

Overview and Scrutiny Management Board

2 November 2020



Report of: Tim Borrett, Director: Policy, Strategy and Partnerships

Title: Draft Advertising and Sponsorship Policy

Ward: All

Officer Presenting Report: Tim Borrett, Director: Policy, Strategy and Partnerships

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Recommendation: For the Overview and Scrutiny Management Board to consider and provide pre-decision comments on the draft Advertising and Sponsorship Policy.

The significant issues in the report are:

The council does not currently have a single corporate policy setting standards relating to advertising and sponsorship.

The draft policy covers the council's roles in both placing and hosting advertising content, and similarly in seeking sponsorship or acting as a sponsor.

The draft policy has been developed internally following a review of best practice in other authorities and through engagement with many different service areas.

It seeks to strike an appropriate balance of restricting inappropriate content and avoiding conflicts of interest whilst maximising the commercial, social and reputational benefits that advertising and sponsorship can have.



1. Summary

- 1.1 This report seeks Overview and Scrutiny Management Board's feedback on a draft advertising and sponsorship policy (Appendix A). This policy would cover the council as an advertiser or sponsor; and the council as an owner of an advertising platform or sponsorship opportunity which an external individual, group or organisation may wish to take up.
- 1.2 It provides a framework for how the council is promoted and how it promotes others, aligned to our core values and principles. It seeks to establish a consistent approach, through a set of standards and framework of controls that ensure compliance with legislation, advertising industry codes, council policies and guidelines.
- 1.3 The policy aims to ensure that our advertising and sponsorship practice upholds the council's reputation, supports the council's priorities by facilitating communication, secures best value for money and maximises income and supports the development of commercial partnerships.

2. Context

- 2.1 Advertising and sponsorship has a role to play in both promoting and achieving the council's vision and strategic aims, for example by encouraging positive behavior change or promoting vital public health messaging. Of course it must achieve this whilst also contributing to the council being a sustainable, resilient local authority, making the commercial elements of income-raising and return on investment also important.
- 2.2 To ensure we remain true to our values and deliver the very best of our city, the draft policy provides a framework for how the council is promoted and promotes others: ethically, consistently and aligned to our values and principles.
- 2.3 The council has no current corporate advertising and sponsorship policy in place, but does have several contracts which relate to it. The draft policy does not require historical arrangements to be immediately updated, but for any existing advertising or contractual arrangements to be reviewed at next available juncture.

3. Policy

- 3.1 The details of the policy are not set out in this cover report as they are self-explanatory and available in full within the draft Advertising and Sponsorship Policy at Appendix A.
- 3.2 The policy operates within a wide range of existing legislative requirements and codes of conduct, including the Advertising Standards Authority (ASA) UK Code of Non-broadcast Advertising and Direct & Promotional Marketing; the Government's Code of Recommended Practice on Local Authority publicity; the Equalities Act 2010; the Local Authority Supply of Goods and Services Act (1970); the Bristol City Council Brand Guidelines; the Town and Country Planning Act 1990 and the Data Protection Act 2018.
- 3.3 There is no formal requirement for the council to have a defined advertising and sponsorship policy.
- 3.4 Once approved, the final Advertising and Sponsorship Policy will form part of the council's Policy and Strategy Framework. As part of its development work is being undertaken to align it to related policies, such as the council's approach to Ethical Investment.

4. Consultation

i. Internal

The draft policy has been developed in engagement with several internal departments, including but not limited to:

Transport, Parks and Green Spaces, Public Health, Planning, Legal Services, Strategic Procurement and Supplier Relations, Policy and Public Affairs and Equality and Inclusion.

ii. External

The draft policy has not been subject to external consultation as yet. Any requirements for this will be considered ahead of any formal decision making process.

5. Public Sector Equality Duties

- 5a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
 - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
 - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
 - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
 - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
 - tackle prejudice; and
 - promote understanding.
- 5b) The above requirements will be considered in making any decision on a final policy and an Equalities Relevance Check is in train, with a potential Equalities Impact Assessment to follow. It should be noted that the draft policy takes account of the EA2010 protected characteristics, though replaces ‘Gender Reassignment’ with more expansive ‘Gender identity or gender expression’ wording.

Appendices:

A – Draft Advertising and Sponsorship Policy

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

- Corporate Strategy 2018-2023 - <https://www.bristol.gov.uk/policies-plans-strategies/corporate-strategy>
- Bristol One City Plan - <https://www.bristolonecity.com/about-the-one-city-plan/>
- The Advertising Standards Authority (ASA) UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP code). <https://www.asa.org.uk/codes-and-rulings/advertising-codes.html>
- Code of Recommended Practice on Local Authority publicity <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
- The Equalities Act 2010 <https://www.gov.uk/guidance/equality-act-2010-guidance>
- Local Authority Supply of Goods and Services Act (1970) <https://www.legislation.gov.uk/ukpga/1970/39/section/1>
- Bristol City Council Brand Guidelines <http://intranet.bcc.lan/ccm/content/articles/corporate/communications/brand-guidelines.en>
- Town and Country Planning Act 1990 <https://www.legislation.gov.uk/ukpga/1990/8/contents>
- Data Protection Act 2018 <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>