



Healthier High Streets
Scrutiny Commission
Final Report

Foreword

Walking around the shopping parade of a deprived area in Lambeth inspired me to start this commission and try to improve the options our most deprived residents are faced with.

A fried chicken take-away next to a bookie's, a pay-day loan shop and a 24-hour off licence hardly supports people to live well. Even the cash machine charged £1.50 to withdraw money and many people in the newsagent's were topping up energy keys that charged them extra for their gas and electricity. It seemed to me that those least able to afford it were being given the least healthy options in terms of food, drink and entertainment and charged extra for their basic needs.

Of course breaking the cycle of poverty, ill health and lack of choice is more complicated than the make-up of a high street but this commission was set up to contribute to creating a healthier environment where more people can thrive.

In the time since we started the commission the council and partners have done a lot of good work in this area and in lots of ways Lambeth's high streets have never been healthier.

The new Local Plan has already adopted ideas suggested by this commission such as stopping takeaways setting up near schools and four of our town centres have new or refurbished council leisure centres. We have a record number of Green Flag rated parks and businesses like Blockworkout and the Vauxhall Climbing Centre are encouraging more people to exercise.

However as recently as September 2015 the National Children's Bureau [found](#) that children in the poorest areas are still suffering much higher levels of ill health and that councils must do more to protect them.

To extend that protection the commission recommends a combination of "carrot and stick"; encouraging businesses to offer healthier choices while also regulating to protect people.

On the "carrot" side we recommend, for example, introducing a Lambeth 'responsible retailer' kite mark for those businesses which, for example, improve the quality of their cooking oil, pay the London Living Wage or offer healthy eating choices.

On the "stick" side, urging the council to use new ways to regulate and enforce existing rules to make sure businesses serve residents rather than seek to impoverish them and damage their health.

With responsibility for children's public health now passing to the council, now is the time to extend our ambitions to ensure healthier high streets for healthier people.

Cllr Ed Davie

Chair Overview and Scrutiny Committee

Healthier High Streets Scrutiny Commission: Recommendations

The commission has been an ongoing and developing piece of work which has taken place over a long timescale. It has sought to liaise with and influence policy makers throughout the process and as a result of this successful engagement it is pleased to acknowledge that a number of the recommendations made have now been adopted as council policy, prior to this formal report being finalised. Such recommendations (1, 3, 13 and 14) are highlighted below.

Off Licences

1. There should be as restrictive a policy on 24 hour off licences and the granting of all new off licences as possible.
2. In consultation with local residents the council should restrict the number of new licences by imposing Clapham High Street style 'saturation zones' in areas where street drinking is an issue.
3. All new off licences should include a condition preventing selling the following: no single cans of alcohol (minimum packs of four); no beers or ciders over 6% alcohol by volume; no spirit miniatures (50ml); no cider above one litre.
4. Existing licence holders should be encouraged to adopt the same policy with a possible temporary cut in business rates to reward compliance with the above
5. The council should consider introducing a late night levy with discounts for responsible premises (eg those who are members of Business Improvement Districts and/or achieve the Responsible Retailer Kite Mark (see Recommendation 21))

Tobacco Sales

6. Council inspectors should check adherence to restrictions governing the display of tobacco products in all large shops and warn small shops they must be compliant.
7. Councillors should be briefed on the restrictions governing the display of tobacco products and other public health measures and asked to check on activity in their wards.
8. The council should consider a ban on smoking in the public places it controls such as parks and squares, in accordance with Recommendation 2 of [the London Health Commission report](#).

Fast Food Takeaways

9. The commission supports the proposal set out in the Local Plan that “*outside of town centres, proposals for hot food take-aways (A5 uses) will not be supported if proposed within 400 metres of the boundary of a primary or secondary school*”. Take-away free exclusion zones should be further considered around leisure centres, parks and playgrounds.
10. The council should adopt the approach set out in the Takeaways Toolkit (CIEH/Mayor of London) which recommends a three-pronged approach to addressing the health impacts of fast food takeaways:
 - Local authorities should work with takeaway business and the food industry to make food healthier
 - Schools should introduce strategies aimed at reducing the amount of fast food school children consume during lunch breaks and on their journey to and from school
 - Regulatory and planning measures should be used to address the proliferation of hot food takeaway outlets

Payday Loans Companies

11. The council, on its own or with other authorities (e.g. London Councils), should carry out or commission research to establish whether pay-day loan shops represent ‘unsustainable development’ as potential grounds for denying them planning permission.
12. Subject to the outcomes of research findings the council should refuse planning permission for any new pay-day loan shop on the basis it represents ‘unsustainable development’.
13. The council should establish a ‘money champion’ programme whereby the council trains and possibly pays residents, particularly in deprived areas, to ensure that people have access to banking and affordable credit facilities, budget sensibly, know where to go to improve their skills, find work, reduce their bills by finding the cheapest suppliers, maximise their claims of the benefits they are entitled to and cut out expensive and unhealthy habits like smoking, excessive drinking and gambling.
14. The council should work with alternative lower cost lenders such as the London Credit mutual, banks and building societies to ensure that they extend their services to previously excluded people who have felt forced to use pay-day or doorstep loan operators.
15. Trading Standards should take a rigorous approach to ensuring existing pay-day loan shops in the borough are adhering to all laws, rules and regulations in regard to the welfare of customers.
16. The Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods & Environment Act 2005) allows the council to forbid leafleting on the public highway (unless for religious or political purposes). All pay-day lenders should be written to warning them not to distribute leaflets.

17. All the council's powers should be used to ensure that no illegal advertising for these businesses is taking place in terms of placing advertising boards, balloons etc. The council now blocks access to payday loan companies on council computer terminals and should not allow adverts for their product on our billboards. Further the council should ask other advertisers to introduce a voluntary ban on pay day loan company adverts.

Betting Shops

18. The council should examine drafting a by-law which will set a maximum Fixed Odds Betting Terminal (FOBT) stake of £2.
19. The council should investigate the introduction of Article 4 Direction to restrict permitted development and provide additional powers of planning control which will empower local people to have more control over change of use class in their local area (An Article 4 Direction is a special planning regulation adopted by a Local Planning Authority to provide additional powers of planning control in a particular location).
20. Economic modelling by Landman Economics suggests that each betting shop in Lambeth with FOBTs creates a net loss of 2.5 jobs; this should be used as grounds (unsustainable development) to block future planning applications.

Lambeth Responsible Retailer 'Do the Right Thing' Kite Mark

21. A Lambeth 'responsible retailer' kite mark should be developed (perhaps graded bronze, silver, gold) to indicate levels of compliance by a retailer in supporting people to make healthier choices through the products they sell. This could apply for example to:
- Fast Food Outlets – meeting healthy eating guidelines e.g. quality of cooking oils and other products, choice of healthy options etc.
 - Off Licences – voluntary adoption of the conditions mentioned in Recommendation 3
 - Payday Loan/Financial companies - agreeing voluntary cap on interest rate limit
 - Retailers paying the minimum wage

Introduction

Responsibility for public health returned to local government on April 1, 2013. This shift led councillors and officers to examine what more we could be doing with our new and existing powers to help residents improve their health and reduce pressure on NHS and council services.

A King's Fund report [Clustering of unhealthy behaviours over time](#) concludes that it is the poor and vulnerable who bear the brunt of the most damaging products and therefore 'more effective ways must be found to help people in lower socio-economic groups and those with the least education to improve their health behaviours. This requires a more holistic approach to policy and practice, addressing lifestyles that encompass multiple rather than individual unhealthy behaviours. In addition, behaviour change should be linked more closely to inequalities policy and be focused more directly on improving the health of the poorest.'

The Guardian [article](#) summarises the main findings of the King's Fund report.

Exploring what the council can do to improve the financial, mental and physical health of residents by promoting healthier choices on our high streets has been the aim of this commission. Looking at Lambeth's high streets, particularly in the most deprived parts of the borough, it is easy to see how the least well off are given limited choices in terms of the credit, food, drink and entertainment on offer with expensive pay-day loan shops, junk-food take-aways, cheap off licences and bookies with fixed odds betting terminals (FOBT) often clustering together.

As a result the commission decided to focus on these kinds of business and how the council might encourage more choice and discourage exploitation of often vulnerable people.

The commission sought to reduce supply and demand of unhealthy products and looked respectively at restricting numbers of outlets of 'unhealthy' businesses and the products they sell, and at supporting people to make healthier choices about their lifestyles.

Obviously people move between boroughs and for our recommendations to be as effective as they could be it would be helpful for neighbouring boroughs – particularly Southwark, with whom we share a long border and public health team – to consider adopting them.

Off licences

With a population of approximately 303,000 Lambeth is one of the largest boroughs in London. It has one of the youngest age profiles of any area in the UK, with almost half of its residents aged between 20 and 40, and it is the fifth most densely populated area in the country. Much of the borough is residential in nature. There are some predominantly commercial areas where entertainment premises are concentrated such as parts of Streatham, Clapham, Brixton, Vauxhall and Waterloo. Throughout the borough there are public houses, restaurants and takeaways, many in or on the fringes of residential areas.

The Police Reform and Social Responsibility Act 2011 made a number of changes to the Licensing framework, among them the designation of the Health Authority as a responsible authority in relation to the Licensing Act 2003. This enables them to make submissions to the Licensing Sub-Committee and call for reviews of premises licences (although Health is not one of the licensing objectives).

As at January 2012, Lambeth was the 7th worst Borough for alcohol-related crime, the 12th worst for alcohol-related violent crime and the 8th worst for alcohol-related sexual offences nationally.

The Head of Addictions at South London and the Maudsley NHS Foundation Trust, Dr Mike Kelleher, reported to the council on the link between off licences and ill health related to excessive drinking. This shows that if we want to reduce the harm of problem drinking we should cut the availability of alcohol, particularly through off licensed premises, which are obviously cheaper than pubs, bars and restaurants. The commission accepts this as a guiding principal of the policy we recommend and have looked at what other authorities have done to curb excessive drinking. The commission heard from Newham's Cabinet member that making it a condition of all new off licences not sell beers and ciders above 5.5% had cut alcohol-related crime by more than 70%.

They have also taken this approach in Ipswich as called for by homelessness charity [Thames Reach](#) who said in their 2013 evidence to the government's alcohol strategy: 'We are particularly concerned at the damage caused by relatively cheap and very strong super-strength lagers and ciders – both in terms of people's health and life expectancy and their impact on people's conduct and the concurrent violence and anti-social behaviour. According to our research, super-strength drinks are killing more homeless people than heroin or crack cocaine.' <http://www.thamesreach.org.uk/news-and-views/campaigns/super-strength-drinks/briefing-paper/>

According to [news reports](#), Suffolk police say restricting the sale of super-strong beers and ciders has resulted in a drop of street drinking related crime and anti-social behaviour of nearly 50 per cent. By the end of last year, there was a 20 per cent cut in the number of people defined as being part of the 'street-drinking community' in Ipswich.

In 2013, a full public consultation took place on Lambeth's new draft Licensing policy and the resultant final draft was then put before Cabinet and Full Council for approval and adoption in January 2014. As a result of this the amount of representations by the Public Health Authority in respect of licensing applications has increased markedly and Health is better integrated into the Licensing process.

Furthermore, as a result of the evidence gathered, a Cumulative Impact Zone has been introduced in the Clapham High Street area of Lambeth. This creates a presumption that applications for new premises licences or club premises certificates, or material variations that are likely to add to the existing cumulative impact, will normally be refused.

Section 17 of the Crime and Disorder Act 1988 places a duty on the council to have due regard to the likely effect of the exercise of its various functions on, and the need to do all it reasonably can to prevent, crime and disorder in its area. In order to fulfil this duty and protect vulnerable people from harm we recommend the following:

Recommendations:

1. There should be as restrictive a policy on 24 hour off licences and the granting of all new off licences as possible.

2. In consultation with local residents the council should restrict the number of new licences by imposing Clapham High Street style 'saturation zones' in areas where street drinking is an issue.
3. All new off licences should include a condition preventing selling the following: no single cans of alcohol (minimum packs of four); no beers or ciders over 6% alcohol by volume; no spirit miniatures (50ml); no cider above one litre.
4. Existing licence holders should be encouraged to adopt the same policy with a possible temporary cut in business rates to reward compliance with the above
5. The council should consider introducing a late night levy with discounts for responsible premises (eg those who are members of Business Improvement Districts)

Tobacco sales

Under the Health Act 2009, since 6 April 2012 it has been illegal to display tobacco products at the point of sale in large stores. The same restrictions came into force in small stores from 6 April 2015. A large store is a store with a relevant floor area exceeding 280 square meters and is based on the definition in the Sunday Trading Act 1994.

From the relevant date, it is or illegal for any business selling tobacco products to display tobacco products to the public. The display of prices of tobacco products is also restricted.

Recommendations:

6. Council inspectors should check adherence to restrictions governing the display of tobacco products in all large shops and warn small shops they must be compliant.
7. Councillors should be briefed on the restrictions governing the display of tobacco products and other public health measures and asked to check on activity in their wards.
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Fast Food Takeaways

The Academy of Medical Royal Colleges (AMRC) called for action for a range of organisations including councils to break the cycle of 'generation after generation falling victim to obesity-related illnesses and death'. ("[Measuring Up: the Medical Profession's Prescription for the Nation's Obesity Crisis](#).")

In a report the academy says doctors are 'united in seeing the epidemic of obesity as the greatest public health crisis facing the UK. The consequences of obesity include diabetes, heart disease and cancer and people are dying needlessly from avoidable diseases.'

The AMRC call for: 'Local councils to limit the number of fast food outlets allowed to operate near schools, colleges, leisure centres and other places where children gather, to end the

'paradox' of schools that try to get pupils to eat healthy lunches having their efforts undermined by council-licensed burger vans outside their gates'.

This restriction is also recommended by the [chief medical officer of Wales](#).

Recommendations:

9. The commission supports the proposal set out in the Local Plan that "*outside of town centres, proposals for hot food take-aways (A5 uses) will not be supported if proposed within 400 metres of the boundary of a primary or secondary school*". Take-away free exclusion zones should be further considered around leisure centres, parks and playgrounds.
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Pay-day loan shops

From 2011 to 2012, the [StepChange Debt Charity](#) saw a 109 per cent increase in the number of its clients with payday loans, with the average amount owed increasing by £390.

Formerly known as the Consumer Credit Counselling Service, Step Change's report found that Lambeth had the third highest number of people indebted to pay-day loan shops (8.3 per cent), with an average two-and-a-half pay-day loans worth £527.24.

Anecdotally we understand that the highly profitable nature of pay-day-loan shops makes them attractive to landlords who are able to push up rents, thereby pricing other sorts of business out of our high streets, in turn reducing choice and undermining sustainable growth.

We also understand that residents who use these services tend to get further into debt, and that resultant poor credit ratings harm their ability to provide business for other businesses, damaging local trade.

As you can read [here](#), in March 2013 Southwark council refused planning permission for a new pay-day loan shop on the grounds it represented 'unsustainable development.'

The pay-day loan company won an appeal on the grounds that the council had not supplied adequate evidence that this was the case. The commission believes that with more evidence of this kind the council would have strong grounds to reject all new pay-day loan shop applications.

Recommendations:

11. The council, on its own or with other authorities (e.g. London Councils), should carry out or commission research to establish whether pay-day loan shops represent 'unsustainable development' as potential grounds for denying them planning permission.
12. Subject to the outcomes of research findings the council should refuse planning permission for any new pay-day loan shop on the basis it represents 'unsustainable development'.
13. The council should establish a 'money champion' programme whereby the council trains and possibly pays residents, particularly in deprived areas, to ensure that people have access to banking and affordable credit facilities, budget sensibly, know where to go to improve their skills, find work, reduce their bills by finding the cheapest suppliers, maximise their claims of the benefits they are entitled to and cut out expensive and unhealthy habits like smoking, excessive drinking and gambling.
14. The council should work with alternative lower cost lenders such as the London Credit mutual, banks and building societies to ensure that they extend their services to previously excluded people who have felt forced to use pay-day or doorstep loan operators.
15. Trading standards should take a rigorous approach to ensuring existing pay-day loan shops in the borough are adhering to all laws, rules and regulations in regard to the welfare of customers.
16. The Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods & Environment Act 2005) allows the council to forbid leafleting on the public highway (unless for religious or political purposes). All pay-day lenders should be written to warning them not to distribute leaflets.
17. All the council's powers should be used to ensure that no illegal advertising for these businesses is taking place in terms of placing advertising boards, balloons etc. The council now blocks access to payday loan companies on council computer terminals and should not allow adverts for their product on our billboards. Further the council should ask other advertisers to introduce a voluntary ban on pay day loan company adverts.

Articles related to pay-day lenders:

<http://www.labourlords.org.uk/taking-the-high-road>

<http://www.independent.co.uk/money/spend-save/simon-read-local-communities-can-help-beat-payday-lenders-8536936.html>

<http://www.independent.co.uk/news/uk/politics/payday-lenders-targetedin-labour-offensive-8563670.html>

<http://www.independent.co.uk/money/spend-save/simon-read-local-communities-can-help-beat-payday-lenders-8536936.html>

<http://www.guardian.co.uk/money/2013/feb/27/payday-loans-calls-debtline>

<http://www.guardian.co.uk/money/2013/feb/15/force-payday-lenders-stop-trading>

<http://www.party.coop/2012/11/29/co-operative-solutions-to-problem-debt/>

Gaming in betting shops

Lobby group Fairer Gambling has done research and found that the use of fixed odds betting terminals (FOBTs) in bookmakers is having a seriously detrimental effect on our communities. The machines are highly addictive, can be used to launder money from criminal activity and suck money and jobs out of a community.

Data supplied below shows that each betting shop in Lambeth with an average of four FOBTs each costs the borough a net loss of two-and-a-half jobs.

Local data and economic impact

Table 1 show estimates derived from the following sources:

- (1) Gambling Commission industry statistics 2011/12 [[Gamb' Com'](#)]
- (2) Research carried out by [Geofutures Mapping](#) producing the only available mapping of all UK (exc. NI) betting shops to produce averaged estimates by Parliamentary constituency.
- (3) See stopthefobts.org for mapping facility and more analysis and data information.
- (4) Addicted gambler losses are based on [What proportion of gambling is problem gambling? Estimates from the 2010 British Gambling Prevalence Survey](#) published March 2013.
- (5) All data is estimated based on available information and averaged across all betting shops.

201/12 Table 1	Betting Shops	FOBTs	Gross Amount Gambled	Gross Gambling Yield	Addicted Gambler Losses
Dulwich and West Norwood	17	62	£101,774,937	£3,236,443	£744,382
Streatham	18	66	£107,791,141	£3,427,758	£788,384
Vauxhall	33	121	£197,563,112	£6,282,507	£1,444,977
<u>Lambeth</u>	<u>68</u>	<u>249</u>	<u>£407,129,190</u>	<u>£12,946,708</u>	<u>£2,977,743</u>

- The averaged profit per FOBT across Lambeth is £50,188 per year or £965 per week
- Each betting shop can have up to 4 FOBTs
- The average amount gambled (including winnings) on FOBTs in each betting shop in Lambeth is £5.98 million
- The average amount gambled (including winnings) per FOBT in Lambeth is £1.63 million
- Vauxhall ranks 39th (2012) for highest number of unemployment claimants in the UK

Economic Impact

A [report published by Landman Economics](#) (April 2013) says that that FOBT gambling and the consequential spend or loss by players can have a negative impact on the wider consumer economy. The Association of British Bookmakers (ABB) has claimed that increased regulation of FOBT would lead to substantial job losses in the betting sector. This does not take account of the overall impact of a shift in consumer spending towards FOBTs and away from other goods and services.

This report was commissioned by the Campaign for Fairer Gambling and was compiled by Howard Reed, a former Chief Economist at the Institute for Public Policy Research. In summary the report identifies that for every £1 billion of spend/loss on FOBTs there is a net employment reduction in the local and wider consumer economy of 22,000 jobs. Applying the model used by Landman Economics to the averaged estimates, the impact on the economy of Lambeth is estimated in table 2.

Table 2	Betting Shops	FOBTs	Gross Gambling Yield	Betting Sector FOBT Jobs	Wider Economy	Difference
Dulwich and West Norwood	17	62	£3,236,443	23	65	-42
Streatham	18	66	£3,427,758	24	69	-45
Vauxhall	33	121	£6,282,507	44	126	-82
<u>Lambeth</u>	<u>68</u>	<u>249</u>	<u>£12,946,708</u>	<u>91</u>	<u>259</u>	-168

Table 2 indicates current impact levels based on averaged estimates of FOBT revenue across the three Lambeth Parliamentary constituencies. The current Gross Gambling Yield (GGY/Profit) from FOBTs across the UK is £1.4 billion [[Gamb' Com'](#)]. Landman Economics' projections for FOBT GGY based on historical growth are £3.4 billion by 2023. This represents an increase on 2012 of 143%. If this rate of increase is reflected in Lambeth the FOBT GGY could rise to £31 million in 10 years.

Other councils are looking at how they can tackle this with the London Borough of Newham leading the way.

Newham has stepped up its fight against bad bookies by becoming the first council in the country to use the 'primary activity' of a betting shop in their decision to reject a licence application.

Members of the licensing sub-committee rejected an application by the owners of the Paddy Power betting chain to open new premises at 297 Green Street, the circumstances being that the new betting shop was to be in a 'cluster' area of betting shops with gaming machines.

The council believed the premises would add to the 'cluster' of betting shops that already operated on the street.

The committee also believed that it would increase the number of controversial B2 gaming machines already in use in Green Street and that the primary use of the premises would not be traditional betting but machine gaming.

Committee members took into consideration the various guidance that has been issued by the Gambling Commission on the subject of primary activity, and also that they could reject an application if they believed that the patrons' use of the premises would be too heavily focused on gaming machines.

The applicants advised the council members that about 50% of the profits would come from B2 machine gaming.

Members decided the application did not meet the criteria for a betting shop licence as the premises would not be primarily used for betting and that the purpose of the application was to increase the number of B2 betting machines in the street rather than enable traditional betting on events such as horse racing, football results etc.

Newham Council has called for the laws to be changed to end the prevalence on the high street of betting shops featuring the controversial B2 machines (also known as fixed odds betting terminals).

The committee also raised concerns that there was an excessive volume of crime and anti-social behaviour on Green Street. Newham Council took the view that the addition of another betting shop would not help the situation.

Cllr Ian Corbett, chairman of the committee, said: "We are the first council to invoke the primacy clause to reject a licence application as we are unconvinced that at least half of the gambling on premises would have been traditional betting.

"We are increasingly concerned about the number of B2 machines in Newham and their impact on our high streets. Not only that, we are concerned at the high proportion of incidents of crime and disorder in Green Street and that betting shops are part of the problem."

He added: "Green Street already has a number of bookmakers and we believe that another would lead to an increase in crime and disorder with issues such as violence, street drinkers and vagrants. We do not want this in our borough."

<http://www.guardian.co.uk/uk/2013/jan/04/fixed-odds-betting-terminals-poorest-communities>

Recommendations:

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19. The council should investigate the introduction of Article 4 Direction to restrict permitted development and provide additional powers of planning control which will empower local

people to have more control over change of use class in their local area (An Article 4 Direction is a special planning regulation adopted by a Local Planning Authority to provide additional powers of planning control in a particular location).

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Lambeth Responsible Retailer Kite Mark

Recommendation:

21. A Lambeth 'responsible retailer' kite mark should be developed (perhaps graded bronze, silver, gold) to indicate levels of compliance by a retailer in supporting people to make healthier choices through the products they sell. This could apply for example to:

- Fast Food Outlets – meeting healthy eating guidelines e.g. quality of cooking oils and other products, choice of healthy options etc.
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