

Advertising and Sponsorship Policy and Procedure

(Approved by Policy & Coordination Committee 19 November 2020)



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1. Policy aims

This policy aims to:

- i. provide clarity to help employees, members and potential partners be creative and maximise the council's income generation potential through advertising and sponsorship
- ii. help protect the council financially, legally and reputationally as new opportunities are explored and developed.

2. Definitions

- i. This policy applies to advertising and sponsorship proposals involving council owned assets, services, events, communications and associated activities.
- ii. Advertising can be seen, heard, read or experienced. It's used to inform and influence an individual or group of people to do, or believe in, something the advertiser pre-plans. It is usually paid for in exchange for space or commercial opportunity.
- iii. Sponsorship is more of a mutually beneficial relationship. It involves the giving of money, time, products or services in exchange for an association. It usually requires a meeting of values, goals or objectives between the sponsoring and receiving organisation.
- iv. Advertising and sponsorship can include goods, services, ideas, opportunities, prizes and gifts.

3. Principles

- i. The council encourages and supports advertising and sponsorship arrangements that are well-managed and support the values and priorities set out in [The Plan for Fife \(2017-2027\)](#).¹ and associated strategies.
- ii. Advertising opportunities are available on a range of council owned assets and products, at council-run events, on vehicles, roundabouts, bus shelters, at venues or events and in some newsletters and publications. New ideas are considered on request.
- iii. An advertiser's message and approach may not link to the council's work directly, but it must concur with council values, priorities and the terms of this policy.
- iv. The council will not support, and reserves the right to refuse, any proposal or association with a third party that will, or could be perceived to, incite, promote or support
 - race or sexual prejudice or discrimination on the basis of disability, faith, gender, age or any protected by the Equality Act 2010
 - the disparaging of a person or class of persons
 - tobacco or tobacco related products (including e-cigarettes/vaping)
 - alcohol or drug dependency or general pharmaceuticals
 - weapons, violence, gambling or pay-day loans
 - socially undesirable or unhealthy acts
 - pornography and adult content
 - fracking
 - party political or lobby groups or a cause identified with a particular political party
 - activity that could be regarded as a means of gaining favourable terms from the council or create a conflict of interest
 - organisational values, ethics or methods the council cannot support
 - infringement of intellectual property rights e.g. trademark or copyright or patent rights of a third party
 - the provision of cash or in-kind support to enable statutory service delivery
 - activity that generates additional revenue or resource requirements that cannot be met
 - claims or action that fail to comply with industry code, legislation or council policy, or that could damage the council's reputation or result in the council being subjected to legal proceedings.
- v. Prior to reaching agreement, the service
 - takes reasonable steps to ensure potential sponsors/advertisers have disclosed any current regulatory applications/consents, ongoing disputes or outstanding debt owed to the council

¹ Plan for Fife (2017-2027),
https://our.fife.scot/data/assets/pdf_file/0017/183320/Plan_for_Fife_2017_2027_June19-1.pdf

- considers potential risk (see 4. below)
 - consults with procurement and communications and, if the proposal targets employees, HR or children/young people and adults, education and social care;
 - calculates costs to the council and the potential commercial value, ensuring any resources needed to support the agreement are in place
 - ensures a written agreement is in place between the council and the third party and this is signed off by the appropriate senior manager (see 5. Below)
- vi. In general, the council opts to advertise services and opportunities first in (1) council and partner owned media (2) digital media including social and (3) earned media online and in print. Paid for media is considered only if these measures are ineffective or there is a business case to support additional investment.
- vii. The council adheres to the terms of current legislation and relevant nationally recognised industry codes and regulations. (see 8 and 9 below)

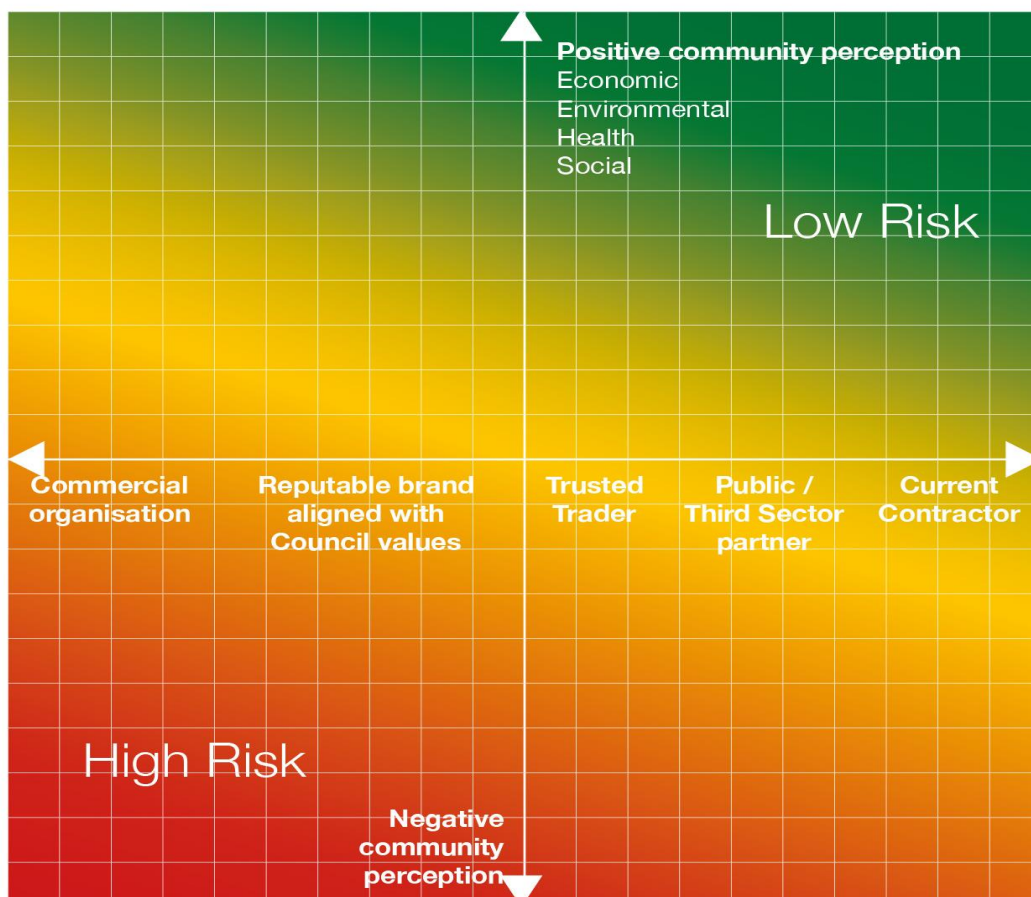
Note: Council sponsorship for an event or activity should not be confused with other types of formal funding such as grants. Grants are not subject to this policy but further specialist advice is available on that through Communities and Neighbourhood Service.

4. Assessing and managing risk

- i. The council welcomes advertising and sponsorship wants to encourage partnerships of this kind with third parties. Risk is measured to support this. It is considered in terms of the link, direct or otherwise to the council and its brand and the type of organisation, product and service involved.
- ii. There are two categories:
 - **Opportunities directly linked to the council brand, that could be perceived as 'endorsed' as a result** : where sponsor or advertiser pays to place their brand and message on a council asset that is also council branded. For example, on a council building, a vehicle, on a uniform or on campaign material. The council would have no control over the ultimate service, product or claim being made
 - **Opportunities linked to a council asset that is unbranded:** where a sponsor or advertiser places their own branded message on a council asset such as an advertising hording on a space owned by the council, but not branded as such.
- iii. The proposal is plotted, by the service, on the matrix below and considered further. If the proposal is to proceed any mitigating action to limit the risk is recorded as part of the proposal.

Reputational Association Risk

Consideration of organisational/brand values and operation as well as community perception



Definition of terms	
Current contractor	Company or organisation currently contracted to work with and/or for Fife Council, but they are not currently going through any tendering procedure.
Existing Partner – private, public and third-sector	Company or organisation linked to the Council through the Fife Partnership or other body or grant funded.
Trusted Trader	Company already vetted as a member of the Fife Council Trusted Trader Scheme.
Reputable brand aligned with council values	A widely-known company, whose operational arrangements and stated brand values are aligned with – or not in direct contradiction of – the council's values and/or ambitions.
Commercial organisation not linked to the council business	A lesser or unknown commercial venture or company that has no links to the council or its business and whose operational arrangements and/or brand values are unknown.

5. Approval

Cash or in-kind:

- i. **Up to £1000:** agreed in consultation with the Procurement Service, in Finance and Corporate Services (from a contract and tendering perspective) and Communications, in Communities (for a brand and reputational perspective). Agreement signed by Head of Service.
- ii. **£1001 to £20,000:** agreed in consultation with the Procurement Service, in Finance and Corporate Services (from a contract and tendering perspective) and Communications, in Communities (for a brand and reputational perspective). Consider further advice from legal, planning or other specialist services such as HR. Agreement signed by Executive Director.
- iii. **£20,000 or more:** agreed in consultation with the Procurement Service, Communications, Legal and other specialist services as required and in consultation with Council Executive Team and Executive Director or Chief Executive. Consideration given to need for committee approval and/or consultation. Agreement signed by Executive Director.

5. Governance

- i. The service responsible for each advertising and sponsorship agreement is required to ensure policy is appropriately followed and that the agreement is evaluated for impact and learning following the closure of the contract - a summary report should be produced.
- ii. Corporately, the council's sponsorship and advertising policy, procedure and practice is managed jointly by Communications and Procurement (Commercialisation) and monitored through multi-service working group that meets twice a year led jointly with Procurement.
- iii. This group is responsible for:
 - a. Monitoring and reviewing the policy and principles that maximise income generation opportunities on Council owned assets relating to Advertising and Sponsorship in line with agreed Council priorities
 - b. Developing Council wide Advertising and Sponsorship opportunities and ensuring a consistent approach to deployment

6. Application

- i. This policy does not cover:
 - pre-existing contractual arrangements the council has entered into
 - any current or future grant funding arrangements entered into by the council
 - any matters which are the subject of separate regulation, for example through planning or licensing
 - the activities of school parent councils or similar supported community-led groups
- ii. It should be read in conjunction with other Fife Council policy linked to advertising and sponsorship activities including the Fife Council [Scheme of Tenders Procedures](#).

7. Industry codes

The council adheres to the terms of any current legislation and relevant nationally recognised industry codes.

- i. The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all online and offline media.
- ii. The ASA codes of practice cover:
 - Non-broadcast advertising and direct/promotional marketing ensuring marketing communications should be legal, decent, honest, truthful and with a sense of responsibility to consumers and society (CAP code) and;
 - Broadcast media (BCAP Code) ensuring adverts are not misleading or cause offence or harm especially to children or the vulnerable.
 - The codes also provide guidance on a range of topics including political advertising; health, food, drink and wellbeing; environmental claims; financial products; lottery etc.
 - The ASA also provides specific guidance when featuring or addressing children and advertising in proximity to schools.

8. Legislation and regulations

Legislation and regulations that currently impact on advertising and sponsorship activity include:

- Local Government Act 1986;
- Local Government Scotland Act 2003
- Local Government Publicity: Code of Practice
- the Town and Country Planning (Scotland) Acts including regulation on the control of display advertising including billboards
- General Data Protection Regulation (GDPR)
- The Public Contracts (Scotland) Regulations 2015

And, more generally:

- the Communications Act 2003 also specifies rules to which media service providers must adhere;
- Supply of Goods and Services Act 1982;
- Consumer Protection from Unfair Trading Regulations 2008;
- Business Protection from Misleading Marketing Regulations 2008

For further advice

Additional advice is available on writing an advertising/sponsorship agreement; choosing the right advertising medium; digital advertising and marketing and how to target and work with sponsors.

Contact:

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