

AUCKLAND DISTRICT LICENSING COMMITTEE
PRACTICE NOTE

OFF-LICENCE PREMISES EXTERNAL ADVERTISING

21 March 2024

- [1] This practice note supersedes the External Advertising Practice Note dated 31 March 2023.
- [2] In undertaking its duties under the Sale and Supply of Alcohol Act 2012 (**Act**), the Committee must have regard to the object of the Act and the definition of alcohol-related harm, which includes
- any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol.
- [3] The Committee's view is that disproportionate direct advertising and associated pricing of alcohol products, outside or on the façade of off-licensed premises, may contribute to excessive and inappropriate alcohol use, leading to harm. Additionally, community representatives continually inform the Committee that such promotions frequently impact on the amenity and good order of affected areas.
- [4] To achieve the object of the Act and improve the amenity and good order of localities as required under ss 105 and 131 of the Act, and taking into account the purpose and object of the Act, the Committee, unless there is a valid reason not to will place the following conditions relating to external advertising on off-licences relating to external advertising on all applications filed after the date of this Practice Note:
- (a) *External or external-facing advertising of prices of alcohol products, or promotion of a special price / discount of an alcohol product for consumption off the licensed premises must not be displayed on the façade of the building.*
 - (b) *External advertising of alcohol products for consumption off the licensed premises must not be displayed by way of flags, sandwich boards or bollard covers outside the premises.*
 - (c) *Any alcohol-related lifestyle or branding images must not exceed 25% of the façade of the premises.*

- [5] An applicant will be given a period of six weeks from the Committee's decision to comply with the above conditions.
- [6] If these conditions are not accepted by the applicant and there is no valid reason, the matter will go before a hearing of the Committee.

Guidance note to the conditions

The conditions are in relation to an off-licence promotion or advertisement where alcohol is sold for the purpose of consumption off the licensed premises.

The conditions will be required for most applications, unless there are good reasons for the conditions not to be imposed, because:

- (a) **Section 4(1) - object of the Act:** The object requires that the sale, supply and consumption of alcohol be undertaken safely and responsibly. One of the purposes of advertising is to encourage the purchase and consumption of alcohol. In addition, the price of alcohol may influence young person's drinking decisions (contrary to s 237(f) and in vulnerable communities) as well as normalising the sale and consumption of alcohol.
- (b) **Section 4(2) - object of the Act:** The harm caused by the excessive or inappropriate consumption of alcohol includes crime. The lack of visibility into licensed premises is more likely to lead to crime. Improving quality of life, by reducing crime and the fear of crime, is a basic right for everyone. The Committee considers that compliance with the National Crime Prevention Through Environmental Design (CPTED) is one important strategy for achieving this. CPTED recommends clear sightlines and visibility into premises as a strategy to reduce crime, which plays an important part in meeting the object of the Act.
- (c) **Section 105/131 – amenity and good order:** One criteria for the issue or renewal of a licence relates to amenity and good order of the locality. Signage can reduce the amenity of a locality and may contribute to people's appreciation of the locality's pleasant and aesthetic cohesiveness.
- (d) **Section 105 – suitability:** Unsightly or excessive advertising may impact on an applicant's suitability given the potential for there to be an effect on the amenity and good order of the locality and encourage excessive sale and consumption of alcohol.

Reasons why the conditions should not be imposed may include but not be limited to:

- (a) the conditions are unreasonable and inconsistent with the object of the Act for the particular premises;

- (b) the conditions have a disproportionate impact on the applicant; or
- (c) the context of location of the premises is such that the conditions are not required.

Advertising in the conditions means:

- (a) prices of products and promotion of a special / discount of a product on the windows or external façade of the premises; and
- (b) advertising using sandwich boards, flags or bollard covers of any size outside the premises.

Reference to products, promotions and advertising is for alcoholic products. Advertising of non-alcoholic products is acceptable.

Façade means the exterior of a building that faces on to a street or open space.

Lifestyle' and/or brand images may cover up to 25% of the façade of the premises. The premises' name is not considered to be part of the 25% coverage.

Lifestyle image is a visual representation of a particular lifestyle or way of life that is associated with the consumption of a product, in this case, alcohol. Examples include images of people socializing, enjoying leisure activities, or celebrating special occasions. See photographs below for examples.

Examples of acceptable and not acceptable external advertising are provided in the photographs below.

The inspector may request the applicant to demonstrate that they comply with condition (c).

The Committee may impose stricter conditions if the premises are near a sensitive site (eg school), in a residential area or in a vulnerable community.

In exceptional circumstances, if the inspector and applicant cannot agree on whether the proposed external advertising is acceptable, a preliminary view or indication from the DLC, or a pre-hearing meeting with the Committee may be sought.

For clarity, remote sellers are exempt from these conditions if their premises are not accessible to the public.

This practice note does not override any other legislation. Applicants must ensure they comply with any other relevant legislation or policy such as the Auckland Council Signs Bylaw and the Advertising Standard Authority Code.

Examples of acceptable and not acceptable external advertising

Woodstock brand, Carlsberg brand and lifestyle image are acceptable as long as they do not exceed 25% of façade of the premises.



Lifestyle image acceptable as long as it does not exceed 25% of façade. No advertising of prices or specials to be placed on blackboard to the left of the image.



Sandwich boards and pricing posters are not acceptable. The flag is acceptable as it is advertising a non-alcoholic product



All three posters advertising prices are not acceptable.



The special posters are not acceptable. The 'click and collect' and 'flybuys' posters are acceptable. The Vodafone sandwich board is acceptable.



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- the information provided does not alter the Sale and Supply of Alcohol Act 2012 ('the Act') or other laws of New Zealand and other official guidelines and requirements*
- this document sets out general principles which may be used as guidance for matters relating to the interpretation and application of 'the Act' and other statutory instruments; it is not intended to interfere with, or fetter, the professional views and opinions of council officers when they are performing any function or exercising any power under 'the Act'. Each consent application will be considered on a case-by-case basis and on its own merits*
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