

## **Annex A**

### **City of York Council**

### **Advertising Policy**

We strive to be an open and honest organisation which actively engages with our residents, businesses, visitors and partners. Our communication with stakeholders should be a two-way process, so everyone's views can help shape the services we provide. We're a listening council.

This policy is intended to provide clear guidance regarding the requirements to advertise on council property and/or public estate.

The policy covers you if you're:

- an advertiser agency or organisation hoping to advertise on City of York Council's property or public estate
- a marketing communications or sponsorship agency hoping to use the council's public estate for commercial gain (such as licencing or promotion of specific events)

Council property, assets and public estate is defined as:

- boundary signs
- roundabouts
- car parks
- roads and highways
- council-owned buildings including the Stadium, City Walls and Mansion House
- bus stops
- information boards
- ward notice boards

For more information contact: [claire.foale@york.gov.uk](mailto:claire.foale@york.gov.uk)

### **General approach to advertising and sponsorship**

We're looking to maximise revenue from advertising or sponsorship on its public and digital space, including public highways, car parks, roundabouts, Park & Ride sites, bus stops, billboards, boundary signs and city-centre Wi-Fi, and wherever it's within the constraints of this policy and acceptable to the council to permit advertising or sponsorship.

The council officers, who are appointed to administer the advertising and sponsorship processes, will ensure that the acceptance and display of

advertising or sponsorship does not conflict with any other policy or operational objectives of the council.

Such broader objectives can include the need to generate revenue through promoting certain services we provide, and it would not be appropriate to display advertising for 'competing services'; what constitutes a competing service will change from time to time.

There will be other examples of advertising which might conflict with broader council objectives. Where advertising cannot be accepted due to such conflicts, the reasons will always be clearly explained to advertisers or their agents.

The council does not take a 'white-listing' approach (which is when specific permitted advertising is defined), but rather follows a 'black-listing' approach (which is when the basic assumption is that advertising is permitted unless it falls into a number of **prohibited products, services and advertisers** categories).

## **National legislation and policy**

We take note of relevant national policy such as:

- **Advertising Codes regulated by the Advertising Standards Authority**
- **Consumer Protection from Unfair Trading Regulations, 2008**
- **The Calorie Labelling (Out of Home Sector) (England) Regulations, 2021**
- **The Soft Drinks Industry Levy Regulations, 2018**
- **The Food (Promotion and Placement) (England) Regulations 2021**
- Restrictions on multi-buy deals (due October 2023)
- Restrictions on advertising on TV and online (due January 2024)

We particularly take note of the **Consumer Protection from Unfair Trading Regulations 2008**, which seek to protect consumers from unfair, misleading or aggressive marketing practices and require all advertisers to **strongly comply** with not only the letter, but also the spirit, of these regulations.

## **Prohibited products, services and advertisers**

Other than the specific categories of products and services which may not be promoted by the council, as defined below, most products and

services may be promoted, although all submissions are subject to individual scrutiny as to their acceptability.

Private sector competitors who offer services provided by City of York Council or other public sector organisations may advertise on council owned advertising space subject to individual case approval. This policy toward competitor advertising will be reviewed on a quarterly basis, or as required.

Political organisations **may not** advertise on council owned advertising space. We, while actively encouraging the engagement of citizens and community groups in policy setting and other democratic processes, do not encourage, and will generally not permit, advertising from what might broadly be called 'lobby groups'. Whether those lobby groups be very local and temporary, perhaps centred on a particular planning decision, or national or international and more permanent in nature.

Gambling organisations are not considered appropriate advertisers.

Organisations offering entry into a competition following completion of a form containing any personal information will not be allowed to advertise.

In addition to the [specific exemptions](#) listed, there may also be some specific controls and policies associated with individual placements.

### **Specific exemptions**

The following categories of organisations, products or services are **strictly prevented** from, and will not advertise or be advertised on council owned advertising space:

Types of organisations:

- political organisations
- manufacturers of tobacco or tobacco related products
- manufacturers of alcohol products
- advertising from any organisation associated with 'adult industries' will not be permitted
- organisations whose values, products, services or views, conflicts with the cores values or policies of the Council in any way

Those who affect public support for a political party, a person identified with such a party, or a point of view or question of political controversy.

Associates with organisations in financial or legal conflict with the council:

- any organisation which discriminates on the grounds of race, colour, national origin, religion, sexual orientation or disability
- any organisation which appears to compete directly with a council service or income stream will be considered on a case by case basis; for example, if the council is running fostering advertising, it will not expect to see competing private foster agencies advertising

Named organisations:

- none specified at this stage, but organisations will be added to this list as and when they are identified

Types or products and services, or any advertising implying or relating to the sale, promotion or use of:

- tobacco or tobacco related products
- vaping products
- alcohol
- gambling
- pornography
- adult content
- unhealthy food or drinks defined as high saturate fat, salt and/or sugar (HFSS)
- cosmetic surgery
- loans and speculative financial products
- weapons, violence or anti-social behaviour of any description
- any product or service which is deemed or perceived to discriminate on the grounds of race, colour, national origin, religion, sexual orientation or disability

Additional policy guidance on HFSS restrictions is available in the council's [\*\*High Fat, Salt or Sugar Advertising Guidance\*\*](#).

We'll ensure that there can be no questions as to content suitability and retains the right to refuse any content that we're not happy with. Any content or advertising which has an overtly 'sexual tone' will be excluded without exception.

Named products and services:

- none specified at this stage, but products or services will be added to this list as and when they are identified

## **Style and content of advertising**

We expect adherence to the Advertising Codes regulated by the [\*\*Advertising Standards Authority\*\*](#) and the Committee of Advertising Practice.

We will not hesitate to support complainants and subsequent engagement with the Advertising Standards Authority if the code is not followed.

Advertising on public highways (including roundabouts or boundary signs) cannot include arrows or directions that would conflict with highways signs and could represent a safety risk.

## **Behavioural targeting, cookies and privacy**

Advertising across the council's public estate is managed and maintained by third-party suppliers.

The third-party and advertiser will have regard to [\*\*Regulation \(EU\) 2016/679 \(the General Data Protection Regulation, 'GDPR'\)\*\*](#) and the [\*\*Data Protection Act 2018\*\*](#) in the case of personal data, and the [\*\*Privacy and Electronic Communications \(EC Directive\) Regulations 2003\*\*](#) in the case of activities relating to electronic communications.

Advertisers must comply with this legislation and guidance is available from the [\*\*Information Commissioner's Office\*\*](#). Although the legislation has a wide application, these rules relate only to data used for direct marketing purposes. The rules should be observed in conjunction with the legislation, and do not replace it.

The third-party suppliers who provide, maintain and manage advertising are listed below, together with links to their individual privacy statements.

- JC Decaux Group - [\*\*JCDecaux's Privacy and Personal Data Protection Policy\*\*](#)
- Community Partnerships Media - [\*\*CP Media's Privacy Policy\*\*](#)