



Policy: Council

SPONSORSHIP POLICY FOR BLUE MOUNTAINS CULTURAL CENTRE AND BLUE MOUNTAINS THEATRE AND COMMUNITY HUB



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Document Status and Version Control

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2	24/3/15	Adopted by Council. Trim reference 15/18337.

Related Legislation:

- Profiting the NSW Public Sector (2003) ICAC
- ICAC Act
- BMCC Code of Conduct (2009)
- Section 441, Local Government Act 1993

OBJECTIVE / PURPOSE

To ensure suitable and appropriate guidelines are in place to encourage and support business sponsorship of the Blue Mountains City Council's major arts, cultural and community infrastructure complexes; Blue Mountain Cultural Centre and Blue Mountains Theatre and Community Hub (the facilities).

BACKGROUND / DEFINITIONS

Blue Mountains Cultural Centre and Blue Mountains Theatre and Community Hub will be seeking sponsorship to offset costs of activities and engage with the wider business community of the Blue Mountains and beyond. Sponsorship will be used to support and promote the key objectives of programming in the facilities, those being to engage and nurture the artistic and cultural pursuits of residents.

Sponsorship has long been regarded in the arts, community and cultural spheres as an acceptable means of raising revenue. The purpose of this policy is to define workable guidelines which assist Blue Mountains City Council staff in making appropriate decisions with regard to sponsorship arrangements developed between the Council and the private or corporate sector.

'Sponsor' means an organisation or individual providing resources to the facilities, for use in achieving the facilities objectives, in return for specific benefits.

For the purposes of this policy, sponsorship is received from the corporate sector or private individuals in support of a public sector activity, such as the programs and activities presented by the facilities. It does not include the selling of advertised space, joint ventures, consultancies, grants and unconditional gifts, bequests, endowments or donations. Sponsorship is not a donation, as a sponsor expects to receive a reciprocal benefit beyond a modest acknowledgement.

POLICY STATEMENT

Through the Blue Mountains Cultural Centre and Blue Mountains Theatre & Community Hub Business Sponsorship Policy, the facilities will procure business support to offset costs associated with programs and community engagement activities.

KEY POLICY PRINCIPLES

1. All sponsorship agreements will be in the form of a written agreement and comply with principles and procedures outlined in this Policy;
 - 1.1. Consistent with ICAC guidelines, sponsorship agreements must include a statement that the relevant facility's functions will continue to be carried out fully and impartially, notwithstanding the existence of a sponsorship agreement;

- 1.2. Consistent with ICAC guidelines, there should be no real or apparent conflict between the objectives and mission of the relevant facility (and in turn those of Blue Mountains City Council) and those of the sponsor
- 1.3. The agreement will include a statement to the effect that any attempted influence of the Council or the relevant facility's regulatory functions will result in an automatic review and/or termination of the sponsorship arrangement;
- 1.4. Any consideration given to the establishment of sponsorship agreements shall have regard to the following principles:
 - i. That all agreements align with the vision and mission of Blue Mountains City Council – Vision: *To build a successful future for the Blue Mountains.* Mission: *Improving the well-being of our community and the environment.*
 - ii. That all agreements align with the key values that underpin the vision of Blue Mountains City Council:
 - a. Working together
 - b. Work safe, home safe
 - c. Service excellence
 - d. Value for money
 - e. Trust and respect
 - f. Supporting community
 - iii. That the reputation of Blue Mountains City Council is not compromised by making agreements with any third party;
 - iv. There should be no real or apparent conflict between the intent and actions of Council and those of the sponsor;
 - v. Do not impose or imply conditions that would limit or appear to limit the Council's ability to carry out its functions fully or impartially;
 - vi. Not perceived to influence or hinder how the relevant facility operates;
 - vii. That agreements are formed that comply with public accountability and transparency and include clear statements of objectives and benefits negotiated;
2. Consistent with ICAC guidelines, each sponsorship agreement must be accompanied by a Risk Assessment. This includes assessing:
 - i. That the sponsorship benefits for the third party do not outweigh the level of sponsorship
 - ii. That the type or form of sponsorship is not inconsistent with the objectives or needs of the relevant facility, eg accepting free products simply because they are free but not of any perceivable benefit
 - iii. Council's regulatory role is not compromised
 - iv. conflicts of interest
 - v. sponsorship that does not eventuate
 - vi. the capacity of the relevant facility to provide adequate resources to meet the terms of the proposed agreements
 - vii. Every sponsorship agreement will be assessed against the possibility of a conflict of interest and in particular, will be refused in any case where, during the life of the sponsorship, the sponsor:
 - a. has a current development application or planning matter before Council, or the Council is aware of the possibility of an application or

- matter coming before the Council in future, particularly on a regular basis,
- b. is, or is likely to be, subject to regulation or inspection by the Council which may impose or imply conditions; and where the sponsorship may limit the Council's ability to carry out its functions fully and impartially.
- viii. Every sponsorship agreement will be regularly reviewed to assess any arising conflict of interest or non-alignment with the vision and key values of Blue Mountains City Council and such agreements will have terms that allow the Council to terminate the sponsorship agreement.

PROCEDURES

3. Advertising for Sponsorship

- 3.1. ICAC guidelines state that the public interest is best served by Council making sponsorship opportunities widely known through open tendering, though the guidelines recognise that in certain circumstances this ideal would be impractical and a request for sponsorship could be by invitation with the authorisation of the Cultural Centre Director and/or the Blue Mountains Theatre & Community Hub Manager and the General Manager or their delegate on behalf of the Blue Mountains City Council.
- 3.2. The facilities will endeavour to develop a pool of potential sponsors and sponsorship arrangements that are likely to occur by inviting local businesses or organisations that service the local area to consider sponsoring specific activities. Unsolicited proposals will be assessed against principles outlined in this Policy for their suitability and risk; and
- 3.3. The facilities will only consider negotiating sponsorship agreements with any company, partnership or sole trader who wishes to participate in its sponsorship program and which is assessed as a reputable organisation whose public image, products and services are consistent with the vision, values and key policy directions of local government in the City of Blue Mountains.

4. Unsuitable Activities for Sponsorship

- 4.1. Blue Mountains City Council considers that companies, partnerships, organisations or individuals that are unsuitable for entering sponsorship agreements are those:
 - i. Whose services or products are considered to be injurious to health, or are seen to be in conflict with Blue Mountains City Council policies and responsibilities to the Community, such as those involved in the manufacture, distribution and wholesaling of tobacco related products, pornography and addictive drugs
 - ii. Found guilty of illegal or improper conduct by ICAC or any other legal authority
 - iii. Who are involved in political fields e.g. political parties
 - iv. Involved in the development industry

- v. That do not align with the Council's stated vision, key principles and key policy directions eg environmental sustainability.

5. Sponsorship Recognition

5.1. Blue Mountains City Council can recognise sponsors in a number of ways. The extent of such recognition will be determined in relation to the level and nature of the sponsorship and subject to a written agreement specifying benefits and costs.

5.2. Sponsorship recognition should be tasteful and discreet, avoiding situations of potential embarrassment or criticism for either the relevant facility or Blue Mountains City Council. Such forms of recognition could include, but not be limited to:

- i. Appropriate signage
- ii. Media release acknowledging the role and contribution of the sponsor
- iii. Invitations to selected functions
- iv. Inclusion of sponsor's name and logo
- v. Naming rights
- vi. Merchandising of goods at selected points of sale
- vii. To use the asset or facility, subject to the approval in each individual case, in static display or for an activity of the sponsor when not required by the relevant facility.
- viii. Opportunity for sponsor's name and/or logo to be promoted through appropriate general advertising by the relevant facility
- ix. Or activities deemed suitable by the General Manager.

6. Agreements

6.1. Consistent with ICAC principles, every sponsorship agreement is a contract and conditions will be fully described in a legally approved draft which clearly sets out:

- i. Benefits including economic benefits, available to the relevant facility and the sponsor with the nature of those benefits e.g. naming rights, clearly articulated
- ii. Any personal benefits available to the sponsor's employee and their relatives
- iii. The form or forms of sponsorship acknowledgement which will be available
- iv. The term of the sponsorship and any conditions regarding renewal
- v. Consequences of changes which may occur over time eg a shift in the relationship, new policies, new corporate mission or objectives
- vi. Financial accountability requirements
- vii. Provision for termination or suspension of agreement;

6.2. The agreement will include a statement to the effect that any attempted influence of Blue Mountains City Council's functions, particularly those regulatory functions, will result in an automatic refusal, review and/or termination of the sponsorship arrangement; and

6.3. Blue Mountains City Council will ensure that sufficient resources are available to enable the promised sponsor benefits.

7. Authorised persons

- 7.1. Sponsorship agreements at Blue Mountains Cultural Centre and Blue Mountains Theatre & Community Hub can assist with several areas of activity such as public programs, exhibitions, performances, special programs, education programs, and acquisition; and
- 7.2. While members of staff may contribute their specialist knowledge of the activity which will benefit from the sponsorship, all sponsorship agreements must be signed and approved by both the Cultural Centre Director and/or the Blue Mountains Theatre & Community Hub Manager and the General Manager or the General Manager's delegate on behalf of Blue Mountains City Council.
