

Draft advertising and sponsorship policy/~~protocol~~

Medway Council

1. Introduction and purpose

To safeguard the reputation of the Medway Council, its members, partners and officers and to ensure protection for service users, a set of guidelines is required for the carrying out of advertisements and sponsorship activities by the council. Medway Council's Advertising and Sponsorship ~~protocol~~ Policy sets out the terms on which advertising and sponsorship activities may be sought and accepted by the council.

The council is keen to seek and develop commercial advertising and sponsorship opportunities that support the strategic delivery of corporate objectives both directly and indirectly. Undertaking advertising and sponsorship activities provides the opportunity to raise the profile of the services we provide, engage better with the communities we serve, support local businesses to grow their operations, build relationships and reduce or enhance the cost of service provision for the council.

This ~~protocol~~ policy aims to advise council members, partners, officers and prospective advertising and sponsorship partners on what are, and are not, acceptable forms of advertising and sponsorship for the council. The ~~protocol~~ policy relates to current and prospective advertising and sponsorship opportunities connected to the council's buildings, assets, and physical resources and both new and existing products and services, including events.

Equality Statement

Public authorities have a legal duty to take action against discrimination and to actively promote equality in all its activities. This includes sponsorship and advertising activity.

The council is committed to ensuring that, no service user, employee, job applicant, partner, contractor, supplier or member of the public will be unlawfully discriminated, harassed or victimised on the grounds of race, ethnicity, nationality, ethnic or national origin, colour, disability, gender identity or presentation, marital or civil partnership status, maternity or pregnancy, family and caring responsibilities, sex, sexual orientation, age, HIV status, religion or belief, political beliefs, social class, trades union activity, or irrelevant spent conviction.

We have a policy/~~protocol~~ to:

- Uphold the council's reputation and corporate identity
- Further the council's strategic vision and support its priorities (by facilitating communication messages)
- Secure best value for money and maximise income
- Establish a corporate approach and standards (including best practice)
- Ensure compliance with legislation, advertising industry codes and other council

policies

- Support development of commercial partnerships with the private sector
- Safeguard the image and environment of Medway the place.

2. Scope

This policy is two-fold covering:

- 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.

Recruitment advertising placed by the council should take account of this policy but is covered by separate arrangements.

3. Definitions

Advertising and sponsorship of a “product” encompasses goods, services, events, ideas, causes, opportunities, prizes and gifts.

Sponsorship

Sponsorship is a business relationship between a provider of funds, resources or services and an individual, event or organisation which offers in return rights and association that may be used for (commercial) advantage in return for the sponsorship investment. It should be mutually beneficial. Sponsorship should not be confused with other types of funding which the council administers such as grant aid or councillor funds.

Sponsorship is a significant business activity and companies or the council seek sponsorship opportunities for a variety of legitimate business reasons including:

- to raise image and public profile;
- to improve public/community relations and instil goodwill;
- to show creativity and public spirit;
- to communicate important messages, generate public exposure and media coverage;
- to increase profits/market share.

Association of a company's name with council events or activities can be particularly attractive in terms of the opportunities for media coverage and as a display of public spirit. Careful consideration should always be given to understanding what a sponsor might gain from the arrangement and what their motives for sponsorship might be.

The council can use sponsorship in three ways:

Undertaking financial sponsorship

The council may pay a fee for the rights to a public association with an activity, item, person or property, in return for a set of benefits. A number of different types of sponsorship fall under this heading including event sponsorship and media sponsorship (of TV/radio programming, cinema, digital or press content).

Non-financial partnership sponsorship

Non-financial partnership sponsorship is the creation of a partnership agreement between parties on non-financial basis involving in-kind activity. This may take the form of naming, advertising and promotional rights in return for access to (council) assets or services in a way that would not impact negatively in terms of service delivery or financially on our revenue budget.

Seeking sponsorship

Alternatively, a council department may act as a rights holder, seeking external financial support or the provision of services in lieu of payment in return for a set of benefits, for an activity, event or campaign that the council has created.

Advertising

Advertising is an agreement between the council and an advertiser, whereby the council benefits (in the form of funds, resources or services) from the advertiser in exchange for publicity in the form of advertisement via one or more of the council's buildings, assets, physical or digital resources, products or services, including events and our Medway Matters magazine.

There can be a cross over between how advertising and sponsorship works in practice. For example, advertising on roundabouts is sometimes called sponsorship because the funds support the cost of maintaining these sites. Further advice should be sought from the Communications and Marketing Team.

4. Policy objectives

- To ensure the council generates and maximises opportunities to generate revenue or publicity through commercial sponsorship and advertising;
- To ensure the council's position and reputation are adequately protected in the placing of advertisements and the entering into of sponsorship agreements and in particular to ensure that:
 - The council only deals with advertisers and sponsors which are, in its opinion, sufficiently reputable so as not to undermine the council's position as a public body; and
 - The nature of any advertising provided or sponsorship accepted is appropriate given the role of the council and does not contradict or conflict with any of the council's policies.
- To ensure that the council adopts and maintains a consistent and professional approach in its acceptance and provision of sponsorship and advertising;
- To ensure that best value is obtained and provided in sponsorship and advertising arrangements; and
- To protect members and officers from allegations of inappropriate dealings or relationships with sponsors and advertisers.

5. Links to strategic objectives

Any sponsorship or advertising activities undertaken should be linked back to one or more of the council's three corporate objectives and help support our Medium Term Financial Strategy.

6. General principles

The council will actively seek opportunities to work with both local and national organisations by identifying and being receptive to sponsorship and advertising opportunities and proposals which are in keeping with its policies and principles.

The council will take all possible steps to prevent the occurrence of a situation where it could be construed that an advertiser or sponsor with which it enters into an agreement:

- has influenced the council or its officers or members in the carrying out of its or their statutory functions;
- is placed in a position where it receives preferential treatment or is able to make any undue gain from or as a result of an advertising or sponsorship arrangement;
- has values, policies or practices which would, by association, undermine the council or bring it into disrepute.

Where a member of the council is involved with any company seeking to enter into an advertising or sponsorship agreement with the council, that member would not be involved with any decision making relating to the contract and nor would the company receive any special treatment.

Advertising and sponsorship can be advantageous for all parties and this policy is based upon a presumption that the council will permit advertising and sponsorship where:

- it is practicable to do so;
- the proposed arrangement is commercially expedient;
- advertising or sponsorship is in all the circumstances beneficial to the council and its aims and objectives;
- the proposed advertising or sponsorship is not incompatible with any provision of this policy;
- the proposed advertising or sponsorship is capable of securing any necessary statutory consents and such consents are obtained in advance of the advertising or sponsorship arrangement coming into effect.
- any agreement does not compromise or question the integrity of the council's operations.

Accordingly, the council will seek to maximise the number of advertising and sponsorship arrangements which it enters into and avoid any that are not permitted by policy controls or restrictions.

All sponsorship agreements will be in the form of a written agreement and comply with principles and procedures outlined in this policy.

Sponsorship principles

- Sponsorship can be advantageous for all parties, however the council must ensure all sponsorship agreements do not compromise or question the integrity of the council's operations.
- The sponsorship income must not influence the council's current or future dealings with that sponsor and the sponsor must have the finances in place to provide this sponsorship.

Advertising principles

- Advertisers must ensure that each advert complies with all relevant rules of law, regulations or codes of practice. In particular the adverts must adhere to the codes of conduct laid down by the Advertising Standards Authority – in both letter and spirit.
- The adverts must contain nothing which is in any way defamatory, obscene or illegal or which infringes copyright or any other intellectual property rights or other rights belonging to a third party or which if published or displayed would constitute a breach of contract or confidence or the publication or display of which is for any reason unlawful.
- All adverts must be lawful, accurate, decent, honest and truthful and created with a sense of social responsibility.
- All adverts will be clearly labelled as such, and it should be noted the council does not endorse any products or services advertised through any of its channels. The council will not carry any advert that may detract from its brand or identity. Adverts may only use the council's name or brand with written permission from the authorised person.
- Legal liability for the content of any advert placed in line with this protocol policy will rest with the advertiser and the council will be indemnified by the advertiser in respect of any claims.

7. Permitted advertising and sponsorship

The council will not permit advertisements or accept sponsorship from political parties.

The Council will not enter into any agreements with any organisations and individuals:

- not complying with this policy or the ASA Code of Practice;
- in financial or legal conflict with the council;
- ~~with a political purpose, including political parties, pressure groups and trade unions;~~
- ~~which promote the sale of weapons, firearms, tobacco products (together with any other items related to or which promote smoking) or~~

- ~~items which cannot be lawfully obtained or possessed by the general public;~~
- ~~o involved in any business of a sexual nature;~~
- ~~o involved in the business of payday loans or gold traders, betting, pawn shops, pets or live animal sales, tattooing or body piercing;~~
- o whose business could reasonably be deemed to be offensive, discriminatory or otherwise cause upset or embarrassment to the council or its members or officers or the general public;
- o which are involved in discrimination, victimisation, harassment or other conduct that is prohibited under the Equality Act 2010 or subsequent legislation;
- o ~~which promote goods or services which are in direct competition with similar goods and services provided by the Council, or any organisation subordinate to the council, on a commercial basis;~~
- o which are currently undergoing (or expecting to do so in the following three monthsimminently) a procurement process with the council;
- ~~o any individual, who in the opinion of the Chief Finance Officer is currently declared bankrupt or is a current director of a company in liquidation or subject to a voluntary arrangement with their creditors.~~

Except when approved in consultation with the relevant portfolio holder and considered on a case by case basis, the Council will not normally enter into any agreements with organisations and individuals:

- o with a political purpose such as pressure groups and trade unions;
- o which promote the sale of weapons, firearms, tobacco products (together with any other items related to or which promote smoking) or items which cannot be lawfully obtained or possessed by the general public;
- o involved in any business of a sexual nature;
- o involved in the business of payday loans or gold traders, betting, pawn shops, pets or live animal sales, tattooing or body piercing.;
- o which promote goods or services which are in direct competition with similar goods and services provided by the Council, or any organisation subordinate to the council, on a commercial basis.

Restrictions:

- Adverts for used car dealers can only be accepted if they are “Buy with Confidence” Medway Fair Trader accredited.
- Adverts for occasional sales / bootfairs in the Medway Council area can only be accepted if the event is prior registered ~~on~~ under the Medway Council Act 2001.
- General advertisements for credit and/or financial advice must comply with the requirements of the Consumer Credit Advertising Regs and/or the Financial Conduct Authority Services Authority guidance.

The above list is not exhaustive, and the council retains the right to refuse to enter into advertising or sponsorship arrangements on the grounds that, in the council’s opinion, it is inappropriate, or it conflicts with services already provided by the organisation or it could bring the council into disrepute. The Council reserves the right to remove advertising or withdraw from sponsorship arrangements without

reference to the partner company if the council's reputation is brought into disrepute as a result of the actions of the advertiser/sponsoring organisation or it comes to the council's attention that the advertiser, advertisement, sponsor or sponsorship is not compliant with this policy.

8. Procurement guidelines/application of this ~~protocol~~policy

No advertising or sponsorship arrangement will influence any decision (including the award of contracts) of the council or its officers or members. Any concerns relating to any perceived influence of decision making must be reported to categorymanagement@medway.gov.uk immediately.

In addition to the above, advertisers and sponsors should confirm they meet the council's standard on both ethical and equality policies.

9. Procedures

Council granting sponsorship

The council can receive requests to 'sponsor' an external party or activities of an external party e.g. provide funding or resourcing of activities or use of council assets. In most cases, 'sponsorship' is actually a request for financial assistance or support. These requests must be assessed in accordance with this policy and with the agreements of those set out below.

Advertising for sponsorship

It is accepted that the public interest is best served by the council making sponsorship opportunities widely known through open tendering, although it is recognised that in certain circumstances this may prove impractical and requests for sponsorship may only be available by invitation.

Reference is to be made to the council's procurement processes which can be accessed [here](#) when determining the level of advertising or sponsorship where a financial transaction is involved to ensure best value is achieved by the council.

The following steps will be observed in relation to the entering into of any advertising or sponsorship arrangement:

Where an advertising or sponsorship arrangement is proposed to or sought by the council, the officer dealing with the advertiser or sponsor (the proposer) or third party representatives shall seek to establish full details of the proposed scheme. This shall include:

In the case of advertising:

- what type of advertising is being proposed and the content of such advertising;
- the proposed location/s of the advertising;
- the price which the advertiser is willing to pay for the advertising; and
- the intended duration of the arrangement.

In the case of sponsorship:

- details of what the sponsor is proposing to provide to the council;

- what the sponsor would expect the council to do in return for accepting the sponsorship; and
- the intended duration of the arrangement.

As well as the total reward of the contract, the proposer shall consider whether the proposal is appropriate and in accordance with this policy and whether any further information should be sought from the advertiser or sponsor.

The proposer shall also consider whether the proposal:

- is compliant with the council's procurement rules;
 - would be likely to require advertising consent or planning permission;
 - is otherwise lawful and compliant with this policy;
- and shall refer the matter to the Communications Team, in the first instance, for advice if unclear as to the above.

Where the proposal does not originate from the service (for example events, sports, highways teams) with responsibility for the asset/s to which it relates, the approval of the relevant team and Assistant Director concerned shall be obtained prior to any approval of the proposal.

All advertising or sponsorship arrangements with a consideration (i.e. payment or value, in any form) payable to the council of less than £5,000 over the life of the contract shall be approved in writing by the Assistant Director (AD) or by an officer duly authorised by him or her, save for in circumstances where the proposed arrangement is unconventional or may give rise to controversy, in which case the AD may elect to refer the matter to the Director and Portfolio Holder to be decided.

Any arrangement with a consideration payable to the council of £25,000 or more over the life of the contract shall be directed through the Council's Category Management Team.

In deciding whether to enter into any arrangement, regardless of whether the decision is taken by an officer, Corporate Management Team or members, the decision maker/s will take into account and consider whether the arrangement is:

- consistent with terms of this policy and the other policies of the council;
- as financially advantageous to the council as is reasonably possible;
- of benefit to the community if not financially beneficial to the council and record the reasons for the decision made.

During an election period, any proposals to enter into any sponsorship or advertising agreements or any requests for the Council to organise events or publicise such arrangements will be carefully considered in accordance with the Council's purdah guidance.

The council will maintain a central advertising and sponsorship register. The register will be controlled and maintained by Procurement Team/Communications Team. It will be the responsibility of the proposer to enter advertising and sponsorship opportunities and completed agreements on this register.

10. Miscellaneous

The entering into of an advertising or sponsorship arrangement by the council shall not, of itself, signify any endorsement by the council of the advertiser or sponsor or of any product, service or event being advertised.

Nothing in this policy shall bind the council in relation to the exercise of any of its statutory functions and agreement by the council to enter into any advertising or sponsorship arrangement shall not oblige the council to grant any permission or consent (for example, advertising consent) which may be required in order for the arrangement (or any element of it) to be implemented. Where possible, the advice of the department responsible for granting the necessary consent should be sought at the earliest possible stage and any agreement, if concluded prior to the granting of such consent, should state that it is contingent on the relevant consent being obtained.

Save for where the council agrees to the contrary, contracts relating to advertising and sponsorship arrangements shall state that it shall be the responsibility of the advertiser or sponsor to obtain all necessary consents and permissions which are required in order to implement the arrangement and shall also require the advertiser or sponsor to fully indemnify the council against any losses arising from the failure to arrange such consent.

All sponsorship and advertising will be undertaken using Medway Council's chosen form of contract and this is at the sole discretion of Medway Council to decide.

11. Roles and responsibilities

The council's Communications and Marketing service provides expertise on and is the guardian of the Advertising and Sponsorship policy. All council services and employees must comply with this policy and the commercial advertising and sponsorship procedure. Whether advertising and/or sponsorship is a suitable method 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. The council's Communications and Marketing service is the gatekeeper for all advertising opportunities and enquiries. Decisions on sponsorship opportunities will be taken by an appropriate lead officer, in conjunction with the expertise provided by the council's Communications and Marketing service.