An exploratory audit of off-licence compliance with the Auckland Council Signage Bylaw: Ōtara-Papatoetoe Local Board

June 2019
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Executive Summary

A child’s place of residence is often beyond their control, yet their neighbourhood surroundings can exert a profound influence on their health and well-being. In particular, the local supply and consumption of alcohol can shape risk behaviours in children and adolescents and thereby contribute to life-long health and social inequities. In the Ōtara-Papatoetoe Local Board, there are approximately 20,000 children at risk from living in an alcogenic environment.

Mitigating environmental risks early in the life course is imperative, as a matter of fairness and equity, and to enable health and well-being in society. Although communities are often at the forefront of experiencing the social, health, and economic harms from alcohol, they have limited opportunities to permanently alter the local environment so that it minimises the risk of alcohol harm to all of its residents.

Consistent evidence demonstrates that exposure to alcohol advertising, marketing, and promotion is a key driver of alcohol consumption in a population. Policies that restrict advertising in a community should be considered important levers in alcohol harm reduction.

In New Zealand, there are minimal protections from the harm of exposure to alcohol advertising, especially when compared to the legislative controls and structures that minimise harm from a range of other environmental risks (e.g., air and water pollution, road design). In the absence of strong national legislation and policies that address the harms from alcohol advertising, communities must look to other local avenues to reduce exposure. One avenue is to limit the store-front signage on alcohol outlets, as it represents a very visible part of the built environment, symbolising the community as a desirable place to live, work, and visit.

In Auckland, retail outlet signage is controlled via the Auckland Council Signage Bylaw 2015 (the ‘Bylaw’). This Bylaw equates alcohol advertising with other forms of retail advertising, setting out requirements for various types of signs in different zones. To assess levels of Signage Bylaw compliance, Alcohol Healthwatch conducted an audit of off-licence signage, with financial assistance provided by the Ōtara-Papatoetoe Local Board.

Due to the lack of alcohol-specific signage on supermarkets and grocery stores, the study was limited to assessment of bottle store compliance. In total, 33 off-licence bottle stores were visited in Ōtara-Papatoetoe during February 2019. Photographs of signage were taken for later visual assessment of signage compliance. The inability to conduct physical measurements of the signage at the premises is a limitation of the study and therefore, the compliance results should be considered exploratory, requiring further follow-up and investigation by the Territorial Authority.

Findings demonstrated that non-compliance with sections 14-21 of the Signage Bylaw 2015 was widespread. In total, 97% of bottle stores had at least one possible breach of the Bylaw, and 73% of bottle stores had two or more breaches. Window, wall mounted, veranda and portable signage were often found to be non-compliant.

In addition to Bylaw compliance, the content featured on the exterior signs at off-licence bottle stores was also audited. Premise branding, alcohol brands, alcohol products, drinking occasions and participants, and price information were frequently depicted. In 45% of bottle stores visited, the branding and colour scheme of the premises were considered to be dominant. In comparison to other types of retail outlets, the store branding and colour schemes of
bottle stores were particularly dominant and much more prominently visible. These characteristics of signage can contribute to the normalisation of drinking in a community.

Further, compliance with both the Advertising Standards Authority Code for Advertising and Promotion of Alcohol and section 237 of the Sale and Supply of Alcohol Act 2012 (Irresponsible promotion of alcohol) was also assessed. No breaches were evident.

It is recommended that any future Bylaw limit the harm from alcohol advertising by requiring specific rules for alcohol signage. In addition, a Bylaw should seek to address both the physical attributes of signs (e.g. size and proportion of window covered) as well as the content of signage at alcohol outlets (e.g. brand signage, depiction of alcohol and drinking occasions, etc.). The upcoming mandatory review of the 2015 Bylaw represents an important opportunity to reduce alcohol harm, particularly in light of the difficulties faced in implementing a Local Alcohol Policy in Auckland.

Results of this audit may be useful for communities to address local harm, by ensuring that outlets comply with the requirements of the Signage Bylaw. Findings may also assist Council Bylaw policy analysts and Compliance teams as well as inform the inquiries, reporting and decisions by licensing inspectors, Medical Officers of Health, Police Alcohol Harm Reduction Officers, and District Licensing Committees (DLCs).

It is likely that alcohol outlet signage has comparable characteristics in other communities around New Zealand. Territorial authorities should look to consider alcohol signage as an area for policy development, particularly if Local Alcohol Policy development has been delayed or weakened through legal challenges.
Background

The built environment is a key determinant of the health and vibrancy of our neighbourhoods and the safety and well-being of community members. Store-front signage is a very visible part of the built environment and represents one way that a community presents itself as a desirable place to live, work, and visit. The presence of off-licence alcohol outlets is likely to impact the communities that host them, both in terms of visual amenity and social, economic and health harms from alcohol consumption.

Consistent, high-quality evidence demonstrates that restricting or banning the advertising, marketing, and promotion of alcohol is a key lever to preventing the early onset of drinking (and dependence), reducing the hazardous consumption of alcohol in the population, as well as minimising alcohol-related harm. Despite these risks, there remains no strong legislative framework in New Zealand to address both the content and levels of alcohol advertising exposure in the environment. This places many population groups at risk of harm, including children, adolescents, and those wishing to reduce their drinking or remain sober.

With an absence of strong policy measures to address the ubiquity of alcohol advertising, other environmental signals are important to support citizens to recognise the seriousness of alcohol-related harm. However, in New Zealand alcohol prices remain low and availability high. Therefore, communities and local authorities are left to rely on strategies to reduce exposure to alcohol brand and outlet advertising to address local harm.

In Auckland, the Signage Bylaw 2015 regulates the number, size, and type of signs that premises can display. It is a joint policy between Auckland Transport and Auckland Council. Though not specific to alcohol outlets or the content of signs at alcohol outlets, the Bylaw can offer communities some protection from excessive signage at alcohol outlets, by placing controls on window, veranda, wall mounted, and portable signs.

Furthermore, the Signage Bylaw is currently under review. Collecting information and evidence regarding current levels of compliance with the Bylaw is essential to inform the review. Particularly in light of the ten-year period until another review takes place.

Alcohol harm in New Zealand

Alcohol use in New Zealand is a leading driver of preventable harm, negatively impacting both drinkers and others. In 2016, it was the major behavioural risk factor for death and disability for New Zealanders aged between 15 and 49 years. Harms are wide-ranging, and include poor health, disorder and damage to property, injuries, lost productivity, reduced child well-being, physical violence, sexual violence, family violence, Fetal Alcohol Spectrum Disorder (FASD), cancers, poor mental health, and suicide. New Zealand’s most widely-used recreational drug is intoxicating, toxic, carcinogenic, addictive, and legal.

In 2007, 5.4% of all deaths among New Zealanders under 80 years of age were attributable to alcohol, representing 802 deaths and 13,769 years of life lost. Self-reported harms from other people’s drinking in the past year have been reported by almost one in every five adults, higher among women and young people. Police records suggest one-third to one-half of all offences involve someone who has been drinking.
Significant inequities in harm persist in New Zealand. In particular, Māori report disproportionately higher levels of hazardous drinking and alcohol-related harm. National research and representative surveys show that Māori men and women are significantly more likely to drink hazardously than non-Māori men and women, and alcohol-related death rates are more than twice that of non-Māori. There are also pronounced inequities by level of deprivation. These differences are unjust and preventable.

Alcohol harm profile in Ōtara-Papatoetoe Local Board area

There are many characteristics that place the Ōtara-Papatoetoe Local Board at a heightened risk of alcohol-related harm. These include:

- High proportion of children living in the Local Board area;
- Very high density of off-licences;
- Proximity of off-licences to schools; and
- High household and area-level deprivation.

The 2013 Census reported 75,663 people living in the Ōtara-Papatoetoe Local Board Area. Of these, almost twenty thousand (19,596) were children aged under 15 years. This proportion represents more than one-quarter (25.9%) of the population, and is higher than that found in the Auckland Region (20.9%) and across all of New Zealand (20.4%). It is important to emphasise that children and adolescents experience more harm from their drinking than other groups and are particularly vulnerable to the harms from alcohol advertising.

Further, there are Census Area Units in the Local Board area that have high levels of off-licence density. These include Grange, Rongomai, and Puhinui South. Furthermore, the location of many of these outlets is problematic given their proximity to (mostly low decile) schools. For example:

- within 1 kilometre of Papatoetoe South School are 6 bottle stores;
- within 1 kilometre of Dawson Primary and Tangaroa College are 4 bottle stores;
- within 1 km of Papatoetoe Intermediate are 6 bottle stores;
- within 1km of Papatoetoe High School are 4 bottle stores;
- within 1km of Papatoetoe Central School are 3 bottle stores; and
- within 1 kilometre of Fergusson Intermediate are 4 bottle stores.

Finally, low levels of formal education and high levels of deprivation place the community at risk of inequities in alcohol-related harm. Over and above the level of drinking in a community, deprived communities and individuals experience more harm from their drinking and from living close to many alcohol outlets. A higher number of alcohol outlets in a neighbourhood also increases the likelihood of being exposed to alcohol advertising.

These factors contribute to Ōtara-Papatoetoe residents experiencing high levels of alcohol-related harm, particularly in relation to hospitalisations among adults aged 15 years and over that are wholly attributable to alcohol. In 2014-2016 the age-standardised hospitalisation rate in Ōtara-Papatoetoe was 154.3 per 100,000 persons, somewhat higher than the national rate of 142.9 per 100,000, or the Auckland Council Territorial Authority rate of 143.8 per 100,000. For females in Ōtara-Papatoetoe, the age-standardised rate in 2012-2016 was 83.3 per 100,000, which is lower than the national rate (112.0 per 100,000) and the Auckland Council Territorial Authority rate (104.7 per 100,000). However, the age-standardised rate for males was very high at 273.4 per 100,000, considerably higher than the national rate (172.4 per 100,000) and Auckland Council Territorial Authority rate (186.2 per 100,000). It is
clear that among those who drink in Ōtara-Papatoetoe, there is serious harm being experienced, particularly among males.

It must be also recognised that alcohol-attributable admissions only represent a portion of the health harms from alcohol. The above rates do not include partially attributable admissions, such as cancer, stroke, etc, nor short-term stays in the Emergency Department. The social and economic harms are perhaps far greater, including family violence, Fetal Alcohol Spectrum Disorder, unemployment, road crashes, crime, etc.

The harm from alcohol marketing
The three strongest or ‘best buy’ policies to reduce alcohol-related harm are 1) increasing the price of alcohol, 2) regulating the availability of alcohol (number of outlets, trading hours, purchase age), and 3) restricting or banning alcohol advertising and promotions. These recommendations echo the findings of Babor et al who comprehensively reviewed the scientific literature on the aetiology and prevention of alcohol harm. The conclusion was that alcohol marketing undoubtedly contributes to ongoing recruitment of young people to replace drinkers lost to the alcohol industry through attrition.

Two recent systematic reviews of the impact of alcohol marketing, advertising, and media exposure on youth alcohol consumption found that studies consistently suggest that exposure to commercial communications on alcohol is associated with the likelihood that adolescents will start to drink alcohol, and that increased exposure is associated with increased drinking among adolescents who already drink. There is limited intervention evidence available to further guide policy development, given the lack of implementation of comprehensive advertising restrictions within countries as well as methodological difficulties disentangling any effects of changes that have been made. However, the most probable scenario is that extensive restriction of marketing would have an impact.

The above reviews considered exposure to alcohol advertising across a broad range of media (print, television, etc.). In relation to outdoor alcohol advertising, Pasch et al found that exposure to outdoor alcohol advertising in close proximity to schools was associated with subsequent youth intention to use alcohol. This finding is consistent with research based around college campuses in the United States, which found that the presence of off-licence premises with exterior advertising for alcohol was strongly correlated with college student binge drinking. A dose-response relationship was suggested, demonstrated by a strong negative relationship for binge drinking when premises had no exterior advertisements and positive relationships for premises with discreet, moderate, or ‘all over the place’ exterior advertising. At campuses where more off-licence premises were free from alcohol advertising (exterior and interior) college binge-drinking rates were significantly lower.

In a selection of communities in California, descriptive research noted that of all of the on- and off-licence premises, liquor stores had the highest number of exterior alcohol advertisements (an average of 8 per store). Independently-owned stores were found to have more exterior advertisements than franchised outlets. In California, the law restricts the percentage of window space that may be used for any advertising (including alcohol advertising) to 33%, but some communities have more restrictive ordinances limiting coverage to as little as 10%.

Law Commission recommendations on alcohol marketing
In 2009-2010, the Law Commission was tasked to undertake a wide-ranging review of the regulatory framework for the sale and supply alcohol in New Zealand. An issues paper was published and thousands of public submissions
were received from across New Zealand. A comprehensive report detailing 153 recommendations to curb the harm from alcohol was published in April 2010.2

One of the most heavily-contested issues in the consultation was that of alcohol advertising and promotions, with strong views expressed among many submitters that alcohol advertising should be more heavily controlled. The Law Commission noted a growing body of evidence that exposure of young people to alcohol marketing sped up the onset of drinking and increased the amount consumed by those already drinking. They recommended that controls on advertising should be high on the policy agenda.2

The Law Commission proposed a three-stage programme to bring about greater regulation of alcohol marketing. The first stage was to strengthen licensing legislation to prevent promotions that encourage consumption of alcohol to an excessive extent, including the advertising of heavy discounting. The second stage was to establish an interdepartmental committee to plan and implement a programme to limit exposure to promotions and to restrict the content of promotion messages, particularly to young people. The third stage of the programme was to focus on restricting the advertising and promotion of alcohol in all media to bring about a situation where no alcohol advertising is permitted other than that which conveys only objective product information related to beverage characteristics, production, and price.2

Only the Stage One recommendation was heeded in legislation, with the inclusion of Section 237 (irresponsible promotion of alcohol) in the Sale and Supply of Alcohol Act 2012.23 In favour of developing further legislation, a Ministerial Forum on Alcohol Advertising and Sponsorship was established to look into the issue further (see below).24

Ministerial Forum on Alcohol Advertising and Sponsorship
In 2014, the Ministerial Forum on Alcohol Advertising and Sponsorship was tasked to consider whether further restrictions on alcohol advertising and sponsorship were needed to reduce alcohol-related harm.

The Forum’s report was released in October 2014, noting the community frustrations they had heard during submissions regarding the environmental saturation of alcohol advertising and promotions in their neighbourhoods. Exposure to outdoor alcohol advertising was often found alongside high levels of alcohol outlet density, with communities expressing concern at being unable to prevent children’s daily exposure of alcohol venues, brands, and product advertising when travelling to and from school. This situation was compounded by being unable to influence licensing decisions in relation to new outlets opening in their neighbourhood.24

The Ministerial Forum made 14 recommendations in relation to alcohol advertising and sponsorship in New Zealand. Recommendations 8 and 11 are particularly salient to the issue of signage at alcohol outlets. The Forum considered that alcohol outlet density was outside of the scope in its review, but that restricting the amount of alcohol advertising visible on licensed venues was within scope and would reduce the exposure to young people.

Recommendation 11 called for licence conditions whereby not more than 50% of windows or buildings should be covered with alcohol advertising.

Recommendation 8 called for a ban on any alcohol advertising where 10% or more of the audience is younger than 18 years of age (approximately 25% of the NZ population is estimated to be under 18 years).
The Forum reported to the Minister of Justice and the Associate Minister of Health in October 2014. No formal response to the report has been made by the Government.

**University of Otago Kids’Cam research**

Using wearable GPS-enabled cameras, New Zealand research found that children aged 11-13 years were exposed, on average, to alcohol marketing 4.5 times per day across multiple places and via a range of media. This average does not include exposure within off-licence retailers, on screens and from product packaging.

Locations outside of the home accounted for 52% of all alcohol marketing exposures, with on-licence retailers (19%) and off-licence shop fronts (16%) being key places where this exposure occurred. In relation to mediums of advertising and marketing, shop fronts, not including sandwich boards, were the delivery medium for 30% (1.4 per day) of all alcohol marketing exposures, whilst alcohol signs (billboards, sandwich boards, posters, etc.) accounted for almost 10% of all exposures.

The degree to which children were exposed to alcohol marketing varied considerably by sociodemographic characteristics. Adjusted models showed that boys (5.8 exposures per day) were almost twice as likely to be exposed than girls (3.3 exposures per day), while Māori were five times (10.5 exposures per day) and Pacific children three times (6.7 exposures per day) more likely to be exposed to alcohol marketing than New Zealand European children (2.5 exposures per day). Children living in neighbourhoods experiencing high levels of deprivation were also more exposed (10.5 exposures per day) than children living in neighbourhoods with low deprivation (3.4 exposures per day), although this difference was not statistically significant.

A further publication from the Kids’Cam study found that off-licence proximity in residential neighbourhoods and off-licence density in school neighbourhoods was associated with increased exposure to alcohol marketing. Boys, Pacific, and Māori children experienced significantly higher levels of exposure. Findings from the Kids’Cam research point to a pressing need to target shop-front signage for effective regulation to protect children and young people from alcohol marketing and reduce inequities in harm.

**Regulatory frameworks to address alcohol signage on premises**

The primary regulatory framework affecting signage at alcohol outlets in Auckland is the Signage Bylaw 2015. This Bylaw addresses the physical characteristics of different types of signs located in zones as they apply to the Unitary Plan.

The purpose of the Bylaw is to:

- provide for the safety of vehicular and pedestrian traffic on roads and public places by limiting obstruction and distraction caused by signage;
- protect the public from nuisance and from harm or damage caused by the poor maintenance or abandonment of signage;
- assist in enhancing, maintaining, and promoting the visual amenity value of Auckland’s cultural character, and its built and natural environments;
- assist in enabling the economic benefits to Auckland that are provided through signage; and
- assist in protecting roads and other public assets from damage or misuse.
Amenity is further defined as “the natural or physical qualities and characteristics of a location that contribute to a person’s appreciation of its attractiveness, pleasantness, aesthetic coherence, and cultural and recreational attributes.”

The actual content of the advertising is largely self-regulated in New Zealand. The Advertising Standards Authority has a number of advertising codes, of which one is the Code for Advertising and Promotion of Alcohol. This Code centres on ensuring advertising and promotion is “consistent with the need for responsibility and moderation in merchandising and consumption, and does not encourage consumption by minors”.27

The other key regulatory framework is the Sale and Supply of Alcohol Act 2012, in particular section 237: irresponsible promotion of alcohol. This section prohibits advertising that “does anything that encourages people, or is likely to encourage people, to consume alcohol to an excessive extent, whether on licensed premises or at any other place”.23 This includes advertising outside licensed premises of price discounts of >25% and promoting alcohol as free of charge.

Finally, the Sale and Supply of Alcohol Act 2012 provides for District Licensing Committees to issue or renew licences subject to reasonable conditions not inconsistent with this Act.28 In theory, this allows for conditions to be applied to licences regarding external signage and advertising. Such conditions could be recommended by licensing inspectors, Medical Officers of Health, and Police Alcohol Harm Reduction Officers who have statutory reporting functions. Community objectors may also request that the District Licensing Committee impose such conditions. Further detail regarding regulatory frameworks as they apply to alcohol signage are discussed below.
Methods

Aim of the study
The aim of this exploratory audit was to assess the degree to which the signage at off-licence premises in the Ōtara-Papatoetoe Local Board area complies with the:

- Auckland Transport and Auckland Council Signage Bylaw 2015;3
- The Advertising Standards Authority Code for Advertising and Promotion of Alcohol;27 and
- Section 237 (Irresponsible Promotion of Alcohol) of the Sale and Supply of Alcohol Act 2012.23

The audit also presented an opportunity to inventory some of the key characteristics of signage content at off-licence premises, as both content and quantity of exposure can be harmful.

Ethical Approval
Ethical approval was not required for this observational study.29 The audit did not use animal or human participants/materials nor did it collect any personal information.

Selection of sample
The sample for this audit was all off-licence bottle stores, supermarkets, and grocery stores in the Ōtara-Papatoetoe Local Board area. These premises were identified using the Alcohol Regulatory and Licensing Authority (ARLA) licence register (November 2018 update)30 and supplemented with visual inspection by car and on foot.

The register was filtered to show off-licences in the Auckland DLC area, then sorted by suburb. Entries matching suburbs within the Ōtara-Papatoetoe Local Board were exported, duplicates were removed, and street addresses were cross-referenced and confirmed. Off-licences that were complementary, remote sellers, or part of a business operating primarily as an on-licence, were excluded. The remaining entries were bottle stores, supermarkets and grocery stores.

It is a limitation of this study that due to the incomplete nature of the ARLA licence register, it was not possible to be certain that every licensed bottle store, supermarket, and grocery store was captured and included in the final sampling.

Each premises in the sample was assigned a unique identifier. Supermarkets and grocery stores with off-licences were later excluded from the analysis as there did not appear to be any alcohol-specific signage detected. Hence, the findings from this study are limited to bottle stores in the Local Board area.

The bottle store locations were identified using Google Map software. The administrative boundaries of the Ōtara-Papatoetoe Local Board area were merged with the bottle store locations to ensure all premises were eligible for the audit.
Mapping of premises also enabled a route to be designed to conveniently and efficiently visit each premises while minimising the distance travelled during each visit to the area. Zoning data for each premises was identified and recorded after checking each address in the Auckland Council Unitary Plan Maps.

**Data collection**

Premises were visited in the afternoons of February 2019, between 2:40pm and 5:06pm. These visiting times were chosen to ensure the premises would be open for trading (and thus have their signage on display), but would not be too busy with customers entering and exiting to prevent quality photographs being taken of the premises. Navigating between premises after 5pm became difficult due to an increase in traffic congestion.

Upon arriving at a premises, the data collector parked nearby and approached the premises on foot. Once the different types of signage were identified, a smartphone was used to photograph the premises. Photographs were taken of the premises to ensure detail of signage could be viewed as well as permit examination of the wider perspective of the premises in the retail zone.

If there was a cluster of premises in the immediate area, several premises were visited and photographed in this manner. While taking photographs of premises, the data collector was mindful to be unobtrusive and avoid photographing staff members and members of the public where possible.

**Primary analysis**

The primary outcome for the audit was compliance with sections 14-21 of the Signage Bylaw 2015. These sections set out the requirements for different categories of signage types, as listed below:

- Portable signage (s14)
- Stencil signage (s15)
- Free standing signage (s16)
- Poster signage (s17)
- Banners (s18)
- Veranda signage (s19)
- Wall mounted signage (s20)
- Window signage (s21)

Photographs of each premises were examined and main signage types were identified. Compliance was assessed against Schedule 1 of the Bylaw, as this details the specific requirements for signage as per the Unitary Plan zone that the premises was located in. In relation to window signage, the premises and its location was assessed to determine whether it was subject to key retail frontage provisions.

The size and proportion of signage were estimated using the photographs. This was problematic to a degree, as there was no scale on the images. However, the size of other objects (e.g. windows) could be used to provide the necessary scale for the signage. This approach provided enough information to calculate the proportion in percentage terms of window height and width covered by signs.

Wall mounted signs were more difficult to assess using the photographs, as requirements related to a limit on area size (often in square metres). To estimate whether a wall mounted sign exceeded the size permitted for that zone,
the height and width of the signs was estimated, with reference to other objects in the photograph that could be reasonably be expected to be a uniform size. For example, a standard concrete block is 400mm by 200mm and these were often found in the same image and at the same depth of field allowing an estimate of sign height and width to be made. Once estimated height and width were established, an online calculator was used to calculate the size of the sign in square metres.32

Veranda signage was easier to estimate as the Bylaw requirements are more straightforward. A maximum height of 0.6 metres is permitted for fascia signage, and under-veranda signs need to be more than 0.5 metres away from the fascia line. Veranda signage not meeting those requirements was usually fairly apparent at first glance.

Once signage compliance had been assessed, the outcome was recorded in an Excel spreadsheet together with a detailed description of how the signage did or did not meet requirements set out in the Bylaw.

Although every effort was taken to be objective and accurate in estimating the dimensions of the signs, it must be noted that the compliance outcomes are indicative and preliminary until they are followed up with investigation by the relevant authority.

In relevance to this study, the final arbiter of whether specific signs meet the requirements of the Bylaw is the relevant authority, being Auckland Council and/or Auckland Transport. It must also be noted that there are exceptions to requiring compliance with the Bylaw, for example when previous resource consent for signage has been granted. This means that signage can exist lawfully, even if non-compliant with the Signage Bylaw. It remains with the Bylaw Compliance Team to investigate and determine whether any signage constitutes a breach of the Bylaw (as set out in sections 14-21 of the Bylaw) or if any exemptions apply, and to what extent enforcement actions should be taken.

Secondary analysis

In addition to assessing all signage against the requirements of the Signage Bylaw 2015, assessment was also carried out against other regulatory frameworks that govern alcohol advertising.

Firstly, advertising was assessed using the Advertising Standards Authority Code for Advertising and Promotion of Alcohol.27 This code is overseen by an industry self-regulatory body and features four main principles. These are:

- Alcohol advertising and promotions shall observe a high standard of social responsibility
- Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol
- Alcohol advertising and promotions shall be directed at adult audiences. Alcohol advertising and promotions shall not be directed at minors nor have strong or evident appeal to minors in particular. This applies to both content and placement
- Sponsorship advertisements shall clearly and primarily promote the sponsored activity, team or individual. The sponsor, the sponsorship and items incidental to them, may be featured only in a subordinate manner.

Each advertisement was coded according to its compliance with the Code, as either a breach or no breach.
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Secondly, advertising was assessed against section 237 of the Sale and Supply of Alcohol Act 2012: Irresponsible promotion of alcohol. This section mainly concerns promotions that:
- encourage peoples to consume alcohol to an excessive extent
- advertises (outside a licenced premise) discounts on alcohol of 25% or more
- promotes alcohol that is free of charge
- offers a prize on the condition alcohol is purchased

Aside from promotions that encourage people to consume alcohol to an excessive extent, the other restrictions listed above generally apply to advertising or promotions that occur outside of licensed premises.

Again, photographs of premises were examined for any advertisements and/or promotions that had elements that raised issues of compliance with 1) the Code for Advertising and Promotion of Alcohol and 2) section 237 of the Sale and Supply of Alcohol Act. Any premises with concerns regarding compliance were given closer analysis.

Thirdly, features of signage content were also inventoried. For each premises, it was noted whether any of the following features were present:
- presence of alcohol brand signage;
- visual depiction of alcohol products;
- drinking occasions/participants depicted or implied;
- alcohol product categories named;
- premise branding visible;
- premise branding or colour scheme dominant; and
- price information indicated from outside premises.

**Determining if prior approval for signage exists**

Section 35 of the Signage Bylaw indicates that signage lawfully established prior to the Bylaw coming into force (October 1, 2015) “may remain in place for the period of any approval granted for that signage without breaching this Bylaw”.

While it was beyond the scope of this audit to investigate whether specific signs had exemptions, it was possible in some cases to establish whether signage at bottle stores existed prior to the Bylaw (October 2015), shortly thereafter (November 2015) and had since been altered.

This was achieved using Google Street View, given its ability to obtain 360° street-level images collected by a roof-mounted 360° camera on a car that travels around neighbourhood streets. Google Street View provides the month and year that the images were collected and in many locations, data has been collected on several occasions over a number of years. Conveniently, many of the locations relevant to the bottle stores in this study were driven past by Google Street View vehicles in October or November 2015.

Where available, images of the premises over previous years were captured and stored. This allowed an imperfect proxy baseline to compare with contemporary data collected as part of the audit to ascertain if there had been noticeable changes to the signage at local premises.
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• price information indicated from outside premises.

Determining if prior approval for signage exists

Section 35 of the Signage Bylaw indicates that signage lawfully established prior to the Bylaw coming into force (October 1, 2015) "may remain in place for the period of any approval granted for that signage without breaching this Bylaw".

While it was beyond the scope of this audit to investigate whether specific signs had exemptions, it was possible in some cases to establish whether signage at bottle stores existed prior to the Bylaw (October 2015), shortly thereafter (November 2015) and had since been altered.

This was achieved using Google Street View, given its ability to obtain 360° street-level images collected by a roof-mounted 360° camera on a car that travels around neighbourhood streets. Google Street View provides the month and year that the images were collected and in many locations, data has been collected on several occasions over a number of years. Conveniently, many of the locations relevant to the bottle stores in this study were driven past by Google Street View vehicles in October or November 2015.

Where available, images of the premises over previous years were captured and stored. This allowed an imperfect proxy baseline to compare with contemporary data collected as part of the audit to ascertain if there had been noticeable changes to the signage at local premises.

Using Google Street View to identify which signs were/were not in place when the Bylaw came into force could also assist relevant authorities in their compliance and enforcement activities.

Reliability assessment

The reliability of compliance assessment by the data collector was examined. An individual external to Alcohol Healthwatch, with experience in alcohol licensing, local government, and community issues was invited to review the raw photographic data.

A blind assessment (without prior knowledge of the compliance assessment) was carried out. Discrepancies in compliance outcomes for each bottle store were discussed and a description of the disagreement was recorded. Any disagreements were referred to a third reviewer to assess, moderate, and determine a final judgement on the outcome.
Results

In total, 38 off-licences were identified in the Ōtara-Papatoetoe Local Board area, of which five were supermarkets or grocery stores and 33 were bottle stores. Figure 1 shows the location of the 33 off-licence bottle stores within the Ōtara-Papatoetoe Local Board area.

Compliance: Sections 14-21 of the Signage Bylaw

Of the 33 bottle stores visited, possible breaches were identified at 32 premises. Only one bottle store (in a light industry zone) appeared not to exhibit any apparent compliance issues.

Of concern, nearly three-quarters (73%) of bottle stores were identified as having at least two breaches of the Bylaw, while one-quarter (27%) of all premises had 3 or more breaches of the Bylaw identified (Table 1).

Table 1. Premises with signage non-compliant with sections 14-21 of the Signage Bylaw.

<table>
<thead>
<tr>
<th>Compliance with sections 14-21 of Signage Bylaw (n=33)</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises with at least 1 identified breach</td>
<td>32</td>
<td>97</td>
</tr>
<tr>
<td>Premises with at least 2 identified breaches</td>
<td>24</td>
<td>73</td>
</tr>
<tr>
<td>Premises with 3 or more identified breaches</td>
<td>9</td>
<td>27</td>
</tr>
</tbody>
</table>

Signage types

There were four categories of signage that were found to account for most of the breaches of the Bylaw, with wall mounted signage and window signage accounting for 17 breaches each. Portable signage (15 breaches) and veranda signage (13 breaches) breaches were also common (Table 2).
Table 2. Number of premises in breach, by signage type.

<table>
<thead>
<tr>
<th>Signage type</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free standing signage</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Portable signage</td>
<td>15</td>
<td>45</td>
</tr>
<tr>
<td>Veranda signage</td>
<td>13</td>
<td>39</td>
</tr>
<tr>
<td>Wall mounted signage</td>
<td>17</td>
<td>52</td>
</tr>
<tr>
<td>Window signage</td>
<td>17</td>
<td>52</td>
</tr>
</tbody>
</table>

Location of bottle stores relevant to Unitary Plan zones

In the Ōtara-Papatoetoe Local Board area, most bottle stores were located in Neighbourhood Centre zones (10) or Town Centre zones (7), Table 3. The signage requirements for these zones is similar to those in Local Centres (3) and Mixed Use zones (3).

Seven premises were located in Light Industry zones, which are much more permissive in terms of signage coverage. For example, there are no controls on window signage. This is in contrast to residential zones, where the only signs permitted are flat wall mounted signs with a maximum size of 0.33 square metres.

Table 3. Distribution of premises, by Unitary Plan zone.

<table>
<thead>
<tr>
<th>Unitary Plan Zone</th>
<th>Type</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business</td>
<td>Local Centre</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Business</td>
<td>Mixed use</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>Business</td>
<td>Neighbourhood centre</td>
<td>10</td>
<td>30</td>
</tr>
<tr>
<td>Business</td>
<td>Town Centre</td>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>Business</td>
<td>General Business</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Business</td>
<td>Light Industry</td>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>Business</td>
<td>Metropolitan Centre</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Residential</td>
<td>Mixed Housing Suburban</td>
<td>1</td>
<td>3</td>
</tr>
</tbody>
</table>

Premises with two or more breaches were found across almost all zones. Light industry zones had a slightly lower prevalence of multiple breaches, but this is likely to relate to the more permissive signage requirements.

Compliance: Advertising Standards Authority Code for Advertising and Promotion of Alcohol

No compliance issues were identified when advertising was assessed against the Advertising Standards Authority Code for Advertising and Promotion of Alcohol.

Premises for which there was a potential for a breach utilised advertising that relied on models being, or appearing to be, under 25 years of age. Some premises featured models in brand advertising or in generic stock images of people participating in a generic social drinking occasion. There were no examples where any of the featured models looked unambiguously under 25 years old (as required by the Code).
Compliance: Sale and Supply of Alcohol Act 2012 – Irresponsible promotion of alcohol

Examination of advertising and promotion revealed no instances of suspected breaches and few instances that warranted closer scrutiny. It was not uncommon for premises to display price information, however there were no advertisements that could be seen from outside the premises that offered discounts of 25% or more. Although one premises had window signage indicating that a free tote bag could be received if a particular alcohol product was purchased, this kind of promotion does not constitute an offence as the promotion was made at a licensed premises. Such promotions that occur at other places (e.g. TV, social media) would trigger an offence. No other issues were detected as they relate to the subsections of s237 of the Act.

Features of bottle store signage

An inventory of the characteristics of bottle store signage is shown in Table 4. As expected, the most visible feature was the name and brand of the premises itself. Other common features found on more than one-half of bottle stores was the naming of product categories (i.e. beer, wines, spirits, RTDs), the depiction of alcohol products, and the visibility of alcohol brands. Less common was the depiction of drinking occasions and participants, and the display of price information. A particular concern was that nearly one-half (45%) of premises had branding and related colour schemes that were considered to be dominating the premises.

Table 4. Features of bottle store signage present.

<table>
<thead>
<tr>
<th>Features present</th>
<th>n</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol brand signage visible</td>
<td>19</td>
<td>58</td>
</tr>
<tr>
<td>Alcohol products visually depicted</td>
<td>22</td>
<td>67</td>
</tr>
<tr>
<td>Alcohol product categories named</td>
<td>23</td>
<td>70</td>
</tr>
<tr>
<td>Drinking occasions/participants depicted or implied</td>
<td>9</td>
<td>27</td>
</tr>
<tr>
<td>Premise branding visible</td>
<td>33</td>
<td>100</td>
</tr>
<tr>
<td>Premise branding/colour scheme dominant</td>
<td>15</td>
<td>45</td>
</tr>
<tr>
<td>Price information displayed</td>
<td>9</td>
<td>27</td>
</tr>
</tbody>
</table>

Existence of signage in October/November 2015

Examination of historic Google Street View data revealed that only two premises had the same signage in 2019 as it did in October or November 2015 (when the Signage Bylaw had just come into effect).

Seventeen premises had signage that had changed since adoption of the Bylaw. A further seven premises appeared to have made partial changes to their signage, whilst it was unclear if changes had been made among seven premises.
Discussion

The results of this exploratory audit show that non-compliance with sections 14-21 of the Signage Bylaw 2015 was common, with many premises having multiple breaches identified. Whilst it is unknown if some of the non-compliant premises had signage that was lawfully established prior to the Bylaw coming into force, it is evident from the photographs taken that the Bylaw is not achieving its purpose of assisting in enhancing, maintaining, and promoting the visual amenity value of Auckland’s cultural character, and its built and natural environments.

The reasons for non-compliance were not examined in the present study. Low levels of compliance could be due to a lack of awareness of the requirements of the Bylaw among licence holders. It is unknown whether education regarding the Bylaw requirements is carried out in the alcohol licensing process and/or in the licence decision making processes by District Licensing Committees. Secondly, breaches of the Bylaw may be the result of perceptions and/or realities of the likelihood of Bylaw enforcement. It must be noted that non-compliance with provisions of the Bylaw are by no means limited to licensed premises. Certainly, it does seem apparent that a wide variety of businesses in Auckland are possibly unaware of, or unconcerned by, the requirements of the Signage Bylaw.

Limitations of the study must be considered. One limitation relates to the inability to have conducted physical measurements of the signage at the premises. As explained earlier, photographs were visually inspected and calculations were performed based on a visual approximation of size. This may have affected the final determination of compliance. Further, it may be possible that some premises had existing use rights with regards to their signs. Although every effort was taken to identify every bottle store in the Local Board area, some may have been missed. Given these limitations, the study should be considered exploratory in nature.

Nevertheless, alcohol is not an ordinary commodity. Its use has a wide range of negative impacts on society, communities, and individuals. Exposure to alcohol marketing has been shown to put young people at greater risk of alcohol-related harm. As such, it should be considered as an environmental risk or hazard, with environmental standards established to minimise harm.

Auckland Transport has adopted a harm reduction approach in its Advertising Policy, treating alcohol separately from other advertised products. In October 2018, it announced that all of their vehicles and infrastructure would be free of alcohol advertising. This clearly demonstrated intent to “take leadership and set an example for the community”.34 Similar leadership has been shown in other international jurisdictions whereby local and regional governments have mandated that no alcohol advertising adorn any of their property, infrastructure or public transport systems. Recent examples can be found in New York City, Queensland, and Western Australia.35

In New Zealand, there are significantly more controls (albeit weak) relating to the content of alcohol advertising than its ubiquitous exposure. The ASA Code for Advertising and Promotion of Alcohol is complicated and permissive, reliant on the public to have knowledge of the Code in order to make complaints. Furthermore, there are limited consequences for those who breach such codes.36,37,38

Section 237 of the Sale and Supply of Alcohol Act 2012 is also unable to address the amount of advertising that communities are exposed to. This section is specifically aimed at advertisements that feature heavy discounts, or
advertisements that encourage excessive consumption, and as such attempt to curb the worst advertising. Although licence holders are likely to self-police this section within the licensed environment, it does little to address exposure. What remains missing is a regulatory framework that reduces the amount of alcohol marketing that communities are exposed to. As described earlier, the Ministerial Forum\textsuperscript{24} made recommendations to ban alcohol advertising where 10% or more of the audience is younger than 18 (recommendation 8), but as yet there has been no Government response to this.

Signage Bylaws provide an important opportunity for local authorities to influence the volume and nature of alcohol marketing that communities, particularly children, are exposed to. However, laws and rules are only effective when sufficient education and enforcement is in place. One potential implication of targeting increased enforcement of signage requirements at alcohol outlets is the triggering of multiple complaints relating to neighbouring premises which may also have issues with non-compliant signage. Whilst is a real possibility, it must also be noted that the sale and promotion of alcohol has significant public health, community safety, and wellbeing implications. It is unlike many other retail commodities. Regardless, a possible solution to a snowball effect on complaints may be to create a separate category to control signage at alcohol outlets. This would allow more specific requirements to be developed for alcohol outlets, and allow compliance efforts to be appropriately targeted. Precedent exists in the Bylaw for detailing signage requirements by type of industry. In the Auckland Council Signage Bylaw, commercial sexual services and real estate signs are each covered by specific sections (sections 23 and 24 respectively).

Using Local Government powers to regulate alcohol signage has significant potential to minimise harm to vulnerable populations. Action also showcases a Council’s commitment to the four well-beings; social, economic, environmental, and cultural well-being.\textsuperscript{39} A specific section for alcohol in a Signage Bylaw could be used to control the physical attributes of alcohol signs (i.e. type and size of signs) as well address images and branding that contribute to a normalisation of alcohol use in a community. A Bylaw could restrict the display of alcohol brands, the depiction or naming of alcohol products, price signage, and depictions of implied drinking occasions or participants. Minimising the domination of premise and colour branding could also be considered. The Bylaw should also align with Crime Prevention Through Environmental Design (CPTED) principles, namely keeping windows clear to allow line of sight into alcohol premises.\textsuperscript{40}

Specifically addressing alcohol outlet signage in a Signage Bylaw could be a significant opportunity for Auckland Council (and other Councils in New Zealand) to take leadership on alcohol-related harm. It has proven challenging, in the least, for Councils to take leadership and uphold the priority objective of the new liquor laws to “improve community input into local alcohol licensing decisions”. It was promised, more than once, that licences would be “harder to get, and easier to lose”.\textsuperscript{41,42} These promises have not been realised, as five years after notifying Auckland Council’s draft Local Alcohol Policy, legal challenges from many alcohol industry interests continue to delay its adoption.\textsuperscript{43,44} Even in the presence of an adopted Local Alcohol Policy, there are very few avenues for communities experiencing an oversupply of alcohol outlets to successfully reduce proliferation.\textsuperscript{45,46}

Therefore, it is timely for local authorities to consider alternative modes of addressing alcohol-related harm whilst fulfilling community wishes for increased control over alcohol in their neighbourhoods. Minimising exposure to alcohol marketing should be regarded as a strategy to improve child well-being. A Signage Bylaw that specifically
addresses the harm from alcohol advertising is an important component of a comprehensive approach to create healthier environments for this generation and the next.

Best practice for signage at alcohol outlets
For Councils wishing to take the next step to minimise harm from alcohol marketing at licensed premises, a best practice standard would need to be developed. In the case of off-licence bottle stores, the principle should be that premises are clean and clear. This includes:

- Windows should be clear and transparent above 1.2m height to allow visibility in the store for crime prevention; frosted below 1.2m height so younger children are not exposed to products visible inside the store;
- No alcohol brands visible on, or attached to, any part of the exterior of the premise including, but not limited to, the street frontage, side walls, rear walls, veranda (including above, below and fascia);
- Alcohol products should not be visually depicted whether in photograph or illustration;
- Alcohol product categories (beer, wines, spirits, RTDs etc.) should not be named;
- Drinking occasions or participants should not be depicted or implied;
- No product prices should be visible from outside the premises;
- Name and branding of premise should be displayed only once on a sign not exceeding 2 square metres; and
- Colour of premise should be a neutral tone – any premise branding devices or colour schemes should be limited to a single small sign displaying the name of the premise.

Consistent, uncomplicated signage requirements for alcohol would greatly assist Bylaw Compliance officers in their work. The opportunities for community education, awareness and self-enforcement would also be increased as a result of adopting a transparent Bylaw.

In the absence of specific alcohol signage requirements in a Bylaw, District Licensing Committees should seek to include marketing restrictions as discretionary licence conditions, and/or consider Signage Bylaw compliance as a matter of suitability (similar to compliance with other regulations and rules, e.g. Smokefree Environments Act 1990). Alcohol licensing and regulatory staff at the Council, Police and District Health Boards could recommend conditions, subject to a licence being granted. An example of licence conditions that were recently recommended by an Auckland licensing inspector as below:

- The bottom half of any glazing on the door and windows of the store footage will be frosted.
- No advertising of alcohol sale to be placed outside the premises or on the premises' windows and doors.

The demise of tobacco brand signage at dairies in the 1980s
The history of tobacco marketing in Aotearoa New Zealand provides a useful case study for those seeking to reduce the harm from alcohol advertising. In 1990, the Smoke-Free Environments Act was passed, banning tobacco product advertisements. Prior to the Smoke-free Environments Act coming into force, it was not uncommon to see corner dairies emblazoned with tobacco advertising (Figure 2). Now is the time for society to consider what forms of advertising, marketing, and promotion of alcohol is acceptable for this generation and the next.
Figure 2. Tobacco advertising at Salisbury Corner Dairy, Christchurch, 1980s.
References


33 Google Maps. What is Street View? https://www.google.com/streetview/


An exploratory audit of off-licence compliance with the Auckland Council Signage Bylaw: Ōtara-Papatoetoe Local Board


An exploratory audit of off-licence compliance with the Auckland Council Signage Bylaw: Ōtara-Papatoetoe Local Board