existing relevant nationally recognised industry codes, legislation, regulations and Council policies. This practice would continue.

Sponsorship

- 3.6 To sponsor something is to support an event, activity, person or organisation financially or by providing products or services. The relationship should be mutually beneficial. Sponsorship should not be confused with other types of funding which the Council provides such as grants, and which are not subject to this policy.
- 3.7 Sponsorship is a business relationship between the provider of funds, resources or services and an individual, event or organisation which offers in return rights and association that may have commercial advantage in return for the investment.
- 3.8 There can be cross over between how advertising and sponsorship works in practice. For example, advertising on Council-owned roundabouts may be referred to as sponsorship because the advertising income supports the cost of maintaining those sites. This policy is intended to cover third party sponsorship of Council events or initiatives.

Extent of policy application

- 3.9 Subject to the terms of this policy, this policy is not intended to cover (i) pre-existing contractual arrangements the Council has entered into, (ii) any current or future grant funding arrangements entered into by the Council, (iii) any matters which are the subject of separate regulation, for instance matters regulated by separate planning or licensing regimes, (iv) the activities or operations of the Lothian Pension Fund, or (v) the activities of school parent councils.

4. Policy content

Industry codes

- 4.1 The advertising industry operates within a heavily legislated and regulated landscape with strict industry codes. The Council will always adhere to the terms of any current legislation and relevant nationally recognised industry codes.
- 4.2 The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all online and offline media. The UK advertising codes lay down rules for advertisers, agencies and media owners to follow. The ASA proactively monitors advertising for compliance as well as responding to complaints, and issues rules on its investigations.
- 4.3 The ASA codes of practice are the 'rule books' which cover two areas:
- 4.3.1 non-broadcast advertising and direct and promotional marketing ([CAP code](#)): the central principle of this code for all marketing communications is that they should be legal, decent, honest and truthful. All marketing communications should be prepared with a sense of responsibility to consumers and society and should reflect the spirit, not merely the letter, of the code; and
- 4.3.2 broadcast media ([BCAP code](#)): the overarching principles of this code are that advertisements should not mislead or cause serious or widespread offence or harm, especially to children or the vulnerable.
- 4.4 The ASA codes cover a wide range of guidance including:
- misleading advertising
 - harm and offence
 - political advertisements
 - environmental claims
 - medicines, medical devices, health-related products and beauty products
 - weight control and slimming
 - financial products
 - gambling
 - lotteries
 - alcohol

- tobacco, rolling papers and filters
 - electronic cigarettes
 - specific guidance when featuring or addressing children.
- 4.5 The ASA provisions on food, food supplements and associated health or nutrition claims highlights that the ASA rules must be read in conjunction with the relevant legislation which applies to all marketing communications for food products, including the Food Safety Act 1990, the Food Information Regulations 2014 and Regulation (EC) No 1924/2006 on nutrition and health claims made on foods (the EU Regulation).
- 4.6 The ASA code also highlights that: “Public health policy increasingly emphasises good dietary behaviour and an active lifestyle as a means of promoting health. Commercial product advertising cannot reasonably be expected to perform the same role as education and public information in promoting a varied and balanced diet but should not undermine progress towards national dietary improvement by misleading or confusing consumers.”
- 4.7 The ASA codes include specific rules on "HFSS products" ie those food or soft drink products that are assessed as high in fat, salt or sugar in accordance with the Department of Health nutrient profiling model. It also includes guidance on HFSS advertising in proximity to schools.
- 4.8 The ASA has updated its environmental guidance in relation to carbon neutral and net zero claims in February 2023¹. The ASA will take proactive action to address entirely unqualified carbon neutral and net zero claims made by organisations, and will carry out monitoring for up to six months to assess the impact of the new guidance. The monitoring may lead to the development of guidance which would clarify what forms of evidence are more or less likely to be acceptable to substantiate such claims in advertising.

Legislation and regulations

- 4.9 Legislation and regulations which have impact on advertising and sponsorship currently include:
- 4.9.1 Local Government Act 1986
 - 4.9.2 the Town and Country Planning (Scotland) Acts which include regulations which control the display of advertising, such as on billboards.
 - 4.9.3 the Communications Act 2003 also specifies strict rules to which media service providers must adhere
 - 4.9.4 Supply of Goods and Services Act 1982
 - 4.9.5 Consumer Protection from Unfair Trading Regulations 2008
 - 4.9.6 Business Protection from Misleading Marketing Regulations 2008.

¹ [Updated environment guidance: carbon neutral and net zero claims in advertising - ASA | CAP](#)

Advertising and sponsorship principles

- 4.10 This policy applies to proposals for (i) advertising by third parties which would be installed on assets directly owned by the Council, or contracted by the Council, and (ii) third party sponsorship of Council events or initiatives.
- 4.11 Whether advertising and/or sponsorship proposals within the scope of this policy should be approved by the Council will be decided on a case-by-case basis on the merits of each opportunity or request, as assessed taking into account this policy. Council directorates/divisions assessing such proposals must consult with the appropriate Council specialists set out in section 6.
- 4.12 The Council welcomes opportunities to collaborate with third parties on sponsorship/advertising proposals where such arrangements support its values, strategic goals, corporate objectives, policies and/or helps drive forward the Council's aspirations. The Council does, however, reserve the right to refuse an advertising or sponsorship proposal where such a proposal, including an association with the party in question, may cause reputational damage to the Council or the city.
- 4.13 Advertising or sponsorship should not put the Council or the third party in question in a position where it could be said that the proposal may be perceived:
- 4.13.1 as seeking to unduly influence the Council
 - 4.13.2 as aligning the Council with any organisation which conducts itself in a way which directly conflicts with Council strategic priorities and values.
- 4.14 An advertisement or sponsorship proposal will not be approved if, in the opinion of the Council, it does any of the following, or might reasonably be perceived as doing so:
- 4.14.1 does not adhere to relevant nationally recognised industry codes
 - 4.14.2 legislation
 - 4.14.3 promotes business activities/practices which do not align with the Council's policies, values, objectives and strategic goals, such as the Council's net zero targets
 - 4.14.4 may result in the Council being subject to legal proceedings
 - 4.14.5 appears to promote racial or sexual discrimination, or discrimination based on disability, faith, gender or age, or would result in the Council being in breach of its legal obligations
 - 4.14.6 is disparaging any person or class of persons
 - 4.14.7 promotes or incites illegal, violent or socially undesirable acts
 - 4.14.8 promotes tobacco or tobacco related products (such as vaping), weapons, gambling or illegal drugs
 - 4.14.9 includes companies involved in arms manufacturing. (A list of companies involved in arms manufacturing can be found here: <https://caat.org.uk/data/companies/>)
 - 4.14.10 promotes high carbon products and fossil fuel companies, as defined in table 1

- 4.14.11 is deemed inappropriate for children or young people, eg violent or pornographic imagery
- 4.14.12 infringes any intellectual property rights, eg trademark, copyright or patent rights, of a third party
- 4.14.13 includes claims or representations in violation of advertising or consumer protection laws and/or
- 4.14.14 associates the Council to or lends support to any particular political party or a cause identified with any particular political party.

Table 1: List of "high carbon products"

Category	Notes
Airlines and airports: all advertising by airports and airlines which might reasonably be deemed to promote more flying	There are no low carbon options for commercial air travel available currently or for the foreseeable future, so air travel per se should be treated as high carbon. ²
Fossil fuel companies: all firms ³ and associated sub brands or lobbying organisations that extract, refine, produce, supply, distribute, or sell any fossil fuels	This includes, regardless of the companies' potential sustainability commitments advertising or sponsorship: <ul style="list-style-type: none"> • showing fossil fuel products, energy from coal or hydrogen • showing petrol stations, and any ads promoting the price of petrol/diesel • any product promoted by Fossil fuel companies
Cars: exclude all advertising and promotions for petrol, diesel and hybrid vehicles and Plug-In Hybrid Electric Vehicles (PHEV)	Advertising for Battery Electric Vehicles (BEV) and hydrogen fuelled vehicles are still permitted if these are not Sport Utility Vehicles (SUVs) ⁴ . PHEVs have

² Climate Change Committee, 2019, Letter: International aviation and shipping and net zero, "Zero-carbon aviation is highly unlikely to be feasible by 2050" <https://www.theccc.org.uk/publication/letter-international-aviation-and- shipping/>

³ A [list of fossil fuel companies](#) can be found on Wikipedia:

⁴ SUVs are larger and heavier than regular cars and use on average 20% more fuel. The increased number of SUVs in 2022 were responsible for a third of the increase in global oil demand. Electric SUVs also require larger batteries to power them, so a growing electric SUV market would impose additional pressure on battery supply chains and further increase demand for the critical minerals needed to make the batteries. Source: [Carbon emissions from global SUV fleet outweighs that of most countries](#)
Also see [Over-charged? Briefing from Badvertising – August 2023](#)

	been shown not to yield meaningful emissions savings over conventional vehicles. ⁵
Cruise holidays	Cruise ships emit more carbon per passenger kilometre than flying. They also generate black carbon and produce a lot of waste which is often discharged into the sea. Their engines run 24/7, often even at port which has damaging impacts on air quality.

- 4.15 The Council reserves the right to remove or refuse advertising and sponsorship which does not adhere to the terms of this policy.
- 4.16 The Council must ensure a return on investment when it is receiving sponsorship.
- 4.17 As regards sponsorship, (i) the proposed sponsorship must support or further the Council’s strategic objectives, (ii) reasonable steps must be taken to ensure the party the proposed sponsorship relates to discloses any current regulatory applications/consents relating to them/related organisations/close associates in respect of the Council area, or if they are involved in any current dispute with the Council or if there are outstanding debts owed to the Council, (iii) a suitable risk assessment must be conducted in respect of the event or activity in question, and (iv) the Executive Director of Communities and Families must be consulted should any proposed sponsorship event or activity be focused on children or young people. There must be no risk of misperception that the party the sponsorship arrangement is with will be looked upon sympathetically for other purposes such as access to elected members outside the sponsored event or activity, and the sponsorship proposal must secure Best Value with any benefits conferred by it being proportionate.
- 4.18 All sponsorship or advertising proposals shall be the subject of a suitable agreement between the Council and the third party in question.
- 4.19 The use of Council branding and logos, and any other intellectual property of the Council, by any third party is not permitted except with the prior written agreement of the Council and must adhere to the Council’s brand guidelines.
- 4.20 The size and positioning of third party logos on any Council promotional material, goods or signage must be considered by the appropriate lead officer in consultation with the Council’s communications team.

⁵ Transport & Environment, 2020, [A new Dieselgate in the making](#)

5. Implementation

- 5.1 This version of the policy will come into effect from April 2024 and will be applied to all current advertising and sponsorship agreements as and when they are due for renewal.
- 5.2 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.

6. Roles and Responsibilities

- 6.1 The lead officer in the Council service responsible for approving an advertising or sponsorship proposal must make sure that any proposed arrangement does not constitute unlawful financial aid or is not permitted under relevant legislation, regulations, nationally recognised industry codes and existing Council policy and guidance, including in terms of this policy.
- 6.2 An officer may only offer or accept advertising or sponsorship proposals on the Council's behalf with authorisation from the relevant Head of Service and Executive Director, subject to the Council's Scheme of Delegation, and after having consulted with the following specialist Council teams:
 - 6.2.1 Commercial and Procurement Services
 - 6.2.2 Communications
 - 6.2.3 Legal Services
 - 6.2.4 Corporate Sustainability Team
 - 6.2.5 Property and Facilities Management.
- 6.3 Certain advertising or sponsorship proposals may require specific committee approval, in terms of the Council's Scheme of Delegation and related governance framework.

Related documents

- 6.4 This advertising and sponsorship policy should be applied alongside existing Council policies and guidance, where relevant, including the following:
 - 6.4.1 [Policy and procedures on sponsorship of events targeted at school pupils](#)
 - 6.4.2 [Edinburgh Design Guidance](#) led by Planning
 - 6.4.3 [Policy for advertising](#) on-street structures led by Planning
 - 6.4.4 [Edinburgh Planning Guidance on Outdoor Advertising and Sponsorship](#) led by Planning
 - 6.4.5 [On-street advertising structures guidance](#) led by Planning
 - 6.4.6 the Council's Contract Standing Orders.

Integrated impact assessment

Banning the advertising of high carbon products on Council infrastructure is consistent with the Business Plan priorities, including the Council net zero target.

It is considered that an integrated impact Assessment is not required for this policy as it will not directly affect any population group. The policy will only affect people's exposure to advertising, rather than the availability of the products themselves.

Risk assessment

The Council has a responsibility to ensure that contracted suppliers/partners comply with the relevant legislation and industry standards/codes in relation to advertising (as describe in section 4 of the policy).

The amendments made to this iteration of the policy may carry a financial risk in terms of the Council's ability to generate income from advertising contracts and sponsorship arrangements. It is felt that there is significant benefit to be gained from amending the policy as it will support the Council to achieve aims and objectives set out in the Council Business Plan, particularly around net zero 2030 targets.

Review

In line with the Council's policy framework, this policy will be reviewed annually or more frequently if appropriate and submitted to the Policy & Sustainability Committee.