READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ENVIRONMENT AND NEIGHBOURHOOD SERVICES

TO: POLICY COMMITTEE

DATE: DECEMBER 5 2016 AGENDA ITEM: 12

TITLE: ADVERTISING AND SPONSORSHIP

LEAD CLLR LOVELOCK PORTFOLIO: LEADERSHIP

COUNCILLOR:

SERVICE: BUSINESS WARDS BOROUGHWIDE

DEVELOPMENT

LEAD OFFICER: MARCUS HERMON TEL: 87106

JOB TITLE: BUSINESS E-MAIL: Marcus.hermon@reading.gov.uk

DEVELOPMENT MANAGER

PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to seek Committee approval for amendments to the Council's current Advertising and Sponsorship Policy that was approved in December 2013. One minor amendment to the existing policy is to accommodate regulations regarding e-cigarettes and vaping, products that were not available at the time of the original policy. In addition, a supplementary schedule to the existing policy is proposed in relation to contracted out or third party commercial arrangements in order to protect the financial position of the Council whilst acknowledging that the advertising industry is bound by nationally agreed standards.
- 1.2 Appendix A Current Advertising and Sponsorship Policy
 - Appendix B Proposed Updated Advertising and Sponsorship Policy
 - Appendix C Proposed Supplementary Schedule to the Advertising and

Sponsorship Policy

2. RECOMMENDED ACTION

- 2.1 That Committee approves a minor amendment of the existing advertising & sponsorship policy, to reflect updated European Parliament regulations relating to tobacco products, as referenced in section 4.2 below and set out in the revised policy attached as Appendix B.
- 2.3 That Committee approves the proposal to introduce a supplementary schedule to the existing advertising and sponsorship policy in respect of contracted out / third party commercial arrangements, as referenced in section 4.2 below and attached as Appendix C.

3. POLICY CONTEXT

3.1 The opportunity for the local authority to generate income from increased advertising and sponsorship activity forms an identified element of future budget savings proposals. This contributes to ensuring the future financial health of the Council and supports the continued delivery of services in the face of economic austerity, cuts to central Government grant and required budget savings.

Policy Committee approved the adoption of an advertising & sponsorship policy in December 2013 and this is attached as appendix A.

4. THE PROPOSAL

4.1 Current Position:

The Council has a duty to ensure that it achieves best value from the use of its assets. Embracing opportunities presented by advertising and sponsorship will contribute to this objective and if appropriately managed, permit landscape enhancement and or regeneration of Council assets, as well as an enhanced level of income. The Council currently has relatively limited advertising or sponsorship activity and income:

- In 2010 Reading Borough Council entered a contract with JC Decaux for the provision of bus shelters. Advertising rights are integral to this contract, which expires in 2025;
- The Councils Valuations Team currently licence large format advertising on Council assets. Whilst there are a number of large format advertising displays across the Borough, only four of these are located on Council land;
- The Council re-launched its roundabout sponsorship scheme in October 15. The scheme is managed in-house by the Business Development Team and consists of 19 sites with obtained planning consent. Presently 10 of the 19 sites are let.

The Council's Business Development Team has been exploring the scope to increase advertising and sponsorship activity as a means of generating additional income to assist with the Council's budget position and protect front-line services and has identified significant potential.

In December 2013 Policy Committee approved an advertising and sponsorship policy for Reading Borough Council (Appendix A). The policy was reflective of and utilised information from many other local authority policy documents of the time. Under the terms of the policy, there are a number of products/services that the Council would not permit advertising for, including:

- Organisations: Political organisations, Lobby Groups whose aims conflict with Council policy;
- Products: Tobacco, Alcohol, Pornography and adult content, Gambling, betting services, Pay-day loans.

In addition to the Council's own policy, the advertising industry has an established set of national guidelines / principles set out by the Outdoor Media Centre (OMC - rebranded as Outsmart). The industry is also heavily regulated and enforced by both the Advertising Standards Agency and its sister company 'the Committee of Advertising Practice' (CAP). For example, industry guidelines dictate that alcohol and gambling are advertised responsibly with messages such as - 'drink responsibly' & 'when the fun stops, stop'.

In discussions with 'Media Agents', who are the key players in the outdoor advertising industry, Reading is currently viewed as a tier 2 location and whilst this merits consideration and investment, this is more limited than for tier 1 locations, such as: Manchester, Birmingham, Liverpool, London, Bristol and other major cities. It is also clear from these discussions that whilst there would be no issue with the Council's policy approach with regard to promotion of political organisations, tobacco, pornography/adult content or pay-day loans; they have expressed concerns over a blanket ban on the advertising of alcohol and gambling/betting services. These account for a significant proportion of their advertising revenue, including from many companies who are household names, including supermarkets.

4.2 Options Proposed

The Council's advertising and sponsorship policy is considered entirely appropriate in respect of directly managed advertising & sponsorship activities, where there is a much clearer association with the Council, such as roundabout sponsorship. No change to the existing policy is therefore proposed for directly managed activity other than a minor amendment related to tobacco products. In February 2014, the European Parliament approved new regulations for tobacco products, including e-cigarettes. These regulations forbid advertising of e-cigarettes (including Vaping products) in the same manner as traditional tobacco products. The amended wording of the existing policy to accommodate these regulations has been incorporated in the revised policy at Appendix B

However, outside of its modest directly managed activity the Council's influence on the wider advertising market, and people's perceptions and behaviours, is extremely limited. Strictly applying the current policy would therefore have little impact whilst seriously compromising future income. It is therefore proposed that an additional supplementary section is added to the existing policy, as set out in Appendix C, specifically to be used in respect of contracted out advertising arrangements where the Council has no direct commercial relationship with the advertiser of the product and or their agent.

4.3 Other Options Considered

The Council could choose to retain the advertising and sponsorship policy as currently approved (other than the minor amendment with regard to tobacco related regulations that it makes sense to incorporate). In the context of the Council's very difficult financial position, coupled with its limited influence on the advertising market more broadly, foregoing significant income due to a blanket application of its existing advertising and sponsorship policy for contracted out / third party arrangements with regard to alcohol and betting / gambling is not considered to provide any benefits to either the organisation or local residents. This is particularly the case given the existing national regulatory regime for advertising more broadly.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The proposal contributes to the following objectives of the Council's Corporate Plan:
 - Providing infrastructure to support the economy
 - Keeping the town clean, safe, green and active
 - Remaining financially sustainable to deliver service priorities

6. COMMUNITY ENGAGEMENT

6.1 Future advertising development proposals will require formal planning consent to implement. This is a publicly advertised process inviting comment from any/all interested parties.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 Under the Equality Act 2010, Section 149, a public authority must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a particular sexual orientation; people due to their age; people due to their religious belief. Approval of the proposal outlined in section 6.1 will not have a differential impact on any of the above.
- 7.2 It is not considered that that an Equality Impact Assessment (EIA) is relevant to the decision.

8. LEGAL IMPLICATIONS

- 8.1 All advertising development applications will be subject to a formal planning consent application process, as well as pre-application consultation and assessment.
- 8.2 All lease/licence arrangements would be overseen by the Council's Valuation and Legal teams on standardised, pre-approved terms.

9. FINANCIAL IMPLICATIONS

- 9.1 On the basis of exploratory discussions with Media Agents and research of best practice across other local authorities it is clear that amending the Council's current advertising policy offers significant opportunities to increase income and assist the Council in delivering the savings it is being required to make. It is estimated that additional income of £150k is achievable in 2017/18.
- 9.2 Further growth in income is anticipated from 2018/19 although this cannot be quantified at this stage.

10. BACKGROUND PAPERS

10.1 'Advertising and Sponsorship Policy' - Report to Policy Committee 2nd December 2013.

READING BOROUGH COUNCIL ADVERTISING AND SPONSORSHIP POLICY

- 1. Introduction
- 1.1 Reading Borough Council wishes to generate revenue from hosting advertising and sponsorship content on council assets, whilst, at the same time, providing opportunities for local companies to promote their businesses. These assets include roundabouts, street light standards, vehicles and the council's website as well as publications and events.
- 1.2 This document is intended to set out a policy for hosting this advertising and sponsorship, aimed at maximising the revenue raised whilst at the same time encouraging local businesses to participate, and ensuring that the content is appropriate and reflects positively on the borough and the reputation of the council. It is also designed to provide guidance for contractors and prospective sponsors and advertisers regarding what is and is not considered acceptable to the council.
- 2. Detail
- 2.1 The council has a presumption in favour of permitting advertising and sponsorship whenever possible. However, there is a need to ensure that the process of accepting and displaying advertising and sponsorship does not conflict with policy or operational objectives.
- 2.2 Such broader objectives can include the need to generate revenue through promoting certain services provided by the council. In this case it would not be appropriate to display advertising for 'competing services'. What constitutes a competing service will change from time to time and should, therefore, be judged on a case-by-case basis. The expectation, however, is that most advertising and sponsorship from local and other businesses will generally be acceptable.
- General guidelines Advertising
- 3.1 The basic principles underpinning the council's policy on advertising are the rules and guidelines laid out by the Advertising Standards Authority (ASA) www.asa.org.uk and those of the British Codes of Advertising and Sales Promotion, www.asa.org.uk/asa/codes/cap_code, together with the Code of Recommended Practice on Local Authority Publicity, www.communities.gov.uk/publications/localgovernment/coderecommended

3.2	These principles hold that advertisements should be:		
		Legal, decent, honest and truthful	
		Created with a sense of responsibility to consumers and to society	
		In line with the principles of fair competition	

- 3.1 The council will not take a 'white listing' approach (i.e. defining permitted advertising) but will instead assume that advertising is permitted unless it falls into a number of prohibited categories, as defined in more detail below.
- 3.2 Any advertising must comply with all and any relevant regulations and must not conflict with the council's aims and priorities as set out in the Corporate Business Plan.

- 3.3 Reading Borough Council also takes note of the Consumer Protection from Unfair Trading Regulations 2008, which seek to protect consumers from unfair, misleading or aggressive marketing practices and requires all advertisers to comply absolutely with the letter and the spirit of these regulations.
- 3.4 Political organisations will not be allowed to advertise on council assets. Reading Borough Council actively encourages the engagement of citizens and community groups in policy-setting and other democratic processes, but it does not encourage and will generally not permit advertising 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 those that are national or international and more permanent.
- 3.5 Equally, it would not be appropriate to display advertising which in some way touched on socially contentious issues or which contained messages which 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.
- 3.6 Advertising for gambling, betting services or so-called pay-day loans will not permitted.
- 3.7 Any content or advertising which has an overtly sexual 'tone', which features partial or complete nudity or which appears to promote or give undue publicity to illegal or inappropriate behaviour or lifestyles will also be excluded. The council reserves the right to determine what behaviour it considers inappropriate.
- 3.8 Advertisements that the council considers mocking of groups of citizens or that contains innuendo or subtext which could cause offence will not be accepted, regardless of tone.
- 3.9 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.
- 4. Disclaimer notice
- 4.1 Acceptance of advertising or sponsorship does not imply endorsement of products and services by Reading Borough Council. In order to make this clear, all Reading Borough Council publications which include advertising or sponsorship should carry the following disclaimer:
 - "Whilst every effort has been made to ensure the accuracy of advertisements or sponsorships contained in this publication, Reading Borough Council cannot accept liability for errors and/or omissions. We will not accept any responsibility for claims made by advertisers or sponsors and their inclusion in (name of publication) and this should not be taken as an endorsement by Reading Borough Council."

GENERAL GUIDELINES - SPONSORSHIP

- 5. Definition
- 5.1 For the purposes of this policy, sponsorship is defined as: "an agreement between Reading Borough Council or its agent(s) and the sponsor, where we receive either money or a benefit in kind for an event, campaign, or initiative from an organisation or individual which in turn gains publicity or other benefits."

6.	 Objectives To ensure that our position and reputation are adequately protected in sponsorship agreements To ensure that we adopt a consistent and professional approach towards sponsorship To ensure best value is obtained and provided in sponsorship arrangements - including any arrangements made where we receive either money or a benefit in kind To protect members and individual officers from allegations of inappropriate dealings or relationships with sponsors 		
7.	Principles		
7.1	We and/or our agent(s) will actively seek opportunities to work with both local and national organisations by identifying sponsorship opportunities of mutual benefit and which are in keeping with our strategic priorities and core values.		
7.2	We welcome all opportunities to work in such partnerships. We will no however, put ourselves in a position where it might be said that such partnership has or might have or may be thought to have:		
	 ☐ Influenced the council or its officers in carrying out its statutory functions in order to gain favourable terms from the council in any business or other agreement ☐ Aligned the council with any organisation which conducts itself in a 		

7.3 We will not, therefore, be able to entertain agreements for sponsorship which is in conflict with the council advertising and sponsorship policy.

manner which conflicts with our values

- 7.4 We retain the right to decline sponsorship from any organisation or individual or in respect of particular products which we, in our sole discretion consider inappropriate.
- 7.5 We will agree with the sponsor, either directly or through our agent(s) the nature and content of the publicity and will retain the right to approve all advertising material. We have a strong corporate identity and materials must not detract from this.
- 8. Procedures

8.1 Before seeking sponsorship, council officers must consider this policy document and follow the guidelines provided. All sponsorship bids shall be approved by [Head of Communications and the relevant Director and Lead Councillor]. Sponsorship agreements must be referred to Legal Services for review prior to signing. It is recommended that all potential sponsors are referred to this policy. Before agreeing to any sponsorship opportunity all financial costs must be identified including the sponsorship equivalent value of any sponsorship in kind.

9. Disclaimer notice

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- 3.6 Advertising for gambling, betting services or so-called pay-day loans will not be permitted.
- 3.7 Advertising of Smoking related products including Tobacco, e-cigarettes and vaping paraphernalia will not be permitted.
- 3.8 Advertising of Alcohol related products will not be permitted.
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7.2	We welcome all opportunities to work in such partnerships. We will not,		

partnership has or might have or may be thought to have:

Influenced the council or its officers in carrying out its statutory functions in order to gain favourable terms from the council in any

however, put ourselves in a position where it might be said that such a

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 Aligned the council with any organisation which conducts itself in a manner which conflicts with our values
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- 7.4 We retain the right to decline sponsorship from any organisation or individual or in respect of particular products which we, in our sole discretion consider inappropriate.
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approved by [Head of Communications and the relevant Director and Lead Councillor]. Sponsorship agreements must be referred to Legal Services for review prior to signing. It is recommended that all potential sponsors are referred to this policy. Before agreeing to any sponsorship opportunity all financial costs must be identified including the sponsorship equivalent value of any sponsorship in kind.

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"Whilst every effort has been made to ensure the accuracy of advertisements contained herein, Reading Borough 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 Reading Borough Council."

READING BOROUGH COUNCIL ADVERTISING POLICY: PART 2

Part 2 shall apply to all contracted out advertising arrangements on Council assets that are secured by third party commercial agents and or partner organisations.

For clarity such arrangements are those where the Council has no direct commercial relationship with the advertising party and or their commissioning agent.

1. Introduction

- 1.1 Reading Borough Council wish to generate revenue from the hosting of advertising displays on Council assets. The ability of Council services to generate and sustain income is an integral part of budget planning and serves to protect the future financial health of the Council.
- 1.2 Commercial advertising directly contributes towards the following objectives of the Council's Corporate Plan:
 - Providing infrastructure to support the economy
 - Remaining financially sustainable to deliver service priorities
- 1.3 The Council has an obligation to ensure that the use of its assets achieve demonstrable best value.
- 1.4 This supplementary policy provides guidance to third party advertising contractors regarding what is/is not, considered acceptable by the Council. This document sets out a policy for advertising arrangements, aimed at permitting the Council's commercial partners scope to achieve their commercial objectives, whilst in so far as is reasonably practicable, protecting the reputational interests of the local authority.

Detail

2.1 The Council has a presumption in favour of advertising whenever and wherever possible. However, there is a need to ensure that any advertising displayed on Council assets does not through association cause reputational damage to the Council.

3. General guidelines for contracted out advertising:

- 3.1 The basic principles underpinning the Council's policy on advertising are the rules and guidelines laid out by the Advertising Standards Authority (ASA) www.asa.org.uk and the Outdoor Media Centre's (OMC / Outsmart) Charter "Standard of Best Practice".
- 3.2 These principles hold that advertisements should be:
 - Legal, decent, honest and truthful
 - Created with a sense of responsibility to consumers and to society
 - In line with the principles of fair competition
- 3.3 The Council does not take a 'white listing' approach (i.e. defining permitted advertising) but instead assumes that advertising is permitted unless it either fails to meet the requirements of, or falls into a number of prohibited categories as defined in sections 3.4 3.11 below.
- 3.4 Advertising must comply with all and any relevant regulations.

- 3.5 Political organisations will not be allowed to advertise on Council assets.
- 3.6 Advertising from Lobby Groups, promoting issues/agendas which are in conflict with Council policies or priorities, will not be permitted.
- 3.7 Advertising of 'pay-day loan' companies will not be permitted.
- 3.8 Any content which has an overtly sexual 'tone', which features complete nudity or which appears to promote or give undue publicity to illegal or inappropriate behaviour or lifestyles will not be permitted.
- 3.9 Advertisements mocking of groups of citizens or that contain innuendo or subtext which could cause offence will not be permitted.
- 3.10 Advertising of Smoking related products including Tobacco, e-cigarettes and vaping paraphernalia will not be permitted.
- 3.11 Advertisements for gambling/betting industry associated products and services upon Council owned assets <u>must display</u> suitable 'industry adopted' cautionary messages, such as 'when the fun stops, stop' or other as may be adopted from time to time.
- 3.12 Advertisements for alcohol industry associated products and services upon Council owned assets <u>must display</u> suitable 'industry adopted' cautionary messages, such as 'Drink Responsibly' or other as may be adopted from time to time.

4. Disclaimer notice

4.1 Acceptance of advertising does not imply endorsement of associated products and services by Reading Borough Council.

5. Procedures

- 5.1 Council officers must consider this policy document and follow the guidelines provided in respect of all commercial agreements, licences and or contracts featuring advertising rights.
- 5.2 All new advertising arrangements shall be;
 - Approved by the relevant service Director and Lead Councillor.
 - Able to demonstrate attainment of value for money (VFM).
 - Referred to Legal Services for review prior to signing.
 - Subject to the obtaining of required statutory consents.