# CARDIFF COUNCIL
# CYNGOR CAERDYDD

# CABINET MEETING: 18 SEPTEMBER 2025

## ADVERTISING AND SPONSORSHIP POLICY

## CLIMATE CHANGE, STRATEGIC PLANNING & TRANSPORT (COUNCILLOR DAN DE'ATH)

**AGENDA ITEM: 5**

### Reason for this Report

1. To enable the Cabinet to consider and approve the updated Advertising and Sponsorship Policy included as **Appendix A** to this report, and proposed changes to the Council's branding on advertising materials.

### Background

2. The updated Advertising and Sponsorship Policy sets out the principles and procedures for accepting advertising and sponsorship on Council-controlled assets. While the previous policy provided a foundation for managing such arrangements, it was limited in scope and clarity, particularly in addressing emerging advertising issues and public health considerations.

3. The proposed updated Advertising and Sponsorship Policy, attached as Appendix A, builds on this framework and introduces a more comprehensive and consistent approach to prohibitions and restrictions across all Council-owned property and platforms, addressing gaps in the previous framework. It outlines the principles and procedures for granting and accepting advertising and sponsorship, ensuring that all activity is ethical, transparent, and aligned with the Council's values and strategic objectives.

4. In addition to strengthening governance arrangements to protect the Council's impartiality and credibility, the proposed updated policy supports public health goals, reflects emerging best practices across UK local authorities, and seeks to uphold the Council's reputation. It also aims to maximise income from Council assets and ensure best value.

### Issues

<u>Overview of Changes</u>

5. The updated Advertising and Sponsorship Policy proposes stronger and clearer restrictions on advertising content through the Prohibited List, making explicit that adverts relating to violence, payday loans, e-cigarettes, pornography, escort agencies, drugs, and fossil fuel vehicles fall within this category.

6. In addition, a Restricted List has been introduced to cover advertising in areas such as high fat, salt and sugar (HFSS) foods, alcohol, and religion. It is proposed that advertising in these areas would not be automatically prohibited but would require approval on a case-by case basis, must comply with Advertising Standards Agency (ASA) guidelines, and be sensitive to placement in local communities.

7. To ensure that the policy remains current, it is proposed that it be subject to formal review every three years, or earlier if required by changes in legislation or advertising standards.

Restricted List

*High Fat, Salt and Sugar (HFSS) Foods and Drinks*

8. To support Cardiff Council and the Cardiff Public Services Board's broader public health and sustainability objectives, as outlined in the Corporate Plan and Local Wellbeing Plan respectively, the updated Advertising and Sponsorship Policy proposes strengthened restrictions on the promotion of foods and non-alcoholic drinks high in fat, salt and/or sugar (HFSS) across Council-owned and contracted advertising spaces.

9. The policy is informed by evidence showing that advertising significantly influences dietary behaviours, particularly among children and young people, and that exposure to HFSS advertising is linked to increased consumption and rising obesity levels.

10. HFSS products are defined in accordance with the nutrient profiling model referenced in the Food (Promotion and Presentation) (Wales) Regulations 2025, which form part of the Welsh Government's Healthy Weight: Healthy Wales strategy. Although these regulations do not come into force until March 2026, Cardiff Council is taking a proactive approach by embedding restrictions into its policy ahead of statutory requirements.

11. Under the revised policy:

    - Advertising that features a range of food or drink products will be restricted where some or all of the items are classified as HFSS.
    - Brand advertising (including companies or ordering services) will only be acceptable if no HFSS products are featured directly.
    - Fast-food or fast-food operators will not be promoted within 500 metres of nurseries, schools, or colleges.
    - All proposals and positioning of HFSS-related advertising would require prior approval by Cardiff Council.

12. This approach complements forthcoming UK-wide restrictions under the Communications Act 2003, which will come into force on 5 January 2026, including:

    - A 9pm watershed for HFSS advertising on TV and on-demand services.
    - A total ban on paid-for HFSS advertising online at any time.

13. While these national restrictions do not apply to out-of-home (OOH) advertising, the updated policy extends similar principles to OOH spaces under its control.

14. The proposed approach also aligns with ASA guidance, which prohibits HFSS advertising directed at children under 16, including the use of licensed characters, celebrities, and promotional offers. ASA rules further restrict HFSS advertising in media where over 25% of the audience is under 16 and prohibit misleading health claims.

15. This content-based restriction model has been successfully implemented by over 20 local authorities, including Bristol and Transport for London (TfL), and is being actively explored by more than 150 others. Cardiff and Vale University Health Board and the Vale of Glamorgan Council are also developing aligned policies for advertising on land under their control.

*Alcohol*

16. Cardiff hosts a wide range of high-profile events that attract interest from alcohol brands for sponsorship and advertising. While alcohol sponsorship remains a feature of major sporting and cultural events - such as the Six Nations and partnerships with Glamorgan Cricket Club - there has been a gradual decline in alcohol sponsorships, influenced by growing public health awareness and national campaigns.

17. The updated Advertising and Sponsorship Policy does not prohibit alcohol advertising outright. However, it proposes a more cautious and responsible approach, in line with ASA guidance and the UK Code of Non-Broadcasting Advertising and Direct & Promotional Marketing (CAP Code). Alcohol advertising is specifically governed by Section 18 of the CAP Code, which applies across all media.

18. Under the revised policy, proposals for alcohol-related advertising and sponsorship would be expected to meet the following principles, guided by ASA standards:

    - Audience Protection: Adverts must not target under-18s or appear in media where more than 25% of the audience is underage.
    - Responsible Messaging: Adverts must not suggest alcohol enhances popularity, confidence, or success, nor encourage excessive or irresponsible consumption.
    - Placement and Promotion: Alcohol promotions must avoid glamorising overindulgence and must use age-targeting tools online to prevent exposure to underage users.

19. The updated policy encourages alcohol companies to promote non-alcoholic and healthier alternatives from their product portfolios wherever possible.

20. Cardiff Council's approach is intended to ensure that alcohol advertising remains consistent with public health objectives, while still allowing for responsible partnerships that reflect the city's cultural and economic landscape.

*Religion and Belief*

21. Under the revised policy, proposals for advertising related to religion or belief would be considered against clear standards. In line with ASA guidance and rule 4.1 the CAP Code, advertising must not cause serious or widespread offence. Advertisers are expected to handle religious references with care, avoiding content that could be perceived as mocking, trivialising, or disrespectful. Particular sensitivity is required when using sacred imagery or placing religious-themed advertising in areas of cultural or religious significance.

22. This approach reflects best practice adopted by other UK local authorities and supports Cardiff Council's commitment to promoting equality, inclusion, and community cohesion. It is intended to ensure that advertising remains respectful and appropriate, while enabling faith-based organisations to engage with the public in a positive and constructive manner.

Branding and Identification

23. To ensure clarity around the Council's role in advertising and sponsorship arrangements, it is proposed that the Cardiff Council logo no longer be displayed on advertising banners. This change is intended to avoid any perception of endorsement of specific products, services, or organisations featured in advertisements.

24. Instead, an identifier would be introduced to indicate that the advertisement has been approved in accordance with the Council's Advertising and Sponsorship Policy and relevant planning policies. This approach maintains transparency and accountability while reinforcing the Council's impartiality in commercial advertising.

Scope of Application

25. The updated Advertising and Sponsorship Policy will apply to all new contracts initiated following its formal adoption. Existing contracts, which were established under previous versions of the policy, will not be retrospectively amended but remain subject to their original terms unless renegotiated.

26. For example, Cardiff Council currently holds an active contract with Clear Channel for advertising on bus shelters. This agreement, which predates the revised policy, includes some voluntary limitations - such as restrictions on HFSS advertising within 100 metres of schools - but does not fully align with the new policy framework. The contract is due to expire on 31 March 2029, and any amendments prior to that date would require significant contractual negotiation. Instead, the successor contract would be subject to the updated Advertising and Sponsorship Policy, including all outlined prohibitions and restrictions.

27. Similarly, existing contracts for digital screens across Cardiff have been established with multiple providers under the previous policy framework. These contracts do not currently adhere to all the restrictions set out in the new policy. As these agreements reach their renewal points, they will be reviewed and updated to ensure full compliance with the revised policy.

28. This phased approach ensures that the Council honours existing contractual obligations while progressively aligning all advertising and sponsorship arrangements with the updated standards and public health priorities.

## Reason for Recommendations

29. To seek Cabinet approval for the revised Advertising and Sponsorship Policy (Appendix A), and proposed updates to the Council's branding approach on advertising materials.

## Financial Implications

30. The policy supports the generation of income through advertising and sponsorship, contributing to the Council's financial sustainability. It encourages open tendering and adherence to procurement rules to ensure best value. We have acknowledged that advertising companies have raised concerns about potential income loss from HFSS restrictions and this could have an effect on some revenue opportunities. However, evidence from other local authorities suggests this has not materialised.

31. The Council has chosen to prioritise health and ethical considerations. The policy still encourages income generation through compliant advertising and open tendering, ensuring best value is achieved.

32. This report does not identify any additional financial implications for the Council as a result of the recommendations for an updated sponsorship and advertising policy.

33. Decision makers must note that any additional costs and any impact on associated income generation targets as a result of the new policy would need to be managed within approved revenue budgets.

## Legal Implications

34. Legal Services understand from the body of this report and advertising and sponsorship contracts may be let in accordance with the policy. Accordingly, full legal advice should be sought on any proposed contracts and the procurement process in relation thereto to ensure the same complies with the Council's Contract Procedure Rules and procurement legislation.

### Equality and Socio-Economic Duty

35. In considering this matter, the Council must have regard to its public sector equality duties under the Equality Act 2010 (including specific Welsh public

sector duties). This means the Council must give due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. The protected characteristics are: age, gender reassignment, sex, race – including ethnic or national origin, colour or nationality, disability, pregnancy and maternity, marriage and civil partnership, sexual orientation, religion or belief – including lack of belief.

36. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers (WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 (gov.Wales) and must be able to demonstrate how it has discharged its duty.

37. An Equalities Impact Assessment aims to identify the equalities implications of the proposed decision, including inequalities arising from socio-economic disadvantage, and due regard should be given to the outcomes of the Equalities Impact Assessment.

Well-Being of Future Generations (Wales) Act 2015

38. The Council has to consider the Well-being of Future Guidance (Wales) Act 2015 and how this strategy may improve the social, economic, environmental and cultural well-being of Wales. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales – a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

    In discharging its duties under the Act, the Council has set and published well-being objectives designed to maximise its contribution to achieving the national well-being goals. The well-being objectives are set out in Cardiff's Corporate Plan 2025-28. When exercising its functions, the Council is required to take all reasonable steps to meet its well-being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well-being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

39. The well-being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:

    - Look to the long term
    - Focus on prevention by understanding the root causes of problems
    - Deliver an integrated approach to achieving the 7 national well-being goals
    - Work in collaboration with others to find shared sustainable solutions

- Involve people from all sections of the community in the decisions which affect them
- The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:
  http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en

General

40. The Council is required to comply with the relevant Welsh Language Standards set out in Cardiff Council's Compliance Notice of September 2016, as issued under the Welsh Language Standards (No. 1) Regulations 2015, regarding the provision of Goods and/or Services in fulfilling contractual obligations. When making policy decisions, the Council must consider the potential effects on the Welsh language, and these obligations are addressed in both the report and the Equality Impact Assessment

41. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Council Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances

**ASA Alignment with Equality Act**

42. The ASA's advertising guidelines are closely aligned with the Equality Act 2010, particularly in how they protect individuals from harm and discrimination based on protected characteristics, including religion or belief.

43. How ASA Guidelines Align with the Equality Act:

Protection of Protected Characteristics

44. The CAP and BCAP Codes explicitly state that ads must not cause harm, especially to people with protected characteristics under the Equality Act 2010—which includes religion or belief, race, sex, disability, sexual orientation, and others.

Avoiding Harm and Offence

45. ASA rules require that ads must not contain anything likely to cause serious or widespread offence, particularly on grounds of religion or belief.

46. This mirrors the Equality Act's prohibition of harassment and discrimination in public communications.

Public Sector Equality Duty

47. CAP and BCAP have committed to the public sector equality duty, meaning they actively consider how their rules and enforcement advance equality and eliminate discrimination.

Inclusive Advertising Standards

48. The ASA system uses a harm-based framework to assess whether ads might negatively impact people with protected characteristics.

49. This allows the ASA to respond quickly and flexibly to emerging issues, such as religious stereotyping or cultural insensitivity, without needing to create new rules for each case.

## HR Implications

50. Council officers and members are required to declare any personal interests or potential conflicts in relation to advertising and sponsorship agreements. This supports transparency and ethical governance.

51. The updated policy may also require training for staff that are managing advertising contracts to ensure understanding of the new restrictions and compliance procedures, particularly around HFSS, sensitive advertising categories and related codes of conduct. This will allow them to make informed decisions regarding individual cases on key restricted subjects.

52. At the contract managements discretion, they may request further review and authorisation from senior management or cabinet members on sensitive or controversial advertising requests.

## Property Implications

53. The policy applies to Council-controlled assets used for advertising and sponsorship. It includes provisions for assessing the suitability of such use on a case-by-case basis and ensures that agreements do not compromise the Council's operational integrity or public image.

54. As an example, the measures included in the updated policy are present in existing contracts (e.g. Non-digital OOH Advertising). All future agreements will need to include this updated policy.

## RECOMMENDATIONS

Cabinet is recommended to:

1. Approve the updated Advertising and Sponsorship Policy, attached at **Appendix A.**

2. Note that advertising relating to HFSS foods, alcohol, and religion is included on a Restricted List within the Policy, with content to be assessed on a case-by-case basis.

3. Approve the removal of the Cardiff Council Logo from advertising banners, and the introduction of an identifier to indicate that an advertisement has been approved in line with Council policy and planning requirements, while making clear that the Council is not endorsing the product, service, or organisation being advertised.

4. Approve the Advertising and Sponsorship Policy be subject to formal review every three years, or earlier if required by legislative or regulatory changes.

5. Note that existing contractual documents for non-digital advertising (2024) and digital advertising (2025) contain the pre-2025 policy and will remain unchanged for the duration of those contracts, with the updated policy applying in full to successor contracts upon renewal.

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| **SENIOR RESPONSIBLE OFFICER** | **Andrew Gregory**<br>Director, Planning Transport & Environment |
| | **12 September 2025** |

*The following appendix is attached:*

Appendix A - Draft Advertising and Sponsorship Policy