

<b>Staffordshire Health and Well-being Board</b>	
Title	<b>HIAP - Licensing (Alcohol &amp; Fast Food)</b>
Date	9 March 2017
Board Sponsor	Richard Harling
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Report type	For Decision

## **Summary**

1. This paper is intended to support the Health in All Policy (HiAP) paper. It identifies the issues around health related harm in relation to the licensing of alcohol sales and the impact on the proliferation of “fast food” establishments particularly with regard to obesity. The paper makes a series of recommendations for the Board to influence both agendas.

## **Recommendations to the Board**

### **Licensing**

2. Identify a HWBB champion for licensing. The lead will:
  - a. Work with SCC Health & Care and District / Borough Councils to support redevelopment Statement of Licensing Policies (due in 2018) to strengthen the health aspect of the policies.
  - b. Act on behalf of the HWbB to support the Staffordshire and Stoke on Trent Responsible Bodies Group
  - c. The HWBB members will support the SSRBG to develop effective data and insight to strengthen the health aspect of licensing policies?

### **“Fast Food”**

3. Identify a HWBB champion for the “fast food” agenda: The “Champion” will act as the HWBB lead and develop the work stream, building upon the following areas of action:
  - a. Developing an understanding of the proliferation of “fast food” establishments in relation to rates of obesity across Staffordshire with particular attention to establishments close to schools.
  - b. Using local insight and national insight develop an evidenced-based best-practice guide to planning around “fast food” outlets in Staffordshire. Then promote this area of work and influence appropriate councillors and planners responsible for planning and health in district and borough councils.
  - c. Work with local Environmental Health teams and Public Health to explore the possibility of a county-wide healthy food rating scheme to sit along the “Rate My Place” food safety initiative.

- d. Engage with schools and school catering companies to; promote the healthy eating standards for school meals and promote stay on site messages.

## **Background / Introduction**

4. There are a range of goods and services that are required to be licensed and managed by local authorities that have the potential to impact on public health. These include but are not limited to: the sale of alcohol, the preparation and sale of food, tattooing premises, gambling, sex entertainment venues and taxi hire. Using the HIAP approach the HWbB can support licensing authorities to protect the health of the population.

## **Alcohol**

5. The HWbB has long had an interest in the availability and consumption of alcohol, the misuse of alcohol poses a threat to the health and wellbeing of the drinker, and to family, friends, communities and wider society through such problems as crime, anti-social behaviour and loss of productivity.

## **“Fast Food”**

6. There are two main public health issues concerning the supply of “fast food” to the public. The first relates to food safety, and the second relates to the impact upon obesity rates in Staffordshire.
7. There are a number of reasons why “fast food” impacts on health:
  1. Ingredients - typically “fast food” has high levels of fat, salt and sugar and therefore is energy dense;
  2. Cost - in relation to the number of calories in the food it is relatively cheap compared to healthier options
  3. Portion sizes - tend to be large
  4. Proliferation - increasing numbers of premises selling “fast food”.
8. The emphasis in how public services support the anti-obesity agenda is currently seeing a shift from service provision to a much greater focus on personal responsibility. The best way that we can support this is to create healthier environments for Staffordshire citizens.

## **Current activity**

### **Alcohol**

9. The licensing of alcohol sales is currently managed under the Licensing Act 2003 through Licensing Authorities, namely district and borough councils. The Act established four categories of activities that require a license:
  - a. The sale by retail of alcohol.
  - b. The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

- c. The provision of regulated entertainment.
  - d. The provision of late night refreshment.
10. The Act also established four licensing objectives against which the impact of new applications and licence revisions must be considered against. These are:
- a. Crime & disorder
  - b. Public safety
  - c. Public nuisance
  - d. Protection of children
11. Applicants are required to send all licence applications to a defined list of Responsible Authorities (RAs). These are Police, Fire Service, Health and Safety, Environmental Health, Child protection services, Trading Standards, Planning, Public Health and the district/borough licensing authority. The role of RAs is to comment on applications and make representations to the licensing authority if they think the application negatively impacts on one of the statutory licensing objectives. RAs can also call for a review of licence if they feel the licensing objectives are being impacted by a licensed premises' current activity.
12. The Act requires licensing authorities to publish a Licensing Policy Statement every three years. This policy details how the licensing authority intends to operate and promote the licensing objectives in their area. Licensing Policy Statements must have regard to the licensing guidance issued by the Home Office and must be kept under review and revised within the 3 year period if appropriate.
13. Within a Licensing Policy Statement, Cumulative Impact Policies are intended to be a tool for licensing authorities to limit the growth of licensed premises within a specific area where issues around the licensing objectives have arisen. Using CIPs local authorities can then establish Cumulative Impact Zones (CIZ). When a CIZ is established there will be a presumption against the granting of new licences and material variations of current licenses in the assigned areas, unless the applicant can satisfy the authority that the application will not adversely affect the promotion of any of the licensing objectives.

### **“Fast Food”**

14. In regards to food safety the Food Safety Act 1990 regulations make it an offence for anyone to sell or process food for sale which is harmful to health. Therefore any business that wishes to store, prepare, distribute or sell food on premises or from home needs to be registered with their local Environmental Health service. This means all premises including; restaurants, cafes, hotels, shops, canteens, market stalls, mobile catering vans, food delivery vans and domestic premises. Any business that then intends to supply "hot food and hot drink", between the hours of 11pm and 5am will be licensable, and will require a late night refreshment license. Across Staffordshire local Environmental Health teams implement the "Rate My Place" scheme to grade businesses in relation to hygiene and food safety.

15. Currently we are not aware of any work, in Staffordshire, to manage the proliferation of “fast food” establishments or to improve the quality of food available.

## **Options & Issues**

### **Alcohol**

16. Representations from any RA cannot be made on health grounds alone. So Staffordshire County Council (Public Health) as a RA could not make a representation to deny a licence solely on the grounds that local population alcohol consumption in a particular area was above the national average.
17. Recent advice to Public Health teams regionally from a leading Licensing Barrister has highlighted some improvements that could be made by health bodies to support the licensing process. The HWBB could work to use this advice to support the alcohol licensing agenda in Staffordshire in the following ways:
  - a. Work more closely with the Stoke on Trent and Staffordshire Responsible Bodies Group (SSRBG) with the express aim of improving the way Representations are made for health and wellbeing.
  - b. Develop a suite of insight and intelligence around the alcohol agenda and make it available on the Staffordshire Observatory website to support RAs.
  - c. Review the evidence on an annual basis and make cases for the establishment of CIZs where the evidence highlights that harm from alcohol is a major health concern.
  - d. Support RAs when they review their Statement of Licensing Policies.

### **Fast food**

18. Whilst we recognise that no single action will reduce obesity, we can work to reduce we can act to reduce the cumulative of obesogenic factors by taking a whole systems approach to the problem, The options available to us are:
  - a. The National Planning Policy Framework (NPPF) places a responsibility on local authorities to promote healthy communities. The NPPF also gives a steer that planning authorities should work with public health leads and take account of the health status and needs of the population. A number of authorities nationally have drawn up Supplementary Planning Documents (SPDs) to restrict the development of “fast food” premises.
  - b. The environment around a school can affect the consumption of “fast food”. Restricting the growth of “fast food” outlets to a specific distance from schools makes it unfeasible for children to access these outlets during school lunchtimes. Some areas have started using legal and planning powers and SPDs to specifically restrict growth close to schools.
  - c. Working with businesses to look at the food they are offering in terms of portion size, the quality of ingredients and the menu’s that are offered so that people do have a healthier option may help to influence people’s choices.

## **What do you want the Health and Wellbeing Board to do about it?**

### **Licensing**

19. Provide Strategic leadership and support to agenda in Staffordshire. Individual members of the Board will influence their organisations to contribute to the Licensing agenda when applicable.

### **“Fast food”**

20. Provide Strategic leadership and support to the agenda in Staffordshire use influence to implement a common approach to “fast food” in Staffordshire