

AGENDA ITEM

**REPORT TO CORPORATE AND
SOCIAL INCLUSION SELECT
COMMITTEE**

21 OCTOBER 2014

REVIEW OF LICENSING AND PUBLIC HEALTH

SUMMARY

This paper provides an update of information for the Review of Licensing and Public Health regarding a national obesity campaign.

RECOMMENDATIONS

1. Corporate and Social Inclusion Select Committee note the findings of the campaign.

BACKGROUND

DETAIL

1. The issue of takeaways and their close proximity to schools was recently in the news again with the publication of 'Careless eating costs lives' by 2020health, an independent, social enterprise think tank whose mission is stated as being "to "Make Health Personal" through research, evaluation, campaigning and relationships."
2. A number of news articles were subsequently published and a selection is attached at appendix 1 and 2.
3. Reference was made to Salford City Council which has limited the times in which takeaways can trade when located near to schools. An LGIU policy briefing was published (June 2013) highlighting this case and is attached at appendix 3.
4. Select Committee members are requested to note the findings of the appendices as part of the Review of Licensing and Public Health.

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Clamp down on takeaways near schools to stem rise in obesity, says thinktank

The Guardian 10.10.14

2020health calls for outlets to be licenced and says limiting their numbers will help schools to support healthy eating.

The government has been urged to scale back the large number of takeaways near schools to reduce children's intake of fast food, as part of a renewed drive against obesity.

The report published by the 2020health thinktank, titled Careless Eating Costs Lives, says some chip shops, kebab houses and chicken joints should be closed as the temptation they pose for pupils is damaging schools' efforts to promote healthy eating.

Julia Manning, the thinktank's chief executive, said: "Fast-food outlets should all need a licence in the same way that off-licences do. There are far too many fast-food premises near schools. Limiting their number would have the support of schools and would help create a healthier environment for the schools. At the moment they are undermining schools' attempts to help students to choose healthy meal options."

Work to contain the UK's status as "the fat man of Europe" and what the World Health Organisation has called the UK's obesity-related "public health timebomb" will fail unless the location and numbers of outlets are addressed, she said.

The Children's Food Campaign, an alliance of health and educational bodies, backed a clampdown on takeaways. Malcolm Clark, the coordinator of the campaign, said: "Just as people are rightly concerned about betting shops or pubs and bars, or in this case takeaways being too clustered in a particular area, councils should be given the power to decide these things, and be able to put public health above the profits from unhealthy food.

"The revolution in school food now needs to go beyond the school gates to the high street and take in the places where pupils congregate at lunchtime and after school," he added.

Tam Fry, spokesman for the National Obesity Forum, said closing existing takeaways would be difficult, as they are seen as important to the local economy. But he backed a ban on new ones being allowed to open near schools and limits to their opening hours.

"Salford, for instance, has stopped any sales from such franchises until 5pm. What is needed like a hole in the head is for the local lord mayor, as in Birmingham, is to join in the fun and games when one opens. Cutting the ribbon at a new KFC within walking distance of a primary school, when the local council had pledged a strict policy to limit such restaurants, is beyond belief," Fry said. The obesity crisis is so severe that menus in cafes and restaurants should display the calorific content of every dish, the thinktank says.

It is also calling for very overweight people who slim down, smokers who quit or very inactive people who take a set number of steps every week to receive vouchers from the NHS to exchange for free milk, fruit and vegetables, in an extension of the government's existing "healthy start" scheme.

An initiative in Scotland wants the ban on foods high in sugar, salt or fat being advertised during children's programming to be extended to between 7am and 9pm every day, and for supermarkets to have to display healthy and fresh foods in prominent positions, rather than giving those locations to processed and sweet foods.

Careless Eating Costs Lives

Obesity crisis requires government taskforce to apply 'Obesity test' to all new legislation.

Press Release 12.10.14

Nothing less than a cross-sector 5-10 year strategy is required to tackle the obesity crisis, according to a new report by 2020health out today. Covering both education and regulation, 'Careless eating costs lives' grasps the extent of the obesity explosion and sets out the essential responses to halting progression and reversing the drastic effects of overweight on individual health, employment, social care and the wider economy.

Such is the scale and breadth of the problem, the report recommends that all new policies be reviewed and assessed against an 'obesity test', i.e. all government departments need to consider the impact of proposed policy on eating behaviour and public health to ensure it does not compound the obesity crisis.

A cross departmental permanent government task force should be established on obesity that not only acknowledges the scale of the problem, but also the long-term plan required to enable the nation to recover. Encompassing schools, employers, local authorities, government, manufacturers, retailers, restaurants and health professionals, actions in both the realms of education and regulation are set out to generate a holistic, informed and urgent response to the greatest threat to the nation's health and possibly economic security.

Julia Manning, Chief Executive of 2020health said, "Piecemeal solutions have been tried in the past and shown to be inadequate. According to the WHO we are the fat-man of Europe and this has severe government down takes seriously, obesity will continue to rise and be devastating for both individuals and the nation."

"Our research has shown that hand-in-hand with obesity is widespread confusion over what constitutes healthy eating and a rise in malnutrition. We have a culture of excess and but there is no single reason for our obesity problem, and its fallacious to suggest otherwise."

"This report is not the final word; we need to undertake more research into the efficacy of taxes, the role of the employer, food production, the environment and individual circumstances in combating obesity."

Recommendations from the report include:

- Introduce tax incentives for larger businesses to make wellbeing provision (such as access to occupational health, nutritionist, gym facilities) available to smaller local businesses.
- Introduce licensing for fast food outlets to control the location and numbers of outlets in a local community.
- Recognising the positive response to the Responsibility Deal Government should require all companies to follow the excellent example of participants. The Responsibility Deal to turn into a legislative framework which is phased in over the next 5-10 years.
- Practical cookery skills and clear food education to be a compulsory part of the school curriculum for pupils up to the end of key stage 3 (age 14).
- Clear disclosure of calories per items on restaurant and cafe menus which adhere to a defined standard for font size, formatting, contrast and layout of menus.
- The ban on advertising of unhealthy foods aimed at children should be extended to day-time TV, from 7am to 9pm.

- A review needs to be undertaken of the economic and societal impacts of a hypothecated tax on a range of food and drink contents at levels which are deemed harmful to health.
- Increase awareness, coordination and reach of the Government's 'Healthy Start' Voucher scheme. Extend voucher scheme to incentivise those who become active partners in their health by quitting smoking, reducing weight, walking a set number of steps etc.
- Establish a cross departmental permanent government task force on obesity. This supports similar recommendations made by other health organisations.
- All new policies to be reviewed and assessed against an 'obesity test'.
- Improved screening and normalisation of discussion about diet and weight at medical appointments.

Obesity, hot food takeaways and planning: Salford and beyond

Author: Andrew Ross, LGiU Associate

Date: 24 June 2013

Summary

- Salford City Council has published a consultation on a [revised hot food takeaways supplementary planning document](#) (SPD), which includes a proposal to ban new outlets near schools from opening until 5pm to restrict the exposure of children to junk food to help tackle obesity.
- A [review](#) of local planning authorities (LPAs) earlier in the year found that more than 20 have exclusion zone policies (draft or adopted) designed to ban new hot food takeaways from opening in close proximity to schools and other facilities such as leisure centres and parks.
- There is no published evaluation of the effectiveness of these kind of planning interventions, although organisations such as the National Institute for Health and Social Care Excellence (NICE) advise councils to consider using planning to restrict fast food outlets within a wider strategy to prevent obesity.
- This briefing is essential reading for elected members, planning officers and public health practitioners.

Briefing in full

Salford's draft SPD on hot food takeaways

On 28 May 2013 Salford published a [draft version of a revised supplementary planning document \(SPD\) on hot food takeaways](#). One policy (HFTA2) generated considerable coverage:

'Where a hot food takeaway is proposed within 400 metres of a school, planning permission will only be granted subject to a condition that the premises are not open to the public before 17:00 and there are no over the counter sales before that time.'

The SPD explains that 'approximately 23% of final year primary school children in Salford are obese.' [Launching the consultation](#), Councillor Margaret Morris, Assistant Mayor for Health and Wellbeing at Salford City Council said:

'We don't think [takeaways] should be serving hot food over the counter before 5.00pm near schools, as children should be encouraged to eat healthily, so we have made this clear in our proposal.'

Planning policies to help tackle obesity by restricting access to fast food

Much of the extensive national media coverage implied that this was a unique attempt by Salford to use planning to restrict hot food takeaways to help curb rising levels of obesity.

But as a [review](#) for Medway Council found earlier this year (written by me) a number of LPAs have prepared SPDs or other planning policies that include policies specifically designed to tackle obesity.

The research, carried out in December 2012 and January 2013, identified 22 LPAs in England that have policies or draft policies designed to restrict hot food takeaways (A5 uses) to help curb obesity/tackle poor health in their local area. Most of these are clustered in London (6), the north west (6) and the West Midlands (5). They are urban authorities characterised by high levels of deprivation, with the possible exception of Worcester in the West Midlands.

The review found that 15 councils have supplementary planning documents (SPDs) that cite concerns about obesity/poor health and hot food takeaways (2 at draft stage). Of these:

- 10 focus on hot food takeaways only (that is, Hot Food Takeaway SPDs)
- 4 include hot food takeaway policies within a wider SPD on retail, shopping or town centre activities
- 1 is called an Access to Healthy Food SPD.

Eight authorities have policies in their key planning documents, including:

- six local plans (two at draft stage)
- two development management policies DPD (both draft).

There is a high degree of consistency between the policies proposed to restrict access to hot food takeaways – generally a 400 metre exclusion zone (outside designated centres), based on research undertaken in 2008 by London Metropolitan University. However, there is some variation as to what uses these zones are applied to (number in brackets, includes drafts):

- primary schools (11)
- secondary schools/sixth form colleges (15)
- youth facilities/community centres (4)
- playing fields/parks/children's play spaces (4)
- leisure centres (2).

Some LPAs take the view that an exclusion zone needs to apply only to secondary schools because primary school children are not permitted to leave the school grounds at lunchtime.

Other LPAs have considered an SPD to restrict hot food takeaways, but have decided to take a different approach. For example, Luton appraised its existing policies and concluded that an SPD would not strengthen its existing policies. The review made a number of other recommendations such as involving public health more in the development management process.

Other planning policies relating to hot food takeaways

Policies to help tackle obesity are only one element of hot food takeaway SPDs or local plan policies. They also include policies to address some or all of the following:

- overconcentration: designed to limit the number of fast food outlets along a shopping strip to promote a diverse mix of uses
- design and ventilation: ensure that premises do not pose any environmental health hazards or nuisances
- location and opening restrictions: in some places elected members have used SPDs to respond to local concerns about fast food outlets being the cause of antisocial behaviour such as late night noise, parking problems and crime.

Development management officers (and planning inspectors) make their judgements on applications using a combination of all these policies.

Impact

The recently published [Takeaways Toolkit](#) published by the Greater London Authority concludes that:

‘The increase in fast food outlets will be a contributory factor in the growth of the obesogenic environments.’

A first wave of LPAs are coalescing around a set of policies that are a part of planning’s contribution to tackling this proliferation. However, this planning approach has not been evaluated and the impact of hot food takeaway SPDs on obesity ‘remains unknown’ (Takeaways Toolkit, p 37).

There are examples of appeals that have been dismissed by planning inspectors where the judgement notes that exclusion zone policies ‘lend further weight’ to the decision. For example, in an appeal won by St Helens the inspector stated that:

‘The council also cites its recently adopted Supplementary Planning Document Hot Food Takeaways, primarily in relation to the health objective of restricting the number

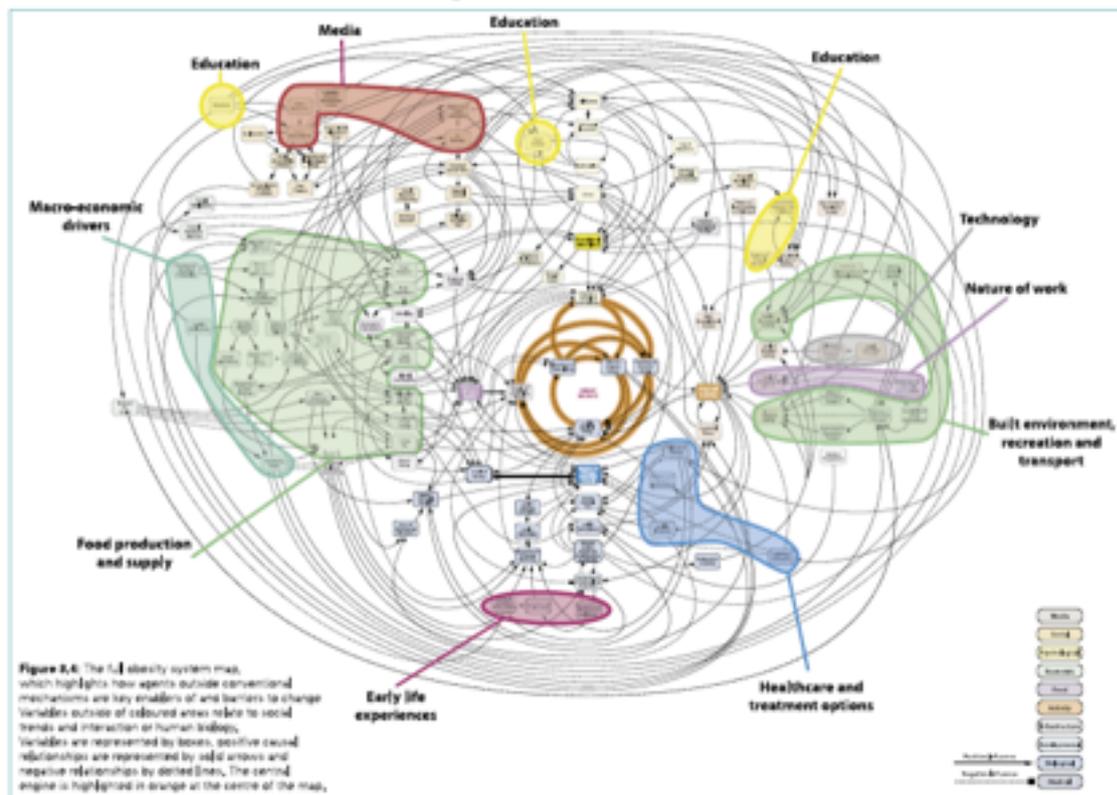
of hot food takeaways near schools... I do not regard [this objective] as decisive in this case. However, insofar as they pull in the same direction as my conclusion on the main issue I have identified [that the proposed location is in a predominantly residential area], they do lend some additional weight to it.'

But there are to date no examples of appeals where an inspector has cited the exclusion zone as the only consideration.

Comment

In 2007 Foresight published its report for government called [Tackling Obesity: Future Choices](#). The report included the 'full obesity map', which is a spaghetti junction of complex and interrelated associations and factors that influence obesity:

Figure 8.4: The full obesity system map, which highlights how agents outside conventional mechanisms are key enablers of and barriers to change



Source: Foresight Future Choices Project (2007)

If ever there was a policy area that needed a joined-up, multi-sector approach, then obesity is it.

But should planning restrictions on where and when fast food outlets open be in the mix of the interventions that councils adopt?

This kind of debate is not new. In fact, it happens every time 'government' attempts to intervene in people's choices with the stated aim of improving public health. From seat belts to smoking, policies that are now generally accepted were once the subject of vitriol and ridicule. So, just because there is a storm of protest doesn't mean that councils aren't doing the right thing.

Where LPAs are on much weaker ground with their attempts to control fast food outlets is on the amount of evidence they have to back up this specific policy intervention. Which takes us back to the Foresight diagram. There is general agreement that, in crude terms, we need to eat less and be more physically active, and that this will involve changes to the places we live in. For example, Dr Corinna Hawkes, Food Policy Expert at World Cancer Research Fund International, told the [BBC](#) that:

'The evidence is very, very clear that dietary preferences and habits are learned from the environment in which we all grow up. So that means in order to change our preferences, to change our habits, we have to change our environment.'

However, there is much less consensus on what these changes might look like. Contrast this with the simple, evidence-based link between the implementation of mandatory seat belts and likely reductions in deaths and injuries that eventually could no longer be ignored.

The lack of evidence about the effectiveness of exclusion zone policies further weakens the argument for preparing them. The planning blogger and consultant [Andrew Lainton](#) has castigated the evidence base on which many LPAs' policies, including Salford's, are based (a 2008 study from researchers at London Met University, which found that walking 400 metres for junk food was a sufficient disincentive for students):

'The literature review overall is entirely unclear and not firm enough to base ANY planning policy changes on.'

Nonetheless, there are examples of policies in local plans that have been found sound (in contrast to SPD policies, which do not go through an examination in public). Newham Council's local plan was adopted in January 2012 (after the draft NPPF had been published). It recommends a 400 metre exclusion zone around the boundary of existing or proposed secondary schools.

It's not as if LPAs are going it alone. Last month the National Institute for Health and Care Excellence (NICE) published a [briefing on tackling obesity for local authorities](#), which called on councils to 'use existing powers to control the number of takeaways and other food outlets in a given area, particularly near schools.' One of the strengths of NICE recommendations is that they are evidence-based. The question is whether the evidence is strong enough to convince planning inspectors, and so far I am not aware that exclusion policies have, on their own, been tested at an appeal.

Given the scale of the obesity problem it seems reasonable – essential even – that LPAs have some licence to experiment. Crucially, though, this needs to be within a wider corporate framework for tackling obesity, and with the right controls in place to attempt to evaluate impact (including an agreed understanding of ‘evidence’).

The NICE briefing urges local authorities (including planning, transport and leisure services) to:

- ‘engage with the local community to identify environmental barriers to physical activity and healthy eating’
- ‘facilitate links between health professionals and other organisations to ensure that local public policies improve access to healthy foods and opportunities for physical activity.’

These are important aspirations. But they require planners to deploy skills that are different from their expertise to interpret policy and act within the regulations and requirements of the statutory planning system.

The furore over takeaways is only one example of the spotlight shining on the role of planning to address contemporary public health concerns. Shisha bars, betting shops and payday lenders are all criticised for potentially damaging health, but the scope and evidence base for planners to ‘do something’ is contested.

As part of an ongoing project called [Reuniting Health With Planning](#), run by the Town and Country Planning Association (TCPA) and myself, we have been hearing planners from a couple of the bigger English cities beginning to muse on how the profession can respond to these pressures. Do we need to start thinking more creatively about how we manage our urban areas to help overcome the lifestyle health concerns of the 21st century?

For now, consider the integration of public health and planning a work in progress.

For more information about this, or any other LGiU member briefing, please contact Janet Sillett, Briefings Manager, on janet.sillett@lgiu.org.uk