



## Policy Template

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## Summary

- 1.1 The Middlesbrough Council Advertising Policy establishes clear principles and procedures for all advertising agreements involving Council-owned assets or platforms. Its purpose is to ensure consistency, transparency, and compliance with legislation, while safeguarding public health, the environment, and the Council's reputation.
- 1.2 The policy applies to the Council as an advertiser, as an owner of advertising platforms, and to third-party contractors managing Council assets. It aligns with the Council Plan, Public Health Strategy, and Healthy Weight Declaration, supporting a healthier and more sustainable borough.
- 1.3 The policy prohibits advertising that promotes harmful or inappropriate products and services, including tobacco related products, alcohol, gambling, fossil fuels, HFSS foods, and discriminatory or sexually explicit content.
- 1.4 It also sets standards for accessibility, accountability, and ethical practice, requiring all agreements to uphold the Council's values and strategic priorities. Exemptions may apply for small local businesses under strict criteria to support the local economy.
- 1.5 Oversight is provided by the Head of Marketing and Communications and the Advertising Advisory Group, with compliance monitored through audits and contract management.

## Context

- The council has a number of assets that carry (or could carry) advertisements to promote its own services, market third party campaigns that aim to improve the lives of local residents, or provide the opportunity for businesses and organisations to raise awareness of their products and services.

## **Purpose**

- 3.1 The purpose of this policy is to set out the terms upon which advertising may be sought and accepted by Middlesbrough Council (the Council).
- 3.2 It provides guidance on the principles and procedures relating to any advertising agreement.
- 3.3 The Policy:
- a) outlines the rules and guidelines that the Council and its potential advertisers must follow;
  - b) assesses risk and managing potential conflicts of interest;
  - c) clarifies public accountability and transparency of decision making.
- 3.4 By applying this policy the Council will:
- a) be consistent;
  - b) establish a set of standards;
  - c) provide a framework of controls;
  - d) ensure compliance with legislation, advertising industry codes and other council policies, including our brand guidelines;
  - e) safeguard and steward the image, environment and health of the town;
  - f) uphold and protect the council's reputation and corporate identity;
  - g) further our strategic vision and support our priorities by facilitating communication;
  - h) maximise the use of our assets to generate revenue;
  - i) build positive relationships with businesses through advertising

## **Definitions**

- 4.1 Advertising, for the purposes of this policy, is defined as a transaction between the Council and an external organisation in which the organisation can display informative and/or persuasive content about its products, services, causes or ideas in/on Council assets in exchange for a previously agreed financial sum.
- 4.2 Advertising opportunities fall into two categories:
- a) those channels which are most clearly associated with the Council, including, but not exhaustively, its main and associated websites; intranet, social media accounts; corporate and service publications; buildings and vehicles.
  - b) those channels where the Council acts as landlord or operator, but which may be managed for the Council under transparent and tendered agreements

## **Scope**

- 5.1 This policy is three-fold, covering:
- a) The Council as an advertiser
  - b) The Council as an owner of an advertising platform which an external individual, group or organisation may wish to utilise
  - c) The Council's sub-contracted and commissioned services (where council funds are the predominant income) and council leases where the council is a majority owner or shareholder.

5.2 Any existing advertising or contractual agreements must be reviewed at the next contractually available juncture.

5.3 Advertising agreements concerning Council assets that are managed by a third party should adhere to this policy, or in the case of 5.2, adopt the policy terms at the earliest opportunity.

5.4 Advertising that forms part of a wider agreement for

- a) third-party organised events
- b) third-party long term commercial leases should adhere to the terms of this policy, unless specific terms are/have been negotiated as part of a separate formal contract agreement between a third-party and the Council.

5.5 When working in formal partnership or collaboration with another body, the Council will adhere to this policy. Contributing partner organisations not governed by the terms of this policy are encouraged to adopt these terms as best practice.

## Legislative and regulatory framework

6.1 All advertising and sponsorship agreements must fall within the guidelines and rules laid out by:

- a) [Recommended code of practice for local authority publicity - GOV.UK](#)
- b) [Marketing and advertising the law: Regulations that affect advertising - GOV.UK](#)

6.2 The policy supports the Council Plan ambition for a healthy place.

6.3 The policy aligns to the Public Health Strategy 2023-2026 and supports the implementation of the Healthy Weight Declaration adopted in February 2024.

## Policy detail

7.1 Without any limitation on the Council's ability to exercise its discretion, the Council does not consider the following companies, partnerships, organisations or individuals as suitable for entering into advertising agreements with

Category	Advertising
Tobacco and related products	Not permitted
E-cigarettes/ vaping	Permitted only if advert is part of a stop smoking campaign, featuring a product that is not owned or part-owned by the Tobacco Industry
Gambling or betting products, services or organisations <sup>1, 2</sup>	Not permitted
Foods and drinks that are high in fat, salt and/or sugar (HFSS) as defined by the Department of Health and Social Care's nutrient profiling model <sup>3</sup>	Not permitted
HFSS food and drink brands or those synonymous with such products, including food ordering services, where no food or drink product is featured directly <sup>4</sup>	Not permitted

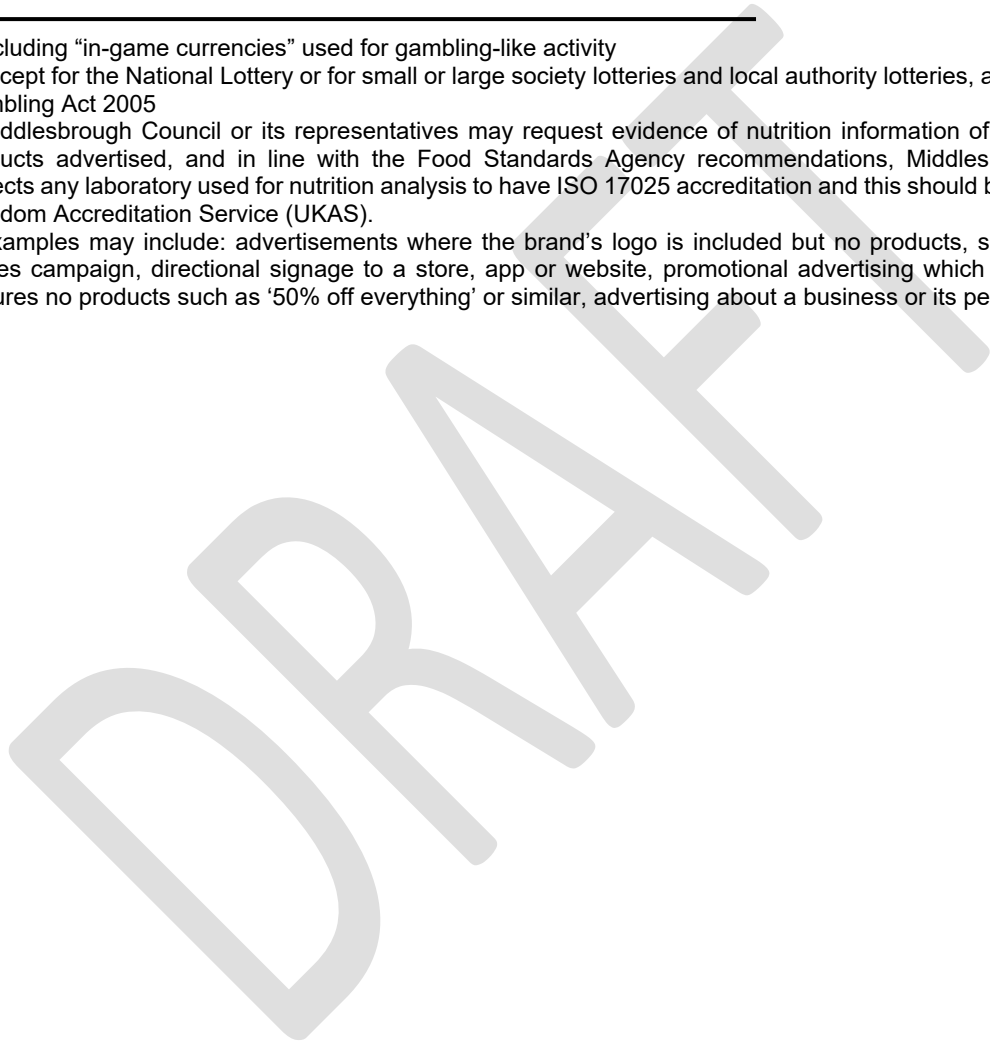
Energy drinks containing stimulants such as caffeine (150mg of caffeine per litre)	Not permitted
Breast milk substitutes such as infant milk formulas, baby foods and juices for infants under 6 months, bottles and teats not permitted by the International Code of Marketing of Breast-milk Substitutes	Not permitted
Alcoholic drinks	Permitted only if advert is part of a public health campaign, featuring a product that is not owned or part-owned by the Alcohol Industry
Loan advancers which meet the Financial Standards Authority's definition of 'High Cost Short Term (HCST)'	Not permitted

1 Including "in-game currencies" used for gambling-like activity

2 Except for the National Lottery or for small or large society lotteries and local authority lotteries, as defined in the Gambling Act 2005

3 Middlesbrough Council or its representatives may request evidence of nutrition information of food and drink products advertised, and in line with the Food Standards Agency recommendations, Middlesbrough Council expects any laboratory used for nutrition analysis to have ISO 17025 accreditation and this should be by the United Kingdom Accreditation Service (UKAS).

4 Examples may include: advertisements where the brand's logo is included but no products, such as a brand values campaign, directional signage to a store, app or website, promotional advertising which is price-led but features no products such as '50% off everything' or similar, advertising about a business or its performance.



7.2 The Council will not accept advertising:

- a) that infringes on any trademark, copyright or patent rights of another company
- b) in all scenarios where it is legally permissible, from companies who are in dispute with the Council or where there is pending/active legal action.
- c) when companies are in contract negotiation with the Council and the arrangements may be viewed as an endorsement of a bid.
- d) that supports advocacy of, or opposition to, any political party or any socially inflammatory or controversial subjects or issues
- e) where there are claims or representations in violation of advertising or consumer protection laws; those that have been found, or are suspected, to have failed to comply with the guidelines laid out by the Advertising Standards Authority
- f) from those whose advertising may result in the Council being subject to prosecution or bring the Council into disrepute

7.3 Council reserves the right to decline or remove advertising deemed to be objectionable on the grounds that it:

- a) does not comply with current advertising law or incites, provokes or condones someone to break the law (particularly crime, violence and antisocial behaviour)
- b) could reasonably be seen as likely to cause pressure to conform to an unhealthy body shape, or as likely to create body confidence issues, particularly among young people.
- c) will or is likely to leave the Council in breach of the Equality Act or its Public Sector Equality Duty
- d) does not meet the minimum requirements of WCAG 2.1 accessibility standards
- e) poses a health and safety risk. For example, as a result of flickering or other visual imagery in the case of digital media
- f) is inappropriate or out of line with organisational values, policies or strategic goals as set out in the Council's Corporate Plan
- g) conflicts with services already provided by the organisation

7.4 The Council reserves the right to remove non-compliant advertising at any time without reference to the advertiser.

7.5 The restrictions above apply both to the explicit promotion of goods and services, and implicit promotion as part of advertising of other types of goods, products, or services.

7.6 Advertising required during an event, including the Council's owned venues, should be within the boundaries of the event space and form part of the hire agreement. Any potential deviation from the restrictions listed above for a specific event should be considered separately and made explicit in the hire agreement.

7.7 As mentioned in 7.9 specific terms outside of the rules of this policy may be applied in certain circumstances. Subject to agreed terms a third-party may be able to advertise a product or organisation that the Council will not.

7.8 Any terms outside of this policy must always be agreed in accordance with advice from the Advertising Advisory Group and with approval from the **TBC**

7.9 These provisions apply only to one-off events or specific circumstances and do not form part of standard arrangements:

- a) In the case of third-party major, national or international events, specific terms may be negotiated as part of a separate contractual hire agreement.
- b) In the case of third-party long term leases specific terms may be negotiated as part of a separate contractual lease agreement.

7.10 In the case of small local businesses and their related events, exemptions to this policy may apply. The Council may accept advertising, if deemed appropriate, from the list of unsuitable partners or content (7.1) if it meets specific 'small local business' criteria as set out in appendix 1. Any terms outside of this policy must always be agreed in accordance with advice from the Head of Marketing and Communications.

## **Principles**

8.1 Any consideration given to advertising agreements shall have regard to the following principles:

- a) must be compatible with the values and priorities in the Council's Corporate Plan and its wider strategy and policy frameworks;
- b) the commercial and/or social value of any arrangement must be clear for both parties;
- c) an arrangement cannot be perceived to influence or hinder how the Council operates or makes decisions;
- d) arrangements must not impose or imply conditions that would limit or appear to limit the Council's ability to carry out its functions fully or impartially;
- e) the reputation and credibility of the Council is not damaged;
- f) agreements are formed with regard to public accountability and transparency with clear statements of objectives and benefits achieved;

8.2 In addition the council will uphold the national Code of Recommended Practice on Local Authority Publicity. This means that the Council is not able to enter into an advertising agreement which connects the Council with, or could be perceived as, lending support to any political party.

8.3 The Council may advertise its own services as appropriate using its own platforms. This may include adverts relating to traded services which generate an income.

8.4 Promotional materials and designs should adhere to WCAG 2.1 standards for accessibility. The Council's Marketing and Communications Team encourage best practice in accessibility to ensure all barriers to engagement are removed and can provide support to ensure that minimum requirements have been met.

## **Roles and Responsibilities**

9.1 All Council services, employees and elected members (when acting in an official capacity for or on behalf of the council) must comply with this policy.

9.2 The Council holds personal data of service users and compliance with UK GDPR will be adhered to in all cases.

9.3 All decisions are made in accordance with the Council's Constitution.

9.4 The Head of Marketing and Communications is authorised to make day to day decisions in line with the terms of this Policy.

9.5 The Advertising Advisory Group is responsible for the implementation of the Advertising Policy as well as the Council's terms and conditions for advertisers.

9.6 The Head of Marketing and Communications can provide expertise on advertising matters and advise on all enquiries. The Head of Marketing and Communications may refer to the Advertising Advisory Group for guidance.

9.7 The Advertising Advisory Group will advise as required, on a case-by-case basis to support decision making on Advertising agreements. The Group includes representatives from across the Council's services to provide expertise and guidance where an advertising request requires further consideration.

9.8 Where advertising is discharged by a third party under a formally procured contract or concession arrangement, the third party must apply this policy and this should be reflected in contractual arrangements. Existing third-party agreements must adopt this policy on renewal, unless specific exemptions have been negotiated, as per 7.9. Terms must be negotiated with referral to The Head of Marketing and Communications and the Advertising Advisory Group.

9.9 The Council's Legal Service will approve the terms and wording of contractual agreements in relation to advertising.

9.10 Where advertising is generated by the Council, the content will be commissioned via the Council's Marketing and Communications team.

9.11 Media relations or publicity for all agreements are undertaken by the Council's Marketing and Communications team.

### **Supporting policies, procedures, and standards**

10.1 Relevant codes of practice and policies have informed this policy:

- a) The Advertising Standards Authority (ASA). [www.asa.org.uk](http://www.asa.org.uk)
- b) Code of Recommended Practice on Local Authority publicity <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>
- c) Department of Health and Social Care nutrient profiling model <https://www.gov.uk/government/publications/the-nutrient-profiling-model>
- d) World Health Organisation International Code of Marketing of Breastmilk Substitutes [The International Code of Marketing of Breast-milk Substitutes](#)

- e) Equality Act 2010 <https://www.gov.uk/guidance/equality-act-2010-guidance>
- f) Data Protection Act  
<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

## **Monitoring and review arrangements**

11.1 Compliance with this policy will be monitored in the following ways

- a) Content generated or managed by the council will be subject to an annual audit and spot checks carried out by the Advertising Advisory Group
- b) Content managed by a third party will be monitored as part of standard contract management protocols

11.2 This policy will be reviewed every two years.

## **Evaluation**

12.1 Annual audits and spot checks of advertising assets will be used to monitor compliance and capture any changes in the advertising environment which will be compared to baseline data from 2024 to assess the effectiveness of the policy.

## **Appendix 1- Advertising - Supporting Local Business**

It is acknowledged that small local businesses do not present the same level of buying power, brand manipulation and potential harm than large corporations.

Advertising with local businesses can be very beneficial to both parties – building strong relationships, supporting the local economy, helping independent businesses to thrive and creating a vast range of commercial opportunities.

To support a business-friendly approach to the introduction of the council's advertising policy, and the borough's vibrant leisure, events and hospitality scene the following criteria can be applied when assessing whether we can go into agreements with certain business types that would be listed as 'not permitted'.

Middlesbrough Council's communications campaigns reflect the key priorities of the Authority. In all cases, the business or product type must not be in direct contradiction to a Middlesbrough Council communications campaign. Before assessing the below criteria, the product or business type should be checked against all live communications campaigns to determine whether it is suitable.

### **Local independent business – acceptable criteria**

Local food and drink, events and leisure businesses that sit within the 'not permitted' list would be considered for advertising only if they are:

- Categorised as an SME (small to medium enterprise)
- Registered as a Middlesbrough based business
- An independent business

On meeting these criteria, the business/product type will be assessed by the Head of Marketing and Communications to ensure it is appropriate.

For example:

- a small local brewery may be accepted to advertise at a food festival but would not be accepted to advertise near a school.
- a local takeaway or pizza restaurant might advertise on a roundabout but would not be accepted for an advertising banner featuring HFSS foods on a local park railing.

Assessment of suitability will be carried out by the Head of Marketing and Communications, with support from the Advertising Advisory Group if required.

Where it is deemed inappropriate the Head of Marketing and Communications can support the business to look for alternative options across the council's advertising estate.

### **Promoting local businesses**

The same rationale can be applied to the council in relation to promoting events and venues in the borough. For example:

- We Are Middlesbrough could promote the opening of new independent food & drink venues, providing imagery is compliant with the NPM.
- The Council could promote a leisure venue but could not advertise details of its bingo night

Advice should be sought from the Head of Marketing and Communications before promoting a business or product that falls within the not permitted list