

ADVERTISING AND SPONSORSHIP POLICY

APRIL 2019



1. Background

- a. The following policy sets out Surrey County Council (the "Council")'s definition of "advertising" and "sponsorship" and the terms upon which the advertising and sponsorship may be both sought and accepted by the Council.
- b. The Council is committed to developing appropriate advertising and sponsorship opportunities, to support its core activities either directly or indirectly. It will encourage commercial relationships which do not conflict with the delivery of its strategic goals. The policy aims to provide advice to Council employees and prospective advertisers and sponsors on what is, and what is not, acceptable advertising for the Council. The policy relates to advertising and sponsorship opportunities connected to the Council's assets, services, events and other activities that it has responsibility for.
- c. For the purposes of this policy, "advertising" and "sponsorship" is defined as: "an agreement between the Council and the advertiser or sponsor, where the Council receives financial or other benefit from an advertiser or sponsor in consideration of which the advertiser gains publicity in the form of an advertisement place in accordance with this policy.

2. Required standards for approval of advertising and sponsorship

- a. The Council retains the right in all cases to authorise, prior to publication, any advertisement in controlled print, broadcast or electronic media placed on assets or premises either owned or controlled by the Council.
- b. This policy does not provide an exhaustive list of permissible advertising but aims to outline the criteria and guidance as to what kind of advertising may be deemed permissible by the Council.
- c. As a minimum, all advertising must comply with the following criteria:
 - i. Must fall within the guidelines laid out by the Advertising Standards Authority (ASA) as published on the [ASA website](http://www.asa.org.uk) from time to time (currently available at www.asa.org.uk);
 - ii. Must uphold the rules laid out in the [UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing](http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx) (the "CAP Code") as published from time to time (currently available at <http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx>); and
 - iii. Must follow the [Code of recommended practice on Local Authority publicity](https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity) as published from time to time (currently available at <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>)

3. Objectives

- a. In line with the Council's commercial ambitions and business development the Council shall ensure that:
 - i. the selection and placement of advertising locations takes into account road safety, environmental aesthetics and compliance with all local planning requirements;
 - ii. the Council maximises opportunities to obtain commercial advertising and sponsorship for appropriate events, activities, campaigns, facilities, assets or initiatives whilst also offering advertisers and/or sponsors attractive packages offering value for money and an appropriate return for the Council;
 - iii. the Council's legal position and reputation is adequately protected by having appropriate advertising and sponsorship agreements in place in line with the Council's contract approval and procurement policy;
 - iv. appropriate consideration is given to community and not-for-profit organisations to continue to publicise events and activities at reduced or no cost;
 - v. the sponsor fully and effectively indemnifies the Council from and against all claims, costs or demands arising from the sponsor's activities and/or advertising message; and
 - vi. consideration will be given to alignment with relevant District and Borough advertising policies;

4. Restrictions

- a. The Council is keen to encourage advertising and sponsorship. However, because of the Council's responsibility as a local authority, advertisers and sponsors must recognise that there are some restrictions on the advertisements the Council may consider.
- b. An advertisement will not be accepted if, in the reasonable opinion of the Council it:
 - i. Does not follow the rules as set out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (the "CAP Code") as published from time to time (currently available at <http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx>);
 - ii. may result in the Council being subject to legal action;
 - iii. inhibits the council's ability to achieve its policy objectives;
 - iv. discriminates against people with one or more protected characteristics within the terms of the Equality Act 2010
 - v. is the subject of a complaint to the Advertising Standards Authority and upheld by such Authority as a legitimate complaint;
 - vi. infringes on any trademark, copyright, patent rights or, any other personal or proprietary right of any persons, breaches any contract to which it is a party, or renders the Council liable to prosecution or civil proceeding;
 - vii. may bring the Council into disrepute or cause negative publicity; and
 - viii. may be contrary to the law governing activities and functions of the council.

- c. The Council will evaluate the suitability of all advertisements or sponsorships before including them on/through its channels and all advertisements or sponsorships are accepted at the Council's absolute discretion. The list above is not exclusive and the Council may consider prohibiting other companies/organisations offering products or services which could be deemed inappropriate, or give a negative impact on the Council or which may be considered unethical by the wider community.
- d. Private sector companies who provide services which compete with services provided by Surrey County Council or other public sector organisations may advertise. However, this policy toward competitor advertising will be reviewed as required.
- e. The Council retains absolute discretion to reject any request for advertising space in any location from external vendors.

5. Procedures

- a. Before agreeing advertising or sponsorship, Council officers will consider this policy document and follow the guidelines provided.
- b. Details of the advertising and sponsorship opportunities will be available, where possible, via the Councils website, through a third party provider and/or directly through the service area.
- c. Depending on the value (monetary and/or benefits in kind) to be received from an advertising or sponsorship agreement, additional steps may be taken to advertise the opportunity to alternative potential sponsors to gain best value for the Council.
- d. All potential advertisers and sponsors should be referred to the policy for information and guidance.
- e. All advertising and sponsorship proposals must be approved in consultation with the appropriate Service management representative and other relevant teams as required, including Legal Services.
- f. Wherever possible contract terms should state that payment should be made in full prior to the commencement of the agreed advertising and sponsorship activities. It is accepted that this may vary depending on the nature of the advertising and sponsorship package, value and length of the agreement.
- g. Planning approval processes must be complied planning permission must be attained from the Local Planning Authority (LPA) when relevant.

6. Marketing and media relations

- a. Media relations for all advertising and sponsorship agreements will be undertaken by the relevant Council Officer Team, unless otherwise agreed.

- b. All media information produced by the advertiser or sponsor must comply with regulations, be of suitable quality and approved by the services lead service Officer before implementation.
- c. The use of sponsors' logos and other branding must not interfere or conflict with the Council's own corporate identity.
- d. The use of the Council's corporate identity within any advertisers or sponsors publicity must be approved by the Communications Team.
- e. Evidence based evaluation should be obtained where possible to assist return on investment purposes along with future decisions.

7. Disclaimer

- a. The Council reserves the right to omit or suspend an advertisement at any time which is determined to be in breach of the policy, in which case the contract with the advertiser shall stipulate no claim for damages or breach of contract shall arise. Such omission or suspension shall be notified to the advertiser as soon as possible.
- b. The Council reserves the right to approve all advertising and/or artwork before publication or display through the Council's channels.
- c. Any advertising accepted for these locations should be in keeping with the Council's corporate priorities as set out in the corporate plan.
- d. The Council will not accept advertising where this would contravene planning or highway law or any regulations.
- e. By selling advertising, the Council is competing with private sector media. The Council will therefore ensure that it does not in effect subsidise the advertising opportunity. It will attempt to make sure that advertising space is sold at market rate and that the website and other council media are not 'over populated' with advertising space.
- f. Acceptance of advertising or sponsorship does not imply endorsement of products and services by the Council. Any advertisement which explicitly or implicitly refers to endorsement of an advertising message by the Council will not be considered for publication. The Council does not accept any liability for any information or claims made by the advertisement or by the advertisers. Any inclusion of the Council's name on a publication should not be taken as an endorsement by the Council.

8. Conflict of Interest

- a. Council Officers and members are required to declare in advance if they have any personal interests, involvement or conflicts of interest with any potential sponsors or advertisers. In the event of a conflict of interest, that Officer or member will take no part in the consideration of advertising and sponsorship with that particular organisation.

- b. The Council will welcome all opportunities to work with advertisers or sponsors where such arrangements support its core values. However, it will not enter into a sponsorship agreement if, in the reasonable opinion of the Council, the agreement:
 - i. may be perceived as potentially influencing the Council or its officers in carrying out its statutory functions in order to gain favourable terms from the Council on any business or other agreement;
 - ii. aligns the Council with any organisation or individual which conflicts with its values and priorities; and
 - iii. The Council will not therefore enter into sponsorship agreements with:
 - 1. Organisations which do not comply with the Council's Advertising Policy (above) or the Advertising Standards Authority code of practice;
 - 2. Organisations in financial or legal conflict with the Council;
 - 3. Organisations with a political purpose, including pressure groups and trade unions; and
 - 4. Organisations involved in unlawful discrimination against people with one or more protected characteristics within the terms of the Equality Act 2010.
- c. The list above is not exhaustive and the Council retains the right to decline advertising or sponsorship from any organisation or individual or in respect of particular products which the Council in its sole discretion considers inappropriate.

9. Policy Review

- a. This policy will be reviewed every 2 years or earlier depending on market and/or organisational changes.

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