

# ADVERTISING CONTENT GUIDANCE

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## INTRODUCTION

This document identifies the main issues surrounding control over the content of advertising in Leeds and the existing remedies that are available where it is felt that inappropriate advertising messages are being displayed. Specific new local guidance is included to consider advertising locations and provide additional controls relating to content of advertising displays located on council land.

### 1.0 PURPOSE OF THIS GUIDANCE

- 1.1 Prior to the development of this guidance in 2007 the council had no formal policy or guidance on the content of advertising material within public open space in Leeds.
- 1.2 Nationally this is controlled by the Advertising Standards Authority (ASA) which is an independent body set up by the advertising industry to police the rules laid down in the advertising codes.
- 1.3 The absence of local controls has not historically been an issue but with the range of advertising display styles and sizes growing it was felt that the matter of local control should be addressed.
- 1.4 This guidance identifies the role of the ASA and outlines how the organisation provides national controls on advertising content whilst introducing new guidance relating to the content of advertisements in Leeds.

### 2.0 BACKGROUND INFORMATION

- 2.1 This report only covers advertising content. The location and design of advertising displays is covered in the Advertising Design Guide Supplementary Planning Document. This is the guide against which planning applications for the installation of advertising sites are evaluated. However the planning process is not intended to control the material which is displayed in the advertisements.
- 2.2 The ASA's role is to promote and enforce high standards, to ensure that advertisements do not mislead, harm or cause offence. All advertising is required to meet the rules laid down in the advertising standards codes which cover taste and decency in the depiction of religion, women etc as well as criteria for advertising such things as, alcohol and products aimed at children.

Anyone can make a complaint to the ASA about an advertisement by visiting their web site [www.asa.org.uk](http://www.asa.org.uk) and completing an on-line complaint form. The ASA resolves several thousand complaints each year. The rulings are made independently of government and the advertising industry. Marketers are told the outcome of the rulings and where appropriate are asked to withdraw or amend their marketing communications. ASA decisions are enforced by a compliance team and certain sanctions can be imposed. Further information is given in Appendix 1. Where there is concern over an advertisement displayed in Leeds the formal means of addressing this is through the ASA.

- 2.3 Many of the advertisement sites in Leeds are on private land. While the council may have granted the planning consent, it has no role in any contract or licence between the site owner and the advertising industry. Complaints about content can be lodged with the ASA using their online complaints system.
- 2.4. Around Leeds there are many advertising displays on Council land and at these locations the council exerts more control over the advertising content and might have a right to veto.

### **3.0 SCOPE OF GUIDANCE**

- 3.1 Outdoor advertising displays exist in many forms but the main formats are 6 sheet, 48 sheet and 96 sheet. The sizes of these main formats are included in Appendix 2
- 3.2 The advertising content guidance covers advertising of any product or service in council publications, or on council land whether sited on billboards, 6 sheet posters and other outdoor display formats around the city including digital media. Contractors operating advertising displays on private land will also be asked to note the content guidance.

### **4.0 IMPLEMENTATION**

- 4.1 All new advertisement consents will contain Informative Notes following the planning conditions referring the applicant to the Advertising Content Guidance and where to obtain a copy to ensure that all advertising contractors were aware of the Leeds Advertising Guidance and encouraged to comply.
- 4.2 The Advertising Initiative Manager post includes the requirement for the post holder to be a Gatekeeper for the council as first point of contact, co-ordinator and overseer of all new advertising initiatives. Therefore the Advertising Initiative Manager will be the first point of contact for enquiries relating to Advertising Display Content, liaising with the officer who manages the particular advertising display to resolve concerns.
- 4.3 Where a complaint is received relating to advertising on council owned land, the officer managing the licence will discuss the complaint and, if considered valid, the contractor can be asked to immediately remove the offending advertisement. A record of complaints will be held to monitor contractor performance and identify any potential problem areas.
- 4.4 Where the advertising display is on private land the complaint will be directed to the ASA and the Advertising Initiative Manager will help the complainant complete the ASA paperwork if required.

#### 4.5 Resolution of complaints

Where ever possible the matter will be resolved by negotiation with the Advertising Contractor, or by submission of a formal complaint to the ASA as appropriate. In a similar way to the Advertising Code of Practice these guidance notes will seek to resolve issues in an informal way.

### 5.0 GUIDANCE ON ADVERTISEMENT CONTENT

5.1 All advertisements must comply with the advertising standards codes applied by the ASA. These cover many of the issues referred to below which are repeated to emphasise their local importance.

5.2 Also advertisements on the highway must not resemble traffic signs or include any symbol found in the current Traffic Signs Regulation and General Directions. Images must be large enough to be easily read by passing traffic with no small text which would cause motorists to slow down to read the advertising message.

5.3 Advertisements must respect local sensitivities and the outdoor industry accepts that they must consider the impact of advertising on the immediate area. Systems were put in place by the major outdoor advertising companies following the public outcry in the 1990s to Wonderbra advertising where the posters were placed outside mosques and synagogues in city areas. These systems identify billboards in particularly sensitive areas and restrict advertising sales. Such national guidance applies to outdoor displays on private land or council owned land.

5.4 Where advertising displays are on council land they will not display advertising of a religious, racial or political nature.

5.5 Advertising to children is carefully controlled by the ASA guidance and codes of practice but in addition the advertising display location should be considered i.e.: it is not appropriate to site advertising of “junk foods” etc adjacent to schools and play areas. This supports the actions of schools who have removed sweet vending machines from schools to encourage a more balanced diet amongst young people. The landmark planning ruling in Tower Hamlets saw advertising consent refused for a fast food takeaway near a school. Advertising in leisure centres should also be reviewed to prohibit the promotion of junk food to children where ideally the spaces would be used to promote healthy messages

5.6 Advertising of alcohol is also carefully controlled by the ASA guidance and codes of practice. However the siting of advertising should be considered and the message not repeated in close proximity within one area of the city. Therefore advertising on council land should not unduly promote the consumption of alcohol, specifically prohibiting advertising which promotes “binge drinking” or alcoholic drinks which are likely to appeal to young people. This fits with the council's joint Alcohol Harm Reduction Strategy part of whose implementation is likely to address links between advertising of alcohol levels and increases in the level of drinking among young people.

5.7 Advertising can have an impact on local business communities. In areas which have a strong local business and commercial identity it would be inappropriate to allow advertising which might take business from this market e.g. Otley, Morley, etc.

5.8 Similarly Advertising in the City Centre Prime Retail Sector should not promote competitive shopping centres.

5.9 It would also be inappropriate for advertising displays on council land to carry advertising which is likely to have a direct negative impact on revenue by the promotion of claims companies who pursue compensation claims from the Council.

5.10 Sponsorship of roundabouts by local businesses helps fund roundabout planting and supports the work of Leeds in Bloom. These spaces also carry the Council logo which could be construed as the council supporting the activities of the sponsor. In this situation the Parks and Countryside Officer who manages roundabout sponsorship reserves the right to determine what is appropriate and refuse any association with companies that may be deemed as inappropriate.

## **6.0 ANNUAL REVIEW**

6.1 This guide aims to ensure advertising in Leeds does not conflict with Council Policy and will be reviewed annually to ensure it continues to reflect policy. At the review the log of complaints will be discussed to identify any particular areas of concern to be addressed.

6.2 The Advertising Initiative Manager will maintain the complaints log, taking responsibility for maintaining and updating the guide, working with officers across the council as required.

## **7.0 ADVERTISING AND PUBLISHING THE GUIDANCE NOTES**

7.1 A special new web page to raise awareness of the advertising content guidance has been created and provides an email contact link to the Advertising Initiative Manager should the public or Members need assistance.

7.2 The finalised guidance notes will be available on the Council web site for people to download.

7.3 Planning Officers will be asked to make reference to the advertising content guidance on each approved Advertisement Application to encourage outdoor advertising contractors to follow the guidance.

7.4 Ward Members are emailed a copy each July so that they are able to use the guidance to respond to public queries where necessary.

## **CONCLUSION**

It is hoped that through this Guidance Note and the Advertising Design Guide the Council will successfully control advertising in Leeds and ensure it does not conflict with Council Policy. Officers and Members can use the guidance content to help them respond to queries regarding advertising content from members of the public. Suggestions for future updates of these guidance notes should be sent to the Advertising Initiative Manager.

## APPENDIX 1

### REGULATION OF NATIONAL ADVERTISING CONTENT

- 1.0 This is controlled nationally by the Advertising Standards Authority (ASA).  
The Advertising Standards Authority is the independent body set up by the advertising industry to police the rules laid down in the advertising codes. The strength of the self-regulatory system lies in both the independence of the ASA and the support and commitment of the advertising industry, through the Committee of Advertising Practice (CAP), to the standards of the codes, protecting consumers and creating a level playing field for advertisers.
- 2.0 The ASA promote and enforce high standards in advertisements; investigate complaints; identify and resolve problems through research ensuring that the system operates in the public interest. They also act as a channel for communications with those who have an interest in advertising standards.
- 3.0 The British Code of Advertising, Sales Promotion and Direct Marketing is produced by the Committee of Advertising Practice (CAP) and is the rule book for non-broadcast advertisements, sales promotions and direct marketing communications. The advertising codes are the responsibility of two industry Committees of Advertising Practice - CAP (Broadcast) and CAP (Non-broadcast) and are independently administered by the Advertising Standards Authority (ASA).
- 4.0 A Summary of the work of the ASA
  - 4.1 The Advertising Standards Authority works to keep advertising legal, decent, honest and truthful. The ASA resolves thousands of complaints each year. They hold annual review meetings around the UK where they invite the public to assess decisions made in the year and check that the ASA is properly representing the public view. In 2005 the meeting was held in Leeds.
  - 4.2 The ASA produces Background Briefings on specific issues to assist creative agencies when designing marketing communications. Full details can be found at [www.asa.org.uk/Resource-Centre/Background-Briefings.aspx](http://www.asa.org.uk/Resource-Centre/Background-Briefings.aspx)
    - [Alcohol](#) (December 2008)
    - [Charities Advertising Shock Tactics](#) (July 2009)
    - [Children and Food](#) (December 2008)
    - [Environment](#) (January 2009)
    - [Gambling](#) (December 2008)
    - [Health and Beauty](#) (April 2009)
    - [Home Working](#) (August 2009)
    - [Motoring](#) (August 2008)
    - [Overseas mailings](#) (December 2008)
    - [Sound Levels](#) (June 2009)
    - [Violence](#) (December 2008)

## 5.0 How to register a complaint with the ASA

Anyone can lodge a complaint about advertising with the ASA by visiting their web site [www.asa.org.uk](http://www.asa.org.uk) and completing the online complaint form. The ASA's rulings are made independently of both government and the advertising industry.

A complaint can be registered if an individual thinks there is something wrong with an advertisement seen or heard.

### How the ASA self regulatory system works

The strength of this system is based on the long-term commitment of all those involved in advertising, sales promotion and direct marketing, sharing an interest in seeing that marketing communications are welcomed and trusted by their audience.

If they are offensive or misleading they discredit everyone associated with them and the industry as a whole.

## 5.1 The ASA investigates complaints from any source against marketing communications.

Marketers are told the outcome of the ASA council's rulings, and where appropriate, are asked to withdraw or amend their marketing communications. The adjudications are published weekly and can be viewed at [www.asa.org.uk](http://www.asa.org.uk)

## 5.2 ASA decisions are enforced by The CAP compliance team take action against marketers who persistently break the Code. Where a breach of the code is blatantly misleading the team takes immediate compliance action to stop the marketing communication from reappearing.

## 6.0 ASA Sanctions

1. It issues Ad Alerts to CAP members, including the media, advising them to withhold their services from non-compliant marketers.

2. Where marketers prove to be consistent offenders (e.g. Tango ads) the media will be advised not to accept any marketing communications until each item has been approved by the ASA under Pre-publication vetting.

3. Trading privileges can be removed e.g. media discounts worth up to 25%.

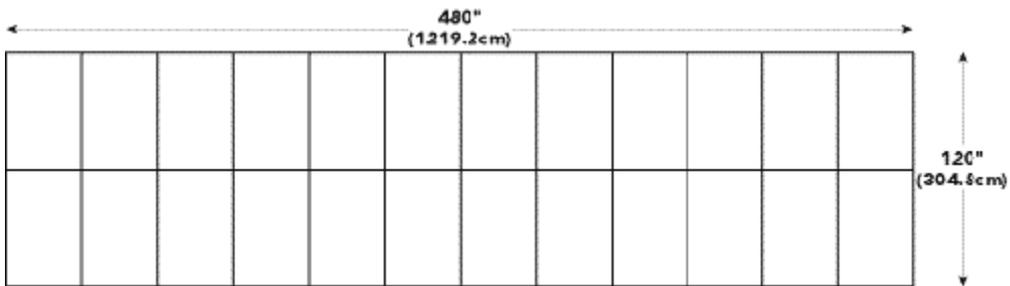
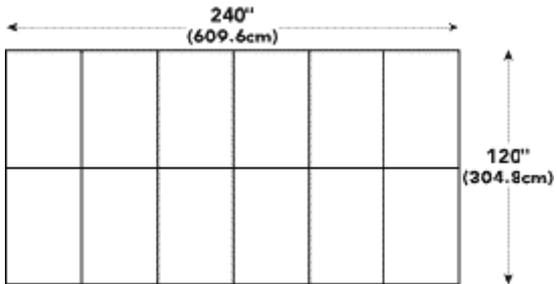
4. Legal backstop where necessary e.g.: Office of Fair Trading

## 7.0 The ASA is not a law enforcement body and any matter that principally concerns a legal dispute will normally need to be resolved through law enforcement agencies or the Courts.

## APPENDIX 2

### ADVERTISING DISPLAY FORMATS AND SIZES

#### 48 SHEET, 96 SHEET BILLBOARDS.



#### 6 SHEET POSTERS



6 sheet posters  
180 cm x 120 cm

## **APPENDIX 3**

### **Leeds Boundary Signs**

#### **Special local business sponsorship content guidelines**

Updated January 2007

Sponsors must consider that this panel will be seen by thousands of vehicles on a daily basis and Leeds City Council has a duty to protect motorists by not providing any distraction.

This means – no symbols or text within the design that is not easily read at standard road speeds;

The promotional messages must not confuse drivers using motoring type symbols. and the colour red cannot be used.

The local business sponsorship space will best promote companies by including a few simple pieces of information.

Company name

Company logo

A line of text explaining what the business does

Contact telephone number or web site address

The design of the local business sponsorship panel must differentiate from the Leeds civic sign using contrasting colours and layouts.

To ensure we comply with this guidance a PDF showing the proposed artwork must be emailed to the Advertising Initiative Manager for approval. The design may be submitted to other stakeholders for approval and Leeds City Council retains the right to reject inappropriate advertising.