

Public Document Pack

Date of meeting Monday, 24th March, 2014
Time 7.00 pm
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Martin Stevens Ext 2224

Cleaner Greener and Safer Communities Overview and Scrutiny Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Apologies**
- 2 DECLARATIONS OF INTEREST**
To receive declarations of interest from Members on items included in the agenda.
- 3 MINUTES OF THE PREVIOUS MEETING** (Pages 1 - 6)
To receive the minutes of the previous meeting of this Committee.
- 4 Reducing The Strength** (Pages 7 - 22)
- 5 Purple Flag Update** (Pages 23 - 24)
- 6 Licensing of Fast Food Outlets** (Pages 25 - 40)
- 7 Dog Control Orders** (Pages 41 - 46)
- 8 A Frame Obstruction on Pavements (briefing note)** (Pages 47 - 48)
- 9 WORK PLAN** (Pages 49 - 52)
To discuss and update the work plans to reflect current scrutiny topics.

A summary of the work undertaken over the last year will be provided prior to the meeting.
- 10 ANY OTHER BUSINESS**
To consider any business which is urgent within the meaning of Section 100B(4) of the Local Government Act 1972.

Members: Councillors Allport, Hailstones, Mrs Johnson (Vice-Chair), Miss Mancey, Plant, Miss Reddish, Robinson, Mrs Simpson, Tagg, Wemyss and Mrs Williams (Chair)

PLEASE NOTE: The Council Chamber and Committee Room 1 are fitted with a loop system. In addition, there is a volume button on the base of the microphones. A portable loop system is available for all other rooms upon request.

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

CLEANER GREENER AND SAFER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Wednesday, 4th December, 2013

| | |
|------------------|---|
| Present:- | Councillor Mrs Gillian Williams – in the Chair |
| Councillors | Councillor David Allport, Councillor Peter Hailstones, Councillor Mrs Hilda Johnson, Councillor Miss Chloe Mancey, Councillor Miss Marion Reddish, Councillor Mrs Sandra Simpson and Councillor Andrew Wemyss |
| Officers | Dave Adams (Executive Director – Operational Services) Sarah Moore (Partnerships Manager) Trevor Nicoll (Head of Recycling and Fleet Services) Elaine Moulton (Deputy Development Control Manager) Catherine Fox (Community Safety Officer) Martin Stevens (Democratic Services Officer) |

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Cllr Kyle Robinson.

Cllr Tony Kearon sent his apologies as Portfolio Holder.

2. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 4 September 2013 were confirmed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. WORKPLACE DOMESTIC VIOLENCE POLICY

The Community Safety Officer introduced a report on the Workplace Domestic Violence Policy. She stated that the policy was an essential part in raising awareness of the under reported crime and demonstrated to staff a commitment to their welfare by the Borough Council. Domestic violence affected one in four women and one in six men and claimed the lives of two women a week in England every year. There were approximately eight suicides per week due to the issues involving domestic violence. Some of the effects that domestic violence could have included increased sick days, stress, decreased productivity and a raise in absenteeism. It was often the case that a victim did not realise they were in an abusive relationship. A number of questions were contained within the report for the Scrutiny Committee to consider including:-

Whether there was anything in the Policy that needed to be enhanced / amended?

How best could the policy be implemented at the Council?

How could the information to staff at the Council be cascaded?

How best could the Council deal with perpetrators?

A Member asked about the organisation, 'Arch North Staffs.' In response the Community Safety Officer stated that they were a support organisation which offered one to one appointments. They offered a twelve week programme to victims. They employed a Children and Young people worker, a perpetrator worker and a male worker. They had two staff which worked in accident and emergency and an early intervention worker. They also had a school based programme which worked in the areas of ensuring healthy relationships, working with teenagers and older children living at home.

A Member asked the Community Safety Officer how the problem of domestic violence compared to ten years ago. In reply, the Community Safety Officer stated that in her opinion the situation was worse. It was an under-reported crime though but part of her role was to raise awareness of the issue.

5. POLICE AND CRIME COMMISSIONER

The Chair welcomed the Police Commissioner, Mr Matthew Ellis to the meeting.

Mr Ellis stated that he had been in post for the last twelve months. His early reflections indicated that Staffordshire Police were a good Police Service. He believed the Police Force to be good at operational policy but improvement was needed in how the budget was spent. He also believed improvements could be made in the procurement procedure and improving technology within the force. He was investing £19 million on Police computer systems in the next 15 months. He was taking steps to put the budget firmly on track.

Mr Ellis stated that he had stopped the forced retirement of Police Officers who had conducted 30 years' service. He believed this policy to have been damaging the organisation. He had also scrapped the planned merger with West Midlands Police. He was pleased to report that thirty new Police Officers had been recruited in the last six months. One of the areas he was addressing was the fragmentation of the sector. He wanted to improve the integration of the Police, the Crown Prosecution Service and the Courts. He also wished to improve the arrangements the Police had with Local Authorities and the Health sector where there was huge potential for increased partnership working. Introducing new technology would significantly improve the capacity of the Police to improve the integration of the Police within the Public sector. He was aware that where costs were cut in one area it was causing significantly more money to have to be spent to fill the gap. From some of the savings that had been made in the Police, he was offering a £2 million incentivisation fund. He hoped that this would help change the way agencies operated. As an example he cited mental health services in North Staffordshire. It was evident that some people were in the criminal justice system when really they should have been receiving mental health care treatment before a crime had ever been committed. There had been a phenomenal response from organisations applying to the incentivisation fund.

Mr Ellis outlined some of the priorities contained within the Safer Communities strategy which included a desire for early intervention, reducing re-offending and increasing public confidence. Part of increasing confidence in the Police was about transparency. He had recently set a precedent by publishing an internal report about how improvements could have been made to the Policing arrangements of a Football match. The crackdown on motorists not having insurance had led to a

significant reduction in people not driving without insurance in the area. He was pleased to report that the insurance companies were in discussions with him about offering a special insurance rate in Staffordshire.

Mr Ellis stated that the Police Operation in Burton which had targeted over 30 high end criminals had led to a 70% reduction in crime. Twelve months later it was 50% of what it had been in the previous year. The Community had felt their Town had been returned to them. He was looking at ways of improving the way the Police recorded crime figures and making the process more accurate and detailed. By removing targets the Police had more time to focus on more important areas. Investment was being made in Neighbourhood Watch schemes. He expected local Police Commanders to spend more time engaging with the public. He also wanted to improve the criminal justice process for victims and witnesses, who often found this worse than the original crime. There were a total of forty one different organisations which contributed to the process of victim support. Presently the system was based on types of crime rather than on the profile of the victim. He wanted to improve on the number of young people who were offered support when they had been a victim of crime. He thought improvements could be made to the speed of justice and the reduction in the number of cancelled cases which was a real inconvenience to witnesses.

A Member asked in which areas the Commissioner had been able to make savings within the Police. In reply, the Commissioner stated that there had been a structures review which had reduced costs and the policy of early intervention and reinvesting savings to change the cycle of spending.

The Chair asked the Commissioner about the recent unsuccessful bids by the Borough Council to the PCC Local Policing Fund because of the eleven projects put forward only one had been successful. In response the Commissioner stated that the funding distribution had been managed by an independent body, called the Community Trust. They had been three and a half times oversubscribed for the funding available. Over half of the applications had not been funded. There was a chance of more money being made available and so he was happy to look at any proposals the Borough Council had if they were sent direct to his office. The Partnership Manager offered to co-ordinate a written submission to the Commissioner detailing the projects which it would like to receive funding.

A Member asked about enforcing yellow lines. In response the Commissioner stated that he was in discussions regarding awarding extra powers to PCSOs, who were often frustrated through their lack of powers. He wanted to improve customer service. Complaints took considerable resources to handle and so if these could be reduced not only would the service be improved but resources would be freed up to focus on service delivery.

A Member asked if there would be a further reduction in Police numbers in the future. In reply, the Commissioner stated that it was inevitable that there would be less Police numbers in three years time than the present numbers. They would be spending less time on paper work administering targets though and so they would spend more time on the frontline than in the last decade. Work was being completed on the estate strategy and the concept of elite Special Constables of which he was hoping to recruit 200 in the near future.

The Chairman thanked the Commissioner for attending the meeting.

6. VACANT AND DERELICT BUILDING ENFORCEMENT

The Development Manager Team Leader introduced a report on vacant and derelict building enforcement. The report focussed on the Council's current powers in relation to vacant and derelict building enforcement and whether best use was made of the powers. She encouraged Members to bring to the attention of the Planning Service any buildings where action was needed to be taken.

RECOMMENDED: That the report be circulated to all Members of the Council for information.

7. COUNTY WIDE JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY

The Head of Recycling and Fleet Services introduced a report on the Stafford Waste Partnership Joint Municipal Waste Management Strategy. The partnership was now recycling and composting over 50% of the waste collected and had therefore achieved its core objective. The partnership was now addressing how this figure could be improved even further. The process for refreshing Newcastle's Waste Management strategy was currently in the development, being led by a cross party group of Members. The consultation period was between 21 October and 13 December 2013. The new strategy would hopefully be adopted early next year. It was important to have aspirations to increase recycling as it was always cheaper to recycle than to use landfill.

In response to questions from Members, the Head of Recycling and Fleet Services stated that the Hanford Site at Stoke was leased to the Borough Council until 2020.

A Member asked if the partnership was looking to work collaboratively with other authorities. In response the Head of Recycling and Fleet Services stated that they were always trying to work across boundaries and were looking to work more with authorities within Staffordshire and beyond Staffordshire where appropriate. A Member stated that it was important to look at what the best authorities were doing so the Council could learn from them.

8. MAGISTRATES COURT MOVE WORKING GROUP

The Committee Officer reported that at the last meeting of the Magistrates Court Move Working Group the view of the group was that they should disband. The Police were of the view that much of the work of the group was being duplicated by the Local Area Partnership. The Court had been in place for over six months and the initial terms of reference of the group had been to mitigate the risks before the move took place. The group were however aware that crime figures in the Town had increased since the court move. The Police were gathering data on whether the people committing the crime correlated with them having attended the court on the same day. This information would be available in the New Year and it was suggested that the Scrutiny Committee could receive a report on these statistics. The Committee could also receive reports in the future on any areas of concern and potentially setup a Task and Finish Group if appropriate.

The Committee were in agreement that the Magistrates Court Move Working Group in its current form should disband, with the Cleaner, Greener and Safer Communities

Scrutiny Committee receiving reports in the future on areas of concern. The Police Commissioner stated that he was taking an interest in the crime figures and would be working with the Police to see what further measures could be taken to reduce crime in the Town.

RESOLVED: That the Magistrates Court Move Working Group in its current form should disband, with the Cleaner, Greener and Safer Communities Scrutiny Committee receiving reports in the future on areas of concern.

9. **WORK PLAN**

The Executive Director for Operational Services stated that consideration should be given to whether the Waste and Recycling Strategy should be considered at a special meeting of the Scrutiny Committee as it was such a substantial item.

The Chair stated that the Chief Executive had suggested that the Committee should look at the Planning policy relating to Take Aways as part of their future work programme.

10. **URGENT BUSINESS**

There was no urgent business within the meaning of Section 100 B (4) of the Local Government Act 1972.

**COUNCILLOR MRS GILLIAN WILLIAMS
Chair**

This page is intentionally left blank

**Report to the *Cleaner, Greener, Safer*
Overview and Scrutiny Committee**

24th March 2014

Reducing the Strength



Report Author: *Trevor Smith*
Job Title: *Community Safety Officer*
Email: *trevor.smith@newcastle-staffs.gov.uk*
Telephone: *742256*

Introduction

To seek approval from Members to work with Staffordshire Police and various off-licensed premises (including Supermarkets) to consider implementing the Reducing the Strength Campaign outlined below and the recommendations outlined in this report.

Background

In September 2012, Suffolk Police, Ipswich Borough Council, Suffolk County Council and NHS Suffolk launched the 'Reducing the Strength' Campaign aimed at stopping the sale of cheap, super strength alcohol 6.5% ABV and over from off-licensed premises in Ipswich. As of December 2013 68% of all licensed premises in Ipswich are 'super strength free'.

The aims of the campaign are:

- To encourage licensees of premises with an off-license to voluntarily remove all cheap, super strength lager and following this, persuade licensees to voluntarily change the terms of their license to include this condition
- To use the campaign to highlight the dangers of alcohol in general but particularly the dangers of super strength alcohol.

Why was the initiative necessary?

- In 2009 dedicated work began to try and tackle problems surrounding street drinking in Ipswich

- In the previous 18 months four individuals linked to the street drinking community were murdered, and other issues affecting the local community were identified
- In June 2011 a working group was created, and 'start afresh' was launched
- This is when it was identified that a long-term operational strategy was necessary, with the primary aim being to significantly reduce the negative impact on communities of anti-social street drinking and rough sleeping in Ipswich.

Current situation in Newcastle under Lyme

Newcastle Town Centre and surrounding areas experiences issues with Dependent Street Drinkers some of which present significant challenges not only on the streets of Newcastle but also within their own communities and neighbourhoods. The problem is not a new one rather a problem which has been escalating over a number of years.

To tackle this issue a Dependent Drinkers/Social inclusion has been set up aiming to engage street drinkers into appropriate treatment services and use enforcement action as and when required.

Additional strategies include:-

- Section 30 Dispersal Order and Section 27 – utilising powers to remove people who are causing anti-social behaviour from the town
- Use of Acceptable Behaviour Contracts (ABC's) and Anti-Social Behaviour Orders (ASBO's)
- Street Sweep – where ADS and Newcastle Police engage with Street Drinkers every Thursday afternoon
- Anti-Social Behaviour Case Conference – a multi-agency case conference which deals with perpetrators of ASB

Progress so far

- Partnership Delivery Group (PDG) agreed for the Borough Council to work with Staffordshire Police on the campaign
- Group has decided to follow the Ipswich model
- 3 progression meetings already taken place with partners from Police, Trading Standards as well as internal partners from NBC
- One year on conference in Ipswich attended by Inspector Barlow and myself
- 90% of off-licensed premises agreed in principle to remove cheap, super-strength alcohol from their shelves
- Morrisons and Lidl have refused. Sainsbury's have referred us back to the Newcastle Branch Manager

- Public Health have backed the campaign and discussions are taking place regarding fast track routes into treatment services
- Newcastle Borough Council have pledged money to support the facilitation of the campaign

Questions to be Addressed

- *What areas of the Borough should the campaign target?*
- *How best to engage the reluctant Supermarkets?*
- *In what other ways can Public Health support the campaign?*
- *How can members support and add value to the campaign?*

Outcomes

- *Any thoughts, recommendations or input from Members as to where we can take the campaign in the medium to long term*

Supporting Information

See Reducing the Strength report 'One Year On' attached

Invited Partners/Stakeholders/Residents

PC Paul Capewell (Joint coordinator) or Inspector Mark Barlow

Constraints

Finances, Time

Conclusions

The Reducing the Strength Campaign seeks to work with off-licensed premises to remove cheap, super-strength alcohol from their shelves to tackle alcohol fuelled anti-social behaviour and associated health harms amongst dependent drinkers and young people.

This report seeks the support and valuable input from Members

Relevant Portfolio Holder(s)

Councillor Anthony Kearon – Stronger, Safer Communities

Local Ward Member (if applicable)

Councillor John Williams

Councillor Julie Cooper

Councillor Colin Eastwood

Background Materials

See attached

Appendices

N/A



Reducing the Strength



In September 2012, Suffolk Police, Ipswich Borough Council, Suffolk County Council and NHS Suffolk launched the 'Reducing the Strength' Campaign - aimed at stopping the sale of super strength alcohol from off-licensed premises in Ipswich.

Since the launch of the campaign, we have been contacted by public sector agencies across the UK, asking us for information on how the campaign started, how we put it into place and what the results have been.

This document is designed to answer some of those questions and to tell you how we got to where we are today.

Twelve months have passed since the start of the campaign and 66%* of all licensed premises in Ipswich are now 'super strength free'. The campaign still has a long way to go, so we are unable to say that it has been a complete success. We can however, say that we have received fantastic support so far and we are seeing significant results in relation to reported crime and incidents of anti-social street drinking

in the area.

Our work on these issues is far from complete, however, and we are continuing our efforts to achieve even greater sign up across the town.

I hope that the information here may give you a starting point for thinking about similar campaigns in your area. Although the specifics of our communities are different, the problems associated with this type of alcohol and the lifestyles of those who consume it are the same nationwide. Super strength alcohol causes problems for individuals, communities and organisations in every county, and initiatives such as this provide pro-active ways of us tackling the problem and improving the lives of those affected by this kind of substance misuse.



Tim Newcomb, Assistant Chief Constable, Suffolk Constabulary

* Correct as of 30th September 2013.

Why was this initiative necessary?

In 2009, dedicated work to tackle problems surrounding street drinking in Ipswich began between police and partner agencies. In April 2009 a Street Drinking Liaison Officer was appointed in the town to work solely on issues connected to this area, working directly with affected individuals and licensed premises on a day-to-day basis.

In February 2011, Suffolk Constabulary identified a

critical issue for the force in relation to street drinking in Ipswich.

In the previous 18 months, four individuals linked to the street drinking community were murdered, and other issues affecting the local community were identified.

In June 2011 a working group was created, and 'Start Afresh' was launched. The operation was multi-agency, consisting of Suffolk Police, Ipswich Borough Council, Suffolk County Council and Suffolk

Drug and Alcohol Action Team. Other statutory partners involved in the operation included a Residents Representative Group, Community Resource Centre and members of the public affected by the problem.

It was identified that a long-term operational strategy was necessary, with the primary aim of significantly reducing the negative impact on communities of anti-social street drinking and rough sleeping in Ipswich.

An analysis of the street drinking community at the time revealed the following:

- 25 Core + 45 Peripheral = 70 individuals
- 80% male
- Predominant age range 31 – 44, average age 40
- 90% consider super strength (over 6.5% volume) beer and cider consumption their primary issue
- Daily consumption exceeds recommended weekly level
- This is not a lifestyle choice for the majority

As part of the overall operational strategy, an action was created to tackle the specific issue of super strength alcohol, which had been identified as a key damaging factor in the lifestyles of the street drinking community. The 'Reducing the Strength' Campaign was therefore created.



Key parts of the strategy were:

- Identifying the issues and objectives.
- Developing routes out.
- Improving community intelligence.
- The prevention of crime, anti-social behaviour and community issues.
- Community education.
- Maintaining a reduction in anti-social drinking, rough sleeping and community issues.



Reducing the
Strength





Ipswich is the county town of Suffolk, located on the River Orwell. It has a busy town centre with a vibrant shopping area and popular nightlife. The town is policed by the county's response officers and five Safer Neighbourhood Teams, which cover separate districts.

The main commercial and shopping area is covered by Ipswich Central Safer Neighbourhood Team.

The town has seen a decrease in crime over the past year, which is in line with the trend for the whole county. Immediately prior to the launch of the campaign, to the end of August 2012, overall crime and anti-social behaviour in Ipswich was down compared to the previous year, but alcohol-related crimes and public disorder offences were up by 5.1%

Incidents specifically relating to street drinking had seen a slight monthly increase, with an average of 12 incidents recorded per month, compared with 7 per month in the previous year.

The Reducing the Strength Campaign was multi-agency from the outset, with representatives from Suffolk Police, Ipswich Borough Council, Suffolk County Council, NHS Suffolk, Suffolk Drug and Alcohol Action Team and the East of England Co-operative Society involved.

The East of England Co-Operative Society came on board as corporate partners, having agreed to remove super strength items from their Ipswich stores, and later from their stores across Suffolk.

The aims of the campaign were:

“The campaign was multi-agency from the start, which was crucial for us in achieving long-lasting results that would be positive for both agencies and communities”

Mike Grimwood - Ipswich Borough Council

1. To encourage licensees of premises with an off-licence to voluntarily remove all super strength lager, beer and cider from their premises on a borough wide basis. Following this, to persuade licensees to voluntarily change the terms of their licence to include a licensing condition not to sell such items.

2. To use the campaign to highlight the dangers of alcohol in general and in particular super strength alcohol, to the communities of Ipswich, and the wider Suffolk community.

The definition of super strength alcohol was agreed as any beer, lager or cider with an alcohol volume of 6.5% or more that is sold very cheaply.

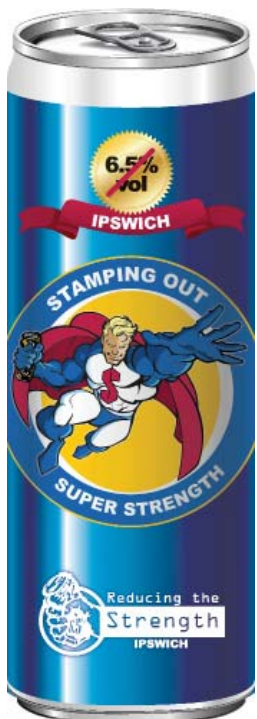
Representatives from the working group met on regular occasions to formulate a strategy for implementing the campaign. Actions were as follows:

- Create a comprehensive media strategy, containing agreed messages.
- Create branding and a campaign logo.
- Write to every off-licensed premises in the town to introduce the campaign and invite them to a launch event.

- Plan and facilitate a launch of the campaign, at a town centre location.
- Encourage licensees to sign up on the day.
- Visit premises that have signed up to discuss the removal of products from their store and explain the process of applying for a permanent minor variation.
- Carry out further communications with licensed premises to encourage sign up.
- Present premises that have signed up with a campaign plaque, advertising the fact that they are ‘super strength free’.

The campaign would be measured via the following methods:

- The number of premises that sell super strength alcohol (both before and after the campaign).
- The number of incidents of anti-social behaviour at or near off-licensed premises (both before and after campaign.)
- The amount of recorded crime at or near off-licensed premises, with particular reference to alcohol related crime/disorder and thefts from shop.
- The amount of media coverage achieved, thereby the level of public awareness raised.



Communications Strategy

Communications representatives from Suffolk Constabulary, NHS Suffolk, Ipswich Borough Council and Suffolk County Council created a comprehensive communications strategy for the campaign.

Media partners were secured at the outset, with the 'Ipswich Star' newspaper and BBC Radio Suffolk pledging their support. It was agreed that the campaign would tie in with the Ipswich Star's 'I Love Ipswich' initiative.

A 'superhero' angle was created, encouraging licensees to become 'superheroes' of Ipswich by signing up, and creating a unique angle to interest the public.

Key messages:

GENERAL:

- Super strength alcohol is all lagers, beers and ciders with an alcohol volume of 6.5% or over, that is sold very cheaply. This does not include premium products.
- The negative impacts associated with super strength alcohol are significant for the consumer and the wider community, but also for the public services who deal with the consequences. This campaign aims to take the problem away at the source.
- Super strength alcohol is often favoured by those most vulnerable in our community. Providing these people with these products increases their vulnerability to becoming victims of crime, increases the likelihood of them becoming involved in criminal activity and the potential for them to suffer significant health problems.

Agency-specific messages were also created, such as:

POLICE:

- 14.4% of crimes and 60% of violent crimes reported in Ipswich in 2011 were alcohol-related
- Alcohol-related crime and disorder has a major impact on the quality of life of many people.
- Drinking excessive amounts of alcohol, and particularly drinks with a high alcohol volume can make individuals more vulnerable to becoming victims of crime.
- In one area of Ipswich anti-social behaviour fell by 64% after super-strength alcohol was removed from the local off-licence.

HEALTH:

- A single 500ml can of 9% super strength lager contains four and a half units of alcohol, which exceeds the Government's daily recommended safe alcohol limit of between two to three units for women and three to four units for men.
- In Suffolk in 2011, there were more than 13,000 admissions to hospital with an alcohol-related condition, and every other day, one person in Suffolk will die from an alcohol-related condition.
- Excessive consumption of alcohol, particularly super strength, can lead to health problems such as liver disease, cancer and strokes. Other consequences include depression, impotence and excessive weight gain.

Key audiences:

- Licensees
- Street drinking community
- General public and wider community
- The licensed trade and drinks industry
- Partner agencies

Strategy:

- Create campaign title / logo and branding, including superhero branding
- Arrange opportunities for interviews with key individuals for media partners.
- Issue press release to local and national media, inviting them to launch event
- Facilitate media at launch event
- Launch web pages dedicated to campaign on partner websites
- Utilise social media to publicise launch
- Continue to release timely updates on the campaign as it progresses

The campaign title 'Reducing the Strength' was agreed and a logo was created.

Reporters were able to interview a recovering alcoholic who used to drink super strength alcohol and who now supports the campaign.

They also interviewed the owners of a business in Ipswich who saw a huge reduction in anti-social behaviour around their store after super strength alcohol was removed from an off-licence in the same street.



Prior to the launch, interviews were set up for media partners, to allow them enhanced access to features and stories. This enabled them to increase their coverage of the campaign on the day of the launch.

Superhero branding and logo were created.
Image of a window sticker above.



Representatives from partner agencies

The Launch

The manager of every off-licensed premises in Ipswich was invited to the launch event, which was held in a function room of Ipswich Town Football Club.

Health, NHS Suffolk, Mike Grimwood, Operations Manager, Ipswich Borough Council Licensing Team and Roger Grosvernor, Retail Executive, East of England Co-operative Society.

The event was opened by ACC Tim Newcomb, who highlighted the issues surrounding super strength alcohol and the aims of the campaign.

Two short sketches were performed by a professional theatre company, Menagerie, and licensees were invited to speak with campaign representatives at the end of the event.

A short film was shown, containing images of the effects of street drinking in Ipswich and various interviews. These were with a recovering alcoholic who had been a user of super strength, the manager of a local off-licence that is super strength free, a local business owner affected by the sale of super strength in their area, a local MP and representatives from the town and county councils.

Leaflets were produced for attendees, (copies are included), giving an overview of the campaign and what the benefits are for those who sign up. Window stickers, stating 'We are super strength free', and including the superhero image, were produced to give to those licensees who signed up on the day.

Short inputs were given by: Pc John Alcock, Street Drinking Liaison Officer, Suffolk Constabulary, Sally Hogg, Assistant Director of Public

Journalists were invited to film during the event and to listen in. Interviews were facilitated with key representatives.



Granite plaques were made to be displayed outside those premises that had signed up to the campaign. The plaques were engraved with the campaign logo and stated that the premises do not sell super strength alcohol.



Media coverage

Extensive local and national media coverage was achieved at the launch.

On the day, representatives from the East Anglian Daily Times / Ipswich Star, BBC Look East, ITV Anglia and Radio Suffolk were in attendance.

Chief Inspector Andrew Mason was interviewed on Radio 5 live, Radio 2 covered the item and enquiries were received from the Daily Telegraph and Financial Times.

Following the launch, the campaign received coverage in the majority of national newspapers, either online or in print. Interviews were carried out with Sky News, various BBC radio stations, national and regional newspapers and industry publications such as 'Retail Express'.

Following the launch

The launch event was the public start of the campaign, but work had already been underway with licensing teams from the council and from police, by engaging with licensed premises over the issue of super strength, and in some cases, enforcing licence amendments where the sale of super strength alcohol was already an issue of concern.

Anyone who expressed an interest in the campaign at the launch was visited by a member of the Constabulary licensing team, to discuss the removal of super strength products and to explain the process of applying for a minor variation to their premises licence.

To encourage further sign up, Ipswich Borough Council agreed to cover the fee, on behalf of the applicant, involved in a minor licence variation for any businesses that signed up before April 2013. This charge is usually £89.

Further premises were visited to discuss the initiative and support was gained from national stores in the town who agreed to sign up, with some also agreeing to a minor licence variation.

Any business that has signed up has been presented with a plaque to be displayed outside the premises.

Following the campaign, media interest has been maintained through the publication of further media updates at regular intervals, highlighting the number of stores 'super strength free' and announcing further significant national support.

A media event was held in April at the six month point, which received significant local and national coverage.



Pc John Alcock, Mrs Patel of Ulster News and C/Insp Andrew Mason



The Results

Crime and anti-social behaviour

Number of stores signed up

- Total off-licensed premises in Ipswich – 138
- Total number of off-licensed premises super strength free at the launch of the campaign - 53 (43%)
- Total number of off-licensed premises super strength free as of end of September 2013 - 90 (66%)

National retailers signed up locally - East of England Co-op, Tesco, Martin McColl, Debenhams, Marks and Spencer, BHS, Waitrose, Sainsburys, Morrisons, Asda and Aldi.

A significant reduction has been recorded in the number of 'street drinker events' reported to the police since the campaign launched. These are defined as incidents in which members of the public have called us to report a concern linked to street drinking. Two hundred and sixty one of these events were reported to police in the twelve months from the launch of the campaign (September 2012-September 2013), compared with 341 events in the same period the year before. This equates to a drop of 23.5%.

The number of reported incidents of crime and ASB at or around Co-op Stores in Ipswich have been analysed, both before and after the implementation of the campaign.

Only the 26 Co-op stores were included in this analysis, rather than all off-licences in the town, as Co-op stores were signed up from

the outset, rather than joining the campaign later in the time period, allowing the greatest statistically significant timeframe.

Statistics and feedback from the organisation show a drop in crime and ASB in these locations. This is alongside falling levels of crime and ASB across the whole of the town. Crime in Ipswich is down 17% and ASB is down 15%.

Under Start Afresh, an Operation launched in 2011 to tackle issues surrounding street drinking in the town, of which Reducing the Strength is an important part, huge improvements have been made. There has been a significant reduction in the number of individuals defined as being part of the street drinking community and the number of Section 27 'direction to leave' notices used by police has also increased, reflecting significant pro-activity in this area.

Picture shows Campaign representatives at the 'Six months on' media event held in April 2013.



The effect on the business community

Surveys were carried out with members of the business community in Ipswich in 2011, and again in February and September 2013. In February 2013, the surveys showed that:

- There was a 20% reduction in the number of people who stated that they witnessed a high level of street drinking, and those who considered the level of street drinking they witnessed to be low, increased by 10%.
- There was a reduction of 12% in the number of people who reported to have witnessed street drinking at all in the area around their business.
- Only 15% of those questioned stated that their business was significantly affected by street drinking.

In September 2013, the following comments were made by members of the business community:

“Street drinkers no longer come into, and cause problems within stores since signing up the ‘Reducing the Strength’ Campaign.”

“There are less people drinking and not as many drunk people during the day on the streets of Ipswich, particularly in the town centre.”

Case study: Austin Street

Austin Street was identified as having a significant issue with alcohol-related ASB and street drinking by the local Safer Neighbourhood Team. Prior to the start of the campaign, two off-licensed stores were selling super strength alcohol in the area; the Co-op and ‘MRS’.

The area is covered by the Ipswich Designated Public Places Order, allowing police officers to require a person to stop drinking and to confiscate alcohol or containers of

alcohol in public places. This was increasingly being enforced by officers in 2011/12. Research showed that all seizures of alcohol in the area were super strength, and all were from recognised members of the street drinking community.

At the launch of ‘Reducing the Strength’, super strength items were removed from the Co-op, who were campaign partners, and in December 2012, ‘MRS’ was taken to review following irresponsible

trading practices. As a result, there were no longer permitted to sell super strength items.

Figures show that 40 events related to street drinking were recorded in the period Sept 2011-Aug 2012 and 11 were recorded in the period Sept 2012 – Aug 2013, a drop of 73%. 70 crimes were recorded in the area during the period Sept 2011-Aug 2012 and 48 for the period Sept 2012-Aug 2013, a drop of 31%.



“We are extremely pleased that we are continuing to gain support for the Reducing the Strength Campaign, which will have such a positive effect on community life in Ipswich.”

“This is just one of the initiatives we are undertaking in Ipswich and we are seeing some fantastic results for the town.”

**David Ellesmere - Leader,
Ipswich Borough Council**

Going forward

Work in relation to the campaign is still in its early stages and all agencies are committed to gaining further sign-up to achieve more positive results for communities.

Liaison will continue between campaign leaders and the managers of off-licensed premises to discuss the significant benefits of the campaign, and to work through the reasons preventing retailers from becoming super strength free.

Additional work with members of the street drinking community continues, with support and

help being offered by all agencies to assist in providing routes out of this lifestyle.

The campaign has been regarded as an example of excellent practice in dealing with the shared issues experienced by towns across the country in relation to street drinking. Police forces and public sector agencies across the UK have contacted campaign leaders for help and advice in replicating the operation in their areas.

Planning is now underway for the campaign to be rolled out in other towns in Suffolk.



Reducing the
Strength

IPSWICH

**Report to the Cleaner, Greener and Safer
Overview and Scrutiny Committee
24th march 2014
Purple flag briefing Report**



Report Author: *Trevor Smith*
Job Title: *community Safety Officer (Alcohol Lead)*
Email: *trevor.smith@newcastle-staffs.gov.uk*
Telephone: *01872 742256*

What is Purple Flag?

- Purple Flag is an accreditation scheme governed by the Association of Town Centre Managers (ATCM) designed to improve the early evening and night time offering in the Town Centre
- The scheme is similar to awards given out to the best beaches (Blue Flag) and parks (Green Flag). Purple Flag looks holistically at the Town centre including policing, parking, lighting, entertainment, leisure and retail
- There are around 80 cities and towns who have gained this status and the feedback suggests that it increases footfall, revenue, inward investment and prestige. It is also proven to reduce anti-social behaviour and alcohol-related crime.

Background

- In May 2010 there was a series of meetings to discuss Purple Flag culminating in a 'Kickstart Workshop' facilitated by the ATCM. At that time it was considered that Newcastle was not in a position to successfully obtain the accreditation.
- In April 2013 it was decided to resurrect Purple Flag as partners believed that Newcastle was in a position to acquire Purple Flag status. There is now a Town Centre Partnership and Manager who are working very hard to increase the daytime and early evening offering. The Public Realm work has also re-invigorated the town in a variety of ways

Current position and Next Steps

- In April 2013 a working group was formed to kick start the Purple Flag process. There have been 5 meetings so far, the last one taking place on 4th October. The first phase has been completed which is to select a coordinator to establish a working group and identify the geographical boundaries

- We are collating relevant information and data to incorporate in the 'Area Snapshot' which essentially documents what the Town centre offer the public and how the partnership links into this. As part of this Snapshot information and data are required relating to the 4 key Core Agenda Themes which are Wellbeing, Movement, Appeal and Place. There is a number of KPI's relating to these themes.
- An Overnight Self-Assessment of the town based on the 4 key themes was undertaken on Friday 1st November.
- The ATCM will undertake their own overnight self-assessment and compare the results from their findings against the results from our findings
- Trevor Smith with input from the working group and the Town Centre Partnership (TCP) is writing up the application which needs to be submitted between April and June 2014

Report to the Cleaner, Greener & Safer Overview and Scrutiny Committee

24th March 2014

Licensing of Hot Food Takeaways



Report Author: *Guy Benson and Julia Cleary*
Job Title: *Head of Planning / democratic Services Manager*
Email: Julia.cleary@newcastle-staffs.gov.uk
Telephone: *01782 742227*

Introduction

Concerns have been raised by Members in relation to the density of hot food takeaways in some areas of the Borough.

Background

The subject was identified at a scrutiny Chairs briefing and added to the work plan as a possible future scrutiny topic.

Questions to be Addressed

What steps can be taken by the Borough Council to limit the number of hot food takeaways operating in a specific area?

How this problem is best addressed:

- Regulatory and Planning measures
- Working with schools to reduce fast food consumed by children
- Working with the takeaway businesses and food industry to make food healthier.

Outcomes

The use of regulatory and planning measures to address the proliferation of hot food takeaways.

Improve public health (reduce obesity)

Improve public safety

Reduce crime and disorder

Environmental Impact (littering)

Supporting Information

Planning permission is required for 'development' - this means material changes of use of land or buildings and operational works. However where the use of a building falls within one 'Class' its use for any other purpose in that same Class is not 'development' (and therefore does not require planning permission)

Use Class A5 of the Use Classes Order refers to the use of premises for the sale of hot food for consumption off the premises. It follows that no planning permission is required to change from one type of hot food takeaway to another.

In considering planning applications the change of use of premises to hot food takeaways, or alterations to their permitted opening hours, the Local Planning Authority has to have regard to the provisions of the development plan (so far as material to the application), local finance considerations (so far as material to the application) and any other material considerations (Section 70 of the TCPA). Where regard is to be had to the provisions of the development plan, the determination should be made in accordance with the provisions of the development plan unless material considerations indicate otherwise (Section 54a of the TCPA).

A critical consideration in the determination of planning application is the ability of the Local Planning Authority to grant planning permission subject to conditions. Such conditions have to meet a variety of tests set out in a Circular on the Use of conditions in planning permissions - that they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects

Newcastle has Supplementary Planning Guidance (SPG) on Hot food Takeaways. A link to the document is provided below

<http://www.newcastle-staffs.gov.uk/Documents/Regeneration%20and%20Planning/Hotfood%20takeaways%20SPG.pdf>

In planning decisions the SPG has the status of an "other material consideration". Although it dates from 1996, and is based upon and refers to policies contained within the Newcastle Local Plan that existed at that time (i.e. not the current Local Plan), it continues to be referred to by both the Planning Authority, and those who advise the Planning Authority on such applications (i.e. the Environmental Health Division). It has been referred to by Inspectors at appeals regarding planning decisions by the Borough Council and despite its age, and the fact that it is not what is termed a Supplementary Planning Document (which would have to have gone

through a more rigorous consultation procedure), Inspectors continue to give it weight in the determination of such appeals.

The Core Strategy, part of the approved development plan for the area, has strategic aims which include those of the facilitation of the “best of healthy urban living in the development of the conurbation” and of renewing “the fabric of urban and rural areas to promote the best of safe and sustainable urban and rural living”. Policy CSP1 refers to the need to ensure a “balance mix of uses that work together and encourage sustainable living” and that new development should be “accessible to all users, be safe, varied” and “contribute positively to healthy lifestyles”.

The SPG has within it the concept of categories of areas (which it defines, and uses to determine whether a Hot food takeaway is acceptable or not (in principle), and if it is acceptable (in principle) the appropriate hours of opening). It also does however indicate that in addition to other considerations, the Council will take into account the cumulative effects of the proposed development together with any others already in existence in the locality or other uses which might have a contributory effect on any nuisance caused.

Officers are aware that some other Local Planning Authorities have recently gone onto prepare or start to prepare Supplementary Planning Documents on Hot food takeaways, include Stoke on Trent City Council. The preparation of a Supplementary Planning Document involves significant resources as a number of procedures and documents have to be produced. The City Council have not yet moved to the adoption stage, having commenced the process of preparation of the SPD approximately 4 years ago, although there are reasons for this specific to the City Council. The following is a link to the relevant section of their website from which the consultation version of their SPD can be downloaded

<http://www.stoke.gov.uk/ccm/content/planning/planning-general/local-development-framework/supplementary-planning-documents.en>

The Borough Council is committed to the preparation of a Joint Local Plan and the draft timetable for that preparation approved by Cabinet at its meeting on 5th March 2014. It is your Officer’s view that the key priority for the limited resources of the Planning Service must now be the preparation of the Joint Local Plan, rather than the preparation of Supplementary Planning Documents such as one concerning Hot Food takeaways or some other variant of that topic more related to healthy lifestyles.

The materiality of health considerations in planning decisions continues to be a matter of considerable debate, particularly where there are limited controls available to the Local Planning Authority – for example the Local Planning Authority cannot determine the type of hot food to be sold from the premises.

Most importantly the Local Plan will provide the opportunity for the Borough Council to consider its development management policies including those relating to the change of use of premises to hot food takeaways. It may be that it will identify a need for an SPD to be prepared once the Local Plan has been adopted.

The Local Planning Authority is currently notified as a “responsible authority” of applications made under the Licensing Act 2003 (which includes applications for the sale of hot food after 11pm) – which clearly does not include all hot food takeaways. It provides as part of its response information on the planning permission, and it will draw attention to any situation where the required planning permission does not exist, or where proposed hours of opening indicated in a Licensing Act application are not those permitted under the terms of the planning permission for the premises. In any objection that it makes to the Licensing Authority it has to have regard to the limited considerations which can be taken into account in the determination of an application for a license – namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. The two regimes – Licensing Act and Planning – operate independently and do not involve the same considerations.

Invited Partners/Stakeholders/Residents

Head of Planning at Newcastle under Lyme Borough Council

Relevant Portfolio Holder(s)

Cllr Terry Turner: Economic Development, Business and Town Centres

Cllr John Williams: Planning and Assets

Cllr Ann Beech: Environment and Recycling

Cllr Tony Kearon: Safer Communities

Background Materials

Obesity and the environment: regulating the growth of fast food outlets.

Appendices

Obesity and the environment: regulating the growth of fast food outlets.



Public Health
England

Chartered
Institute of
Environmental
Health



Local
Government
Association

Healthy people, healthy places briefing

Obesity and the environment: regulating the growth of fast food outlets



About PHE

Public Health England's mission is to protect and improve the nation's health and to address inequalities through working with national and local government, the NHS, industry and the voluntary and community sector. PHE is an operationally autonomous executive agency of the Department of Health.

© Crown copyright 2013

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence v2.0. To view this licence, visit OGL or email psi@nationalarchives.gsi.gov.uk. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

About this briefing

This briefing has been written in conjunction with the Local Government Association (LGA) and the Chartered Institute of Environmental Health (CIEH). It is aimed at those who work in or represent local authorities. It addresses the opportunities to limit the number of fast food takeaways (primarily hot food takeaways, especially near schools) and ways in which fast food offers can be made healthier. It summarises the importance of action on obesity and a specific focus on fast food takeaways, and outlines the regulatory and other approaches that can be taken at local level.

This briefing was written for PHE by Dr Nick Cavill and Professor Harry Rutter.

We would like to thank all those on our advisory group who commented on the drafts of this briefing, with special thanks to Angela Hands, public health practitioner, planning and transport, Coventry City Council and Andrew Ross, writer and editor, Final Draft Consulting for their additional expert advice.

We would welcome your views on this briefing and how we might develop or improve these in future. If you have ideas for future topics, let us know. Enquiries to Healthypeople.healthyplaces@phe.gov.uk

Contents

| | |
|--|----|
| 1. The importance of action on obesity | 3 |
| 2. The role of the environment | 3 |
| 3. Planning and health: the policy context | 3 |
| 4. Evidence for action on obesity | 4 |
| 5. What tools are available? | 5 |
| 6. Ideas for action | 8 |
| Additional resources | 10 |
| References | 11 |



Obesity and the environment: regulating the growth of fast food outlets

1. The importance of action on obesity

In 2011 the government published 'Healthy lives, healthy people: a call to action on obesity in England',¹ which described the scale of the obesity epidemic and set out plans for action across England.*

Obesity impacts on health in many ways. It is a cause of chronic disease leading to early death. It increases the risk of type 2 diabetes (fivefold in men and twelvefold in women), raised blood pressure (two and four times respectively) and colorectal cancer (three and two times respectively).²

Two-thirds of English adults, one fifth of children in reception (four to five years old), and a third in year 6 (ten to 11 years) are obese or overweight.^{2,3} Obesity tends to track into adulthood, so obese children are more likely to become obese adults.³

There are stark inequalities in obesity rates between different socioeconomic groups: among children in reception and year 6, the prevalence of obesity in the 10% most deprived groups is approximately double that in the 10% least deprived.

2. The role of the environment

The 2007 UK government Foresight report 'Tackling obesities: future choices'⁴ remains the most comprehensive investigation into obesity and its causes. It described

* In adults, obesity is commonly defined as a body mass index (BMI) of 30 or more. BMI is weight (in KG) divided by the square of height (in metres). For children in the UK, the British 1990 growth reference charts are used to define weight status. See www.noo.org.uk/NOO_about_obesity for details

the complex relations between the social, economic and physical environments and individual factors that underlie the development of obesity.

Obesity is a complex problem that requires action from individuals and society across multiple sectors. One important action is to modify the environment so that it does not promote sedentary behaviour or provide easy access to energy-dense food.⁵ The aim is to help make the healthy choice the easy choice via environmental change and action at population and individual levels. This provides the opportunity to build the partnerships that are important for creating healthier places, and around which local leaders and communities can engage.⁶

Local authorities have a range of legislative and policy levers at their disposal, alongside wider influences on healthy lifestyles, that can help to create places where people are supported to maintain a healthy weight. Public health professionals should work with their colleagues across local authorities to use these and other approaches to maximise health benefits.

3. Planning and health: the policy context

Planning authorities can influence the built environment to improve health and reduce the extent to which it promotes obesity.^{7,8} The government's public health strategy 'Healthy lives, healthy people', explicitly recognises that "health considerations are

an important part of planning policy”,¹ and the Department of the Environment 2011 white paper made many explicit connections between planning and health.⁹ One of the ten recommendations of the Academy of Medical Royal Colleges’ 2013 report on obesity was that “Public Health England should, in its first 18 months of operation, undertake an audit of local authority licensing and catering arrangements with the intention of developing formal recommendations on reducing the proximity of fast food outlets to schools, colleges, leisure centres and other places where children gather”.¹⁰ It also recommended that local authority planning decisions should be subject to a health impact assessment.

4. Evidence for action on obesity

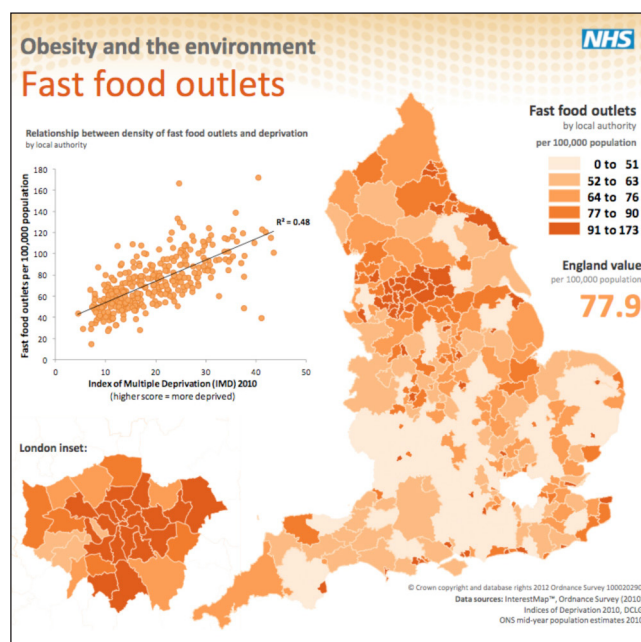
The typical adult diet exceeds recommended dietary levels of sugar and fat. Less than a third of adults currently meet the five a day target and around one in five children aged five to 15 meets the target, with the average being just three portions a day.¹¹ Healthy eating is associated with a reduced risk of being overweight or obesity and of chronic diseases, including type 2 diabetes, hypertension, and certain cancers.¹²

One of the dietary trends in recent years has been an increase in the proportion of food eaten outside the home, which is more likely to be high in calories.⁴ Of particular concern are hot food takeaways, which tend to sell food that is high in fat and salt, and low in fibre, fruit and vegetables.¹³

Research into the link between food availability and obesity is still relatively undeveloped¹⁴ although a US study has found evidence of elevated levels of obesity in communities with high concentrations of fast food outlets.¹⁵

PHE’s obesity knowledge and information team (formerly the National Obesity Observatory) has produced a briefing paper on fast food outlets, together with downloadable data on fast food outlets by local authority. This shows the density of outlets varies between 15 and 172 per 100,000 population (see below).

This data shows a strong association between deprivation and the density of fast food outlets, with more deprived areas having a higher proportion of fast food outlets per head of population than others.



School food

Children who eat school meals tend to consume a healthier diet than those who eat packed lunches or takeaway meals.¹⁷ While there have been many initiatives to improve standards of school meals, including nutrient-based standards and the School Food Plan, these currently only affect around four in ten children who take school meals.^{4,18,19} Uptake of school meals decreases when children move from primary to secondary school (46.3% compared to 39.8%), and in many

cases secondary school pupils are allowed to leave the school premises at lunchtime.

Improving the quality of the food environment around schools has the potential to influence children's food-purchasing habits, potentially influencing their future diets.¹⁹ However, it is important to note that taking action on hot food takeaways is only part of the solution, as it does not address sweets and other high-calorie food that children can buy in shops near schools.

Action on the food environment is supported by the NICE public health guidance, 'Prevention of Cardiovascular Disease'.²⁰ NICE recommends encouraging planning authorities "to restrict planning permission for takeaways and other food retail outlets in specific areas (for example, within walking distance of schools)".

It is only in recent years that local authorities have started to use the legal and planning systems to regulate the growth of fast food restaurants, including those near schools. There is thus an unavoidable lack of evidence that can demonstrate a causal link between actions and outcomes, although there is some limited evidence of associations between obesity and fast food,²¹ as well as with interventions to encourage children to stay in school for lunch.¹³ However, there are strong theoretical arguments for the value of restricting the growth in fast food outlets, and the complex nature of obesity is such that it is unlikely any single intervention would make a measurable difference to outcomes on its own.

There are several reasons why the presence of fast food outlets may be undesirable from a public health perspective, with implications for planners. For example:

- many hot food takeaways may generate substantial litter in an area well beyond their immediate vicinity
- discarded food waste and litter attracts foraging animals and pest species
- hot food takeaways may reduce the visual appeal of the local environment and generate night-time noise
- short-term car parking outside takeaways may contribute to traffic congestion
- improving access to healthier food in deprived communities may contribute to reducing health inequalities

The most relevant evidence of successful approaches in England tends to come from case studies of approaches being taken by local authorities using policy and regulatory approaches.

5. What tools are available?

The 'Takeaways toolkit'¹³ noted that there were three broad approaches that could be taken to address the problem of over-proliferation of hot-food takeaways in city centres and near schools:

- working with the takeaway businesses and food industry to make food healthier
- working with schools to reduce fast food consumed by children
- using regulatory and planning measures to address the proliferation of hot food takeaways

This briefing focuses on the role of planning on the food environment and so addresses only the last of these approaches.

Planning laws

The National Planning Policy Framework (NPPF) makes it clear that local planning authorities (LPAs) have a responsibility to promote healthy communities.⁸ Local plans should “take account of and support local strategies to improve health, social and cultural wellbeing for all”.

LPAs should prepare planning policies and take decisions to achieve places that promote “strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity”.

The NPPF also gives clear advice that local planning authorities should “work with public health leads and organisations to understand and take account of the health status and needs of the local population... including expected changes, and any information about relevant barriers to improving health and wellbeing”. Important issues may be identified through health impact assessments* that may be conducted as part of the planning process.

A number of local authorities** have drawn up supplementary planning documents (SPDs) to restrict the development of new fast food premises near schools. However, it is recognised that due to consultation and other procedures, these can take a long time to prepare and agree. SPDs must also relate to a policy in the local plan, so the priority is to make sure the issue is addressed within the local plan in the first place.

The ‘Use Classes’ order defines commercial premises using a coding system. Therefore,

* Health Impact Assessment (HIA) is a means of assessing the health impacts of policies, plans and projects in diverse economic sectors using quantitative, qualitative and participatory techniques. See www.who.int/hia/en/ for details.

**Within London, the following councils have been identified to have either proposed or adopted restrictive policies based around A5 usage: Barking and Dagenham; Greenwich; Hackney, Haringey; Havering; Islington, Kensington and Chelsea; Kingston-upon-Thames; Newham and Waltham Forest.

A5 hot-food takeaway premises are defined as “where the existing primary purpose is the sale of hot food to take away”. A3 premises are “restaurants where the primary purpose is the sale and consumption of food and light refreshment on the premises”.²²

However, before 2005 all hot food takeaways were given Use of Class A3, when the 1987 Town and Country Planning (Use Classes) Order was amended. This means that, historically, hot food takeaways may have given planning permission under either Use Class A3 if they have been in existence since before 2005 or A5 if permission came after that date. This is important when considering over-concentration or cumulative impact in particular areas. Also, A3 premises can have ancillary A5 use – that is a restaurant that also provides hot food takeaways.

Planning permission is required for change of use to a different category but not change of use within the same category, although changes in permitted development rights that arose in June 2013 mean that clarification is being sought on this issue

Proximity to schools used as a criterion

St Helen's Council has implemented a wide-ranging policy including a number of restrictions, granting planning approval only “within identified centres, or beyond a 400m exclusion zone around any primary or secondary school and sixth form college either within or outside local education authority control”.²³ The council's SPD is a material consideration in determining planning applications. As well as proximity to schools and health impact, it covers issues such as over-concentration and clustering, highway safety, cooking smells, and litter.

Most authorities have used a distance of 400m to define the boundaries of their fast food exclusion zone, as this is thought to equate to a walking time of approximately five minutes.²⁴ However, in Brighton and Hove this was found to be inadequate to cover the areas actually used by pupils: an 800m radius is used as it covers significantly more lunchtime journeys.

Development plan or supplementary plan documents

Barking and Dagenham was nearing completion of its core strategy when it began to develop its A5 SPD, which was adopted in 2010. The council chose to develop its A5 policy as an SPD, but has reported that for local authorities developing local plans it is advisable to incorporate A5 policies within the development plan documents (DPD) rather than SPDs as they carry more policy weight. The downside of this is that DPDs face much more in the way of procedural challenges.²⁵

Planning permission/appeals

A number of authorities have had their planning decisions challenged through the appeals process. Some appeals have been successful but many have been rejected. A common challenge is a lack of direct evidence to link takeaway proximity with health outcomes. It appears that in many cases the existence of an exclusion zone may be a consideration in an appeal, but the decisions are often made on other planning grounds.²⁶

Can proximity to schools be a consideration?

In 2010 a High Court judge declared that Tower Hamlets Council in East London “acted unlawfully” when it gave the go-ahead for Fried & Fabulous to open for

business close to a school. The judge said councillors had voted in favour of permission after being wrongly directed that they could not take account of the proximity of the local secondary school because it was not “a material planning consideration”.²⁷

However, planning permission was ultimately granted on appeal for a number of reasons, including the lack of evidence that “the location of a single take-away within walking distance of schools has a direct correlation with childhood obesity, or would undermine school healthier eating policies”. This prompted Tower Hamlets to review its policies with the aim of limiting such appeals in future.

The importance of engaging with stakeholders

Sandwell Council adopted an SPD for hot food takeaways in 2012, which included a 400m buffer near schools. In one appeal, it was noted that as there was little support from the school affected and little secondary evidence, the application was approved. Council officers reported that they have subsequently made efforts to work more closely with public health colleagues and to engage with schools on the issue.²⁸

All subsequent appeals that have gone to the Planning Inspectorate have been dismissed, so the SPD appears to have been effective.²⁹

Environmental health and licensing

Alongside planning policies, there are other measures available, mainly implemented by environmental health or licensing teams, to help local authorities regulate the sale of fast food. These include:

- street trading policies to restrict trading from fast food vans near schools
- policies to ensure that menus provide healthier options
- enforcement on other issues such as disposal of fat, storage of waste, and litter
- food safety controls and compliance
- restrictions on opening times
- using Section 106 agreements and the Community Infrastructure Levy to contribute to work on tackling the health impacts of fast food outlets

No ice

Hillingdon Council passed a resolution banning ice cream vans from the vicinity of schools and nurseries. One of the reasons cited for the ban was that ice cream trading near schools contradicted dietary recommendations and the aims of the Healthy Hillingdon Schools Scheme.^{7,13}

Encouraging healthier provision

As an alternative to using legislation to restrict the proliferation of fast food takeaways, local authorities may choose to work with them to change the nature of their food provision.

The government procurement standards for food and catering services aim to set standards for more sustainable and healthier food provision. They provide criteria to reduce the salt, fat and sugar content of different food categories,³⁰ and sit alongside DH guidance on healthier, more sustainable catering.³¹ The government's Responsibility Deal also offers a wide range of advice for small businesses on issues, including calorie labelling and reducing saturated fat.³²

In London, the Healthier Catering Commitment is a voluntary scheme for food outlets, operating across 25 London boroughs by catering businesses in partnership with environmental health and public health teams. It provides information on healthier food together with offering healthier alternatives.³³

6. Ideas for action

Public health professionals and others who wish to address the prevalence of fast food outlets in their area in order to support healthier lifestyles may find the following actions helpful:⁷

Strategic leadership: local authority and health and wellbeing boards

- identify a councillor who will be a champion on behalf of the local authority and provide leadership (and in two tier areas, to engage with work with district councillors)
- work with key partners: local authority public health teams and clinical commissioning groups, to identify a senior lead officer with responsibility for this work who will champion it within the health and wellbeing board
- work with other professional groups to identify lead officers, such as environmental health practitioners, to support this work early on, especially in two-tier authorities that may otherwise not be directly involved
- in addition to statutory consultees, ensure the engagement of planners and environmental health practitioners as early as possible when developing a policy

Public health teams

- identify a person within the public health team to liaise with planning officers

- establish a programme of health impact assessment (HIA) training for public health teams, planning officers, and others
- agree a process with the planning team for incorporating HIAs in the planning process. Some councils are writing such requirements into their assessment processes for planning or development applications over a certain size or scale
- use government buying standards for food and catering services as the basis for school food procurement
- conduct wider community engagement to incorporate the views of local residents, community groups and schools in planning decisions

Supporting data and information

Planning officers will require evidence before including items in the development plan or SPD so:

- review all the publications in the 'additional resources section'. These contain detailed advice and case studies
- consider collecting other data such as surveys of school children's purchasing habits on the way to and from school

Evaluation

Local authorities are required by law to publish an annual monitoring report. This is an excellent source of information on the impact of policies. Public health colleagues should work with planners and other local authority colleagues to ensure that appropriate and important information is recorded.

Additional resources

'Takeaways toolkit'. A comprehensive briefing including tools, interventions and case studies to help local authorities develop a response to the health impact of fast food takeaways. Published in 2012 (updated in June 2013) by the London Food Board and Chartered Institute of Environmental Health, based on a consultancy report by Food Matters.. Available from www.foodvision.cieh.org/document/view/326

'Fast food saturation'. A resource pack that collates good practice and key resources from across London and beyond on managing the impact of fast food shops on local health and wellbeing through the use of planning powers. Although developed for use in London, it is based on the use of national powers for local authorities and is directly applicable in all local areas in England. Published in July 2103 by the London Health Inequalities Network. Available from www.lho.org.uk/viewResource.aspx?id=18208

'Tackling the takeaways: a new policy to address fast-food outlets in Tower Hamlets'. This is a wide-ranging evidence review on the association between the over-concentration of hot-food takeaways and obesity, and an examination of practice (mainly in London). The evidence review and policy background are very comprehensive and will be likely to be very useful for drawing up policy options. Published in 2011 by NHS Tower Hamlets. Available from [www.towerhamlets.gov.uk/i doc.ashx?docid=2b285be6-9943-4fec-a762- 76c93d07ca50&version=-1](http://www.towerhamlets.gov.uk/i%20doc.ashx?docid=2b285be6-9943-4fec-a762-76c93d07ca50&version=-1)

'Hot-food takeaways near schools; an impact study on takeaways near secondary schools in Brighton and Hove'. This assesses the policy options for Brighton and Hove, but

contains a very useful review of the evidence and case studies on successful approaches to date. Published in 2011 by Brighton and Hove City Council and NHS Sussex. Available from www.brighton-hove.gov.uk/sites/brighton-hove.gov.uk/files/downloads/ldf/Healthy_eating_Study-25-01-12.pdf

The UK Health Forum's website contains a wealth of useful information on the food environment, including an extensive resource on marketing food to children. www.ukhealthforum.org.uk and www.ukhealthforum.org.uk/who-we-are/our-work/policy/nutrition/marketing-food-and-drink-to-children/

References

1. Department of Health. Healthy Lives, Healthy People: a Call to Action on Obesity in England. London: Department of Health 2011.
2. The Information Centre. Statistics on Obesity, Physical Activity and Diet. England 2013.
3. Maffeis C, Tato L. Long-term effects of childhood obesity on morbidity and mortality. *Horm Res.* [Review]. 2001;55 Suppl 1:42-5.
4. Butland B, Jebb S, Kopelman P, McPherson K, Thomas S, Mardell J, et al. Tackling obesities: future choices – project report. London 2007.
5. Lake A, Townshend T. Obesogenic environments: exploring the built and food environments. *J R Soc Promot Health.* [Research Support, Non-U.S. Gov't Review]. 2006 Nov;126(6):262-7.
6. London Health Inequalities Network. Fast food saturation – a resource pack for London. London 2013.
7. Dr Foster Intelligence and Land Use Consultants. Tackling the takeaways: a new policy to address fast-food outlets in Tower Hamlets. London 2011.
8. Department for Communities and Local Government. National Planning Policy Framework. London 2012.
9. Department of the Environment. The natural choice: securing the value of nature. London 2011.
10. Academy of Royal Medical Colleges. Measuring up. The medical profession's prescription for the nation's obesity crisis. Academy of Medical Royal Colleges 2013.
11. National Obesity Observatory. Determinants of obesity: child diet. 2012. www.noo.org.uk/uploads/doc/vid_14864_NOOchilddiet2012.pdf
12. Public Health England. About obesity 2013. www.noo.org.uk/NOO_about_obesity/lifestyle
13. London Food Board and Chartered Institute of Environmental Health. Takeaways toolkit. A London Food Board and Chartered Institute of Environmental Health publication based on a consultancy report by Food Matters. London 2012.
14. Townshend T, Lake AA. Obesogenic urban form: theory, policy and practice. *Health & place.* [Review]. 2009 Dec;15(4):909-16.
15. Zenk SN, Schulz AJ, Odoms-Young AM. How neighborhood environments contribute to obesity. *The American journal of nursing.* 2009 Jul;109(7):61-4.
16. National Obesity Observatory. Obesity and the environment: fast food outlets. 2012. www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf
17. Stevens L, Nelson M. The contribution of school meals and packed lunch to food consumption and nutrient intakes in UK primary school children from a low income population. *Journal of human nutrition and dietetics: the official journal of the British Dietetic Association.* [Comparative Study Research Support, non-U.S. Gov't]. 2011 Jun;24(3):223-32.
18. School Food Plan. 2013. www.schoolfoodplan.com/
19. School Food Trust. Take up of school lunches in England 2011-2012. London 2012.
20. National Institute for Health and Clinical Excellence. Prevention of cardiovascular disease. London 2010.
21. Kruger DJ, Greenberg E, Murphy JB, Difazio LA, Youra KR. Local concentration of fast food outlets is associated with poor nutrition and obesity. *American journal of health promotion: AJHP.* 2013 Aug 13.
22. Portal P. Change of use; planning permission. 2013. www.planningportal.gov.uk/permission/commonprojects/changeofuse
23. St Helens Council. Supplementary planning document: hot food takeaways. 2011.
24. Homes and communities agency. Urban design compendium 2006.
25. Naomi Pomfret (planning policy manager). Personal communication. 2013.
26. Andrew Ross. Personal communication. FD Consultancy 2013.
27. Press Association. High Court quashes plan for fast food outlet near 'healthy eating' school. *The Guardian.* 2010 11 June 2010.
28. Stephen Leigh (planning officer). Personal communication. 2013.
29. Stephen Leigh. Planning officer, Sandwell MBC. 2013.
30. Department for Environment Food and Rural Affairs. New government buying standards for food and catering. 2011. sd.defra.gov.uk/2011/06/new-government-buying-standards-for-food-and-catering/
31. Department of Health. Healthier and more sustainable catering: toolkit and supporting nutrition principles. 2011. www.gov.uk/government/publications/healthier-and-more-sustainable-catering-toolkit-and-supporting-nutrition-principles
32. Department of Health. Public health responsibility deal 2013. responsibilitydeal.dh.gov.uk/
33. Good food for London 2013. www.london.gov.uk/sites/default/files/good_food_for_london_report_2013.pdf

Public Health England
Wellington House
133-155 Waterloo Road
London SE1 8UG
www.gov.uk/phe
Twitter: @PHE_uk

PHE publications gateway number: 2013319
November 2013
© Crown copyright 2013

Report to the Cleaner Greener Safer

Overview and Scrutiny Committee

24th March 2014

Dog Control Orders



Report Author: *Nesta Henshaw*
Job Title: *Head of Environmental Health Services*
Email: *Nesta.Henshaw@newcastle-staffs.gov.uk*
Telephone: *01782 74 2732*

Introduction

Across the Borough there are an estimated 15,000 dogs. One in four households have a dog. Most dog owners act responsibly and their pets pose no problems for other residents. However, a minority are less considerate.

Typically the borough council's two dog wardens receive about 1,500 dog related complaints each year. Of those about 220 (15%) relate to dog fouling. Streetscene receive a similar number of requests for fouling removal.

Whilst dog wardens only receive a relatively small number of complaints relating to aggressive dogs, we are aware that there is an expectation that the authority will safeguard other users of its open spaces and especially young children using play facilities.

This report provides an update of our actions within the last 12 months in respect of Dog Control Orders. It then confirms the work we now plan to ensure that residents understand and comply with the controls.

Background

The authority started work in 2012 to update a range of dog related provisions and, based on feedback from residents, created four Dog Control Orders which came into effect on 1st April 2013. Comprehensive information on Dog Control Orders is provided on the council's website at www.newcastle-staffs.gov.uk/dogcontrols

Our four controls now cover:

1. Dog Fouling

If a dog fouls in any public place it's owner should remove the fouling immediately and correctly dispose of it

This control applies to **all public places** – including footpaths, pavements, verges and public open spaces such as parks.

2. Dogs on Leads

Dogs should be kept on a short lead when being walked in certain areas

Where it applies:

- *Crematorium, church yards and cemeteries*
- *Formal Gardens*
- *Marked sports pitches*
- *Unfenced children's play areas*
- *School grounds & school sports pitches*
- *Specified parts of Apedale Country Park designated for wildlife*
- *Specified parts of Bathpool Park*
- *Open space owned by parish and town councils*

3. Dogs On Leads by direction

Requires dogs to be placed on a lead when requested to do so by an authorised officer

An owner may be asked to place their dog on a lead if the officer has witnessed it acting aggressively, or believes that the owner would not otherwise be able to keep it under proper control. Owners may also be asked to place their dog on a lead when attending events where there are large numbers of people and other dogs.

This control applies to **all public places** – including footpaths, pavements, verges and public open spaces such as parks.

4. Dog Exclusions

Dog walkers must not take their dog into certain places - even if they have it on a lead

Where it applies:

- *Enclosed children's play areas*
- *Fenced / enclosed games areas i.e. tennis and ball courts, multisport areas, skate parks,*
- *The grassed area of all bowling greens*
- *Specified school grounds & school sports pitches*
- *Specified parts of Apedale Country Park designated for wildlife*
- *Open space owned by parish and town councils*

Questions to be Addressed

- What action has taken place in the last 12 months?
- What are the current priorities?
- What further action is planned to secure compliance?

Outcomes

Dog Control Orders set clear practical rules for dog owners to follow, and provide penalties to promote compliance and positively influence behaviour. Their aim is to ensure our public places remain clean and safe.

Where dog owners choose to disregard the controls the authority can take enforcement action. Action ranges from a warning, to the issue of a Fixed Penalty Notice or following appropriate review cases can be escalated for prosecution.

Supporting Information

1. What action has taken place in the last 12 months?

Since the introduction of Dog Control Orders the dog wardens have taken all possible opportunities to ensure that dog owners understand the controls and the action they need to take. We have promoted the controls through the local media (newspaper and radio) via the council's Reporter, on our website as well as through face to face discussions with dog walkers and the distribution of leaflets. In the last 12 months the team has spoken with approximately 1,000 dog owners.

- It is important that we continue to promote dog controls so that dog owners understand their obligations

We have followed guidance issued by DEFRA and are now moving our focus from warnings and advice towards enforcement. Dog Wardens have been authorised to issue Fixed Penalty Notices where they observe offences first hand. In addition we are able to pursue enforcement where we have reliable third party evidence in a format which we could use in court proceedings.

- We continue to ask for residents help to ensure that we correctly focus our efforts

Signage is an important tool to remind dog owners of their obligations. To date we have added about 150 new signs to the 3,500 already displayed. .

2. What are the current priorities?

We are now steadily changing our focus from providing advice and guidance towards enforcement.

Our enforcement action is resident led and we attend locations where problems have been reported, and deal with the offences we then witness.

In general terms we will offer a fixed penalty wherever an enforcement officer observes a fouling offence, or a dog being taken into an area where an exclusion

applies. Where a dog on leads control is breached we will either issued a fixed penalty notice or offer a warning for a first offence.

- Our priority areas for enforcement will be the hotspots our residents identify. Our focus will be on breaches which place residents at especial risk – for example taking a dog into a children’s play area, or failing to remove faeces from sports pitches.

3. What further action is planned to secure compliance?

We appreciate that the presence of a warden is an effective deterrent, but that it has a limited lasting impact. We have the support of PCSOs, Aspire Housing and Staffs County Council to assist enforcing controls, but are looking how we can achieve more.

- We hope to increasingly work with other staff and partners to increase the enforcement team. We will continue to look at way we can work jointly with other agencies and community groups.

We recognise that it may not be practical for residents to assist directly supplying evidence for enforcement. They may not be able to obtain names and addresses of offenders, or have concerns of repercussions. We will therefore look at other ways residents can participate and support Dog Controls.

- We aim to develop materials which residents can display or circulate to promote awareness of Dog Controls and penalties.

Constraints

There are obvious limits to the amount of enforcement which the authority can deliver based on its geographical size and available staff resources. It is therefore important that our efforts are targeted for maximum effect.

- We will review how we deliver our patrols.

Placing and maintaining signs has cost implications. The typical cost of purchasing and installing as sign is approximately £20. No provision has been made within dog warden service budget for further signs to be installed.

- We will establish if other fund holders such as LAPs, parish councils wish to fund extra signs, and obtain / install these if requested to do so.
- We have requested that dog control details feature prominently when park signs / notice boards are refreshed. This both increases the profile of dog controls and reduces the amount of separate signage needed in these areas.

Conclusions

The process of creating and introducing Dog Control Orders is complex, but has now been completed. The authority now has robust controls, which continue to have significant community support, which can be used to enforce standards and safeguard residents.

Mindful of the constraints identified, we propose to continue to actively promote controls, and further explore options to increase enforcement.

Relevant Portfolio Holder(s)

Cllr Ann Beech – Environment & Recycling

Background Materials

Dog Control Orders – public information leaflet see:

http://www.newcastle-staffs.gov.uk/documents/environment/dogs/control_orders/dog%20control%20a4%20folded.pdf

This page is intentionally left blank

Classification: NULBC **UNCLASSIFIED**

Briefing Note on obstructions on pavements

The responsible authority for dealing with obstructions on pavements is the highway authority – Staffordshire County Council.

They have adopted a policy of what they term ‘non-disapproval’ – which means that other than where obstruction is blatant and results in demonstrable nuisance to highway users and public safety they do not take action in relation to such obstructions.

If members wish a further report on particular types of obstructions could be prepared

This page is intentionally left blank

SCRUTINY COMMITTEE WORK PLAN



| | |
|--|--|
| Committee Name: | Cleaner, Greener & Safer Communities Overview and Scrutiny Committee |
| Chair: | Cllr Gill Williams |
| Vice-Chair: | Cllr Hilda Johnson |
| Portfolio Holder(s) Covering the Committee's Remit: | Cllr Elsie Bates – Culture and Leisure Cllr Ann Beech – Environment and Recycling Cllr Tony Kearon – Safer Communities |
| Work Plan Correct As At: | 5 December 2013 |

| Date of Meeting | Item | Reason for Undertaking |
|--|---|---|
| 24 March 2014 (Agenda dispatch 14 March 2014) | Annual Review of the Scrutiny Committee's Work | To evaluate and review the work undertaken during 2013/14. |
| | Disabled Access / 'A' Frame Obstruction to Pavements in Towns | To ensure equal access to the Borough's town centres for disabled people. |
| | Reducing the strength | To receive an update from Trevor Smith |
| | Purple Flag | To receive and update from Trevor Smith |
| | Regulation of hot food takeaways | Scrutiny Report/Brief to be provided. Request of Chair and Vice Chair – may overlap with Health Scrutiny. |

Classification: NULBC **UNCLASSIFIED**

| Date of Meeting | Item | Reason for Undertaking |
|-----------------|--------------------|--|
| | Dog Control Orders | Scrutiny Report/Brief from the Head of Environmental Health. Request of Chair/vice Chair. |

| | |
|--|---|
| Task and Finish Groups: | |
| Future Task and Finish Groups: | |
| Suggestions for Potential Future Items: | <ul style="list-style-type: none"> • Warm Zone Delivery of Green Deal (potentially email to committee) • Decriminalised Car Parking • Waste and Recycling Strategy • (Possibly special meeting after April) |

REMIT

Cleaner, Greener and Safer Communities Overview and Scrutiny Committee is responsible for:

- Anti-social Behaviour Orders
- Civil contingencies
- CCTV
- Community cohesion and safety
- Community Safety and Section 17
- Decriminalised parking enforcement and on-street parking
- Emergency planning
- Older people
- Crime and Disorder Reduction Partnership
- Street and community wardens.
- Buses and concessionary travel and taxis
- Car park management
- Climate change, sustainability and energy efficiency
- Environmental enforcement
- Environmental health

Classification: NULBC **UNCLASSIFIED**

Classification: NULBC **UNCLASSIFIED**

- Flooding and drainage
- Highways and transport (operational)
- Recycling and waste management
- Streetscene – litter, grounds maintenance, parks and gardens.

Classification: NULBC **UNCLASSIFIED**

This page is intentionally left blank