

## CABINET ITEM COVERING SHEET PROFORMA

### **AGENDA ITEM**

### **REPORT TO CABINET**

**12 MARCH 2015**

### **REPORT OF CORPORATE AND SOCIAL INCLUSION SELECT COMMITTEE**

## **CABINET DECISION**

**ADULT SERVICES AND HEALTH – Lead Cabinet Member – Councillor Beall**  
**HOUSING AND COMMUNITY SAFETY – Lead Cabinet Member – Councillor Nelson**

### **SCRUTINY REVIEW OF LICENSING AND PUBLIC HEALTH**

1. Summary

The Committee explored the opportunities for addressing the health concerns of Stockton Borough residents through the licensing regime and considered designating special policies across specific areas of the borough i.e. Cumulative Impact Zones (also known as saturation zones) to deal with a proliferation of particular outlets including premises licensed to sell alcohol.

2. Recommendations

The Committee recommend:

1. The planning department work with the public health team to draft policy for consideration of appropriate hot food takeaway locations in the borough to be included planning documents.
2. That preliminary consideration of public health's strategic goals should reflect the promotion of the four licensing objectives and that the DPH and public health team:
  - engage with the licensing authority when the Statement of Licensing Policy (SLP) is reviewed and what the review process will be
  - conduct a health-impact assessment of alcohol in the local area or a specific study to assess if problems arise from the cumulative impact of licensed premises; or, where one has been completed, assess its relevance to licensing
  - engage with and collect the local views of the community and wider public health community
  - investigate the health data for the area, including the wider public health and local alcohol profiles for England (LAPE)
  - engage the health and wellbeing board (HWB) in the consultation process to identify issues that would benefit from the support of licensing
  - reference the SLP in alcohol harm-reduction strategies and other key local public health documents to ensure public health and licensing are aligned
3. That Stockton Borough Council lobby its local MPs in support of the Directors of Public Health campaign for public health issues to become an objective in licensing to which the Council carries out its functions under the Licensing Act 2003.

4. That appropriate and relevant Balance report findings are taken into consideration during the review of Stockton Council’s Statement of Licensing Policy.
5. That Stockton Borough Council consider, where necessary, introducing a “Cumulative Impact Zone Policy” in relation to where the number, type and density of licensed premises are concentrated and serious problems of nuisance and disorder may arise or have been shown to arise at licensed premises, outside licensed premises or otherwise connected with such premises.
6. That SBC Trading Standards Department continue to monitor the position of the price of local alcohol sales and to take appropriate action when alcohol is sold for less than cost of duty plus VAT.
7. That Stockton Borough Council lobby its local MPs in support of the Directors of Public Health and Public Health England’s campaign for the introduction of a national minimum unit pricing of alcohol.
8. That Stockton Borough Council support the Local Government Association campaign for the introduction of locally-set licensing fees allowing local authorities to recover the actual cost of applications.

3. Reasons for the Recommendations/Decision(s)

The health problems encountered in Stockton Borough show:

Alcohol	Food
<ul style="list-style-type: none"> <li>• Almost 2 in 5 adults drinking at risky levels</li> <li>• 95% of risky drinkers believe they are light or moderate drinkers</li> <li>• High levels of health harms – though figures starting to show small reductions</li> <li>• 9 under 30s admitted to hospital per week</li> <li>• 43 alcohol-related crimes recorded every day</li> <li>• Alcohol costs almost £81m a year</li> <li>• £227,000 a day to clear up the problems</li> </ul>	<ul style="list-style-type: none"> <li>• 27.7% Stockton adults are obese (24.2% England average) (2006/08 data)</li> <li>• 22.1% Stockton children are obese at yr 6 (19.2% England av.) (2013 data)</li> <li>• Healthy weight consultation 2014 (approx. 620 survey &amp; face-to-face, plus focus groups): 56% of respondents consider their current weight to be either very or quite healthy; 96% would like to lose weight</li> <li>• Overweight and obesity correlated with higher prevalence of CVD, stroke, diabetes, cancer. Also links to poorer mental health</li> </ul>

4. Members’ Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council’s code of conduct (**paragraph 8**) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member’s judgement of the public interest (**paragraphs 10 and 11 of the code of conduct**).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting considering the business is being held -

- in a case where the Member is attending a meeting (including a meeting of a select committee) but only for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend the meeting for the same purpose whether under statutory right or otherwise, immediately after making representations, answering questions or giving evidence as the case may be;
- in any other case, whenever it becomes apparent that the business is being considered at the meeting;

and must not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (**paragraph 12 of the Code**).

**Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc; whether or not they are a Member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting (unless the interest arises solely from the Member's membership of, or position of control or management on any other body to which the Member was appointed or nominated by the Council, or on any other body exercising functions of a public nature, when the interest only needs to be declared if and when the Member speaks on the matter), and if their interest is prejudicial, they must also leave the meeting room, subject to and in accordance with the provisions referred to above.**

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**CABINET DECISION**

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**SUMMARY**

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**RECOMMENDATIONS**

The Committee recommend:

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2. That preliminary consideration of public health's strategic goals should reflect the promotion of the four licensing objectives and that the DPH and public health team:
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## **DETAIL**

### **Planning**

1. In 2010, Stockton’s Spatial Planning Team produced a report entitled ‘Investigation into a Hot Food Takeaway Policy’ outlining the contemporary research relating to health and hot food takeaways (HFTs) in the town planning context. There was a significant perception that HFTs had proliferated and their offering of energy dense, nutrient poor food was a significant contributor to childhood obesity, although there was limited evidence to support a direct link.
2. Local Planning Authorities around the country have since implemented policies and guidance which seek to restrict HFTs on the grounds of their health impacts and impact on obesity and use them to determine planning applications. These usually restrict the development of (or change of use to) HFTs in close proximity to schools and other facilities likely to attract young people such as parks and playgrounds. This is usually done using a 400m exclusion zone (to represent a reasonable walking distance) around the boundary or centre point of the site, within which new HFTs would not be permitted. In some cases, this includes existing retail centres.
3. There is difficulty in having Community Impact Zones to deal with hot food takeaways however it was suggested that making very local policies restricting HFTs in areas where specific concerns have been identified would enable local responsiveness. This would need to be included in the various planning documents but would enable some control.

### **Licensing**

4. Stockton Borough Council’s Statement of Licensing Policy with which the Council carries out its functions under the Licensing Act 2003 (the Act) promotes the following objectives:
  - a) the prevention of public nuisance
  - b) the prevention of crime and disorder
  - c) ensuring public safety
  - d) protection of children from harm
5. Each objective is of equal importance. It is important to note that there are no other licensing objectives therefore these four objectives are paramount considerations at all times. Health issues were not added as an objective when revised guidance was published in 2014.
6. In October 2014 the Home Office published Revised Guidance issued under section 182 of the Licensing Act 2003 which is now in force and includes the local authority’s Director of

Public Health as a 'responsible authority' who must be fully notified of applications and who is entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence. The representations must still be considered 'relevant' by the licensing authority and relate to one or more of the licensing objectives for an area any part of which is in the licensing authority's area.

7. Where a local authority's Director of Public Health in England (DPH) exercises its functions as a responsible authority, it should have sufficient knowledge of the licensing policy and health issues to ensure it is able to fulfil those functions. If the authority wishes to make representations, the DPH will need to decide how best to gather and coordinate evidence from other bodies which exercise health functions in the area, such as emergency departments and ambulance services.
8. Also in October 2014 Public Health England and the Local Government Association published "Public health and the Licensing Act 2003 – guidance note on effective participation by public health teams" which has provided viable solutions to begin to address licensing objectives and how Stockton Council's public health team engages with the licensing process.
9. The Committee is aware of the relationship between increased outlet density and alcohol consumption in adults and young people. The number of alcohol outlets density can mean an increase in alcohol consumption, increased alcohol-related crime and violence and under-18 alcohol-specific hospital admissions. A cluster of licensed premises are also more likely to compete on price and promotions which can lead to increased consumption and alcohol related injury and violence.
10. The low cost of alcohol and 24 hour availability was a concern to Members who didn't want to see alcohol as a 'loss leader' in promotions to attract custom. They were reassured that alcohol must be sold at cost plus vat. There is a floor price which means it can't be sold at a loss but determining what the cost is for a retailer plus vat is difficult and time consuming which can costly to the licensing department.

## **FINANCIAL IMPLICATIONS**

11. None – Covered by existing resources.

## **LEGAL IMPLICATIONS**

12. None

## **RISK ASSESSMENT**

13. This review of licensing and public health is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

## **SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS**

14. Healthier Communities and Adults: Promote healthy living
15. Safer Communities: Reduce the impact of alcohol and drugs misuse

Supporting Themes:-

16. Older Adults: Improving personal well-being

## **EQUALITIES IMPACT ASSESSMENT**

17. This report is not subject to an Equalities Impact Assessment because it relates to Council policy.

## CONSULTATION INCLUDING WARD/COUNCILLORS

18. None

**Name of Contact Officer:** Graham Birtle  
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Education related? No

Background Papers None

Ward(s) and Ward Councillors: N/A

Property N/A