

London Borough of Newham Advertising & Sponsorship Policy

2024

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1. Introduction

Purpose

The purpose of this policy is to outline the principles and procedures relating to any advertising or sponsorship carried out by, or on behalf of, Newham Council.

As the Council manages contracts covering outdoor advertising, this policy makes clear the type and nature of advertising we will consider on our managed assets.

Policy summary

The policy aims to ensure that our advertising activity supports the Council's corporate objectives e.g. taking a whole systems approach to obesity and that our position and reputation are adequately protected in advertising and sponsorship agreements.

The policy ensures that we adopt a consistent and professional approach towards advertising, and that best value is obtained and provided in any arrangements made where we receive either money or a benefit in kind.

The policy also protects councillors and individual officers from allegations of inappropriate dealings or relationships with advertisers and sponsors.

Scope

The policy covers advertising on all of the Council's assets including street furniture, billboards, printed, digital and online publications and the Council's fleet.

Timescales

The policy is permanent and will be reviewed on an annual basis. Estate advertising partners should be aware that our policy may be updated each year.

Aims, objectives and outcomes

The policy sets the standard for advertising in the borough. Advertising and sponsorship will need to comply with the relevant industry codes as detailed in the policy and will not be accepted if it seeks to promote listed in section 2.2:

Alignment Council-wide

Newham Council officers leading on advertising and the Public Health team will be consulting with the Planning and Highways team regarding new private planning applications which includes advertising on Newham Council owned land.

Newham Council will consider the potential impact of HFSS advertising when looking at planning applications, which include advertising sites. Unhealthy food and drink marketing is an important consideration upon healthy town centres and is therefore considered in planning applications.

New sites which are likely to be used for HFSS advertising, for example, telephone boxes, will be refused.

Policy

1.1 This policy outlines the principles and procedures relating to any advertising or sponsorship carried out by or on behalf of Newham Council.

1.2 In some areas such as Healthier Food Advertising and formula milk marketing, objective systems for decision making are in place. In other areas the application of the principles of Newham's advertisement policy, may be context dependent and will at times require reasoned judgements. These will be communicated to advertisers and sponsors as reasonably required.

1.3 The standards and procedures contained here are consistent with Newham Council's advertising and sponsorship objectives:

- i. To ensure that our advertising and sponsorship activity support the Council's corporate objectives e.g. taking a whole systems approach to obesity.
- ii. To ensure that our position and reputation are adequately protected in advertising and sponsorship agreements.
- iii. To ensure that we adopt a consistent and professional approach towards advertising and sponsorship.
- iv. To ensure best value is obtained and provided in sponsorship arrangements, including any arrangements made where we receive either money or a benefit in kind.
- v. To protect members and individual officers from conflicts of interest with advertisers and sponsors.

1.4 Advertisements

- i. For the purposes of this policy, advertising is defined as the following: "an agreement between Newham Council and the advertiser where we receive money for the placing of an announcement in our publications (including any produced by the Mayor in relation to their civic, ceremonial and fundraising role), on our website, our intranet and other physical sites (including but not limited to: billboards, hoardings, printed materials, emails and vehicles), from an organisation or individual for the act or practice of calling public attention to one's product, message or service or to raise awareness."
- ii. This policy clarifies the standards for approval of advertisements.
- iii. The regulation of advertising in the UK is the responsibility of the Advertising Standards Authority (ASA). The ASA applies the Advertising Codes [<http://www.cap.org.uk/Advertising-Codes.aspx>]. Any requirements listed herein are to be regarded as in addition to those required by the ASA UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code).

- iv. Newham Council values advertising revenue and will work to maximise this income stream.
- v. The appearance of an advertisement on any council publication is not an endorsement by Newham Council of that company, product or service. In order to make this clear all publications with advertising should carry the 'Disclaimer Notice' (Appendix 1).

1.5 Sponsorship

- i. For the purposes of this policy, sponsorship is defined as the following: “an agreement between Newham Council (including in relation to the Mayor’s fundraising activities) and the sponsor, where we receive 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.”
- ii. This policy sets the terms upon which sponsorship may be both sought and accepted by Newham Council. Where systems and processes exist, such as the Healthier Food Advertising Policy, these are applicable to the assessment of sponsorship in exactly the same way as for advertising.
- iii. We will actively seek opportunities to work with both local and national organisations by identifying sponsorship opportunities of mutual benefit and which are in keeping with our strategic priorities and core values. Within these values we welcome all opportunities to work in partnership.

2. Standards for approval of advertisements

2.1 Advertisements carried by Newham Council will not conflict with:

- i. Relevant ASA Advertising Codes.
- ii. Consumer Protection from Unfair Trading Regulations 2008.
- iii. Equality Act 2010.
- iv. The Code of Recommended Practice on Local Authority publicity.
[<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>]
- v. The Council’s policies, core values or the stated aims and priorities as set out in the Borough Plan.
- vi. Additional required standards as outlined below [2.2-2.3].
- vii. [Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations \(EC\) No 1924/2006 and \(EC\) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation \(EC\) No 608/2004 Text with EEA relevance \(europa.eu\)](#)

2.2 Advertising will not be accepted if it promotes any of the following:

- i. Weapons, violence or anti-social behaviour of any description.

- ii. Pornography and sexually explicit services and products.
- iii. Loans and speculative financial products.
- iv. Gambling products, services or organisations.
- v. Cosmetic surgery.
- vi. Tobacco and related products, including e-cigarettes / vaping.
- vii. Alcohol.
- viii. Unproven health and weight loss products e.g. weight loss pills.
- ix. Directly or indirectly, food and non-alcoholic drink which is high in any of fat, sugar and salt ('HFSS' products), according to the Department of Health and Social Care's Nutrient Profiling Model. (See Appendix 1 Healthier Food Advertising Policy for further guidance).
- x. Energy drinks with the exception of those based on coffee & tea and or their extracts. in excess of 150 mg/l, or — are in concentrated or dried form.
- xi. Products prohibited by the World Health Organisation's International Code of Marketing of Breastmilk Substitutes and resolutions, namely formula milk (including infant formula, follow-on formula, growing-up or toddler milks, infant milks marketed as a food for special purposes), feeding bottles, teats, related equipment or foods marketed as suitable for infants under six months of age. (See Appendix 2 for further guidance).

2.3 Advertising will not be accepted if, in Newham Council's opinion, it is reasonably objectionable on the grounds that it:

- i. Does not comply with the law or incites, provokes or condones someone to break the law (particularly crime, violence and antisocial behaviour).
- ii. Discriminates on the grounds of age, race, colour, national origin, religion or belief, sexual orientation, gender or disability.
- iii. Poses a health and safety risk. For example, as a result of flickering or other visual imagery in the case of digital media.
- iv. 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. Inclusive of any bodily cosmetic procedures and cosmetic dentistry carried out in the UK or worldwide.
- v. Originates from a prohibited organisation, namely
 - a. Political organisations, lobby and campaign groups.
 - b. Manufacturers and distributors of tobacco products and / or alcohol.
 - c. Payday lenders.
- vi. Is inappropriate to display because it is of a sensitive, indecent or obscene subject matter and/or content. For example:
 - a. It is of a racial, religious or political nature.
 - b. It affects public support for a political party, or a person identified with such a party.
 - c. It is likely to cause widespread or serious offence to reasonable members of the public on account of the nature of the product or service being

- advertised, the design of the advertisement, its wording or by way of inference*.
- d. It in some way touches on socially contentious issues, contains messages which could be regarded as contentious or a subtext which could cause offence*.
 - e. It can be considered as mocking of a group or citizens.
 - f. It depicts adults or children in a sexual manner or displays nude or semi-nude figures in an overtly sexual context.
 - g. It depicts or refers to indecency or obscenity or uses obscene or distasteful language.
- vii. Conflicts with Newham council in so far as it:
- a. Appears to compete directly with a council service or objective, income stream and/or the local economy of the area. Examples are out-of-borough further and adult education colleges, shopping centres and adoption/fostering services.
 - b. Associates the Council with organisations in financial or legal conflict with the Council.
 - c. Contains negative references to Newham Council services.
- viii. is unacceptable for some other substantial reason which Newham Council will identify and explain as reasonably required.

*Advertisements which promote tolerance, discourage prejudice, and are in line with the Equality Act 2010, will not normally be disapproved on the grounds that they may cause offence or relate to socially contentious issues. Likewise, neither will adverts which intend to promote the right to life, liberty or security of the person, or which reasonably promote causes which are not party political.

3. Procedures for advertisement approval

3.1 All contracts for corporate advertising will be managed by Newham's Advertising Lead Officer at Advertising@newham.gov.uk. Advertising relating to Food and drink will be managed centrally through the Public Health SMART Food Team at SMARTFood@newham.gov.uk. This will ensure that the best terms are negotiated, that standing orders are not breached and to ensure continuity should the person originally party to the agreement change jobs or leave.

3.4 In all circumstances, the Advertising Lead Officer retains the right to disapprove any advertisement or editorial related to advertisements in line with Section 2 of this policy.

3.5 Acceptance of advertising does not imply endorsement of products and service by Newham Council. In order to make this clear all publications with advertising or sponsorship should carry the 'Disclaimer Notice' (Appendix 3).

4 Standards for approval of sponsorship

4.1 Sponsors carried by Newham Council must operate within all relevant legislation and guidance including:

- i. UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code).
- ii. Code of Recommended Practice on Local Authority Publicity
- iii. The Business Protection from Misleading Marketing Regulations 2008.
- iv. The Consumer Protection from Unfair Trading Regulations 2008.
- v. Equality Act 2010.

4.2 Newham Council cannot put itself in a position where it might be said that a partnership has, might have, or may be thought to have:

- i. Influenced the Council or its officers or members in carrying out its statutory functions in order to gain favourable terms from the Council in any business or other agreement.
- ii. Aligned the Council with any organisation which conducts itself in a manner which conflicts with our aims or values.

4.3 Newham council is not able to enter into agreements for sponsorships which:

- i. Are in conflict with the Council's advertising policy. Where there are objective processes such as the Healthier Food Advertising Policy Appendix 1 and for Formula Appendix 2 are applicable to all offers of sponsorship.
- ii. Are, at the sole discretion of Newham's Advertising Lead and considered inappropriate in regard to the organisation, individual or in respect of particular products.
- iii. Involve companies who produce or promote predominantly HFSS foods and / or drinks (according to the Nutrient Profiling Model) as set out in the Healthier Food Advertising Policy Appendix 1 including but not limited to sports drinks, fruit juices and smoothies.
- iv. In accordance with Healthier Food Advertising Policy (Appendix 2) the International Code of Marketing of Breast-milk Substitutes, involve companies who produce or promote infant formula, other infant milks, bottles and teats, and foods marketed as suitable before six months of age.

4.4 Sponsorship materials must:

- i. Not detract from Newham's brand identity.

- ii. In their nature and content, be consistent with advertising policy as set out in Section 2.

5. Procedures for sponsorship approval

5.1 Before seeking sponsorship, council officers and the Mayor must consider this policy document and follow the guidelines provided. It is recommended that all potential sponsors are referred to this policy.

5.2 In accordance with our procurement policy and procedures we may advertise a sponsorship opportunity to potential sponsors.

5.3 Sponsorship agreements must be referred to Legal Services for review prior to signing. Before agreeing to any sponsorship opportunity all financial costs must be identified, including the sponsorship equivalent value of any sponsorship in kind.

All sponsorship bids shall be approved by the Head of Environment & Sustainable Transport and the appropriate Cabinet member.

5.5 Newham's Advertising Lead will agree with the sponsor the nature and content of the publicity and will retain the right to approve all advertising material in line with the advertising policy.

5.6 Acceptance of sponsorship does not imply endorsement of products and service by Newham Council. In order to make this clear all publications with sponsorship should carry the Disclaimer Notice in Appendix 3

6. Appendix 1

Framework for decisions regarding advertising including high fat, salt or sugar food and non-alcohol drinks.

Newham Healthier Food Advertising Policy

This Policy will constitute a formal addendum to Newham Council's Street Furniture Policy and should be read and applied in concert with that policy.

Application

This policy applies to all of Newham's advertising estates.

Purpose of Policy

Evidence shows that advertisements for unhealthy food and drink products directly and indirectly impact what we eat. Young people who recall seeing junk food adverts every day are more likely to be obese. The National Child Measurement Programme (NCMP) shows that prevalence of Newham children living with overweight or obesity in reception was 22.7%, rising to 46.4% for children in Year 6.

The Local Government Association child obesity analysis shows that if we do not intervene, the levels of Year 6 age children living with overweight and obesity in Newham will rise from 42.8% in 2020 to 50% by 2040.

There are significant inequalities in child excess weight levels with higher rates reported for children living in disadvantaged households, children with disabilities and children from specific ethnic backgrounds. Both children and adults from lower socio-economic groups are 50% more likely to be exposed to such advertisements for high fat, salt, or sugar (HFSS) foods.

In February 2019, Transport for London (TfL) introduced a restriction on the advertising of food and non-alcoholic drink products. The policy covers all advertising opportunities on the TfL estate. The policy focuses in particular on products that contribute to childhood obesity.

1. General Principles

The Department of Health and Social Care's Nutrient Profiling Model (NPM) has been adopted by Newham Council to identify HFSS products. The NPM is widely used and has been subject to rigorous scientific scrutiny, extensive consultation, and review. Furthermore, the scoring system it uses balances the contribution made by beneficial nutrients that are particularly important in children's diets with components in the food that children should eat less of. Guidance on how to identify whether a product is considered HFSS under the NPM is available [here](#).

- It is for the advertiser to demonstrate (in case of any doubt) that the featured product is not HFSS.
- Any revisions to the NPM will be reflected in the advertisement decisions made by the council.
- It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.

- Newham 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, Newham Council expects any laboratory used for nutrition analysis to have ISO 17025 accreditation and this should be by the United Kingdom Accreditation Service (UKAS).

2. Advertisements featuring only non-HFSS products

These would normally be approved but would still need to comply with existing principles and procedures relating to any advertising carried by Newham Council.

3. Advertisements featuring only HFSS products

Where a proposed advertisement features only food and/or non-alcoholic drink which is rated HFSS, such copy would be rejected.

It is therefore recommended that, before committing to advertising production agreements, advertisers should discuss their eligibility with the Council or its agents.

4. Advertisements where there is a range of food/non-alcoholic drink featured, some of which is HFSS

The advertising or promotion of HFSS products is unacceptable under the policy, so a range or meal could not feature them (e.g. fish, chips and peas could only be advertised if all products were non-HFSS). This would also apply to any meal settings being shown, including those for restaurants, aggregator platforms and delivery services. It is the responsibility of advertisers and their agents to verify the status of the products featured using the NPM.

5. Advertisements where no food or non-alcoholic drink is featured directly but the advertisement is from or features a food and/or non-alcoholic drink brand

This may include:

- Advertisements where the brand's logo is included but no products, e.g. a brand values campaign.
- Directional signage to a store, app or website
- Promotional advertising which is price led but features no products e.g. '50% off everything' or similar
- Advertising about a business or its performance

Food and drink brands (including food and drink service companies or ordering services) will only be able to place such advertisements if the advertisement promotes healthier options (i.e. non-HFSS products) as the basis of the copy. Where advertisers are uncertain about the classification of proposed copy under these guidelines, they should discuss this with the Council or its agents.

6. Advertisements where food and non-alcoholic drink is shown 'incidentally' i.e. it is not the subject of the advertisement but is included (or implied) by visual or copy

HFSS products should not be promoted by being featured in advertisements for other products. It is the responsibility of advertisers and their agents to verify the HFSS status of the products featured using the NPM. Where a food or drink item is featured incidentally and does not relate to a specific identifiable product which can be assessed for its HFSS status, advertising copy may be rejected by the council on the basis that the advertisement promotes the consumption of HFSS products.

7. Advertisements where food and non-alcoholic drink is referenced in text, through graphical representations or other visual representation

HFSS products should not be promoted through references in text, graphical images or other visual representations of food and drink. Where a food or drink item is featured in this way and does not relate to a specific identifiable product which can be assessed for its HFSS status, copy may be rejected by the Council or its agents on the basis that it promotes the consumption of HFSS foods.

8. Indirect promotion of HFSS food and/or drink

Where a product is non-HFSS but falls within a category covered by PHE's recommendations for sugar or calorie reduction, the product should always carry a prominent product descriptor to help differentiate it from noncompliant products (e.g. where an advertisement features a non-HFSS pizza or burger, the image should be accompanied by prominent text that names the specific product and retailer). Children should not usually be shown in advertisements for products covered by PHE's recommendations for sugar or calorie reduction.

9. Beverages

Beverages, with the exception of those based on coffee, tea or coffee or tea extract where the name of the food includes the term 'coffee' or 'tea', which: — are intended for consumption without modification and contain caffeine, from whatever source, in a proportion in excess of 150 mg/l, or, — are in concentrated or dried form and after reconstitution contain caffeine, from whatever source, in a proportion in excess of 150 mg/l^[1]

10. Portion sizes

The NPM model is based on nutrients per 100g of a product, rather than recommended portion size. Advertisers should always ensure that they promote products in portion sizes which encourage healthy eating. For products that are non-HFSS but fall within a category covered by PHE's recommendations for sugar or calorie reduction, the product should be displayed as a single portion.

Operating procedure

If advertisers and/or agencies are unsure about how to interpret this, or any other aspect of these guidelines, they are encouraged to get in touch with the Council or its agents and work together on a solution to avoid submitted copy requiring changes or being rejected.

<mailto:SMARTFood@newham.gov.uk>

All Newham Council officers responsible for advertisements, will need to ensure they do a quality check in line with this policy. If they are unsure about how to interpret an advert, they can reach out to the SMARTfood team at

SMARTFood@newham.gov.uk

^[1] [Regulation \(EU\) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations \(EC\) No 1924/2006 and \(EC\) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation \(EC\) No 608/2004Text with EEA relevance \(europa.eu\)](#)

Newham Advertisement of Breastmilk Substitutes Policy - See Appendix 2

Application

The International Code of Marketing of Breastmilk Substitutes (World Health Organisation)

The London Borough of Newham has Stage 2 UNICEF Baby Friendly Initiative accreditation. To maintain and progress towards full accreditation we are required to adhere to the WHO Code of Marketing of Breastmilk Substitutes and subsequent WHA Resolutions (The Code) [International Code of Marketing of Breast-Milk Substitutes \(who.int\)](http://www.who.int/nutrition/publications/infant-feeding-recommendations/).

The following is therefore prohibited; advertising of all formula milk (infant formula, follow on formula, infant milks marketing as a food for special purposes), bottles, teats, related equipment or commercially prepared foods marketed for babies and children up to 3 years of age.

1.2 Any revisions to the NPM will be reflected in the advertisement decisions made by the Council.

1.3 Explanatory guidance for calculating the Nutrient Profile score for food and drink can be found here: <https://www.gov.uk/government/publications/the-nutrient-profiling-model>. It is the advertisers' responsibility to verify the HFSS status of any product featured in their advertisement.

2. Decision Table

Advertisement Content	Outcome	Notes
Only non-HFSS products featured	Approval	Advertisement must also meet standards for approval of advertisements; Section 2.
Only HFSS products featured	Rejection	
A range of products are featured, including some which are HFSS	Rejection	A meal or range e.g. meal deal will only be accepted if all products or food items are non-HFSS. Applies across all settings (restaurants, delivery services etc.)
No food or non-alcoholic drink is featured directly, but the advertisement is from a food and non-alcoholic drink brand.	Approval only if the advertisement promotes healthier options, with no HFSS product included.	Inclusive of ads with brand logos only, directions to a brand's physical, mobile or online presence, or promotional advertising.
Food or non-alcoholic drink is shown incidentally or implied	Probable rejection if the food or non-alcoholic drink can be reasonably considered to be HFSS	Includes cases in which the depicted food is made from non-food products.
Food and non-alcoholic drink is referenced in text or through graphical representations	Possible rejection if the advertisement can be reasonably considered to promote HFSS food	Includes cases in which references do not relate to a specific product which can be assessed for its HFSS status.
Indirect promotion of HFSS food and/or drink	Possible rejection if the product does not carry a prominent product descriptor to help	Includes cases where a product is non-HFSS but falls within a category covered by

7. Appendix 2

Guidance for decisions regarding breastmilk substitutes

1. Definition

The World Health Organisation (WHO) International Code of Marketing of Breastmilk Substitutes and subsequent resolutions^{1,2} (“Code”) applies to the marketing of breastmilk substitutes and related practices. These are defined in the following guidelines:

- 1.1 No advertising of any breast-milk substitutes or related products
 - 1.1.1 Breast-milk substitutes refers to “any food being marketed or otherwise presented as a partial or total replacement for breast milk, whether or not suitable for that purpose”.
 - 1.1.2 Products include:
 - Infant formula
 - Follow-on formula
 - Growing up or toddler milks
 - Formulas for infants with special medical or nutritional needs
 - Baby foods marketed for infants under 6 months
 - Bottles and teats
- 1.2 No promotion of complementary foods before they are needed
 - 1.2.1 Complementary foods refers to “any food whether manufactured or locally prepared, suitable as a complement to breast milk or to infant formula, when either become insufficient to satisfy the nutritional requirements of the infant. Such food is also commonly called “weaning food” or “breast-milk supplement””.
 - 1.2.2 It is recommended that babies are exclusively breastfed for the first 6 months. Advertising of complementary foods to infants under 6 months is deemed inappropriate.
- 1.3 No processed food and drink marketed for children under 3 years
 - 1.3.1 Processed commercial foods and drinks marketed for young children undermine public health advice for children to have minimally processed and unprocessed foods and drinks.

2. Context

Newham Council is committed to achieving and maintaining UNICEF Baby Friendly Initiative accreditation, and must therefore work within the WHO Code and resolutions.

¹ World Health Organisation (WHO) International Code of Marketing of Breast-Milk Substitutes 1981 and subsequent resolutions

² World Health Organisation (2008). The International Code of Marketing of Breastmilk Substitutes – Frequently Asked Questions

8. Appendix 3

Disclaimer Notice for advertisement or sponsorship

'Whilst every effort has been made to ensure the accuracy of advertisements contained in the publication, Newham Council cannot accept any liability for errors and omissions. Newham Council cannot accept any responsibility for claims made by advertisers and their inclusion in [name of publication] should not be taken as an endorsement by Newham Council.

Applicability

The policy applies to all council officers and councillors including the Mayor. For the purposes of this policy, sponsorship is defined as the following: “an agreement between Newham Council (including in relation to the Mayor’s fundraising activities) and the sponsor, where we receive 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.”

Ownership and authorisation

This policy has been developed by Newham's Advertising Lead Officer for Environment & Sustainable Transport Service and the Public Health Team. The owner is the Environment & Sustainable Transport Service and the authorising body is Cabinet.

Implementation

The Advertising and Sponsorship Policy does not have a mandatory training requirement or any other training needs. It does however require widespread cascade and adherence.

Monitoring and review

The policy will be monitored by Environment & Sustainable Transport Service and will be reviewed annually.

Further information

For further information, contact Advertising@newham.gov.uk

9. Equality & Health Impact Assessment record

1	Title of activity	Newham Council's Corporate Advertising and Sponsorship Policy		
2	Type of activity	New Policy		
3	Scope of activity	The purpose of this policy is to give guidance on the principles and procedures relating to any advertising or sponsorship carried out by or on behalf of Newham Council.		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to any of these questions is 'YES', please continue to question 5.	If the answer to all of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people (9 protected characteristics)?	Yes		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes		
5	If you answered YES:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO: <i>(Please provide a clear and robust explanation on why your activity does not require an EqHIA. This is essential in case the activity is challenged under the Equality Act 2010.)</i> <i>Please keep this checklist for your audit trail.</i>			

Equality & Health Impact Assessment (EqHIA)

Please complete the following checklist to determine whether or not you will need to complete an EqHIA and ensure you keep this section for your audit trail. If you have any questions, please contact EqHIA@Newham.gov.uk for advice from either the Corporate Diversity or Public Health teams. Please refer to the Guidance in Appendix 1 on how to complete this form.

About your activity 1	Title of activity	Newham Council's Corporate Advertising and Sponsorship Policy		
2	Type of activity	New policy		
3	Scope of activity	The purpose of this policy is to give guidance on the principles and procedures relating to any advertising or sponsorship carried out by or on behalf of Newham Council.		
4a	Are you changing, introducing a new, or removing a service, policy, strategy or function?	Yes	If the answer to either of these questions is 'YES', please continue to question 5.	If the answer to all of the questions (4a, 4b & 4c) is 'NO', please go to question 6.
4b	Does this activity have the potential to impact (either positively or negatively) upon people from different backgrounds?	Yes		
4c	Does the activity have the potential to impact (either positively or negatively) upon any factors which determine people's health and wellbeing?	Yes	<i>Please use the Screening tool before you answer this question.</i>	If you answer 'YES', please continue to question 5.
5	If you answered YES:	Please complete the EqHIA in Section 2 of this document. Please see Appendix 1 for Guidance.		
6	If you answered NO:	<i>Please provide an explanation on why your activity does not require an EqHIA. This is essential, in case the activity is challenged under the Equality Act 2010. Please keep this checklist for your audit trail.</i>		

The EqHIA – How will the strategy, policy, plan, procedure and/or service impact on people?

Background/context:

Advertisements and sponsorship agreements enable advertisers to reach Newham residents and wider consumers so they become familiar with a brand, product, event or service and provide commercial and wider benefits to the advertiser / sponsor.

This policy recognises the Council may have agreements with advertisers and sponsors where we receive money or benefit in kind for the placing of an announcement in our publications, on All digital channels and other physical sites including

- billboards
- council Information Panels (CIP's)
- council Columns
- hoardings
- printed materials and
- vehicles.

With a clear policy around advertising and sponsorship we will be able to set clear expectations around the type of advertisements seen in the borough and the sponsorship we will consider to support the Council's objectives contained in the Council's corporate plan *Building A Fairer Newham*. This will help residents to lead healthy lifestyles.

The policy will also protect councillors and individual officers from allegations of inappropriate dealings or relationships with advertisers and sponsors.

Our requirements include those specified by the Advertising Standards Authority UK Code of Non-Broadcast Advertising and Direct & Promotional Marketing (CAP Code).

Both CAP and BCAP commit to equality and diversity through the ASA's diversity and inclusion strategy, and, consider themselves subject to the public sector equality duty. As a result, CAP and BCAP seek to ensure that the protections they provide to those sharing protected characteristics are as strong as possible.

Who will be affected by the activity?

Residents and consumers viewing advertisements across the borough will be affected by the policy as it will enable the Council to ensure the type and nature of advertisements seen on its assets support the Council's strategic objectives.

Private sector businesses and outdoor advertising agencies will be clear on the type of advertisements that can be seen for their own commercial return.

Please tick (<input type="checkbox"/>) the relevant box:	Overall impact: Advertising and sponsorship will not be accepted if it discriminates on the grounds of age <i>*Expand box as required</i>
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>

Evidence:

The Advertising Standards Authority (ASA) codes protect characteristics including age and consider whether the depiction of age in ads is likely to cause serious or widespread offence and stipulate that advertisers should take particular care to ensure that this is not the case.

Consumption of foods and drinks high in fat, sugar and/or salt (HFSS) is widely promoted through advertising and marketing, and evidence shows that exposure to marketing affects food preference, choice and purchasing in adults and children

Restriction of advertising HFSS food and drink as one key part of a whole systems approach to obesity follows the Government's 2020 obesity strategy.

Sources used:

<https://www.asa.org.uk/>

Hastings, G. et al. (2003) Review of research on the effects of food promotion to children. University of Stirling.

Cairns, G. et al. (2009) The extent, nature and effects of food promotion to children: A review of the evidence to December 2008. World Health Organisation.

Protected Characteristic - Disability: Consider the full range of disabilities; including physical, mental, sensory, progressive conditions and learning difficulties. Also consider neurodivergent conditions e.g. dyslexia and autism.

Please tick (<input type="checkbox"/>) the relevant box:	Overall impact: Advertising and sponsorship will not be accepted if it discriminates on the grounds of disability. <i>*Expand box as required</i>
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>

Evidence:

ASA Code rule 4.1 states that "marketing communications must not contain anything that is likely to cause serious or widespread offence. Particular care must be taken to avoid causing offence on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

ASA stipulates that marketers should take particular care to ensure that references to or depictions of disability in advertising will not cause offence. If an ad appears to mock disability or people with a disability it will be considered offensive, even if this was not the advertiser's intention.

Sources used:

https://www.asa.org.uk

Offence: Disability - ASA | CAP

Protected Characteristic – Sex / gender: Consider both men and women	
<i>Please tick (☐) the relevant box:</i>	Overall impact: Advertising or sponsorship will not be accepted if it discriminates on the grounds of gender.
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: Code rules 4.9 (CAP Code) and 4.14 (BCAP Code) rules state that ads ‘must not include gender stereotypes that are likely to cause harm, or serious or widespread offence’. This followed a review of gender stereotyping in ads by the ASA, which indicated that certain kinds of gender stereotypes can negatively reinforce how people think they should look and behave, and how others think they should look and behave, due to their gender, which may have harmful consequences for individuals and for society. The rule is supported by additional guidance: Advertising Guidance on depicting gender stereotypes likely to cause harm or serious or widespread offence. The guidance clarifies that the rule is not intended to prevent ads from featuring: glamorous, attractive, successful, aspirational or healthy people or lifestyles; one gender only; or gender stereotypes when they are used as a means to challenge their negative	

Protected Characteristic – Ethnicity / race / nationalities: Consider the impact on different minority ethnic groups and nationalities	
<i>Please tick (☐) the relevant box:</i>	Overall impact: Advertising and sponsorship will not be accepted if it discriminates on the grounds of ethnicity, race or nationality. <i>*Expand box as required</i>
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: The Advertising Standards Authority Rule 4.1 states that marketing communications must not contain anything that is likely to cause serious or widespread offence, and specifies that particular care must be taken to avoid causing offence on the grounds of: age; disability; gender; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. ASA stipulates that marketers should be aware of the potential to cause serious or widespread offence when referring to different races, cultures, nationalities or ethnic groups, and ensure that their marketing communications are not likely to do so. <i>*Expand box as required</i>	
Sources used: Offence: Race - ASA CAP ASA publishes findings on racial and ethnic stereotyping in ads - ASA CAP Equality Act 2010 Equality and Human Rights Commission (equalityhumanrights.com) Public Sector Equality Duty Equality and Human Rights Commission (equalityhumanrights.com) *	

Protected Characteristic – Religion / faith: Consider people from different religions or beliefs, including those with no religion or belief	
<i>Please tick (☐) the relevant box:</i>	Overall impact: We will not accept advertising or sponsorship that discriminates on the grounds of religion or religious belief. <i>*Expand box as required</i>
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: In addition to the ASA Code 4.1 where marketing communications must not contain anything that is likely to cause serious or widespread offence, and specifies that particular care must be taken to avoid causing offence on the grounds of religion, ASA states: “Religion and belief are potentially extremely sensitive subjects. References to religion in marketing communications, even humorous ones, have the capacity to cause serious offence. Marketers should ensure that they consider carefully the tone used and, if necessary, research the likelihood of marketing communications causing serious or widespread offence to followers of the faiths concerned. <i>*Expand box as required</i>	
Sources used: Religious advertising and the rules - ASA CAP Equality Act 2010 Equality and Human Rights Commission (equalityhumanrights.com) Public Sector Equality Duty Equality and Human Rights Commission (equalityhumanrights.com) <i>*Expand box as required</i>	

Protected Characteristic - Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual	
<i>Please tick (☐) the relevant box:</i>	Overall impact: We will not accept advertising or sponsorship that discriminates on the grounds of sexual orientation. <i>*Expand box as required</i>
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: 4.9 (CAP Code) and 4.14 (BCAP Code) state that ads ‘must not include gender stereotypes that are likely to cause harm, or serious or widespread offence’. This followed a review of gender stereotyping in ads by the ASA is also supported by additional guidance on potentially harmful gender stereotypes. CAP Code rule 4.1 states that marketing communications must not contain anything that is likely to cause serious or widespread offence. And particular care must be taken to avoid causing offence on the grounds of race, religion, gender, sexual orientation, disability or age. Code rule 4.9 states that ads ‘must not include gender stereotypes that are likely to cause harm, or serious or widespread offence’. Ads which mock characters based on their sexual orientation or gender identity, or which use stereotypes in a way which may demean or ridicule groups or individuals, are likely to be considered offensive or harmful (see offence: use of stereotypes).	
Sources used: Offence: Sexual orientation and gender identity - ASA CAP	

Protected Characteristic - Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth	
<i>Please tick (☐) the relevant box:</i>	Overall impact: We will not accept advertising or sponsorship that discriminates on the grounds of gender reassignment.
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: Advertising Standards Authority (ASA) Code rule 4.1 states that marketing communications must not contain anything that is likely to cause serious or widespread offence, and states that particular care must be taken to avoid causing offence on the grounds of: gender reassignment.	
Sources used: https://www.asa.org.uk/	

Protected Characteristic – Marriage / civil partnership: Consider people in a marriage or civil partnership	
<i>Please tick (☐) the relevant box:</i>	Overall impact: We will not accept advertising that discriminates on the grounds of marriage / civil partnership
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
Evidence: CAP Code Marketing communications must not include anything likely to cause harm. To comply with this rule, marketers must have particular regard to the likelihood of causing harm to vulnerable people, and to the following characteristics: age; disability; gender reassignment; marriage and civil partnership ; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. BCAP Code Advertisements must not include anything likely to cause harm. To comply with this rule, broadcasters must have particular regard to the likelihood of causing harm to vulnerable people, and to the following characteristics: age; disability; gender reassignment; marriage and civil partnership ; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.	
Sources used: www.asa.org.uk	

Protected Characteristic - Pregnancy, maternity and paternity: Consider those who are pregnant and those who are taking maternity or paternity leave	
<i>Please tick (☐) the relevant box:</i>	Overall impact: We will not accept advertising or sponsorship that discriminates on the grounds of pregnancy, maternity or paternity. Further, we won't accept advertising prohibited by the World Health Organisation's International Code of Marketing of Breastmilk Substitutes and resolutions.
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>

Evidence:

The codes protect this characteristic as follows:

CAP Code

Marketing communications must not include anything likely to cause harm. To comply with this rule, marketers must have particular regard to the likelihood of causing harm to vulnerable people, and to the following characteristics: age; disability; gender reassignment; marriage and civil partnership; **pregnancy and maternity**; race; religion or belief; sex; and sexual orientation.

BCAP Code

Advertisements must not include anything likely to cause harm. To comply with this rule, broadcasters must have particular regard to the likelihood of causing harm to vulnerable people, and to the following characteristics: age; disability; gender reassignment; marriage and civil partnership; **pregnancy and maternity**; race; religion or belief; sex; and sexual orientation.

**Expand box as required*

Sources used:

www.asa.org.uk

World Health Organisation (WHO) International Code of Marketing of Breast-Milk Substitutes 1981 and subsequent resolutions

**Expand box as required*

Socio-economic status: Consider those who are from low income or financially excluded backgrounds

Please tick (☐) the relevant box:

Overall impact:

There is a well-established link between money and resources and variations in health. Poverty in particular – and persistent poverty especially – is associated with poorer health. This policy looks to support the Council’s public health priorities.

Positive

Neutral

Negative

Evidence:

People on the lowest incomes (the bottom 40% of the income distribution) are more than twice as likely to say they have poor health than people on the highest incomes (the top 20%), and more than five times as likely to say they have bad or very bad health.

Poverty in particular is associated with worse health, especially persistent poverty.

Sources used:

Money and resources | The Health Foundation

*

Health & Wellbeing Impact: Please use the Health and Wellbeing Impact Tool on the next page to help you answer this question.

Consider both short and long-term impacts of the activity on a person’s physical and mental health, particularly for disadvantaged, vulnerable or at-risk groups. Can health and wellbeing be positively promoted through this activity?

Please tick (☐) all the relevant boxes that apply:

Overall impact:

Our advertising and sponsorship policy promotes positive services, helps address obesity, addictions and low self-esteem, and prevents promotion of breastmilk substitutes

**Expand box as required*

	<p>Do you consider that a more in-depth HIA is required as a result of this brief assessment? Please tick (<input type="checkbox"/>) the relevant box Yes <input type="checkbox"/> No <input type="checkbox"/></p>
Positive	<input type="checkbox"/>
Neutral	<input type="checkbox"/>
Negative	<input type="checkbox"/>
<p>Evidence: HFSS foods and drinks are often associated with excessive calorie intake, poor nutrition, and an increased risk of obesity and related diseases. By introducing restrictions on the marketing and advertising of HFSS products, the consumption of these unhealthy foods can be reduced. This, in turn, can lead to improved dietary habits, reduced calorie intake, leading to weight management and a reduced risk of obesity, type 2 diabetes, cardiovascular diseases, and certain types of cancer. Additionally, restrictions on HFSS products can promote healthier food choices and increase the accessibility and affordability of nutritious alternatives. Such measures are crucial in protecting public health, particularly among vulnerable populations such as children and adolescents, and in creating an environment that supports healthier lifestyles and overall well-being.</p>	

Restricting advertising for smoking, alcohol, and gambling brings significant health benefits. Tobacco advertising bans have proven effective in curtailing tobacco consumption, reducing smoking rates, lowering the risk of smoking-related diseases such as lung cancer and cardiovascular disorders. Similarly, alcohol advertising restrictions help mitigate the influence of promotions, resulting in reduced alcohol consumption and a decreased risk of alcohol-related disorders, especially among young people. Limiting gambling advertising also reduces gambling involvement and the associated risks of problem gambling such as financial hardship and psychological distress. These restrictions protect vulnerable populations, such as young people, from the harmful effects of these behaviours. By curbing the visibility and appeal of these products and activities, advertising restrictions contribute to improved public health outcomes, reducing the burden of diseases and promoting healthier lifestyles.

Breastfeeding protects children and mothers from a range of illnesses, supports the mother-baby relationship and mental health of both, and contributes to significant savings to the NHS. Efforts to promote and support breastfeeding can be undermined by marketing of breastmilk substitutes. The World Health Organisation International Code of Marketing of Breastmilk Substitutes and subsequent resolutions sets out recommendations to regulate the marketing of breastmilk substitutes. The LBH advertising policy follows these recommendations.



Sources used:

1. Department of Health and Social Care. (2020). Restricting promotions of products high in fat, sugar and salt by location and by price: government response to public consultation.
2. Equality Act 2010 | Equality and Human Rights Commission (equalityhumanrights.com)
3. Gambling Commission. (2019). National strategy to reduce gambling harms 2019 to 2022 <https://www.gamblingcommission.gov.uk/print/national-strategy-to-reduce-gambling-harms#>
4. House of Lords (2022) Gambling advertising and harm caused by gambling. <https://lordslibrary.parliament.uk/gambling-advertising-and-harm-caused-by-gambling/>
5. <https://www.asa.org.uk/>
6. Murray, R., Leonardi-Bee, J., Barker, A., Brown, O., & Langley, T. (2022). The effect of alcohol marketing on people with, or at risk of, an alcohol problem: A rapid literature review. *University of Nottingham & SPECTRUM*.
7. Public Health England (2021) Harms associated with gambling: abbreviated systematic review protocol. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1020652/Gambling-evidence-review_harms-report.pdf
8. Public Sector Equality Duty | Equality and Human Rights Commission (equalityhumanrights.com)
9. World Health Organization. (2013). *WHO report on the global tobacco epidemic, 2013: enforcing bans on tobacco advertising, promotion and sponsorship*. World Health Organization.
10. World Health Organization. (2022). Reducing the harm from alcohol by regulating cross-border alcohol marketing, advertising and promotion: a technical report.
11. Yau, A., Berger, N., Law, C., Cornelsen, L., Greener, R., Adams, J., Boyland, E.J., Burgoine, T., de Vocht, F., Egan, M. and Er, V., (2021) Changes in household food and drink purchases following restrictions on the advertisement of high fat, salt, and sugar products across the Transport for London network: A controlled interrupted time series analysis. *The Lancet*, 398, p. S15.

Other London Boroughs advertising policies for reference.

NHS: Benefits of breastfeeding

Unicef: The benefits of breastfeeding

Lancet Breastfeeding Series 2023

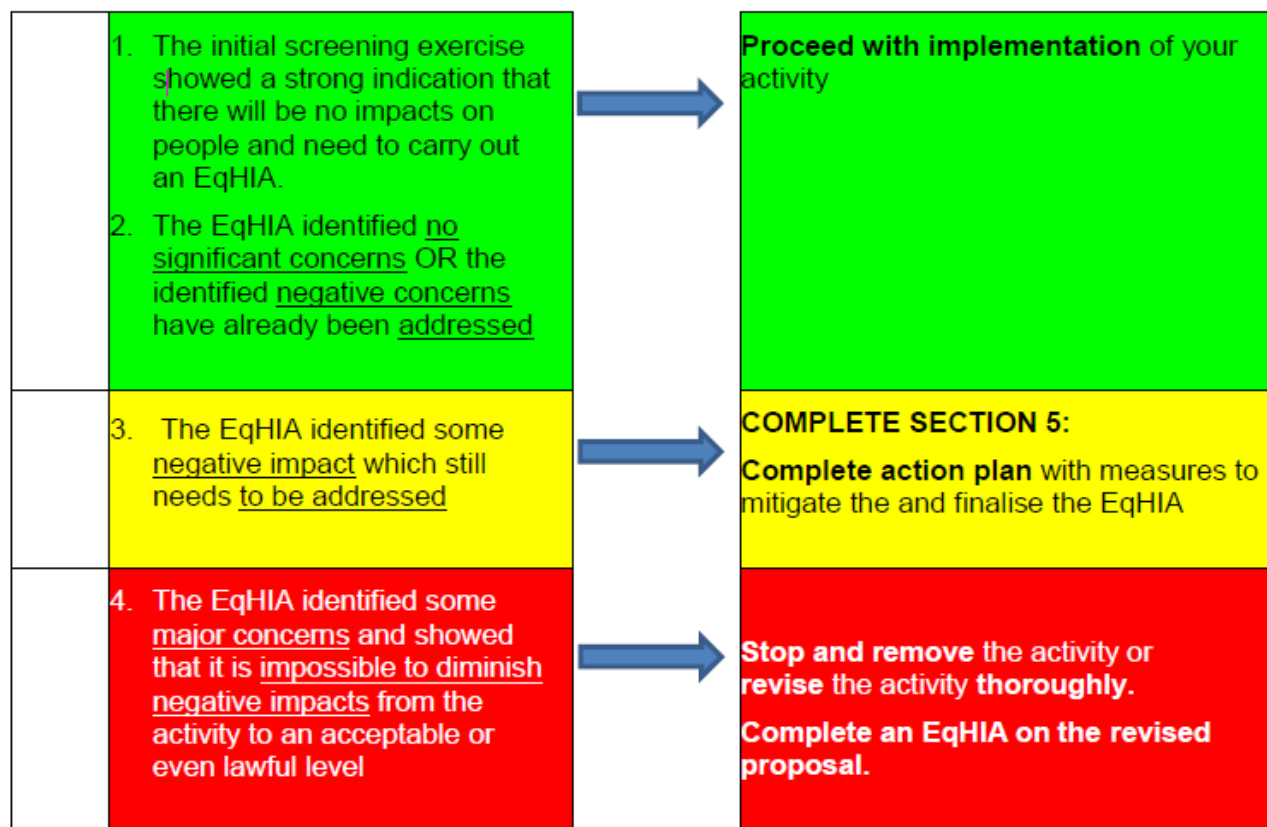
World Health Organisation International Code of Marketing of Breast-Milk Substitutes 1981 and subsequent resolutions

10. Health & Wellbeing Screening Tool

Will the activity / service / policy / procedure affect any of the following characteristics? Please tick/check the boxes below
The following are a range of considerations that might help you to complete the assessment.

11. Outcome of the Assessment

The EqHIA assessment is intended to be used as an improvement tool to make sure the activity maximises the positive impacts and eliminates or minimises the negative impacts. The possible outcomes of the assessment are listed below and what the next steps to take are:
Please tick () what the overall outcome of your assessment was:



12. Action Plan

The real value of completing an EqHIA comes from identifying the actions that can be taken to eliminate/minimise **negative** impacts and enhance/optimize positive impacts. In this section you should list the specific actions that set out how you will mitigate or reduce any **negative** equality and/or health & wellbeing impacts, identified in this assessment. Please ensure that your action plan is: more than just a list of proposals and good intentions; if required, will amend the scope and direction of the change; sets ambitious yet achievable outcomes and timescales; and is clear about resource implications.

Protected characteristic / health & wellbeing impact	Identified Negative or Positive impact	Recommended actions to mitigate Negative impact* or further promote Positive impact	Outcomes and monitoring**	Timescale	Lead
Impact on battling child obesity	Positive	Promote healthy lifestyle	Local and national child obesity statistics	Immediate	Public health
Impact on people's lifestyles	Positive	Promote beneficial products and services	Local and national child obesity statistics	Immediate	Public health
Limiting any negative advertising	Positive	Help decrease bad habits and anti-social behaviours	Local and national child obesity statistics	Immediate	Public health

Add further rows as necessary* You should include details of any future consultations and any actions to be undertaken to mitigate negative impacts.

** Monitoring: You should state how the impact (positive or negative) will be monitored; what outcome measures will be used; the known (or likely) data source for outcome measurements; how regularly it will be monitored; and who will be monitoring it (if this is different from the lead officer).