

# **Walsall Council Advertising and Sponsorship Policy**

**December 2018**

## **1. Introduction**

- 1.1 The purpose of the policy is to set out the terms upon which advertising and sponsorship may be sought and accepted by Walsall Council.
- 1.2 The council is committed to developing appropriate advertising and sponsorship opportunities, to support its core activities either directly or indirectly. It will encourage commercial relationships that are in-line with the delivery of its values and strategic priorities.
- 1.3 This policy provides clear guidance to appropriate advertisers and sponsors, and forms the basis for the type of advertising and sponsorship that is acceptable to the council.
- 1.4 The policy relates to advertising and sponsorship opportunities connected to the council's physical sites (e.g. buildings, parks, other green spaces and traffic islands), publications, websites, digital platforms, services, appropriate events, campaigns or initiatives for which it is responsible.

## **2. Definition**

- 2.1 For the purpose of the policy, advertising is defined as:

“An agreement between the council and the advertiser or their agent, whereby the council receives money from an organisation or business in consideration for which the advertiser gains publicity in the form of an advertisement on council controlled physical sites, publications, websites, services, appropriate events, campaigns or initiatives.”

- 2.2 Sponsorship is defined as:

“An agreement between the council and the sponsor, whereby the council receives either money or a non-financial benefit in kind being able to be used or be associated with a physical site, publication, event, campaign or initiative or in association with the council's activities, from an organisation or an individual in consideration of which the sponsor gains publicity or other benefits”.

## **3. Objectives**

- 3.1 To ensure that:

- the council maximises opportunities to obtain commercial advertising and sponsorship for its physical sites, publications, websites, services, appropriate events, campaigns or initiatives.
- the council's position and reputation are adequately protected in advertising and sponsorship agreements.

- the council adopts a consistent and professional approach towards advertising and sponsorship.
- advertising and sponsorship agreements achieve best value.
- council members and officers are protected from allegations of inappropriate dealings or relationships with advertisers and sponsors.

#### **4. General Principles**

4.1 The council will actively seek opportunities to work with both local and national organisations and businesses by identifying advertising and sponsorship opportunities of mutual benefit which are in keeping with its values and strategic priorities.

4.2 The council will not put itself in a position where it might be said that a sponsor or advertiser has, or might be thought to:

- Have influenced the council or its officers in carrying out its functions.
- Gain favourable terms from the council in any business or other agreement e.g. planning application or tendering process.
- Conducts itself in a manner which conflicts with the council's values or strategic priorities.

4.3 All advertising must:

- Fall within the guidelines laid out by the Advertising Standards Authority (ASA) [www.asa.org.uk](http://www.asa.org.uk)
- Uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing <https://www.asa.org.uk/codes-and-rulings.html>
- Follow the Code of recommended practice on Local Authority publicity <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>.
- Comply with the Town and Country Planning Act. The Control of Advertisements Regulations provides the rules on displaying advertising. The Council will decide applications with due regard to local and national planning policies.
- Take note of Consumer Protection i.e. the Unfair Trading Regulations 2008, which seeks to protect consumers from unfair, misleading or aggressive marketing practices.

4.4 In line with the codes and regulations referred to above, advertisements must be:

- Legal, decent, honest and truthful.
- Created with a sense of responsibility to consumers and society.
- In line with the principles of fair competition generally accepted in business.

- 4.5 The council will not define permitted advertising, but will assume that advertising is permitted unless it falls into a number of prohibited categories, as defined in Section 5.
- 4.6 Any advertising and/or sponsorship must not conflict with the council's values and strategic priorities as set out in the Corporate Plan.
- 4.7 The council will not enter into agreements with political organisations to advertise on council assets or sponsor its core activities. The council actively encourages the engagement of citizens and community groups in policy-setting and other democratic processes, but it does not encourage and will not permit advertising or sponsorship from what might broadly be called 'lobby groups', which is in conflict with council policies or priorities. This applies to lobby groups which may be very local and temporary in nature, perhaps centred on a particular planning decision or operational issue; or those that are national or international and more permanent.
- 4.8 Equally, it would not be appropriate to display advertising or accept sponsorship which in some way touched on socially contentious issues or contained messages that could be regarded as contentious. The council reserves the right to decide whether an issue is or is not contentious and if the advertising may or may not be displayed or the sponsorship accepted. There will be no right of appeal once the council has made its decision to not accept an advert or sponsorship proposal.
- 4.9 The council will agree with the advertiser and/or sponsor the nature and content of the publicity and will retain the right to approve publicity material and also remove such material without reference to the advertiser and/or sponsor.
- 4.10 The council's logo must be shown on all advertising and appropriate wording shown as: "*working with / working for / in association with*" Walsall Council.

## **5. Prohibited advertisers/sponsors**

- 5.1 The council will not enter into agreements for sponsorship or advertisement from:
- Organisations or businesses not complying with the council's Advertising and Sponsorship Policy
  - Organisations or businesses in financial or legal conflict with the council
  - Organisations or businesses involved in the production and sale of weaponry including firearms
  - Organisations or businesses involved in gambling / betting services or so-called pay-day loans will not be permitted. Organisations or businesses involved in alcohol-related products or fast food that is considered unhealthy will not be permitted.
  - Organisations or businesses, or their products or services, which are significantly detrimental to the local or global environment will not be permitted.

- Organisations or businesses involved in products associated with unhealthy behaviours (e.g. sugary drinks, tobacco, e-cigarettes and vaping paraphernalia) will not be permitted.
- Organisations or businesses involved in discrimination, victimisation, harassment or other unlawful conduct that is prohibited under the Equality Act 2010 against people on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex, sexual orientation, marriage and civil partnership.
- Any content or advertising which has an overtly sexual 'tone' which features partial or inappropriate behaviour or lifestyles will also be excluded. The council reserves the right to determine what behaviour it considers inappropriate.
- Advertisements that the council considers mocking of groups or citizens or that contains innuendo or subtext which could cause offence will not be accepted, regardless of tone.
- Advertising that promotes goods or services which are in direct competition with similar goods and services provided by the Council.
- Advertising that contradicts or conflicts with the council's values or strategic priorities.
- Advertising that contradicts with the Councils legal functions and duties.

5.2 In addition to the categories listed above, there may also be some specific controls and policies associated with individual placements, which will be considered on a case by case basis.

5.3 The above list is not exhaustive and the council retains the right to decline advertising and/or sponsorship from any organisation or business or in respect of particular products which the council in its sole discretion considers inappropriate. Equally, the council will ensure that any contract entered into with an advertiser or sponsor contains adequate provision for the Council to unilaterally and immediately terminate the contract at any time.

## **6. Evaluation**

6.1 Each advertising and/or sponsorship proposal must be subject to an evaluation. Whether advertising and/or sponsorship is a suitable will be decided on a case by case basis on the merits of each opportunity or request. This includes assessing:

- That the benefits to the organisation or business are proportionate to the level of advertising and/or sponsorship;
- That the type or form of advertising and/or sponsorship is consistent with the values, strategic objectives or requirements of the council (e.g. accepting free products simply because they are free, but not of any perceivable benefit to the council);
- That the type or form of advertising and/or sponsorship is not at all detrimental to the local or global environment. Sustainable advertising and/or sponsorship that contributes to economic development, environmental protection and corporate social responsibility will be encouraged;

- That any advertising and/or sponsorship proposal does not anticipate explicit endorsement of the organisation or business's products and services, as this form of proposal is not acceptable to the council;
- No conflict of interest arises from the arrangement e.g. where the association with the organisation or business may compromise the work or reputation of the council;
- The capacity of the council to provide adequate resources and appropriate locations to meet the terms of the proposed agreement.

## **7. Procedure**

- 7.1 Before seeking advertising or sponsorship, council officers must consider the council's Advertising and Sponsorship Policy and consult with the council's Communications Team from the outset of all advertising and sponsorship agreements are entered into by the council.
- 7.2 All media information produced by the advertiser and/or sponsor must be approved by the council's Communications Team before entering into any agreement. The use of an advertiser or sponsor's logo or other branding must not interfere or conflict with the council's own corporate identity.
- 7.3. Where the Council decides to seek bids from the open market, all bids must comply with the council's financial and contract rules [http://int.walsall.gov.uk/Service information/Internal audit/Financial and contract rules](http://int.walsall.gov.uk/Service_information/Internal_audit/Financial_and_contract_rules) where applicable. Any bid opportunity with an anticipated value above £50,000 will be tendered on the council's procurement portal <https://intendhost.co.uk/walsallcouncil/asp/Home> and approved by the relevant Head of Service or Executive Director.
- 7.4 All advertising and sponsorship opportunities will be progressed in accordance with relevant legislation.
- 7.5 The council will maintain an advertising and sponsorship register – it will be the responsibility of each Directorate to hold their own record of agreements and/or contracts. Details of all advertising and sponsorship opportunities and completed agreements will be kept.
- 7.6 Advertising and/or sponsorship agreements must be referred to the council's Legal Services team for review, prior to signing.

## **8. Approvals**

- 8.1 Advertising and/or sponsorship agreements valued at £1,000 or under (and relating to only one financial year or event) may be agreed by the relevant cost centre manager (unless there are any special circumstances which make a second authorisation desirable e.g. if the issue might be politically sensitive or the sponsor has requested unusual conditions).
- 8.2 Advertising and/or sponsorship agreements valued at between £1,000 and £50,000 (or covering more than one financial year with an aggregate total of between £1,000 and £50,000) must be agreed by the relevant Head of Service

(unless there are any special circumstances when it should be agreed by the relevant Executive Director).

- 8.3 Advertising and/or sponsorship agreements valued at more than £50,000 and up to the EU threshold (or covering more than one financial year with an aggregate total of more than £50,000) must be agreed and countersigned by the relevant Head of Service or Executive Director. The relevant Cabinet Member must be informed of all deals valued more than £50,000 and up to the EU threshold (currently c. £181k).

## **9. Disclaimer**

- 9.1 Acceptance of advertising or sponsorship does not imply endorsement of products and services by council. In order to make this clear all publications, or other media, with advertising or sponsorship should carry the following disclaimer:

*“Whilst every effort has been made to ensure the accuracy of advertisements contained herein, Walsall Council cannot accept any liability for errors and omissions nor can the council accept any responsibility for claims made by advertisers and their inclusion in (name of publication) should not be taken as an endorsement by Walsall Council”.*

## **10. Policy Review**

- 10.1 This Policy will reviewed two years or in response to changes in relevant legislation or the council’s values or strategic objectives.