

Cabinet report 24 May 2023	 TOWER HAMLETS
Report of: Warwick Tomsett, Acting Corporate Director for Health Adults and Community	Classification: Unrestricted
Tower Hamlets Healthier Advertising Policy	

Lead Member	Health, Wellbeing and Social Care
Originating Officer(s)	Katy Scammell, Associate Director of Public Health Natalie Lovell, Public Health Programme Manager
Wards affected	All wards
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Forward Plan Notice Published	28/03/2023
Exempt information	N/A
Strategic Plan Priority / Outcome	Priority 5: Investing in public services. Outcome: Implement a borough-wide healthy child weight programme

Executive Summary

- This paper provides detail on the proposal to introduce a healthier advertising policy in Tower Hamlets to restrict the advertising of unhealthy food and drink products. This policy is part of a much larger programme of work to promote child healthy weight in the borough and will contribute towards the council's priority to promote child healthy weight and reduce health inequalities.
- The healthier advertising policy will restrict the advertising of products high in fat, salt and sugar on all Council-owned estates, assets and through our procured advertising service contracts.
- This policy is seeking to restrict adverts for unhealthy foods and drinks that are often targeted at children and adults living in areas of deprivation, who are more likely to experience health inequalities.
- This policy is supported by local residents who were consulted in a number of different ways (as outlined in the report), and included young people, parents and businesses.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Note this paper and the proposed healthier advertising policy.
2. Approve the healthier advertising policy to be adopted by the council.

2 REASONS FOR THE DECISIONS

- Tower Hamlets has high rates of childhood obesity. Over 1 in 5 children in Reception have excess weight (meaning they are overweight or very overweight). This more than doubles by Year 6, where over 2 in 5 children have excess weight.ⁱ There are also significant inequalities in child excess weight levels, with higher rates reported in children from low socio-economic groups and from minority ethnic backgrounds.ⁱⁱ
- The London Borough of Tower Hamlets have committed in the Strategic Plan to implement a borough-wide child healthy weight programme, recognising that many actions are needed to address this complex issue. This policy will form part of this programme of work.
- Advertisements for unhealthy food and drink products directly and indirectly impact what we eat.ⁱⁱⁱ Being exposed to foods and drinks that are high in fat, salt and sugar (HFSS) is linked to a preference for HFSS products^{iv}, more snacking^v, and consuming more calories^{vi}. Young people who recall seeing junk food adverts every day are more likely to be obese.^{vii}
- HFSS advertising widens health inequalities and may counter Public Health efforts to tackle health inequalities within deprived areas and/or areas with high levels of obesity. Both children and adults from lower socio-economic groups are more likely to be exposed to advertisements for HFSS foods.^{viii ix} Research also suggests that ethnic minority groups have a higher likelihood of exposure to food marketing outdoors.^x Alongside barriers to affording and accessing healthy food, HFSS advertising magnifies the problem. It does so by normalising unhealthy diets and contributes to a strong link between child obesity and deprivation.^{xi}
- An independent evaluation of the Transport for London (TfL) healthier advertising policy advertising led to reductions in the purchases of unhealthy foods including 20% reductions in sugary foods.^{xii}
- Modelling conducted by researchers at the University of Sheffield found the TfL advertising policy reduces obesity and cardiovascular disease in all people, with larger benefits for those living in the most deprived communities.^{xiii} The same researchers have estimated that if Tower Hamlets implemented the healthier advertising policy it could lead to 4,117 fewer people (adults) with

obesity and 2,133 fewer people being overweight by 12 months of the policy being implemented (rate is per 100,000). They have also estimated there could be 124 fewer cases of diabetes and 83 fewer cases of heart disease and stroke by 3 years of the policy being implemented. In Tower Hamlets, a healthier advertising policy is likely to have a positive impact particularly among residents from minority ethnic backgrounds, among whom certain health conditions, such as child excess weight^{xiv} and Type 2 diabetes^{xv}, are more prevalent.

3 ALTERNATIVE OPTIONS

- The following options are available:
 - Option 1: Implement the healthier advertising policy as outlined in this paper with a focus on High Fat Salt Sugar products. Following a robust evidence review, consideration may be given to extending the policy to also include alcohol, tobacco and other products, including e-cigarettes/vaping and breast milk substitutes.
 - Option 2: No healthier advertising policy implemented.

4 DETAILS OF THE REPORT

Improving healthy weight levels

- Tower Hamlets Council Strategic Plan (2022-26) commits to implementing a borough-wide child healthy weight programme, recognising the high rates of unhealthy weight across the borough.
- Given the cause of obesity is complex and multi-factorial, the borough is taking a wide number of actions to address the issue. These actions are set out in the Tower Hamlets Child Healthy Weight Action Plan, which prioritises action across three key domains; healthy settings (including health promotion in schools and school meals); healthy services (child healthy weight pathway redesign); and healthy places (spatial planning, play, and advertising). Tackling unhealthy advertising is one of these actions, given the evidence that exposure to unhealthy food advertisements increases food intake in children and is associated with obesity. This aligns with the World Health Organisation's recommendation to prevent the advertisement of HFSS products.

The proposed advertising policy

- The healthier advertising policy will restrict the advertising of HFSS products from all Council owned estates; assets; and through our procured advertising service contracts.
- Some main features of the policy are outlined below:

- Swapping out products not banning products - No brand is banned. Under the policy, any food and drink company can advertise. They simply need to advertise a non HFSS product.
- The Nutrient Profiling Model - The Nutrient Profiling Model will be used to distinguish between food and non-alcoholic drinks which are HFSS and non HFSS using their nutritional content per 100g.
- Brand only advertising - Some brands have strong associations with unhealthy products. Because of this, advertising for food and drink brands is also restricted. All adverts for a food and drink brand must include prominent promotion of a non-HFSS product.
- Incidentals - All adverts which include foods and drinks that are generally HFSS are restricted. This includes those who don't advertise a HFSS product but do feature it. For example, a financial services advert featuring an ice cream.

Other areas to include in the healthier advertising policy

- Many local authorities are taking the opportunity to restrict other areas within the advertising policy such as alcohol, tobacco and related products, including e-cigarettes/vaping and breast milk substitutes. This will be considered at a later date.

Advertising is effective

- Advertisements for unhealthy food and drink products directly and indirectly impact what we eat. Being exposed to foods and drinks that are high in fat, salt and sugar is linked to a preference for HFSS products, more snacking, and consuming more calories. Young people who recall seeing junk food adverts every day are more likely to be obese.
- A lot of advertising is for unhealthy products. The advertising spend for cakes, biscuits, confectionary and ice creams is twenty times that of healthy food. In Tower Hamlets, research conducted by officers investigated the amount and type of adverts within a 200m radius of selected schools in Tower Hamlets. 369 adverts were identified and of the adverts promoting food and non-alcoholic beverages, 68% of these were classified as HFSS products.

Impact of the Transport for London advertising policy

- In February 2019, a restriction on junk food advertising on Transport for London (TfL) network was introduced in line with the London Mayor's commitment to the London Food Strategy. It has been implemented across the whole TfL estate, including the Underground, buses, Overground, Docklands Light Railway, taxi wraps and all TfL owned bus stops.
- An independent evaluation of TfL's policy found there has been an estimated 6.7 per cent decrease in average weekly household purchases of energy from HFSS

products, and the average weekly purchases of chocolate and sweets fell by 19.4 per cent. This equates to a 1000 calorie decrease in energy from unhealthy food purchases in Londoners' weekly shopping.

- Further research shows that TfL's policy has had a positive effect on prevention of obesity and diet-related diseases for almost 100,000 Londoners, especially those living in more deprived areas. This research suggests it has led to 94,867 fewer cases of obesity, 1,915 fewer cases of cardiovascular disease, and prevented or delayed 2,857 cases of diabetes. The research also suggests the policy is also expected to save the NHS £218 million over the lifetime of the current population.

Local advertising policies

- There is momentum across London boroughs to adopt a similar advertising policy to TfL. To date, a healthier advertising policy has been implemented by Haringey (2019), Southwark (2019), Merton (2020), Greenwich (2021), and Barnsley (2022). In 2021, Bristol was the first city outside of London to implement a healthier advertising policy.

Tower Hamlets as a leader in Good Food

- Implementing a healthier advertising policy in Tower Hamlets would build on the London momentum and ensure that advertising in Tower Hamlets that may have a negative influence on health and wellbeing, is not placed through the council. Working in this area chimes with other related awards and commitments on healthier food, such as Sustain's Good Food for London award, which gives recognition for tackling HFSS advertising. For the past two years, Tower Hamlets Council has won Good Food for London awards, and implementing a healthier advertising policy would add to Tower Hamlets being a leader in the 'healthy environments' area.

Environmental Impact

- There is an important sustainability impact of this policy. HFSS products are some of the most exploitative foods and drinks for the environment. The products this policy is seeking to restrict tend to be heavily processed, heavily packaged products that are damaging to our environment.

Wider communication plan

- The launch of the advertising policy will be part of a wider child healthy weight communication plan.

Implementation

- Implementation of the advertising policy will require a Task & Finish group who will oversee the incorporation of this policy into new and renewed

advertising contracts and negotiate agreements within existing contracts. If this policy is agreed, it will be implemented with existing resources.

5 EQUALITIES IMPLICATIONS

- In Tower Hamlets there are significant inequalities in child excess weight levels with higher rates reported for children from low socio-economic groups and from minority ethnic backgrounds. Other health conditions related to the food and drink we consume also follow a social gradient; for example, children from more deprived areas are more than twice as likely to have dental decay compared to children from less deprived areas.^{xvi}
- HFSS advertising widens health inequalities. Children and adults from low socio-economic groups are more likely to be exposed to advertisements for HFSS foods. This contributes to higher rates of obesity in low-income households, worsening health inequalities between rich and poor.

6 OTHER STATUTORY IMPLICATIONS

- This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
 - Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

Who has been consulted with on this paper and policy to date

A summary of the engagement is outlined below.

Who we engaged with

- We engaged with over 100 residents from the groups listed below, inviting their views on advertising in Tower Hamlets through presentations, events, online and face-to-face surveys. We also consulted with people working in the borough, as detailed below.
 - Survey with parents/carers – online and via the Spring Festival for Family Wellbeing
 - Visit to St Peter's Docks CE primary school to speak with parents
 - Activities with children at the Spring Festival for Family Wellbeing

- Survey with Tower Hamlets Equalities networks, specifically the Women's network and Minority Ethnic network
 - Survey with Women's Inclusive Team
 - Presentation and group discussion at Tower Hamlets Youth Board meeting
 - Survey and meeting with Food for Health businesses
 - Meeting with Tower Hamlets Food Partnership
 - School headteachers surveyed
- We have also engaged with various internal teams.

Engagement results

- Out of the residents who completed surveys, 91% of residents said they would support the council stopping unhealthy food and drink being advertised on Council owned advertising space.
- 90% of residents are 'very worried' or 'somewhat worried' about adverts in Tower Hamlets which advertise unhealthy food and drink to children. This is because unhealthy food adverts are believed to be undermining parents' efforts to promote healthy eating habits for children in a borough already saturated with unhealthy food options. There is a perception that the council should lead by example and promote healthier food options, and a genuine concern expressed by parents for children's current and future health.
- The Healthy Lives team surveyed primary and secondary headteachers across the borough. All those who responded (22) were in support of the policy, with no opposition received.

Risk implications

- This Policy will only be applied on Council owned estates; assets; and through our procured advertising service contracts, so we do not anticipate external challenges, in fact our engagement has demonstrated a lot of support from within our communities.
- There is limited financial risk to this policy, and we do not expect it to impact Council revenue streams because the policy doesn't 'ban' any brand from advertising but swaps out unhealthy products for healthier ones.
- After the policy was implemented across the TfL network, the revenue increased. TfL confirmed that revenues had gone up by £1m in the first quarter after the policy was implemented. Those figures were sustained over the first year of the policy being live, with TfL reporting advertising revenues going up by £2.3m (before Covid).^{xvii}
- We have contacted several councils regarding the adoption of the policy. Bristol, Haringey, Southwark and Greenwich have been implementing the healthier advertising policy for between two to three years and have reported no revenue

losses. These councils reported that advertisers continue to advertise products that are compliant with the policy. Transport for London, which implemented the policy in 2019, experienced an increase in revenue from £156 million to £158.3 million after adopting the policy.

- Table 1 below outlines the revenue the Council has made from its advertising space between 2020-2023.

Table 1: Tower Hamlets Council Advertising Revenue 2020-2023

	Revenue 20/21	Revenue 21/22	Revenue 22/23
Total	£930,626.00	£1,187,003.13	£1,195,973.00

7 COMMENTS OF THE CHIEF FINANCE OFFICER

- This report sets out the healthy advertising priorities for the borough.
- Any costs arising from meeting the priorities highlighted in this report, in line with the requirement to meet the Public Health Outcomes Framework (as set by the Office for Health Improvement and Disparities), will need to be funded via the Public Health Grant. The Tower Hamlets Public Health Grant allocation for 2022/23 is £37.4m.

8 COMMENTS OF LEGAL SERVICES

- Section 2B of the National Health Service Act 2006 requires the Council to take such steps as the Council considers appropriate for improving the health of the people in Tower Hamlets. Therefore, the implementation of the measures highlighted in this report are part of the Council's legal function.
- The report highlights evidence to show that the measures highlighted in the report may lead to a decrease in the purchase of unhealthy foods and a positive effect on the prevention of obesity. Therefore, it is reasonable for the Council to consider the highlighted measures appropriate in line with the above legislation.
- In addition, as the owner of some physical advertising sites as well as online sites, it is reasonable for the authority to have a policy in place that ensures that adverts placed by third-parties do not conflict with the Council's strategies and statutory aims.
- Section 111 of the Local Government Act 1972 provides that local authorities (subject to any certain statutory restrictions) have the power to do anything calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions. Local authorities have responsibility for improving the health of their local population. An advertising policy intended to tackle child obesity and improve public health is clearly calculated to facilitate that function.

- The Council has several agreements with third parties for the use of the advertising space. These agreements restrict certain types of advertising covered by this policy but not all. Therefore, the Council will have to work with their contracted partners to reach agreement on further restrictions on the types of advertising. Otherwise the policy will be phased in as and when the existing agreements are renewed.
- The agreements referred to in clause 7.5 tend to be property agreements as opposed to being Public Services Concessions. This is because the Council does not require the contractors to carry messages on the Council's behalf. The restriction on the types of advertising does not transform the agreements into public services concessions.
- Section 149 of the Equality Act 2010 requires the authority, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the 2010 Act, to advance equality of opportunity between persons who share a relevant protected characteristic and those who do not, and to foster good relations between those who share a relevant protected characteristic and those who do not. The relevant protected characteristics are: age; disability gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual 12 orientation. The duty must be complied with at the time that the decision under consideration is taken.
- The introduction of this policy is an executive decision and is therefore a decision for the Mayor in Cabinet.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE

Officer contact details for documents:

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