Kōmiti Whakahaere ā-Ture
Regulatory Committee

OPEN MINUTE ITEM ATTACHMENTS

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Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Bottle Stores and the Auckland Signage Bylaw

Auckland Council Regulatory Committee meeting
23 June 2020

This presentation is informed by projects conducted with the support of the Ōtara-Papatoetoe Local Board Quick Response Grant (QR 1913-231), and the Albert-Eden Local Board Quick Response Grant (QR 1913-233)

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Alcohol Healthwatch

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Attachment A

Item 5.1
Bottle store signs negatively impact visual amenity

- Generally non-compliant with existing bylaw
- Over the top branding and excessive advertising
- Significant source of exposure to alcohol advertising for children and young people (Chambers et al, 2018a, Chambers et al, 2018b)
Why care about alcohol advertising?

- **Causal relationship** (*Bradford Hill criteria*) between alcohol marketing and youth drinking (Sargent & Babor, 2020)

- Alcohol advertisements visible outside off-premise outlets were associated with **increased violent crime** (Trangenstein et al, 2020)

- Young people who have greater exposure to alcohol marketing appear to be more likely subsequently to **initiate alcohol use** and **engage in binge and hazardous drinking** (Jernigan et al, 2017)

- Self-regulatory systems **do not protect young people** (Noel et al, 2017; Noel & Babor, 2017)
Community Opinion Polling

UMR Online Poll – 500 Auckland residents 23 September-4 October 2019

‘The next two questions relate to alcohol, in particular signage and advertising at alcohol outlets’

How concerned are you with signs and advertising displayed at liquor stores being seen by children and young people?

47% very concerned or somewhat concerned (NZ Māori 59%, South Auckland 54%, Asian 60%)

To reduce the amount of alcohol advertising children and young people see each day, Auckland Council should take stronger action to control signs and advertising displayed at liquor stores

51% strongly support or somewhat support (NZ Māori 68%, Pasifika 58%, Asian 67%)

17% oppose
Best Practice?

- Windows clear and transparent above 1.2m / frosted below 1.2m
- No alcohol brands visible on any part of exterior of the premises
- Alcohol products not visually depicted
- Drinking occasions/participants not depicted/implied
- No product prices visible from outside
- Name/brand of premises displayed once only on sign not exceeding 2m²
- Neutral colour scheme – premise branding devices limited to single small sigr
Transform Baltimore

- Comprehensive zoning code update [https://planning.baltimoricity.gov/programs/transform-baltimore](https://planning.baltimoricity.gov/programs/transform-baltimore)

§ 17-402. Alcoholic beverage and cigarette advertising signs.

(a) General prohibition.

No person may place any sign, poster, placard, device, graphic display, or other item that advertises alcoholic beverages or cigarettes in any publicly visible location, including any outdoor billboard, side of a building, or freestanding sign.

(3) Permitted placements – Identification of licensed premises.

(i) In general.

This section does not apply to any window or exterior wall sign of a licensed premises that meets all of the following criteria:

(A) the sign is intended to identify the licensed premises, by containing its name, slogan, or logo;

(B) the sign covers no more than 15% of the window or exterior wall area on which it is displayed; and

(C) the licensed premises has no other window or exterior wall sign along the same street frontage.
Today’s ask:
That the Regulatory Committee: Include in a high-level options report about the regulatory framework for managing signs in Auckland, an option to specifically regulate signage related to off-licence liquor stores to reduce community exposure to alcohol brand and retailer advertising in Auckland.
References


- City of Baltimore. § 17-402 Alcoholic beverage and cigarette advertising signs. https://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf
Auckland Regional Public Health Service
Auckland Council Signage Bylaw

Auckland Council Regulatory Committee meeting

James Yallop and Karen Phu

Auckland Regional Public Health Service
Rātonga Hauora ā Iwi o Tamaki Makaurau

Working with the people of Auckland, Waitemata and Counties Manukau
Why are we here today?

• **Active protection for Māori to achieve equity**
  – Māori 2.5 times more likely to die from alcohol-related causes (Connor et al, 2015)
  – Māori children have 14 times higher rates of exposure to alcohol marketing compared to New Zealand European children (Mhurchu & Chambers, 2017)

• **Auckland Regional Public Health Service has a statutory obligation with regards to minimising alcohol harm**
  – Create supportive environments on a population health basis

• **Alcohol no ordinary commodity**
  – Fourth largest risk factor for health loss in NZ (Institute for Health Metrics and Evaluation, 2017)
  – Most harmful drug to society in New Zealand (including tobacco) (Nutt et al, 2010)
  – Causes on average 800 deaths per year in NZ (COVID-19 n= 22) (Connor et al, 2015)
  – Auckland has higher levels of alcohol-related harm than the rest of New Zealand
Effective strategies

• SAFER Model (WHO 2018):
  – Strengthen restrictions on alcohol availability
  – Advance and enforce drink driving counter measures
  – Facilitate access to screening, brief interventions and treatment
  – Enforce bans or comprehensive restrictions on alcohol advertising, sponsorship, and promotion
  – Raise prices on alcohol through excise taxes and pricing policies

• World Health Organisation (WHO) Three ‘best buy’ policies:
  – Increase the price of alcohol
  – Regulate the availability of alcohol
  – Restricting or banning alcohol advertising and promotions
Preliminary findings south Auckland Signage Bylaw audit

- ARPHS conducted the audit from November 2019 – January 2020
- 7 south Auckland areas selected:
  - Mangere
  - Manukau
  - Manurewa
  - Ōtāhuhu
  - Ōtara
  - Papakura
  - Papatoetoe
- Surveyed a total of 64 off-licence alcohol stores
- Preliminary findings:
  
  **100% non-compliance**
  Up to 16 breaches for an individual store
Key ask for today:

- **That the Regulatory Committee:** (d) Include in a high-level options report an effective regulatory framework for managing signs in Auckland, an option to specifically regulate signage related to off-licence alcohol stores to reduce community exposure to alcohol brand and retailer advertising in Auckland.

**Rationale:** Having clear rules regarding off-licence signage requirements means the tri-agencies and community can raise opposition/objections on grounds of suitability to renewal of off-licences that are non-compliant.
References


Section 33(3) of the Signage Bylaw states signs must be removed within 3 calendar months of a business closing.
Clause 33(3) of the Auckland Council Signage Bylaw, says: “(3) All signage on premises associated with a business that has ceased to trade ... must be removed ... within three calendar months of the date that the business ceased to trade.”

This business closed on 3 February 2020 - more than three months ago. The signage should have been removed by now.
There are wide ranging powers to make bylaws regulating signage, especially under:

- section 145 of the Local Government 2002; and

145 General bylaw-making power for territorial authorities

A territorial authority may make bylaws for its district for 1 or more of the following purposes:

(a) protecting the public from nuisance;
(b) protecting, promoting, and maintaining public health and safety;
(c) minimising the potential for offensive behaviour in public places.

22AB Road controlling authorities may make certain bylaws

(y) regulating, controlling, or prohibiting the display or continuance of the display of posters, placards, handbills, writings, pictures, or devices for advertising or other purposes on or over public buildings or bridges, or on or over buildings, walls, fences, posts, trees, pavements, or hoardings, that are situated—

(i) in or on or adjoining any land or road that is the property of, or under the control of, the relevant road controlling authority; or
(ii) where that display is visible from a road or public place:
There is also support from the Alcohol Regulatory and Licensing Authority (ARLA), in *Choice Liquor Mart [2016]* NZARLA 252, for District Licensing Committees to regulate signage on bottle stores.

ARLA upheld a condition:

“There shall be no advertising of alcohol-based products or brands on more than 25% of the exterior of the premises.”

With clear specific rules concerning off-licences in a Signage Bylaw, the Auckland District Licensing Committee could readily enforce them.
We ask that the Regulatory Committee add a fourth recommendation:

**(d)** include in a high-level options report about the regulatory framework for managing signs in Auckland, an option to specifically regulate signage related to off-licence liquor stores to reduce community exposure to alcohol brand and retailer advertising in Auckland.