

Policy and Sustainability Committee

10am, Tuesday, 28 May 2024

Policy on advertising and sponsorship: proposed amendments

Executive/routine
Wards

Executive
All

1. Recommendations

1.1 It is recommended that committee:

- 1.1.1 agrees the revised Advertising and Sponsorship Policy to be implemented and applied at the point of contracts being re-tendered.

Deborah Smart

Executive Director, Corporate Services

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Policy on advertising and sponsorship: proposed amendments

2. Executive Summary

- 2.1 This report seeks approval for the revision of the Council Advertising and Sponsorship policy.

3. Background

- 3.1 The advertising and sponsorship policy was first developed in 2019 in response to a motion by former councillor, Melanie Main. An update was circulated to members of the Policy and Sustainability Committee by email in March 2021 noting the impact that the Covid pandemic had had on advertising and sponsorship in general, as well as on Scottish and UK policy or legislative changes that may impact on the Council's policy.
- 3.2 On 27 October 2022, a motion on an ethical advertising sponsorship policy by Councillor Ben Parker was approved. This requested the exploration of the feasibility and process by which an ethical advertising and sponsorship policy could be developed. A copy of the motion is attached in Appendix 1.
- 3.3 The existing policy has been reviewed to also consider:
- 3.3.1 any relevant Council policies and strategies
 - 3.3.2 any new or updated UK or Scottish legislation or policies that may have a bearing on advertising and sponsorship guidance.

4. Main report

- 4.1 The Council continues to fully support well-managed advertising and sponsorship arrangements, which contribute both to the delivery of services while also supporting wider strategic objectives, including income maximisation.
- 4.2 The policy on advertising and sponsorship covers the Council as the direct owner of assets on which advertising may appear, or when considering sponsorship opportunities offered to the Council.

- 4.3 In developing the proposed amendments consideration has been given to:
- 4.3.1 strengthening alignment with the Council Business Plan and sustainability ambitions, including reflecting the city's net zero ambitions
 - 4.3.2 the potential financial and legal implications of making any changes
 - 4.3.3 any changes that have been made to UK and Scottish legislation or policy that impacts on advertising and/or sponsorship.
 - 4.3.4 learning from other cities that have applied restrictions on advertising and sponsorship.
- 4.4 An overview of changes at a UK and Scottish legislation or policy level, as well as learning from other cities is given in Appendix 2.
- 4.5 The proposed amendments to the existing advertising and sponsorship are set out in Appendix 4. The proposed amendments would support the delivery of the Council's net zero 2030 targets.
- 4.6 In particular, the policy states that an advertisement or sponsorship proposal could not be approved if it promotes high carbon products, defined as:
- 4.6.1 airlines and airports
 - 4.6.2 fossil fuel companies
 - 4.6.3 cars (except electric and hydrogen cars if these are not Sport Utility Vehicles (SUV))
 - 4.6.4 cruise holidays.
- 4.7 The proposed revisions to the policy do not currently include specific restrictions around food advertising.

5. Next Steps

- 5.1 If the committee approves the proposed amendments, the revised policy on Advertising and Sponsorship would be applied to new advertising contracts and sponsorship agreements into which the Council enters.
- 5.2 The new policy would not impact existing contracts and would only be applied for new contracts at the point of re-tender.

6. Financial impact

- 6.1 Amendments to the Advertising and Sponsorship Policy have the potential to impact on revenue generation for the Council. For example, JCDecaux, the current contractor for the existing contract for bus shelter and large format advertising, estimates that the proposed category of restriction of fossil fuel advertising content reduce revenues by around 10% per annum. This calculation is based on average

spend between 2019-2022 on the following categories: airlines and airports, fossil fuel companies, cars and cruise holidays. The impact could result in reduction of £200,000 per annum in revenue from 2030 onwards.

- 6.2 The experience of [Adfree Cities](#), who work with local councils, is that claims of reduced advertising contract value are unevidenced. They note that “if junk food adverts are banned, for example, other types of less harmful adverts will take their place as a substitute, with no loss of revenue for councils. This was true of Transport for London’s junk food ad ban [see case study in Appendix 3] and is especially applicable to larger advertising estates”. According to Adfree cities, it is possible to replace adverts for high carbon products with adverts for those that are less damaging. Any small drop in council revenues by excluding adverts for high carbon products such as SUVs or airlines needs to be considered against the environmental benefits of cleaner air and reduced greenhouse gas emissions (and the avoided public health costs).

7. Equality and Poverty Impact

- 7.1 A briefing from Adblock Bristol titled [How outdoor advertising impacts health and wellbeing](#) found that outdoor advertising “harms physical and mental health and wellbeing, through both displayed content (eg promoting health-damaging products) and physical characteristics (eg bright screens distract drivers)”.
- 7.2 The proposed policy does not tackle the amount and physical characteristics of the advertising but it does, however, ban advertising promoting racial or sexual discrimination, showing violent or pornographic imagery, or promoting health-damaging products such as tobacco-related products, including vapes.

8. Climate and Nature Emergency Implications

- 8.1 The review of the Advertising and Sponsorship policy is fully aligned with the Council’s net zero ambitions. Reaching this target requires a shift in society’s perception of success, and the advertising industry has a key role to play in promoting low-carbon behaviours. Conversely, the promotion of high-carbon products is incompatible with net zero objectives.

9. Risk, policy, compliance, governance and community impact

- 9.1 [Legal advice](#) was commissioned by the New Weather Institute to support local councils in introducing advertising and sponsorship policies that end high-carbon advertising on the ad sites they control.
- 9.2 The [legal opinion](#) found that is *within local authorities’ power and discretion* to exclude adverts and sponsorships for high-carbon products and services. The review concludes that there is a strong legislative background to do so, given that

the need to reach net zero carbon emissions is part of the UK's primary legislation, and that the UK's latest carbon budget explicitly recognises the need to reduce demand for high-carbon activities. As a result, the legal opinion concludes that **"councils can act with minimal legal risk** and that:

- 9.2.1 The adoption of an advertising policy banning 'high carbon' advertising is squarely within the powers available to local authorities and therefore prima facie lawful.
- 9.2.2 The legal risks of adopting a high carbon advertising ban are limited and the prospect of a successful challenge, low.
- 9.2.3 Councils have broad scope to design a policy according to their discretion, despite a lack of national definition of 'high carbon', with effective precedents already in place."

10. Background reading/external references

- 10.1 [Policy on advertising and sponsorship - Policy & Sustainability Committee - August 2019](#)
- 10.2 [Low Carbon Advertising Policies toolkit for policymakers](#)

11. Appendices

Appendix 1: Motion on Ethical Advertising Sponsorship Policy

Appendix 2: Overview of changes at a UK and Scottish legislation or policy level and learning for other cities

Appendix 3: Learning from other cities

Appendix 4: Proposed amended Advertising and Sponsorship Policy

Appendix 1: Motion on Ethical Advertising Sponsorship Policy

By Councillor Parker - Ethical Advertising Sponsorship Policy

“Council:

- Notes that the purpose of advertising and sponsorship is to stimulate demand for goods and services, including those which are environmentally damaging
- Notes that some advertising prohibitions and restrictions already exist across the UK, including for tobacco products and offensive weapons
- Notes that Councils across the UK – including Liverpool, Bristol, Norwich and North Somerset – have passed versions of ethical advertising policies which use powers available to Councils to prohibit the advertising of environmentally or socially irresponsible goods and services
- Recognises the contradiction between the Council’s declaration of a Climate Emergency and the continued advertising of environmentally damaging goods and services in Edinburgh
- Therefore, requests a report to Policy & Sustainability committee within 2 cycles which:
 - Sets out current council policy towards advertising and sponsorship, including what consideration is given to the advertisement of products and services which undermine the council’s commitment to tackling the climate emergency, ending poverty and making the city a welcoming place for all
 - Explores the feasibility and process by which an ethical advertising and sponsorship policy could be developed including information about:
 - How other councils have developed their ethical advertising policy
 - What products and services are currently being advertised in Council land / property in Edinburgh
 - Any potential legal or financial risks for the council related to adopting an ethical advertising and sponsorship policy.”

Appendix 2: Overview of changes at a UK and Scottish legislation or policy level and learning for other cities

UK Government context

- The UK Government consulted in 2019 on [restricting the promotion of HFSS products](#) by volume price (for example, multibuy offers such as 'buy one get one free') and location, both online and in store. This would apply to businesses operating and selling in England. The government then consulted on [technical enforcement of the restrictions](#) in 2020. Following these consultations, the government introduced legislation to restrict the promotion of HFSS products by volume price (for example, 'buy one get one free') and location, both online and in store in England. (HFSS is otherwise known as 'less healthy food and drink' and is referred to as such in the [nutrient profiling technical guidance 2011](#).) The restriction of HFSS products by location came into force on 1 October 2022. The restriction of HFSS products by volume price will come into force on 1 October 2025. More detail: [Restricting promotions of products high in fat, sugar or salt by location and by volume price](#). The restrictions banning HFSS adverts on TV before 9pm and paid-for adverts online will also be delayed to 1 October 2025.

Scottish Government context

- A Bill on Restricting Foods Promotions was due to be introduced during 2020/21. [The Bill was paused](#) recognising the impact of the COVID-19 pandemic on the food and drink industries and on consumer behaviour.
- In [2021-22 Programme for Government](#), the Scottish Government committed to bring forward legislation during this Parliament to restrict '*unhealthier food and drink promotions*'.
- Scottish Government held three consultations to seek views on:
 - ending the sale of energy drinks to children and young people
 - mandating calorie labelling in the out-of-home sector
 - restricting promotions of food and drink that are high in fat, sugar or salt where they are sold to the public.
- In May 2023, the Minister for Public Health and Women's Health updated the Scottish Parliament on responses to the three consultations, the Minister stated that on the consultations on:
 - ending the sale of energy drinks to children and young people, they did "not think that the evidence base is sufficiently developed to pursue mandatory measures at this time".
 - mandating calorie information in the out-of-home sector, they "wish to have further discussions with the hospitality sector before taking a decision to proceed with the measure" so have paused making a final decision on next steps.
 - restricting the promotion of less healthy food and drink where they are sold to the public, they have "reviewed whether primary legislation is necessary and have concluded that there is a more direct and efficient route to deliver our policy aims" and plan to consult on the detail of proposed legislation.

Appendix 3: Learning from other cities

The table below includes examples of other cities or countries that have introduced low carbon or ethical advertising policies.

UK Benchmark	
Liverpool City Council	Liverpool City Council passed a motion in January 2021 to review its advertising arrangements and implement a low carbon advertising policy . See page 15 of these council minutes .
Norwich City Council	Norwich City Council passed a motion in July 2021 to implement an ethical advertising policy including restrictions on environmentally damaging products , junk food, gambling and payday loan products.
North Somerset Council	North Somerset Council passed a motion in July 2021 to restrict advertising for high carbon products .
Somerset Council	Somerset Council has just adopted a new advertising policy , specifically targeted at the adverts placed on 120 roundabouts populating their estate. The policy is by far the most ambitious passed by any council when it comes to addressing high-carbon advertising . The policy calls an end to advertising for fossil fuels, vehicles powered by petrol, diesel or hybrid power, and airlines, airports or flights across the council's highways assets.
Cambridgeshire Council	The Council advertising policy does not consider those involved in the manufacture, distribution or wholesaling of tobacco-related products, alcohol, fossil fuels , pornography or addictive drugs as suitable for entering into advertising or sponsorship agreements.
Basingstoke and Deane	The advertising policy states that an advertisement will not be accepted if, in the reasonable opinion of the council, it could promote goods or services that contradict the climate change and air quality strategy for examples promotion of fossil fuels
Coventry City Council	The advertising policy considers that the petrochemical industry is not acceptable for entering into a sponsorship or advertising agreement.
Europe Benchmark	
Amsterdam	The city banned ads from fossil fuel and aviation companies, including fossil fuelled vehicles , in Amsterdam subway stations or the city centre.
France	The Government passed a law to ban on advertising for fossil fuel products (e.g. petrol stations) Since 2022, all adverts for motorised vehicles are bound to include one of the following messages: "For short journeys, opt for walking or cycling", "Think about carpooling" or "In everyday life, take public transport".
French citizen climate assembly (Convention Citoyenne pour le Climat)	The assembly recommended a ban on all adverts promoting high carbon products, including air travel, cars that use more the 4L/100 km, ban on digital advertising screens in public spaces, public transport and shops. They also recommended a ban on advertising which promote excessive consumption e.g. sales, and recommended to add a mention for all advertising (e.g. "Do you really need it? Overconsumption harms the planet")
Climate Assembly UK	The UK Climate Assembly backed 'advertising bans and restrictions on high emissions products or sectors '
Scotland's Citizen Climate Assembly	No specific recommendation around advertising. Recommendation in include carbon labelling on produce, products and services to enable people to make informed choices. Following analysis of the Assembly's recommendations, the Scottish Government committed to

	“explore the feasibility of implementing food carbon labelling in Scotland” and “undertake a feasibility study to explore implementation options for product carbon labelling in Scotland, and the benefits and challenges associated with each.”
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Plant-based treaty related considerations

Food systems are a key driver of the climate crisis and there is robust evidence that diets high in plant protein and low in meat and dairy make for lower greenhouse gas emissions. The UK Climate Change Committee (CCC) recommends a 20 to 50% reduction in all meat and dairy consumption by 2050 and restricting advertising of these products would be consistent with this.

The Dutch city of Haarlem is the world’s first city to ban meat adverts in public¹.

It is acknowledged that doing the same thing in Edinburgh would be highly controversial. A first step would be to ban the advertising of processed meat, which has been declared as carcinogenic by the World Health Organization². A further step would be to ban the advertising of red meat, declared as probably carcinogenic by the WHO. The proposed revised policy does not currently include specific restrictions around food advertising.

Transport for London Case study

In 2019, Transport for London introduced restrictions on advertising for food and drink High in Fat, Salt or Sugar (HFSS), after endorsement by the Mayor and campaigning by food charity Sustain. Since being introduced, TfL’s Healthier Advertising Policy is expected to save the NHS £200 million and has:

- not led to reduced advertising revenue
- reduced household purchasing of unhealthy products
- caused a reduction in preventable illnesses like obesity and Type 2 diabetes
- had the biggest impact on people from areas with more social deprivation.

Sources

Sustain: [Junk food purchases drop thanks to London transport advertising policy](#)

Sheffield and the London School of Hygiene & Tropical Medicine: [Junk food advertising restrictions prevent almost 100,000 obesity cases and is expected to save the NHS £200m](#)

¹ <https://www.theguardian.com/world/2022/sep/06/haarlem-netherlands-bans-meat-adverts-public-spaces-climate-crisis>

² Source: “An analysis of data from 10 studies estimated that every 50 gram portion of processed meat eaten daily increases the risk of colorectal cancer by about 18%. The cancer risk related to the consumption of red meat is more difficult to estimate because the evidence that red meat causes cancer is not as strong. However, if the association of red meat and colorectal cancer were proven to be causal, data from the same studies suggest that the risk of colorectal cancer could increase by 17% for every 100 gram portion of red meat eaten daily.” <https://www.who.int/news-room/questions-and-answers/item/cancer-carcinogenicity-of-the-consumption-of-red-meat-and-processed-meat>

Appendix 4: Proposed amended Advertising and Sponsorship Policy

Advertising and sponsorship policy

1 April 2024

Control schedule

Version control

Approved by	Policy & Sustainability Committee
Approval date	6 August 2019
Senior Responsible Officer	Dr Deborah Smart, Executive Director of Corporate Services
Author	Lynette Robertson, Head of Commercial and Procurement Services Graeme McGartland, Head of Estates Mike Pinkerton, Head of Communications Christine Downie, Strategy Manager (Sustainability & Climate)
Scheduled for review	April 2025

Version	Date	Author	Comment
0.1	08/2019	Mike Pinkerton, Head of Communications and Iain Strachan, Head of Commercial and Procurement Services	Authors also included Communications and Estates services
0.2	03/2024	Lynette Robertson, Head of Commercial and Procurement Services Graeme McGartland, Head of Estates Mike Pinkerton, Head of Communications Christine Downie, Strategy Manager (Sustainability & Climate)	Amended to reflect the Council's Climate and Nature Emergency declarations

Subsequent committee decisions affecting this policy

Date

Committee

Link to report

Link to minute

Advertising and sponsorship policy

1. Policy statement

- 1.0 The policy provides proposals for (i) advertising by third parties which would be installed on assets directly owned by the Council, **or contracted**, and (ii) third party sponsorship of Council events or initiatives.
- 1.1 The policy sets out existing recognised industry codes, legislation, regulations and Council policies and guidance which influence and impact upon advertising and sponsorship activities.

2. Scope

- 2.0 This policy aims to:
 - 2.0.1 establish a corporate approach and standards to guide the consideration of proposals for advertising and sponsorship as set out in this policy;
 - 2.0.2 establish governance arrangements that ensure that future advertising and sponsorship proposals are considered by appropriate Council directorates/divisions prior to approval;
 - 2.0.3 ensure the Council complies with its legislative obligations, and Council policies, and is also guided by relevant nationally recognised industry codes;
 - 2.0.4 support the Council's strategic objectives **as set out in the Council's Business Plan, including the Council 2030 net zero emissions target**;
 - 2.0.5 support the Council securing Best Value and maximisation of income;
 - 2.0.6 support the Council's development of suitable commercial partnerships;
 - 2.0.7 uphold the Council's reputation and brand;
 - 2.0.8 support the safeguarding of citizens' interests and their well-being, and the image and environment of those elements of the local authority area which are within the control of the Council, and not the subject of separate regulation or control;
 - 2.0.9 support the alignment of the Council's involvement in advertising and sponsorship to the Council's corporate social responsibility **and sustainability commitments**.

3. Definitions

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

Advertising

- 3.2 Advertising is a form of communication used to raise awareness, encourage or persuade an audience - viewers, readers or listeners or a specific group of people - to do or believe something. Advertising is usually paid for by an organisation.
- 3.3 Advertising messages can take a variety of forms and can be viewed through a wide range of media and platforms including, but not limited to, newspapers, magazines, television commercials, radio advertising, out of home advertising, direct mail, online and digital such as paid social media, blogs and other electronic platforms. Advertising mediums change rapidly in the digital and electronic age. This policy aims to be sufficiently flexible to encompass platforms which are yet to be developed.
- 3.4 The Council seeks to generate and maximise income from Council-owned assets. This policy is intended to cover third party advertising which would be installed on assets directly owned **or contracted** by the Council, but not advertising in public realm areas, **commercial areas**, park and greenspace and Council-owned development/brownfield sites which are subject to separate contractual agreements.
- 3.5 The Council uses advertising for a range of activities which promote the Council's commitments and strategic objectives, and ultimately enhance and maintain the Council's reputation. When undertaking such advertising, be it on assets owned by the Council, **contracted by the Council** or by third parties, the Council already adheres to existing relevant nationally recognised industry codes, legislation, regulations and Council policies. This practice would continue.

Sponsorship

- 3.6 To sponsor something is to support an event, activity, person or organisation financially or by providing products or services. The relationship should be mutually beneficial. Sponsorship should not be confused with other types of funding which the Council provides such as grants, and which are not subject to this policy.
- 3.7 Sponsorship is a business relationship between the provider of funds, resources or services and an individual, event or organisation which offers in return rights and association that may have commercial advantage in return for the investment.
- 3.8 There can be cross over between how advertising and sponsorship works in

practice. For example, advertising on Council-owned roundabouts may be referred to as sponsorship because the advertising income supports the cost of maintaining those sites. This policy is intended to cover third party sponsorship of Council events or initiatives.

Extent of policy application

3.9 Subject to the terms of this policy, this policy is not intended to cover (i) pre-existing contractual arrangements the Council has entered into, (ii) any current or future grant funding arrangements entered into by the Council, (iii) any matters which are the subject of separate regulation, for instance matters regulated by separate planning or licensing regimes, (iv) the activities or operations of the Lothian Pension Fund, or (v) the activities of school parent councils.

4. Policy content

Industry codes

4.1 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 nationally recognised industry codes.

4.2 The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all online and offline media. 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.

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

4.3.1 non-broadcast advertising and direct and promotional marketing ([CAP code](#)): the central principle of this code for all marketing communications is that they should be legal, decent, honest and truthful. All marketing communications should be prepared with a sense of responsibility to consumers and society and should reflect the spirit, not merely the letter, of the code; and

4.3.2 broadcast media ([BCAP code](#)): the overarching principles of this code are that advertisements should not mislead or cause serious or widespread offence or harm, especially to children or the vulnerable.

4.4 The ASA codes cover a wide range of guidance including:

- misleading advertising
- harm and offence

- political advertisements
 - environmental claims
 - medicines, medical devices, health-related products and beauty products
 - weight control and slimming
 - financial products
 - gambling
 - lotteries
 - alcohol
 - tobacco, rolling papers and filters
 - electronic cigarettes
 - specific guidance when featuring or addressing children.
- 4.5 The ASA provisions on food, food supplements and associated health or nutrition claims highlights that the ASA rules must be read in conjunction with the relevant legislation which applies to all marketing communications for food products, including the Food Safety Act 1990, the Food Information Regulations 2014 and Regulation (EC) No 1924/2006 on nutrition and health claims made on foods (the EU Regulation).
- 4.6 The ASA code also highlights that: “Public health policy increasingly emphasises good dietary behaviour and an active lifestyle as a means of promoting health. Commercial product advertising cannot reasonably be expected to perform the same role as education and public information in promoting a varied and balanced diet but should not undermine progress towards national dietary improvement by misleading or confusing consumers.”
- 4.7 The ASA codes include specific rules on "HFSS products" ie those food or soft drink products that are assessed as high in fat, salt or sugar in accordance with the Department of Health nutrient profiling model. It also includes guidance on HFSS advertising in proximity to schools.
- 4.8 The ASA has updated its environmental guidance in relation to carbon neutral and net zero claims in February 2023¹. The ASA will take proactive action to address entirely unqualified carbon neutral and net zero claims made by organisations, and will carry out monitoring for up to six months to assess the impact of the new guidance. The monitoring may lead to the development of guidance which would clarify what forms of evidence are more or less likely to be acceptable to substantiate such claims in advertising.

Legislation and regulations

- 4.9 Legislation and regulations which have impact on advertising and sponsorship currently include:
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¹ [Updated environment guidance: carbon neutral and net zero claims in advertising - ASA | CAP](#)

- 4.9.1 Local Government Act 1986
- 4.9.2 the Town and Country Planning (Scotland) Acts which include regulations which control the display of advertising, such as on billboards.
- 4.9.3 the Communications Act 2003 also specifies strict rules to which media service providers must adhere
- 4.9.4 Supply of Goods and Services Act 1982
- 4.9.5 Consumer Protection from Unfair Trading Regulations 2008
- 4.9.6 Business Protection from Misleading Marketing Regulations 2008.

Advertising and sponsorship principles

- 4.10 This policy applies to proposals for (i) advertising by third parties which would be installed on assets directly owned by the Council, or **contracted by the Council**, and (ii) third party sponsorship of Council events or initiatives.
- 4.11 Whether advertising and/or sponsorship proposals within the scope of this policy should be approved by the Council will be decided on a case-by-case basis on the merits of each opportunity or request, as assessed taking into account this policy. Council directorates/divisions assessing such proposals must consult with the appropriate Council specialists set out in section 6.
- 4.12 The Council welcomes opportunities to collaborate with third parties on sponsorship/advertising proposals where such arrangements support its values, strategic goals, corporate objectives, policies and/or helps drive forward the Council's aspirations. The Council does, however, reserve the right to refuse an advertising or sponsorship proposal where such a proposal, including an association with the party in question, may cause reputational damage to the Council or the city.
- 4.13 Advertising or sponsorship should not put the Council or the third party in question in a position where it could be said that the proposal may be perceived:
 - 4.13.1 as seeking to unduly influence the Council
 - 4.13.2 as aligning the Council with any organisation which conducts itself in a way which directly conflicts with Council strategic priorities and values.
- 4.14 An advertisement or sponsorship proposal will not be approved if, in the opinion of the Council, it does any of the following, or might reasonably be perceived as doing so:
 - 4.14.1 does not adhere to relevant nationally recognised industry codes
 - 4.14.2 legislation

- 4.14.3 promotes business activities/practices which do not align with the Council's policies, values, objectives and strategic goals, such as the Council's net zero targets
- 4.14.4 may result in the Council being subject to legal proceedings
- 4.14.5 appears to promote racial or sexual discrimination, or discrimination based on disability, faith, gender or age, or would result in the Council being in breach of its legal obligations
- 4.14.6 is disparaging any person or class of persons
- 4.14.7 promotes or incites illegal, violent or socially undesirable acts
- 4.14.8 promotes tobacco or tobacco related products (such as vaping), weapons, gambling or illegal drugs
- 4.14.9 promotes high carbon products, as defined in table 1
- 4.14.10 is deemed inappropriate for children or young people, eg violent or pornographic imagery
- 4.14.11 infringes any intellectual property rights, eg trademark, copyright or patent rights, of a third party
- 4.14.12 includes claims or representations in violation of advertising or consumer protection laws and/or
- 4.14.13 associates the Council to or lends support to any particular political party or a cause identified with any particular political party.

Table 1: List of "high carbon products"

Category	Notes
Airlines and airports: all advertising by airports and airlines which might reasonably be deemed to promote more flying	There are no low carbon options for commercial air travel available currently or for the foreseeable future, so air travel per se should be treated as high carbon. ²
Fossil fuel companies: all firms ³ and associated sub brands or lobbying	This includes, regardless of the companies' potential sustainability

² Climate Change Committee, 2019, Letter: International aviation and shipping and net zero, "Zero-carbon aviation is highly unlikely to be feasible by 2050" <https://www.theccc.org.uk/publication/letter-international-aviation-and- shipping/>

³ A [list of fossil fuel companies](#) can be found on Wikipedia:

<p>organisations that extract, refine, produce, supply, distribute, or sell any fossil fuels</p>	<p>commitments advertising or sponsorship:</p> <ul style="list-style-type: none"> • showing fossil fuel products, energy from coal or hydrogen • showing petrol stations, and any ads promoting the price of petrol/diesel
<p>Cars: exclude all advertising and promotions for petrol, diesel and hybrid vehicles and Plug-In Hybrid Electric Vehicles (PHEV)</p>	<p>Advertising for Battery Electric Vehicles (BEV) and hydrogen fuelled vehicles are still permitted if these are not Sport Utility Vehicles (SUVs)⁴. PHEVs have been shown not to yield meaningful emissions savings over conventional vehicles.⁵</p>
<p>Cruise holidays</p>	<p>Cruise ships emit more carbon per passenger kilometre than flying. They also generate black carbon and produce a lot of waste which is often discharged into the sea. Their engines run 24/7, often even at port which has damaging impacts on air quality.</p>

4.15 The Council reserves the right to remove or refuse advertising and sponsorship which does not adhere to the terms of this policy.

4.16 The Council must ensure a return on investment when it is receiving sponsorship.

4.17 As regards sponsorship, (i) the proposed sponsorship must support or further the Council's strategic objectives, (ii) reasonable steps must be taken to ensure the party the proposed sponsorship relates to discloses any current regulatory applications/consents relating to them/related organisations/close associates in respect of the Council area, or if they are involved in any current

⁴ SUVs are larger and heavier than regular cars and use on average 20% more fuel. The increased number of SUVs in 2022 were responsible for a third of the increase in global oil demand. Electric SUVs also require larger batteries to power them, so a growing electric SUV market would impose additional pressure on battery supply chains and further increase demand for the critical minerals needed to make the batteries. Source: [Carbon emissions from global SUV fleet outweighs that of most countries](#)

Also see [Over-charged? Briefing from Badvertising – August 2023](#)

⁵ Transport & Environment, 2020, [A new Dieselgate in the making](#)

dispute with the Council or if there are outstanding debts owed to the Council, (iii) a suitable risk assessment must be conducted in respect of the event or activity in question, and (iv) the Executive Director of Communities and Families must be consulted should any proposed sponsorship event or activity be focused on children or young people. There must be no risk of misperception that the party the sponsorship arrangement is with will be looked upon sympathetically for other purposes such as access to elected members outside the sponsored event or activity, and the sponsorship proposal must secure Best Value with any benefits conferred by it being proportionate.

- 4.18 All sponsorship or advertising proposals shall be the subject of a suitable agreement between the Council and the third party in question.
- 4.19 The use of Council branding and logos, and any other intellectual property of the Council, by any third party is not permitted except with the prior written agreement of the Council and must adhere to the Council's brand guidelines.
- 4.20 The size and positioning of third party logos on any Council promotional material, goods or signage must be considered by the appropriate lead officer in consultation with the Council's communications team.

5. Implementation

- 5.1 This version of the policy will come into effect from April 2024 and will be applied to all current advertising and sponsorship agreements as and when they are due for renewal.
- 5.2 Voluntary adoption of this policy in the middle of a contractual arrangement will be encouraged but not enforced if it would result in claims against the Council or additional costs.

6. Roles and Responsibilities

- 6.1 The lead officer in the Council service responsible for approving an advertising or sponsorship proposal must make sure that any proposed arrangement does not constitute unlawful financial aid or is not permitted under relevant legislation, regulations, nationally recognised industry codes and existing Council policy and guidance, including in terms of this policy.
- 6.2 An officer may only offer or accept advertising or sponsorship proposals on the Council's behalf with authorisation from the relevant Head of Service and Executive Director, subject to the Council's Scheme of Delegation, and after having consulted with the following specialist Council teams:

- 6.2.1 Commercial and Procurement Services
 - 6.2.2 Communications
 - 6.2.3 Legal Services
 - 6.2.4 Corporate Sustainability Team
 - 6.2.5 Property and Facilities Management.
- 6.3 Certain advertising or sponsorship proposals may require specific committee approval, in terms of the Council's Scheme of Delegation and related governance framework.

Related documents

- 6.4 This advertising and sponsorship policy should be applied alongside existing Council policies and guidance, where relevant, including the following:
- 6.4.1 [Policy and procedures on sponsorship of events targeted at school pupils](#)
 - 6.4.2 [Edinburgh Design Guidance](#) led by Planning
 - 6.4.3 [Policy for advertising](#) on-street structures led by Planning
 - 6.4.4 [Edinburgh Planning Guidance on Outdoor Advertising and Sponsorship](#) led by Planning
 - 6.4.5 [On-street advertising structures guidance](#) led by Planning
 - 6.4.6 the Council's Contract Standing Orders.

Integrated impact assessment

Banning the advertising of high carbon products on Council infrastructure is consistent with the Business Plan priorities, including the Council net zero target.

It is considered that an integrated impact Assessment is not required for this policy as it will not directly affect any population group. The policy will only affect people's exposure to advertising, rather than the availability of the products themselves.

Risk assessment

The Council has a responsibility to ensure that contracted suppliers/partners comply with the relevant legislation and industry standards/codes in relation to advertising (as describe in section 4 of the policy).

The amendments made to this iteration of the policy may carry a financial risk in terms of the Council's ability to generate income from advertising contracts and sponsorship

arrangements. It is felt that there is significant benefit to be gained from amending the policy as it will support the Council to achieve aims and objectives set out in the Council Business Plan, particularly around net zero 2030 targets.

Review

In line with the Council's policy framework, this policy will be reviewed annually or more frequently if appropriate and submitted to the Policy & Sustainability Committee.