

Cheltenham Borough Council Corporate Advertising & Sponsorship Policy

Version control

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Responsible officer:

- Sanjay Mistry, Head of Commercial & Income Generation

Approved by:

- Cllr Mike Collins, Cabinet Member Cyber Regeneration and Commercial Income

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Revision history

Revision date	Version	Description
29/01/2015	N/A	Approved by Cabinet 10/02/2015
04/05/2023	0.1	Initial draft
11/05/2023	0.2	Updates following feedback from Executive Director Finance, Assets & Regeneration and Corporate Director & Monitoring Officer
31/05/2023	0.3	Updates following feedback from Leadership Team
24/08/2023	0.4	Updates following feedback from Cabinet Member Cyber Regeneration and Commercial Income
08/09/2023	1.0	Final version for Cabinet approval

Consultees

Internal

- Executive Director Finance, Assets & Regeneration
- Corporate Director & Monitoring Officer
- Leadership Team

External

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1. Introduction and purpose of the policy

- 1.1. The Council has recently approved the [2023-2027 Corporate Plan](#) which sets out our priorities and future ambition for Cheltenham, which will help to ensure that everyone who lives and works here can equally share the benefits of Cheltenham's successes.
- 1.2. The Council shares a vision for the town with a number of key local stakeholders; public and private organisations, large charities, voluntary and community groups. Achieving this vision alongside running a sustainable, resilient local authority may involve placing and accepting advertising where appropriate, as well as seeking sponsorship or acting as a sponsor for certain initiatives or services.
- 1.3. This Advertising & Sponsorship Policy provides a framework for how we are promoted and how we promote others; ethically, consistently and aligned to our core values and principles.

2. Objectives of the policy

- 2.1. By applying this policy, the Council aims to:

Be consistent

- a) Establish a consistent approach and set of standards
 - b) Provide a framework of controls
 - c) Ensure compliance with legislation, advertising industry codes and other council policies, including Communications Strategy and brand guidelines
- Ensure compliance with any relevant government guidelines e.g. domain protection at <https://www.gov.uk/guidance/how-you-are-accountable-for-protecting-your-govuk-domain>

Protect reputations

- d) Safeguard and steward the image and environment of the town
- e) Uphold the council's reputation and corporate identity
- f) Further our strategic vision and support our priorities by facilitating communication

Boost opportunities

- g) Secure best value for money and maximise opportunities for income generation
- h) Support development of our commercial partnerships with the private sector

3. Context and definitions

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

3.2. Advertising

Advertising is the practice and techniques employed to bring attention to a product or service. Advertising aims to put a product or service in the spotlight in the hopes of drawing it to the attention from consumers. Advertising is usually paid for.

The council's own use of advertising is part of our ongoing commitment to communicate openly; provide important public information, raise awareness of the council's role, work and successes, encourage positive behaviour change and promote opportunities for people to engage with the council and local decision making. Examples include promoting local consultations, encouraging people to vote and promoting public health campaigns.

Advertising techniques can take a number of formats and can be viewed via a variety of channels. Examples include newspapers, magazines, television, commercial radio, direct mail, blogs, websites, social media, text messages and outdoor advertising like billboards, roundabouts and lampposts.

A person who consumes advertising is anyone who is likely to receive a given marketing communication, whether in the course of business or not.

3.3. Advertising definition

For the purposes of this policy, advertising is defined as:

“An agreement between the council (or its intermediaries) and an advertiser, whereby the council receives money from an organisation or individual in consideration for which the advertiser gains publicity in the form of an advertisement on council controlled physical sites, electronic media, print, broadcast, appropriate events, campaigns or initiatives.”

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 on or in externally controlled physical sites, electronic media, print or broadcast.”

3.4. 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.

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.

3.5. Sponsorship definition

For the purposes of this policy, sponsorship is defined as:

“An agreement between the council and the sponsor, where the council receives either money or a benefit in kind for a physical site, publication, event, campaign, initiative or naming right from an organisation or individual in consideration of which the sponsor gains publicity or other benefits.”

Or

“An agreement between the council and the sponsored party, where the council provides either money or a benefit in kind for an event, campaign or initiative which is fully owned by another organisation or individual and which in turn provides publicity or other benefits to the council.”

4. Policy scope and application

4.1. This policy has a dual scope, covering:

- a) The council as an advertiser or sponsor, and
- b) The council as an owner of an advertising platform or sponsorship opportunity which an external individual, group or organisation may wish to take up

4.2. Where the council wishes to sponsor an event or service no employee or member of their family must benefit unless full disclosure of interest has been made to the relevant director. All sponsorship must be recorded. Further details on this can be found in the employee code of conduct, specifically s5.12 relating to gifts, hospitality and sponsorship.

4.3. Recruitment advertising placed by the council should take account of this policy but is covered by a separate process and contract. Please contact the HR team for advice on all recruitment advertising related matters.

4.4. In certain instances, advertising of some notices is a requirement by law. For information on how to place statutory notices, please contact the council's legal services provider.

4.5. Any historical sponsorship, advertising or contractual arrangements affected by this policy should be reviewed at the next contractually available juncture.

5. General principles

5.1. When working with an advertiser or sponsor, it will be essential that:

- a) Any agreement supports the council's strategic vision as set out in the [Corporate Plan 2023/2027](#)
 - b) It is compatible with the council's wider strategies and policies.
- 5.2. The council will not permit advertising or sponsorship arrangements in the following situations:
- a) In all scenarios where it is legally permissible, the council will refuse applications from companies who are in a dispute with the council or where there is pending/active legal action.
 - b) When companies are in contract negotiations with the council where acceptance or advertising or sponsorship arrangements may be viewed as an endorsement of a bid.
 - c) When a company conducts itself in a manner which conflicts with the council's core values.
- 5.3. In addition the council will uphold the guidelines as laid out in the national [Code of Recommended Practice on Local Authority Publicity](#) and the [Advertising Standards Authority](#). This means that the council is not able to enter into an advertising or sponsorship agreement which connects the council with lending support to any political party.
- 5.4. Whether advertising and/or sponsorship is a suitable method for achieving our objectives, or whether external requests to use council owned platforms should be approved, will be decided on a case-by-case basis on the merits of each opportunity or request.
- 5.5. The council does not take a "allow list" approach (which is when specific permitted advertising is defined), but rather follows a 'deny list' approach which is when the basic assumption is that advertising is permitted unless it falls into a number of prohibited categories or is deemed to have an adverse impact, as defined in section 6.
- 5.6. The council may advertise its own services as appropriate using its own platforms. This may include adverts relating to traded services or quasi-trading services, which generate an income. The council permits paid-for advertising on some of the platforms it owns, and this may include advertising from companies including the council's wholly-owned companies. In both these circumstances the council will comply with the [Local Authority Supply of Goods and Services Act \(1970\)](#).
- 5.7. The council must ensure a return on investment when it is a sponsor. The appropriate lead officer must consult the councils Communications team before deciding whether the council should be a sponsor or whether sponsorship of a council product/service is the best marketing communication method.

- 5.8. The use of branding and logos of any sponsoring company must be compatible with the council's corporate brand guidelines.
- 5.9. The size and positioning of sponsors' logos on any promotional material, goods or signage must be considered by the appropriate lead officer in conjunction with the councils Communications team.
- 5.10. The council reserves the right to develop a partnership working arrangement for the delivery of advertising and sponsorship opportunities. It must comply with the council's procurement policy should it wish to proceed down this route.
- 5.11. The council reserves the right to remove advertising without reference to the advertiser.

6. Advertising and sponsorship content requirements

- 6.1. The council welcomes all opportunities to work with advertisers or sponsors (or consider acting as an advertiser or sponsor) where such arrangements support its core values, strategic goals, corporate objectives and/or helps drive forward the council's aspirations.
- 6.2. 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 identity or gender expression, pregnancy or maternity and marriage or civil partnership.
- 6.3. Content that is **not** permitted for advertising and/or sponsorship includes, but is not limited to, advertising that contains, implies, or suggests any of the following:
 - a) Advocacy of, or opposition to, any party political purpose
 - b) Disparagement of any person or class of persons
 - c) Promotion or incitement of illegal acts
 - d) Promotion or availability of tobacco products or substitute tobacco products, weapons, or illegal drugs
 - e) Advertising of loan advancers which meet the Financial Standards Authority's definition of 'High Cost Short Term (HCST)'
 - f) Advertising of organisations who offer ways to avoid paying legitimate tax in the UK
 - g) Advertisements that infringe on any trademark, copyright, or patent rights of another company
 - h) Claims or representations in violation of advertising or consumer protection laws
 - i) The above list is not exhaustive, and the council retains the absolute right to decline advertising and/or sponsorship from any organisation, group or individual or in respect of particular products which the council in its sole

discretion considers inappropriate, conflicts with services already the organisation or is incompatible with the council's core values and strategic goals as set out in its [Corporate Plan](#).

6.4. The Council will also make an assessment of the following impacts before approving an application for advertising or sponsorship.

- a) The climate emergency
- b) Public health and wellbeing
- c) Social value
- d) Council reputation

6.5. The restrictions above apply both to the explicit promotion of goods and services, and implicit promotion as part of advertising or sponsorship of other types of goods, products, or services.

7. Other considerations

7.1. When considering advertising and/or sponsorship, we will ensure that:

- a) It maximises the opportunities to attract commercial revenue for the appropriate events, campaigns or initiatives
- b) The council's position and reputation is adequately protected
- c) An appropriate return on investment is sought
- d) A consistent and professional approach is adopted in the development of sponsorship agreements
- e) It protects elected members and officers from potential allegations of inappropriate dealings or favouritism with sponsors
- f) It contributes to the delivery of one or more of the council's priorities as set out in its [Corporate Plan](#)
- g) Where appropriate it fulfils and complies with the council's Procurement Rules

7.2. All advertising and/or sponsorship arrangements (excluding those made by a third party under a formally procured contract or concession arrangement) must be governed by a signed Advertising or Sponsorship Agreement and logged with the Council's Head of Commercial & Income Generation.

8. Responsibilities and procedures

8.1. All council services, employees and elected members (when acting in an official capacity for or on behalf of the council) must comply with this policy.

8.2. The council holds personal data of service users and compliance with the [Data Protection Act 2018](#) and the [General Data Protection Regulation](#) will be adhered to in all cases. Careful consideration will be given to whether it is appropriate and legal for specific data to be used for any advertising or direct marketing purposes. When required, people will be asked whether they are willing to 'opt-in' to receive

news, information or advertising messages from the council to ensure compliance when personal data is gathered and used.

- 8.3. The Head of Commercial & Income Generation is responsible for the implementation of the Corporate Advertising & Sponsorship Policy as well as the council's terms and conditions for advertisers and sponsors. Additional expertise on advertising and sponsorship can be provided by the council's Communications team.
- 8.4. The council's Communications team is responsible for advising on all advertising opportunities and enquiries unless these are discharged by a third party under a formally procured contract or concession agreement. Where this is the case, any third party must apply this policy and this should be reflected in contractual arrangements.
- 8.5. Advertising and sponsorship agreements with values above £50,000 must be approved by the Executive Director Finance, Assets & Regeneration with the appropriate Cabinet Member, and all agreements must comply at all times with the council's procurement rules. There must be consultation with the council's Communications team, and where relevant, with other Business Partners, including but not limited to One Legal, Procurement, Risk and Insurance.
- 8.6. Advertising and sponsorship agreements with values of 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 and countersigned by the relevant service Director. The relevant Cabinet Member should be made aware of any agreements valued between £10,000 and £50,000.
- 8.7. Advertising and sponsorship agreements with values of less than £1,000 (and relating to one financial year or event) can be agreed by the relevant cost centre manager and countersigned by the Head of Commercial & Income Generation (unless there are any special circumstances which make authorisation by the relevant Director desirable e.g. if the issue might be politically sensitive, or the advertiser or sponsor has requested unusual conditions).
- 8.8. In all instances the Head of Commercial & Income Generation must be notified of all advertising and sponsorship opportunities to identify whether any further consultation requirements are needed, this may include the Leadership Team and/or Lead Cabinet Member.
- 8.9. In all instances the Head of Commercial & Income Generation must be notified of all completed agreements so that they may be entered onto the central advertising and sponsorship register.

9. The council's role as a local planning authority

9.1. Advertising infrastructure or platforms which require consent under planning legislation are also subject of applications to Cheltenham Borough Council as the local planning authority. In accordance with planning law, applications are considered having regard to considerations of amenity and public safety.

They may be considered to have an unacceptable impact on amenity or public safety where they would:

- a) Create or reinforce an incongruous feature in, or result in a negative visual impact on, its immediate neighbourhood;
- b) Detract from the character or setting of any feature of scenic, historic, architectural, cultural or similar interest;
- c) Be harmfully prominent in medium or long distance view;
- d) Cause a noise or other nuisance;
- e) Result in a negative impact on residents' living conditions by reason of its siting or illumination; or
- f) Would be likely to distract the attention of motorists and other road users.

9.2. Some advertising infrastructure or platforms benefit from 'deemed consent', which means permission is not needed for the local planning authority, depending on the size, position and illumination of the advert. Where the council proposes to install advertisements under deemed consent it will ensure there is no harm to amenity and public safety by applying the criteria above.

10. Industry codes

10.1. 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 national recognised industry codes.

10.2. The [Advertising Standards Authority](#) (ASA) is the UK's independent regulator of advertising across all media. They apply the Advertising Codes, which are written by the Committees of Advertising Practice (CAP). 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.

10.3. The ASA codes of practice are the 'rule books' which cover two areas:

- a) The UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code) is the rule book for non-broadcast advertisements, sales promotions and direct marketing communications.
- b) The UK Code of Broadcast Advertising (BCAP Code) applies to all advertisements (including teleshopping, content on self-promotional channels,

TV text and interactive TV ads) and programme sponsorship credits on radio and TV services licensed by Ofcom.

10.4. The ASA codes cover a wide range of guidance including:

- a) misleading advertising;
- b) harm and offence;
- c) political advertisements;
- d) environmental claims;
- e) medicines, medical devices, health related products and beauty products;
- f) weight control and slimming;
- g) financial products;
- h) gambling;
- i) lotteries;
- j) alcohol;
- k) tobacco, rolling papers and filters;
- l) electronic cigarettes; and
- m) specific guidance when featuring or addressing children.

11. Further information

Relevant codes of practice, policies and legislation have informed this policy:

- a) [The Advertising Standards Authority \(ASA\)](#)
- b) [Recommended code of practice for local authority publicity](#)
- c) [Department of Health and Social Care nutrient profiling model](#)
- d) [Local Authority Supply of Goods and Services Act \(1970\)](#)
- e) [Cheltenham Borough Council branding](#)
- f) [Town and Country Planning Act 1990](#)
- g) [Data Protection Act 2018](#)
- h) [General Data Protection Regulation](#)
- i) [Gambling Act 2005](#)
- j) [Limiting harmful outdoor advertising – briefing for councils in England & Wales](#)

For any queries about this policy please contact the Communications team on 01242 264231 or communications@cheltenham.gov.uk

12. Disclaimer

Acceptance of advertising and sponsorship does not imply endorsement of products and services by Cheltenham Borough Council. In order to make this clear all council owned and branded publications, or other media, containing advertising or sponsorship should carry the following disclaimer:

“Cheltenham Borough Council cannot accept liability for errors or omissions contained in any advertising provided by an advertiser or sponsor. Cheltenham

Borough Council does not accept any liability for any information or claims made by the advertisement or by the advertiser or sponsor. Any inclusion of Cheltenham Borough Council's name on a publication should not be taken as an endorsement by Cheltenham Borough Council."