

Date: 2022-08-18

Subject: Advertising on City Property Policy Update

Contact: Tara Hunter, Manager Sponsorship and Corporate Development
tara.hunter@brampton.ca 905-874-5270

Report Number: CAO's Office-2022-762

Recommendations:

1. That the report titled, Advertising on City Property Policy Update – 2022-762 to the Committee of Council meeting of September 7, 2022, be received; and
2. That the Advertising on City Property Policy be approved as amended.

Overview:

- The amended Advertising on City Property Policy will continue to support the placement of third-party advertisements on City Property, at City Programs and in City Media to assist in the provision of City services, while safeguarding the interests, property and reputation of the City.
- The amended Advertising on City Property Policy ensures consistency in decision-making for third-party advertising, outlining specific criteria that must be met, without unreasonable interference with rights under the Canadian Charter of Rights and Freedoms.
- Notable Policy updates to the advertising content criteria include the specific prohibition of all cannabis, tobacco and vaping and the request for permission to permit contests, lotteries, gambling and gaming authorized by the Provincial government and in compliance with all applicable legislation.
- The Policy requires that the proposed location of the advertising may have an impact when determining whether or not the criteria have been met.
- The amended Advertising on City Property Policy improves the process for administering requests to review advertising content on City assets in a way that ensures access, fairness and conformity with prevailing legislation, standards and bylaws. This includes a separate and distinct

process for Reviews and Complaints and engages Ad Standards Canada in the Complaints process.
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Background:

The City of Brampton supports the sale of third-party advertising on City Property, at City Programs and in City Media to generate non-tax revenue for City services. Examples include the robust Transit advertising program on buses, bus shelters and benches sold by third-party providers; ads sold in the Recreation Guide and 55+ Guide, Community Centre digital screens ads and arena board ads.

The Advertising on City Property Policy ensures Advertising on City Property, at City Programs, and in City Media is appropriate and meets specific criteria, without unreasonable interference with rights under the Canadian Charter of Rights and Freedoms. The Policy safeguards the interests, property and reputation of the City, and ensures advertising agreements are established in a manner that ensures access and fairness, and results in the optimal balance of benefits to the City and the community.

Elements of the Policy have become outdated over time – particularly the Review process. To engage the Advertising Review Panel, a minimum of five (5) Brampton residents are required to request a review, and a user fee is applied to each request. The Advertising Review Panel is governed by the Advertising on City Property Review Panel Standard Operating Procedures.

An administrative update to the Advertising on City Property was approved by Council in 2019 to align with the new Sponsorship and Naming Rights Policy, but a full policy review was not conducted at that time.

The Corporate Policy Program requires a policy review every three (3) years.

Current Situation:

The updated Advertising on City Property Policy (Appendix A) adheres to the new corporate policy template. A cross-departmental review team was assembled to provide input on the advertising criteria and the Review and Complaints process, and the corporate policy team also supported a jurisdictional scan of best practices examples. The scan looked at the policies of over ten municipalities such as Mississauga and Vaughan, as well as other public sector organizations such as Metrolinx and TTC.

Updates to Advertising Criteria

The review team recommends in the updated Policy per 6.7.8 the addition to permit the promotion of contests, lotteries, gambling and gaming authorized by the Provincial government so long as it complies with and is licensed by the

applicable provisions of the Criminal Code, the Competition Act, the AGCO and any other applicable legislation.

The majority of policies reviewed under the jurisdictional scan are silent on this advertising content. Mississauga and TTC are among those whose policy does not identify gambling or gaming in the advertising criteria, but it is permitted by both in the interpretation of their policy. Both Mississauga and Toronto have been allowing gaming sites and gambling advertising on their property. It is the recommendation of the review team to provide explicit direction within the Policy with the addition of 6.7.8.

This recommended update to the advertising criteria benefits the City (revenue from the advertisers) but is limited by Provision 6.6 of the Policy whereby the proposed location of the ad may have an impact when determining whether or not the advertising criteria have been met.

The second major update to the advertising criteria is 6.7.9 to explicitly prohibit cannabis, vaping and tobacco products as part of the advertising criteria.

The current Policy is silent on cannabis and vaping and states tobacco advertising will not be permitted at events geared to children or youth. The revision puts the Policy in alignment with other municipalities. It is noted that some municipalities are silent when it comes cannabis and vaping products. This update provides clear direction to staff and third-parties selling on behalf of the City.

Additionally, a new criterion, 6.7.10 is recommended based on the outcome of the jurisdictional scan to provide more safeguards and balance the benefits to the City and the community:

6.7.10 When required by the City, the advertisement must display the following disclaimer in a manner that is legible: “The opinions expressed in this advertisement or by the sponsor of this advertisement, do not in any way represent the opinions of, and are not endorsed by, the City of Brampton.”

Updates to Complaint and Review Process

The updated Advertising on City Property Policy has modernized the Complaint and Review process. The recommendation is to leverage Ad Standards when there is a complaint about an approved ad posted on City Property, before activating the City’s Advertising Review Panel (ARP).

Ad Standards is an independent nonprofit organization that administers the *Canadian Code of Advertising Standards*, which is the principal instrument of responsible and effective advertising self-regulation nationwide. Ad Standards offers the Consumer Complaints Procedure, an effective mechanism for accepting and responding to consumer concerns about Canadian advertising. Brampton Transit is a member of Ad Standards.

6.8.1 A person wishing to make a complaint about an Advertisement posted on City Property may file the complaint with Ad Standards.

6.8.2 If Ad Standards makes a determination regarding the acceptability of a particular advertisement or determines that it cannot accept the complaint to investigate, the complainant may submit a request for review to the City's Advertising Review Panel (ARP) to determine whether the Advertising at issue complies with this Policy.

This update removes the requirement for a resident to pay a fee to file a complaint with the City and removes the requirement for five residents to make the same complaint to activate the Review process.

The City's Advertising Review Panel (ARP) will be activated to review Advertising materials according to the Advertising on City Property Review Panel Standard Operating Procedures (SOP) when:

6.9.1 City staff or a third-party advertising company working on behalf of the City decline an advertising submission and the advertiser requests a review of the decision in accordance with the SOP; or

6.9.2 A person files a complaint with Ad Standards claiming that advertising accepted by the City is not consistent with this Policy and submits a request for review to the City in accordance with the SOP.

The ARP reviews Advertising materials for acceptability under the Policy and will issue a decision in its sole discretion, to approve or reject the Advertising.

The ARP is comprised of city staff and the updated SOP expands the panel to include representatives from Corporate Policy, Equity Office and Strategic Communications.

The updated SOP transfers the administration of the ARP to the Department responsible for administering the Policy (formerly the Clerk's Office).

Corporate Implications:

Financial Implications:

There are no direct financial implications associated with this report.

Term of Council Priorities:

This report achieves the Term of Council priority of a Well-Run City by providing a strong contemporary Policy to effectively manage advertising on City Property, at City Programs and in City Media to assist in the provision of City services.

Conclusion:

Staff recommends that the updated Advertising on City Property Policy be approved to continue to provide clear decision-making principles and improve the process for consumer complaints and administering ad content review requests that ensures access and fairness. The updated Policy helps to safeguard the City's reputation, assets and interests.

Authored by:

Reviewed and Approved by:

Tara Hunter, Manager Sponsorship and
Corporate Development

Paul Morrison, Interim Chief Administrative
Officer

Attachments:

Appendix A – Advertising on City Property Policy