

Sponsorship and Advertising Guidelines

February 2020

1. Introduction

- a) The purpose of this document is to provide guidance on any form of advertising and sponsorship that may be sought and accepted by Dorset Council (the “council”). 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 support the delivery of its strategic goals.
- b) The guidelines aim to provide helpful advice to council colleagues and prospective advertisers and sponsors on what is, and is not, an acceptable form of advertising for the council.
- c) The guidelines apply to advertising and sponsorship opportunities connected to the council’s assets, advertising platforms, campaigns, services, events and other activities that it has responsibility for.
- d) The guidelines will help:
 - Uphold the council’s reputation and corporate identity.
 - Secure best value for money and maximise income.
 - Provide a framework and control measures.
 - Establish a corporate approach and standards (including best practice).
 - Ensure compliance with legislation, advertising industry codes and other council policies.

2. Context and scope

- a) For the purposes of the guidelines, ‘advertising’ and ‘sponsorship’ encompasses goods, services, ideas, causes, opportunities, prizes and gifts that may be promoted.
- b) Advertisers and sponsors may include the council, partners of the council, and external organisations.
- c) Advertising and sponsorship is usually paid for by advertisers or sponsors.
- d) Advertising and sponsorship messages can take a variety of forms on council-owned platforms and can be viewed via a variety of traditional and new media (e.g. newspapers, magazines, television commercial, radio advertisement, outdoor advertising, direct mail, blogs, websites, social media and text messages).
- e) A person who consumes advertising is anyone who is likely to receive a given marketing communication, whether in the course of business or not.

- f) The guidelines should be read in conjunction with any applicable regulatory codes.

3. Advertising

a) Advertising is defined as...
“An agreement between the council and the advertiser, whereby the council receives money from an organisation or individual in consideration of which the advertiser gains publicity in the form of an advertisement in Council controlled print, broadcast or electronic media”.

- b) The guidelines are not an exhaustive list and takes as its start point that all advertising falls within the rules and guidelines laid out by the Advertising Standards Authority (ASA). www.asa.org.uk

All advertising must:

- uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) <http://www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx>
- follow the Code of recommended practice on Local Authority publicity <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>.
- take note of the Consumer Protection from Unfair Trading Regulations 2008, which seeks to protect consumers from unfair, misleading or aggressive marketing practices and requires all advertisers to strongly comply with not only the letter but also the spirit of these regulations.

- c) In line with the codes referred to above, advertisements should be:

- legal, decent, honest and truthful
- created with a sense of responsibility to consumers and society
- in line with the principles of fair competition generally accepted in business and that the codes are applied in the spirit as well as the letter.

- d) The council will not consider sponsorship or advertising that:

- Is against the Advertising Standards Authority’s advertising code; www.asa.org.uk
- Does not uphold the rules laid out in the UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing (CAP Code) www.cap.org.uk/Advertising-Codes/Non-broadcast-HTML.aspx
- Does not follow the Code of Recommended Practice on Local Authority publicity www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity
- Could be considered socially or politically contentious or which conflicts with the policies, values or statutory obligations (e.g. equalities legislation) of the council.
- Involves unlawful prejudice and/or discrimination.
- Creates legal or financial conflict with the interests of the council.
- Conflicts with the council's branding.
- Has party-political associations or lobbying campaigns.
- Promotes smoking.
- Promotes the irresponsible consumption of alcohol.
- Promotes gambling or betting, except licenced or registered lotteries benefiting local good causes e.g. society or local authority lotteries.
- Promotes pornography or adult content.

- Promotes weaponry.
 - Promotes payday lenders or financial organisations with punitive interest rates.
 - Infringes on any trademark, copyright or patent rights of another company.
 - Appears to promote racial or sexual discrimination, or discrimination on the basis of disability, faith, gender or age.
 - Could otherwise bring the councils into disrepute or conflict with contractual obligations.
 - Are likely to cause reputational damage to the council.
- e) Private sector companies providing services that compete with those provided by the Council, or other public sector organisations, may request to advertise. The council retains the right to refuse advertising on the grounds that, it would not be appropriate to display advertising for 'competing services'. What constitutes a competing service will change from time to time and should, therefore, be judged on a case-by-case basis. The expectation is that most advertising and sponsorship from local and other businesses will generally be acceptable.
- f) The council shall reserve the right to terminate any contract or arrangement it may have entered into with a sponsor, where that sponsor has suffered a reputational loss due to its conduct and/or where that conduct is inconsistent with the council's aims and objectives.
- g) The council retains absolute discretion to reject any request for advertising space in any location from external vendors. The council reserves the right to remove advertising without reference to the advertiser.
- h) The above list is not exhaustive, and any approach can be declined at the Council's sole discretion by an officer of the council.
- i) Third-Party Supplied Advertising
- In some cases, the council may contract a third party to supply advertising for a council publication or advertising platform. For example, a third party may sell advertising for the Dorset Council's magazine, similarly an online ad network, or automated buying platform might provide programmatic advertising for the Council's websites or digital advertising platforms.
 - Where a third party is responsible for the sale, or publishing of advertising, the contractual arrangements should include a requirement to comply with these guidelines.
 - The council officers responsible for managing the third-party arrangement should approve the advertising provided by third parties to ensure that the arrangements comply with these guidelines.

4. Sponsorship

- a) Sponsorship is defined as...
- "An agreement between the council and the sponsor, where the council receives either money or a benefit in kind for an event, campaign or initiative from an organisation or individual which in turn gains publicity or other benefits".
- b) The guidelines aim to:
- maximise the opportunities to attract commercial sponsorship for appropriate events, campaigns or initiatives.

- make sure that the council's position and reputation is adequately protected.
 - make sure an appropriate return is generated from sponsorship agreements.
 - make sure that a consistent and professional approach is adopted to the development of sponsorship agreements.
 - protect councillors and officers from potential allegations of inappropriate dealings or favouritism with sponsors.
- c) All sponsorship arrangements must meet the principles for advertising (section 3 above).
- d) The council will welcome all opportunities to work with 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:
- 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.
 - aligns the council with any organisation or individual which conflicts with its values and priorities.
- e) The council will not therefore enter into sponsorship agreements with:
- organisations which do not comply with the Council's Advertising guidelines (above) or the Advertising Standards Authority code of practice
 - organisations in financial or legal conflict with the council
 - organisations with a political purpose, including pressure groups and trade unions
 - organisations involved in racial or sexual prejudice or discrimination on the basis of disability, faith or gender or age.
- f) Private sector companies providing services that compete with services provided by the council, or other public sector organisations, may request to become a sponsor. However, the guidance toward competitor sponsorship will be reviewed on a case by case basis. The council retains the right to refuse sponsorship on the grounds that, in the council's opinion, it is inappropriate, or it conflicts with services already provided by the organisation.
- g) The list above is not exhaustive, and the council retains the right to decline sponsorship from any organisation or individual or in respect of particular products or services which the council in its sole discretion considers inappropriate.
- h) The council will agree with the sponsor the nature and content of the publicity anticipated from the sponsorship opportunity, and will retain the right to approve all sponsorship material.

5. General Terms and Conditions

- a) The council shall reserve the right to terminate any contract or arrangement it may have entered into with an advertiser or a sponsor, where that advertiser or sponsor has suffered a reputational loss due to its conduct and/or where that conduct is inconsistent with the Council's aims and objectives.
- b) The council will not be liable for any loss or damage caused by amendment to advertisements and sponsorship either in print or electronic, through error, late publication or non-publication from any cause whatsoever.

- c) The council will not accept liability for any error on the part of third parties or due to inaccurate instructions.
- d) The advertiser or sponsor is solely responsible for fulfilling and dealing with any orders or enquiries relating to the goods, services or promotion to which the sponsorship or advertisement relates and will indemnify and hold the council harmless accordingly.
- e) The advertiser or sponsor acknowledges that the council is subject to the Freedom of Information Act 2000 and will assist the council at its own expense to enable it to comply with its information disclosure requirements under the Act as may arise in relation to this Agreement.
- f) The advertiser or sponsor acknowledges that all the information and data collected in this Agreement will be used and shared carefully and sensibly in line and in accordance with the council's privacy policy, which can be read by visiting the council's website <https://www.dorsetcouncil.gov.uk/your-council/about-your-council/data-protection/dorset-council-privacy-notice.aspx>
- g) Both parties will take appropriate steps to ensure that no conflict of interest arises in relation to the advertising or sponsorship arrangement.
- h) 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, value and duration of the advertising and sponsorship agreement.

6. Responsibility and procedures

- a) The primary responsibility for ensuring advertising and sponsorship arrangements comply with these guidelines, and other applicable regulatory codes, rests with the officers of the Council.
- b) Before agreeing advertising or sponsorship, council officers will consider the guidelines set out in this document and follow the guidance provided. The guidelines should be applied in the spirit as well as the letter. That means that common sense should be applied.
- c) The overall coordination of advertising and sponsorship agreements across the council will be the responsibility of the Procurement and Commercial team and the Communications team.
- d) All potential advertisers and sponsors should be referred to the guidelines for information and guidance.
- e) All organisations contracted by Dorset Council; Dorset Council's services; and the employees of Dorset Council must consider these guidelines.
- f) Council officers responsible for advertising and sponsorship arrangements will give due consideration to possible impacts of agreements with advertisers, particularly being aware of services that conflict with those provided by the council. Officers will liaise with relevant Service Managers in cases where advertisers provide services that conflict with those provided by the council.

- g) In the event that any advertising or sponsorship campaign does not clearly fall within the guidance contained in this document, the Executive Director will be consulted to reach a determination.
- h) Council officers 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 will take no part in the consideration of advertising and sponsorship with that particular organisation.

7. Advertising and sponsorship fees

- a) Advertising and sponsorship fees are set with consideration to current market conditions locally, and do not seek to offer unfair advantage against private sector organisations in Dorset by undercutting the prices of other local commercial organisations.
- b) The advertising and sponsorship fees are set by the relevant council service; advice and guidance on setting appropriate market rates can be provided by the Commercial and Procurement team as required.
- c) Fees will be set to maximise income and gain best value for the council, without becoming priced out of the local market place and reducing revenue streams.

8. Disclaimer

- a) The use of the council's corporate identity within any advertisers or sponsors publicity, must not imply endorsement of any product or service by the Council must be approved by a Council officer.
- b) The council reserves the right to approve all advertising and/or artwork before publication or display through the council's channels.
- c) 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.
- d) Acceptance of advertising or sponsorship does not imply any endorsement of the Advertiser's or Sponsor's products or services by the council.
- e) The council do not accept any liability for any information or claims made by the advertisement.
- f) Any inclusion of the council's name on a publication should not be taken as an endorsement by the council.

9. Review of Guidelines

- a) The guidelines will be reviewed every two years or earlier depending on market or organisational changes.