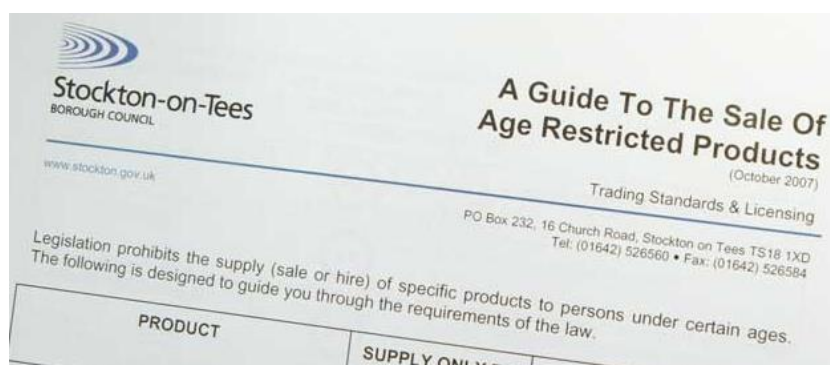


# Corporate and Social Inclusion Select Committee

## Scrutiny Review of Licensing and Public Health



**12 March 2015**



Stockton-on-Tees  
BOROUGH COUNCIL

Big plans, bright future

Corporate and Social Inclusion Select Committee  
Stockton-on-Tees Borough Council  
Municipal Buildings  
Church Road  
Stockton-on-Tees  
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### Select Committee – Membership

Councillor Stoker (Chair)  
Councillor Stott (Vice Chair)

Councillor Brown  
Councillor Cherrett  
Councillor Clark  
Councillor Kirby  
Councillor Laing  
Councillor N. Wilburn  
Councillor Woodhead

### ACKNOWLEDGEMENTS

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## Foreword

I have been proud to be the Chair of this committee which has undertaken many and varied reviews in the last four years. It is now with pleasure that I am able to introduce what is the final report of the Corporate and Social Inclusion Select Committee.

The Committee Members have worked hard to get a comprehensive understanding of the issues faced by dedicated officers who work for the betterment of residents. The problems faced by the increased easy access of density rich foods and alcohol play no small part to the deterioration of public health in the borough. It is not the intention to make what is pleasurable become difficult to acquire but without individual constraints for the overconsumption of either or both there is shown to be the likelihood of a correlating health impact. Whilst it is the individual that is directly affected with ill health, or behaving anti-socially from too much alcohol, there is a cost to society which is borne by the public sector such as the police, public health, and the NHS.

National government has only gone so far in tackling the problems but there remain solutions that can be introduced locally which the Committee advocate. The legislation alone hasn't introduced what seem the sensible extension of licensing powers hence the amount of lobbying being proposed by the Committee to lessen the restrictions faced by the Director of Public Health and the Licensing Committee of the Council.

With the discrepancy of male life expectancy between affluent and deprived wards in Stockton Borough being the greatest in the country the Committee wishes to give the clearest message of its support to everyone involved in the necessary work to improve the health of residents.

## Cllr Stoker – Chair

	<p><b>Councillor Stoker</b> <b>(Chair) – CSI Select</b> <b>Committee</b></p>		<p><b>Councillor Stott</b> <b>(Vice-Chair) – CSI Select</b> <b>Committee</b></p>
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## Original Brief

### Which of our strategic corporate objectives does this topic address?

A healthier borough - Reduce Levels of Obesity in Children and Young People  
A Safe Stockton-on-Tees – Ensure our residents are safe

### What are the main issues and overall aim of this review?

- There is a 16 year life expectancy gap between the top decile and bottom decile for men within Stockton Borough. (Stockton-on-Tees Health Profile 2014)
- levels of obesity in adults and children in Stockton Borough are higher than the England average.
- Rates of hospital stays for alcohol related harm are higher than average.  
(From Stockton-on-Tees Joint Health and Wellbeing Strategy 2012-2018)

### The Committee will undertake the following key lines of enquiry:

Explore the opportunities for addressing health concerns of Stockton Borough residents through licensing as a means to:

- regulating the number and concentration of outlets. In particular:
  - planning permission for fast food outlets should include consideration of the potential impacts on prevention and reduction of cardiovascular disease
  - planning permission could be restricted in certain areas (e.g. within walking distance of schools)
  - there could be a review and amendment of classes of use orders to address disease prevention related to the concentration of fast food outlets.

Explore 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.

## 1.0 Executive Summary and Recommendations

- 1.1 The overall aim of this review was to explore the opportunities for addressing health concerns of Stockton Borough residents through licensing and consider 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.

### Planning

- 1.2 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.
- 1.3 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.
- 1.4 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

- 1.5 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
- 1.6 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.
- 1.7 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.

- 1.8 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.
- 1.9 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.
- 1.10 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.
- 1.11 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 be costly to the licensing department.
- R1 The Committee recommend 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 in planning documents.**
- R2 The Committee support the DPH and Public Health England in that preliminary consideration of public health's strategic goals should reflect the promotion of the four licensing objectives and recommend 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
- R3 The Committee recommend 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.
- R4 The Committee recommend that appropriate and relevant Balance report findings are taken into consideration during the review of Stockton Council's Statement of Licensing Policy.
- R5 The Committee recommend 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.
- R6 The Committee recommend 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.
- R7 The Committee recommend 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.
- R8 The Committee recommend 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.