

Healthier High Streets Scrutiny Commission – Action Plan (Appendix 2)

RECOMMENDATION	RESPONSE
OFF LICENCES	
<p>1. There should be as restrictive a policy on 24 hour off licences and the granting of all new off licences as possible.</p>	<p>The revised Statement of Licensing Policy ratified at Council in January 2014 includes model hours for different types of establishments according to area and all new Off Licence applications have a suggested terminal hour of midnight at the latest.</p>
<p>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.</p>	<p>We continue to listen to the views and experiences of local residents and councillors to inform the work we do and we recognise the severe impacts that street drinking can have on an area. We are committed to including the option to implement saturation zones within our next scheduled review of licensing policy during 2016/17. Although the Licensing Act 2003 doesn’t allow full scale restrictions on the number of new licensed premises, it does create a presumption against the issuance of new licenses and requires applicants to demonstrate that the granting of a license won’t add to the cumulative impact experienced within that zone, so should have a positive impact.</p>
<p>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.</p>	<p>We recognise that this recommendation could have many positive impacts across the borough and we are doing all that we legally can to support this. Our revised Licensing Policy emphasises the need for much greater scrutiny around single can alcohol sales. Whilst the law prevents us from introducing standard license conditions we are confident that the higher level of scrutiny around new off license applications, particularly in areas where street drinking is an issue, is supporting this recommendation.</p>
<p>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.</p>	<p>We see it as essential that existing license holders are encouraged to adopt the same policy as new licensees and we have taken positive action to encourage the adoption of single can policies by existing Off Licences. Encouraging change amongst existing license holders is more challenging and it is often the case that change only occurs as a result of review proceedings brought by the council or police. We are exploring the feasibility of encouraging and rewarding compliance through a reduction in business rates with our legal team.</p>

<p>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)).</p>	<p>We are currently exploring the feasibility of a number of options around a Levy and an update will shortly be made available.</p>
<p>TOBACCO SALES</p>	
<p>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.</p>	<p>We are developing a more intelligence led approach that can help us directly tackle the issues having the greatest impact on local communities. The need to introduce efficiency savings has influenced how we deliver inspections but we are confident that development of strong intelligence sharing networks will help support our approach.</p>
<p>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.</p>	<p>A briefing note was developed however the initial document was not widely circulated as an updated version of the document needed to be produced in order to ensure ongoing compliance with the relevant statutory framework. The updated document is routinely sent to retailers as part of ongoing Trading Standards activity. The most recent briefing was circulated to all ward Councillors in March 2016.</p>
<p>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.</p>	<p>Currently the evidence for a ban on smoking in public outdoor places is not sufficient to justify this proposal, and to do so would be extremely resource intensive (both in terms of implementing and enforcing). The council already invests in smoking cessation campaigns which have been shown to decrease smoking rates and these represent the best use of limited resources in the current financial climate.</p>
<p>FAST FOOD TAKEAWAYS</p>	

<p>9. The commission supports the proposal set out in the Local Plan that “<i>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</i>”. Take-away free exclusion zones should be further considered around leisure centres, parks and playgrounds.</p>	<p>This policy was quite innovative at the time it was formulated and was challenged by fast food operators. The council managed to negotiate its retention through the Lambeth Local Plan examination primarily because of the comprehensive evidence base formulated by colleagues in Lambeth & Southwark Public Health which supported the policy. Any further exclusion zones would need to be evidenced based and come forward as part of the Lambeth Local Plan review work currently underway. It is unlikely that we could be successful in applying for further exclusions zones for hot food takeaways given the evidence we relied upon largely related to childhood obesity. The Local Plan process however takes approximately 3 years to complete and involves an examination in front of a government Inspector. Any such exclusion zones (if they survive the formulation process) would not be in place until 2018 at the earliest.</p>
<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Planning have studied this Takeaways Toolkit and have used it to formulate and support the take away hot food schools policy in the recently adopted Lambeth Local Plan.</p>
<p>PAYDAY LOANS COMPANIES</p>	

<p>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.</p>	<p>There is no provision in Lambeth's Planning budget for this research to be carried out. If work was to be commissioned it would have to be done at London Councils level.</p>
<p>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'.</p>	<p>Pay day loan shops now fall within a 'sui generis' (use of its own) use class category – previously they had been bracketed in the A2 use class alongside uses such as banks and building societies. They were considered to be part of the Financial and Professional Services use classes category. However they are, in planning terms a use which is suitable for location in a shopping centre. For any planning application to be refused there must be sound reasons for its rejection. Refusal on the grounds of 'unsustainable development' would not stand up at a planning appeal unless there was evidence to show why this was the case. Currently this evidence is not available. The council's Lambeth Local Plan could only refuse Pay Day loan uses if it was considered there was an over proliferation of them in a shopping centre.</p>
<p>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.</p>	<p>A Money Champions programme has been underway since September 2014 as part of our Financial Resilience Strategy. Money Champions receive training from West London Mission, a local community sector organisation, which covers many of the areas suggested here. Money Champions training is available to both residents and people who work in front-line services in the public and community sector. The training has received very positive feedback from those who have taken part.</p> <p>219 Money Champions have been recruited and trained since the project started. They come from a diverse range of backgrounds, speaking 10 different languages, and include people from across the borough.</p> <p>On average each Money Champion is having 11 conversations per month with local people about issues relating to money, debt, benefits, employment and housing. It is difficult to monitor the exact impact that Money Champions have had due to the spontaneous nature of the conversations they have with their friends and neighbours.</p> <p>We have recently extended the contract until June 2016. As well as the initial training, Money Champions told us that they would value some ongoing training about other specific issues</p>

	<p>(e.g. switching energy suppliers, introduction of Universal Credit) so there is also now an ongoing programme of extra training available to any Money Champions who are interested.</p>
<p>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.</p>	<p>The council has a positive relationship with the London Mutual Credit Union, and we are working together on a number of projects.</p> <p>LMCU offer affordable loan options as an alternative to payday loans. We have included information about the LMCU in mailouts to council tenants, promoting their bank accounts as well as affordable credit.</p> <p>Residents who are unsuccessful in applying for the council's Emergency Support Scheme are directly referred to the credit union to apply for a low-cost loan instead. LMCU rules require people taking out a loan to have a current account with them where their salary/benefits are paid into. This has proved a disincentive to people taking up this offer (despite the council paying the credit union membership fees for these residents).</p> <p>To support residents with the introduction of Universal Credit, the council has worked with LMCU on the introduction of a "jam jar" bank account. This means that when someone's Universal Credit benefit is received into their account, money for priority bills is automatically moved into a separate account leaving the person with their monthly disposable income. This facility is aimed at people who are less confident in managing the single monthly payment of Universal Credit, supporting them to become financially resilient in the medium term as well as providing them with access to the broader range of financial products from LMCU.</p> <p>Alongside the work with LMCU, the council has also commissioned a community sector provider to support residents to open a mainstream bank account. This is aimed at residents who currently use Post Office Card Accounts and therefore don't have access to financial services such as direct debits and personal loans/overdrafts. The project started in October 2013 and has supported over 800 people to open bank accounts, with a target of 1,000 to be opened by June 2016. The main barriers to people opening accounts have related to ID requirements, which the provider has been able to work through with local banks, and residents' perceptions that they would be refused a bank account due to poor credit ratings (which is not the case).</p>

<p>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.</p>	<p>We are developing a more intelligence led approach that can help us directly tackle the issues having the greatest impact on local communities. The need to introduce efficiency savings has influenced how we deliver inspections but we are confident that development of strong intelligence sharing networks will help support our approach. We are committed to using this intelligence to prosecute any pay day loan shop who breaches the law.</p>
<p>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.</p>	<p>In May 2013 we wrote to a local pay day lender warning against any further distribution of literature advertising their services as a potential breach of the London Local Authorities Act 1990. We are currently checking with our legal team if a specific focus on Pay Day Lenders could be subject to legal challenge. We also need to be aware of the potential impacts that any broader ban on leafleting may have on SMEs and entrepreneurial activity.</p>
<p>17. All the council's powers should be used to ensure that no illegal advertising for these businesses is taking place in terms of 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</p>	<p>In respect of the content of adverts this is not something that falls under planning control – so we can't take action against an advert because it is for a betting shop rather than a fitness club for instance.</p> <p>In Planning terms the display of advertisements without express (advertisement consent) or deemed (permitted under the legislation) consent is illegal. If adverts are displayed illegally the Planning Enforcement Team can try and negotiate their removal or if considered acceptable in planning terms, suggest they apply for advertisement consent to retain them. Ultimately if that fails, Planning can either prosecute those responsible or issue 'advert removal' notices (under section 224/5 of the T&CPA). There is no resource for the council to proactively seek out such illegal advertising, if indeed it exists, but if cases were referred to us the Planning Enforcement Team could investigate in the normal way.</p> <p>http://planningguidance.communities.gov.uk/blog/guidance/advertisements/enforcement-against-specific-unauthorised-advertisements/</p>
<p>BETTING SHOPS</p>	

<p>18. The council should examine drafting a by-law which will set a maximum Fixed Odds Betting Terminal (FOBT) stake of £2.</p>	<p>In April 2015 the Gaming Machine (Circumstances of Use) (Amendment) Regulations 2015 came into force. The Regulations require those wanting to stake over £50 on a B2 machine to load cash via staff interaction or to use account based play. The aim is to encourage greater player control and more conscious decision making. The Government has said that it will consider an evaluation of the Regulations, published in January 2016, before deciding on any further action on B2s. We will continue to monitor this, and the action taken by other boroughs in order to determine our approach.</p>
<p>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).</p>	<p>Lambeth is currently looking at preparing Article 4 directions for a number of sites and areas across the borough.</p> <p>Firstly, as the Central Activities Zone (CAZ) will no longer be exempt from the B1a (offices) to C3 (residential) permitted development rights after 2019 the council will be preparing an Article 4 direction to continue to protect this area.</p> <p>Secondly, the council is looking at protecting some of its Key Industrial Business Areas (KIBAs), as well as key town centres which provide significant employment floorspace - such as Brixton and Clapham.</p> <p>A strong evidence base is a key factor when considering the preparation of Article 4 directions and this is what the council is currently working on. There is also a question of tactics and getting the balance right. The SOS has final say on whether these Article 4's are approved or not and experience from other boroughs to date has shown that a blanket 'whole borough' approach is not acceptable to the government and that the council is more likely to succeed if it selects certain key parts of its borough for protection. A case of the council backing its best bets.</p> <p>There are significant cost implications with Article 4 Directions - in terms of staff resources when progressing Article 4 Directions through to approval and with the sizeable consultation costs. There is also a need to gather relevant evidence in order to support the Article 4.</p>

<p>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.</p>	<p>By government definition a betting shop is in principle an appropriate use in a shopping centre. It becomes unacceptable if there is a proliferation of them in a shopping centre leading to a negative impact on the vitality and viability of a town centre, discouraging other investors from coming to the centre and potentially affecting the quality of life of those living nearby (because of noise, litter, traffic generation and general disturbance caused by people congregating outside such facilities). However loss of jobs as a reason for refusal would be difficult to uphold – there is currently nothing in the council’s planning policies (nor in national and regional planning guidance) which suggests that this could be used to refuse an application.</p>
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LAMBETH RESPONSIBLE RETAILER “DO THE RIGHT THING” KITEMARK

<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Current resource levels do not allow for the development, implementation and monitoring of a Lambeth specific responsible retailer kite mark. Current regulatory teams are focussed on intelligence led inspections to ensure statutory compliance by retailers in the borough. Within the current financial envelope for services this remains the most effective way to ensure that retailers are operating within the law and that criminal breaches are tackled.</p>
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