

## **CABINET**

**11 MARCH 2014**

### **HOT FOOD TAKEAWAYS IN MEDWAY: A GUIDANCE NOTE**

Portfolio Holders:	Councillor Jane Chitty, Strategic Development and Economic Growth Councillor David Brake, Adult Services
Report from:	Robin Cooper, Director of Regeneration, Community and Culture
Author:	Catherine Smith, Development Policy & Engagement Manager Therese Finn, Planner (Policy)

#### **Summary**

This report and an accompanying guidance note (Appendix A), addresses the link between obesity and planning in Medway and specifically regarding hot food takeaways.

The guidance proposes a restriction on the hours of operation of hot food takeaways within 400m of schools and other measures to control numbers and location. Following consultation, the intention is to implement a final guidance note that can form a material consideration in the determination of planning applications for hot food takeaways.

#### **1. Budget and Policy Framework**

- 1.1 The guidance note builds on a 'saved' local plan policy and so is in accordance with the policy framework. It is therefore a matter for the Cabinet. It does not have any significant budget implications but it is recognised that there is the possibility of appeals against refusals of planning applications, and their associated costs. However it is considered that the guidance note will assist in defending costs against the Council.
- 1.2 The guidance also proposes that a levy be imposed upon new hot-food takeaways locating in Medway through section 106 agreements. Monies generated would be used to tackle unhealthy eating habits in Medway by educating people on healthier food options.

## 2. Background

- 2.1 In 2010, a Task Group of the Children and Young People Overview and Scrutiny Committee recommended that the Council investigate the possibility of developing a Supplementary Planning Document restricting fast food outlets from operating near schools, parks and leisure centres or at areas that are already highly concentrated with fast food outlets. This was agreed by Cabinet on 28 September 2010. This matter was also identified as a priority action for 2013/14 in the Health and Wellbeing Strategy for Medway 2012-2017, in promoting healthy eating. The National Planning Policy Framework (2012) has made explicit the role planning should play in creating healthier environments.
- 2.2 The Joint Health and Wellbeing Strategy has identified the need to reduce health inequalities in developing new local policy in tackling obesity in defined neighbourhoods. It further indicates that planning has a role in restricting access to unhealthy fast food. An integrated approach should be taken to tackle the issue.
- 2.3 Ambitions set out in the Sustainable Community Strategy for Medway states that every child should have a good start in life, and that Medway residents should enjoy good health, wellbeing and care.
- 2.4 Given this a guidance note has been developed by the Planning and Public Health teams that builds on a workshop held with Members and officers on this topic in January 2013. Following this meeting, a cross departmental project group of planning and public health officers was set up to review existing planning policy and examine the scope for new guidance to manage the location of hot food takeaways. This is seen to be a starting point for further work on embedding health considerations in planning Medway's environment.

### National and Local Context

- 2.5 Currently one in four adults in England are obese. There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease. The UK-wide NHS costs attributable to overweight and obesity are projected to reach £9.7 billion by 2050, with wider costs to society estimated to reach £49.9 billion per year.
- 2.6 The Medway Joint Strategic Needs Assessment, 2012 shows that an estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese.
- 2.7 The National Planning Policy Framework has made explicit the relationship between health and planning. Paragraph 171 states that local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and wellbeing.

- 2.8 Within the Medway Local Plan 2003, policy R18 sets out the Council's approach to development of restaurants and hot food takeaways. It states that there should not be a proliferation of a single use in an area that would have a negative impact on the environment or highway safety.
- 2.9 The approach put forward in the proposed guidance note follows best practice that is supported by appeal decisions. Guidance similar to that proposed is used to refuse planning permission for hot food takeaways in unsuitable locations, or to impose restriction on the hours of operation of such businesses.
- 2.10 It is proposed that development of a hot food takeaway within 400m of a school should be subject to a condition restricting the hours of operation during the school day, unless within a defined centre. The aim is to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population.
- 2.11 The guidance also addresses concentration and clustering, the location of outlets and their effect on retail viability and vitality.

### **3. Options**

- 3.1 The issue of obesity has been highlighted in a number of forums, and the National Planning Policy Framework has made this issue one which planning can address.
- 3.2 Options to progress work to tackle the issue of obesity include:
- Produce a guidance note to inform decision-making when determining planning applications for hot food takeaways,
  - Await further applications for hot food takeaways, relying on extant policy and officers' independent assessment of applications. This has the risk of an increase of hot food takeaways in unsuitable locations.
- 3.3 An increase in the number of takeaways is likely to have a negative effect on the residents of Medway, giving rise to further obesity and failing to take account of the initiatives and strategies implemented by the Public Health Directorate.
- 3.4 An over-concentration of such uses contributes to a lack of vitality and viability in neighbourhood and town centres, contrary to the National Planning Policy Framework.

### **4. Advice and analysis**

- 4.1 An estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese. In 2012, 23.8% of 4-5 year olds and 34% of 10-11 year olds were classified as overweight or obese in Medway, higher than the national average of 22.6% and 33.0% respectively.

- 4.2 Estimates of the costs of overweight and obesity to NHS Medway by 2015 are £77.4 million; £45 million attributed to obesity alone.
- 4.3 The proposed guidance expands on policy R18 in the Medway Local Plan 2003. It aims to restrict the proliferation of hot food takeaways, in particular in relation to schools.
- 4.4 Once the guidance has been published, it will become a material consideration in the assessment of planning applications for hot food takeaways. A material consideration is a matter that should be taken into account in deciding a planning application or an appeal against a planning decision.
- 4.5 It is intended that the information gathered to produce the guidance note will be used to inform policy in a new local plan.
- 4.6 A Diversity Impact Assessment Screening Form (Appendix B) has been carried out which identifies the main stakeholders; the population of Medway, fast food businesses, schools and planning agents. It further highlights that implementation of the guidance note may have a differential impact upon BME groups as there is the potential that hot food takeaways may have a higher representation of businesses from this group.
- 4.7 Consultation on the proposed guidance will include representatives of BME and faith groups, and small business associations. This will seek to gather information on any differential impact and promote understanding of the guidance.
- 4.8 The Health and Wellbeing Board considered the draft guidance note on 9 January 2014. Board Members welcomed the guidance and the point was made that now Public Health were embedded into the local authority more guidance should follow to create an environment which supports people to make healthy lifestyle choices. Following questions it was agreed that consultation should be undertaken with schools and faith communities and that the research, which supports the view that preventing such outlets close to schools actually improves healthy eating, should be shared with the Board. Board Members felt that the co-operation of schools would be important in getting the messages about healthy eating across and reference was made to the Member Task Group on Healthy Eating and its impact. One Board Member expressed caution at the guidance on the basis that the Planning Inspectorate may not be supportive of it and would be likely to overturn any decision made by the local authority following any appeal.
- 4.9 The Health and Wellbeing Board gave their support to the consultation process and suggested that schools are invited to be involved in the application of the guidance.

## 5. Risk management

Risk	Description	Action to avoid or mitigate risk
Decision not to implement the guidance note	Medway Council would not be taking into consideration paragraph 171 of the National Planning Policy Framework and would fail to adopt an integrated approach to tackling obesity in Medway. An increase in levels of obesity would act as a trigger. Should this materialise, the health of Medway's residents would deteriorate. Risk is considered significant and critical - C2.	The guidance note will set out the objectives of planning in tackling obesity through the built environment in accordance with the National Planning Policy Framework.
Possibility of there being more appeals	Appeals against the local authorities decision to refuse hot food takeaways. Risk is considered high and critical – B2	Consultation on the guidance note will ensure its robustness. The guidance is informed by best practice and case law in other planning authorities. Using the guidance note will help build a case for refusing a planning application for a hot food takeaway in inappropriate locations.

## 6. Consultation

- 6.1 Consultation will be carried out in accordance with the Statement of Community Involvement that is used to guide all planning policy documents in order to effectively gather the views of stakeholders and the wider public. Given the cross cutting nature of this document it will also be reported to the Business Support Overview and Scrutiny Committee on 19 March 2014.
- 6.2 It is intended that there is early engagement with the relevant internal and external stakeholders. Internal consultation will be undertaken with those dealing with frontline services and environmental health among others. External consultation is likely to include members of the minority and ethnic communities, parish councils and small businesses.
- 6.3 It is proposed that the guidance note return to Cabinet for approval in June 2014.

## 7. Financial implications

- 7.1 Costs of developing the guidance can be met from existing budgets. It is recognised that there is the possibility of appeals against refusals of planning applications, and their associated costs. However it is considered that the guidance note will assist in defending costs against the council.

## **8. Legal implications**

- 8.1 Preparation of the Council's guidance note including the process of public consultation and consideration of representation, is regulated in accordance with the Town and Country Planning (Local Planning) Regulations 2012.
- 8.2 Once the guidance note is published, it will be a material consideration to be used alongside other planning considerations when determining planning applications for hot food takeaways. A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning application.

## **9. Recommendations**

- 9.1 Cabinet is requested to approve publication of the Guidance Note (attached at Appendix A) for the purposes of public consultation.

## **10. Suggested reasons for decision**

- 10.1 Implementation of the guidance note is likely to help reduce the levels of childhood obesity in Medway in combination with other initiatives introduced by the Public Health Directorate.

### **Lead officer contact**

Therese Finn, Planner (Policy), Gun Wharf, ext 4321 [therese.finn@medway.gov.uk](mailto:therese.finn@medway.gov.uk)

### **Background papers**

Medway Local Plan (2003). Available at:

<http://www.medway.gov.uk/environmentandplanning/developmentplan/localplan.aspx>

Medway Joint Health and Wellbeing Strategy (2012-2017). Available at:

<http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf>

The Medway Joint Strategic Needs Assessment, 2012. Available at:

<http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf>

Sustainable Community Strategy (2010-26). Available at:

[http://www.medway.gov.uk/pdf/sustainable\\_com\\_strategy\\_web.pdf](http://www.medway.gov.uk/pdf/sustainable_com_strategy_web.pdf)

Medway Statement of Community Involvement, January 2012

<http://www.medway.gov.uk/pdf/Statement%20of%20Community%20Involvement%202012.pdf>

National Planning Policy Framework (2012). Available at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

## **Appendix A**

# **HOT FOOD TAKEAWAYS IN MEDWAY: A GUIDANCE NOTE FEBRUARY 2014**

## **1. Introduction**

- 1.1 Obesity occurs when energy intake from food and drink consumption is greater than energy expenditure through the body's metabolism and physical activity over a prolonged period, resulting in the accumulation of excess body fat. Many factors can contribute to obesity, including sedentary lifestyles and excessive consumption of fast food. Fast food and ready meals are often high in calories, salt and fat.
- 1.2 The issue has been recognised nationally and many local authorities have taken steps to exercise greater control over fast food outlets, particularly around schools and other places that attract large numbers of young people. This is because tackling the issue with younger people can prevent problems in later life.
- 1.3 In the case of schools the issue is with fast food consumption at lunchtimes and after school. Other places that attract large numbers of young people include playing fields and children's play spaces and some authorities have sought to control hot food takeaways within a certain distance of these.
- 1.4 Medway Council has considered the approaches that have been taken to combat obesity elsewhere through additional controls on hot food takeaways and has produced this guidance note. The advice in the note will be used in determining planning applications and in developing new policies for the location of development.

## **2. National Context**

- 2.1 Tackling obesity is one of the biggest health challenges facing the UK.
- 2.2 Currently one in four adults in England are obese. There is a clear link between increased body fat (obesity) and risk of medical conditions including type 2 diabetes, cancer, heart and liver disease. The UK-wide NHS costs attributable to overweight and obesity are projected to reach £9.7 billion by 2050, with wider costs to society estimated to reach £49.9 billion per year.<sup>1</sup>
- 2.3 Obesity among 2-10 year olds rose from 10.1% in 1995, to 13.9% in 2001. The prevalence of obesity among 11-15 year olds was recorded in 2011 as 20.2%. The 2011/12 National Child Measurement

---

<sup>1</sup> <http://www.bis.gov.uk/assets/foresight/docs/obesity/17.pdf>



Programme (NCMP) showed that obesity prevalence among 4-5 year olds was 9.5% and 19.2% among children aged 10-11 year olds<sup>2</sup>.

- 2.4 There is a direct relationship between obesity and deprivation. Women in more deprived areas are more likely to be obese than those elsewhere. Obesity prevalence increases from 21.5% in the least deprived 20% of areas to 31.5% in the most deprived 20%<sup>3</sup>.
- 2.5 Given this situation Government aims to achieve a sustained downward trend in the level of excess weight in both children and adults by 2020<sup>4</sup>.

### **3. Medway Context**

- 3.1 Unfortunately the situation in Medway is even more acute than the average picture nationally. An estimated 30 per cent of Medway's adult population and over 20 per cent of children (at the age of ten) are classified as obese.
- 3.2 The cost of overweight and obesity to NHS Medway is estimated as £77.4 million by 2015, of which £45 million is attributed to obesity alone.
- 3.3 In November 2013 there were 238 registered hot-food takeaways in Medway – this equates to 1 per 1,127 people. Taking the 5-16 age range, this rises to 1 per 168 persons<sup>5</sup>. There are more than two hot food takeaways for every school and just over four for every GP surgery.
- 3.4 The majority of these premises are located in the core retail areas, town centres, neighbourhood centres and local centres but some are more widely distributed.
- 3.5 Plan 1 shows the distribution of hot food takeaways and the relationship with areas of multiple deprivation. This shows that there are particular concentrations in the more deprived neighbourhoods and with the greatest number in and around Chatham and Gillingham town centres.
- 3.6 Plan 2 shows the location of hot food takeaways in relation to the core retail areas and local centres. Currently there are 128 outlets in these areas and 110 or 46% are outside. This is a high proportion given the large number of local centres situated across the area.

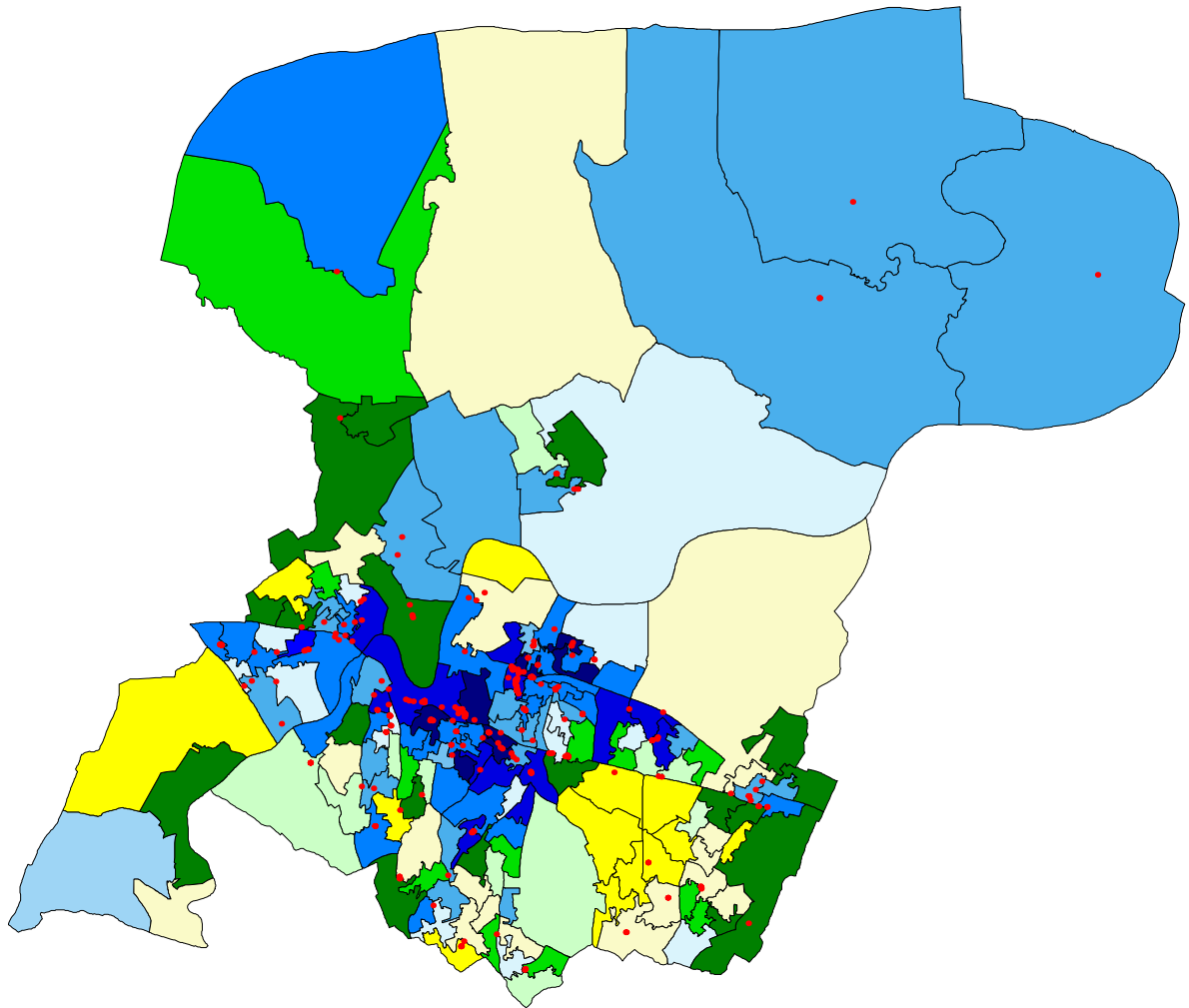
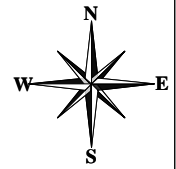
---

<sup>2</sup> [http://www.noo.org.uk/uploads/doc/vid\\_17926\\_ChildWeightFactsheetFeb2013.pdf](http://www.noo.org.uk/uploads/doc/vid_17926_ChildWeightFactsheetFeb2013.pdf)

<sup>3</sup> [http://www.noo.org.uk/uploads/doc/vid\\_17925\\_AdultWeightFactsheetFeb2013.pdf](http://www.noo.org.uk/uploads/doc/vid_17925_AdultWeightFactsheetFeb2013.pdf)

<sup>4</sup> <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review/fair-society-healthy-lives-full-report>

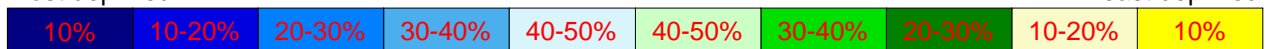
<sup>5</sup> <http://www.medway.gov.uk/environmentandplanning/developmentplan/factsandfigures.aspx>



● Registered hot food  
takeaway

Most deprived

Least deprived



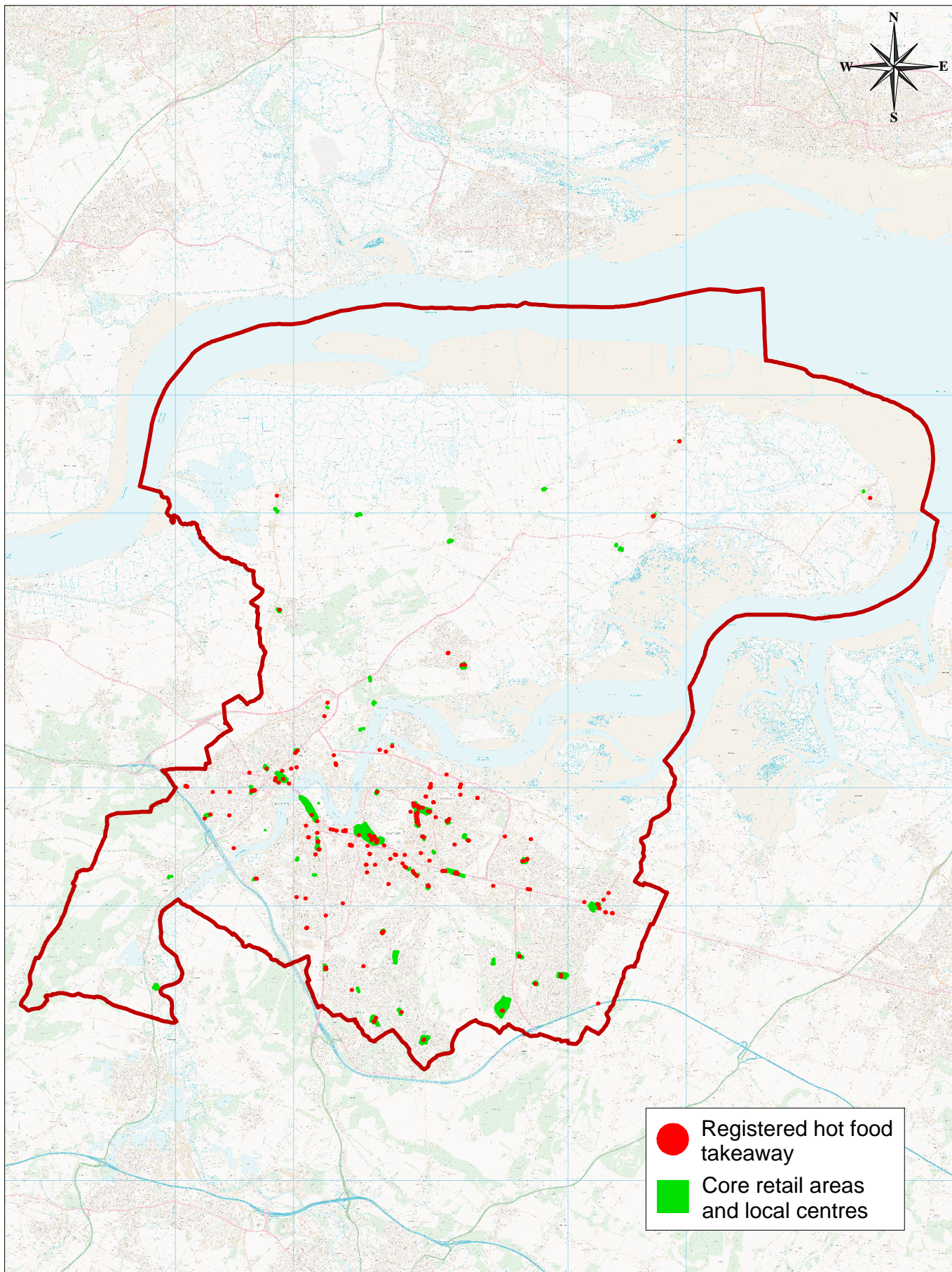
## Plan 1

**Medway**  
COUNCIL  
*Serving You*

This map is reproduced from/based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.  
© Crown Copyright and/or database right, 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.100024225.

Scale:1:150000 18/02/14

© Medway Council, 2012



## Plan 2

This map is reproduced from/based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright and/or database right, 2012. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.10024225.

**Medway**  
COUNCIL  
*Serving You*

Scale:1:135000 29/01/14

© Medway Council, 2012

- 3.7 Plan 3 shows the location of hot food takeaways in terms of their proximity to schools and the effect of a 400 metre buffer around them. This confirms that there are 179 hot food takeaways within 400 metres of a school.
- 3.8 To put this into context a national study showed, at a local authority level, a density of fast food outlets of between 15 and 172 per 100,000 population. The equivalent figure for Medway is 89. This may appear to be an average figure but as the plans show the distribution within Medway is concentrated in certain areas.

#### **4. Responding to the Issue**

##### *National Planning Policy Framework*

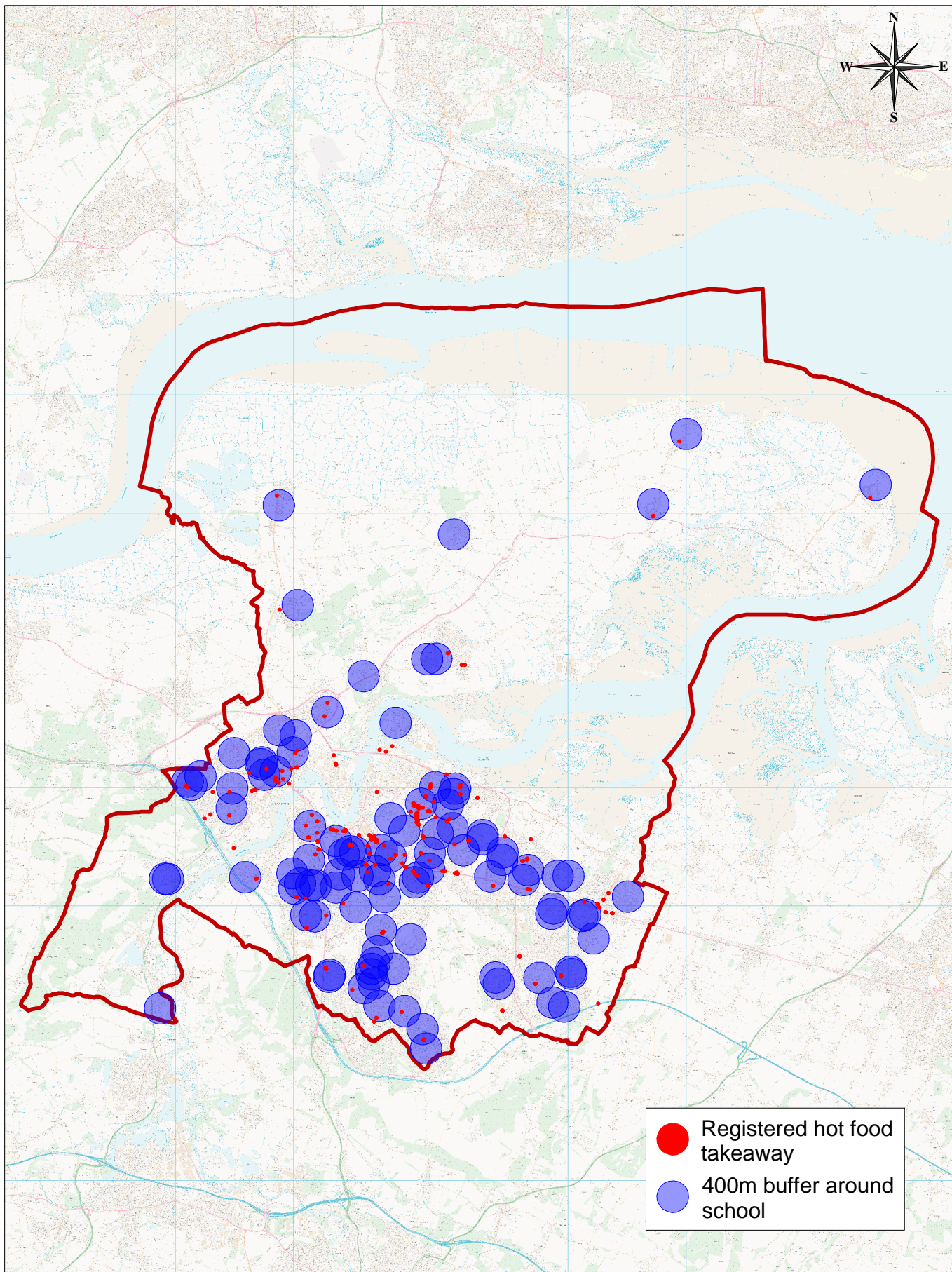
- 4.1 The National Planning Policy Framework (NPPF) makes it clear that local planning authorities (LPAs) have a responsibility to promote healthy communities. It says that local plans should “*take account of and support local strategies to improve health, social and cultural wellbeing for all*”.
- 4.2 In addition, 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*”.
- 4.3 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.
- 4.4 In response to this, a number of local authorities have drawn up supplementary planning or other documents to deal specifically with the issue of hot food takeaways. Others are looking more widely at the interaction between planning and health.

##### *National Health Policy*

- 4.5 Addressing the wider determinants of health and wellbeing has been identified as the basis of the new public health service. The Marmot Review<sup>1</sup> recommended strengthening the role and impact of ill-health prevention including by tackling obesity. Local authorities are part of the response to tackling obesity with a whole systems approach, which should include integrated policies. Sustainable Community Strategies

---

<sup>6</sup> <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review/fair-society-healthy-lives-full-report>



### Plan 3

should be used as a critical planning tool to develop local strategies to reduce obesity<sup>7</sup>.

- 4.6 Creating a healthy environment is fundamental to spatial planning. “*Planning policy has a key role to play in shaping environments which make it possible for people to make healthier choices about exercise, local services, travel, food, nature and leisure*”<sup>7</sup>. It has been recommended that local authorities be given the power to influence planning permission for retail food outlets to prevent and reduce ill health. In line with public health objectives, local authorities should be encouraged to restrict planning permission for takeaways and other fast food outlets<sup>8</sup>. The Government has said it will promote use of such powers by local authorities to highlight the impact they can have on promoting healthy weight. It has identified areas in close proximity to parks and schools as areas in which such restrictions should be applied. These powers may be initiated through the use of Supplementary Planning Documents<sup>9</sup>.
- 4.7 National research has shown that the density of fast food outlets is higher in deprived areas making it harder for people in these areas to access healthier food options<sup>10</sup>. Further research work is summarised in Appendix 1.

#### *Local Health Policy*

- 4.8 The Medway Sustainable Community Strategy (SCS)<sup>11</sup> highlights key ambitions to be achieved by the Council, one of which states that every child has a good start in life; and that Medway residents enjoy good health, wellbeing and care. Healthier choices should be made easier for individuals and communities, which will maximise the potential of all Medway residents. “*Growing Healthier*”<sup>12</sup> produced by NHS Medway supports the SCS setting out its aims to improve the health and wellbeing of the population, reducing health inequalities and turning the tide on the rising numbers of obese people.
- 4.9 The Joint Health and Wellbeing Strategy (JHWS) sets recommendations to tackle obesity in Medway:
1. *Deliver a coordinated set of environmental measures to tackle obesity in a smaller number of defined neighbourhoods, supporting the commitment of planning policy to reduce inequalities and informing development of new local policy.*

---

<sup>7</sup> <http://www.bis.gov.uk/assets/foresight/docs/obesity/17.pdf>

<sup>7</sup> [http://www.rtpi.org.uk/media/6325/GPN5\\_final.pdf](http://www.rtpi.org.uk/media/6325/GPN5_final.pdf)

<sup>8</sup> <http://guidance.nice.org.uk/ph25>

<sup>9</sup> [http://webarchive.nationalarchives.gov.uk/20100407220245/http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_084024.pdf](http://webarchive.nationalarchives.gov.uk/20100407220245/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_084024.pdf)

<sup>10</sup> [http://www.noo.org.uk/uploads/doc/vid\\_15683\\_FastFoodOutletMap2.pdf](http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf)

<sup>11</sup> [http://www.medway.gov.uk/pdf/sustainable\\_com\\_strategy\\_web.pdf](http://www.medway.gov.uk/pdf/sustainable_com_strategy_web.pdf)

<sup>12</sup> <http://www.medway.gov.uk/pdf/Growing%20Healthier%20-%20NHS%20Medways%20Strategic%20Commissioning%20Plan%202008%20to%202013.pdf>

2. *Develop a coherent approach to use licensing and planning to restrict access to fast food and improve the food offerings from street vendors.*

4.10 Priority Action 4 of the JHWS stipulates: “*Given that this issue affects such a high percentage of the population it is considered that it needs integrated action on a population level to make a difference. This will include action on environments to make sure healthier choices are easier such as planning fast food outlets, and support for increasing access to a variety of opportunities to increase physical activity*”<sup>13</sup>.

4.11 A review undertaken for Medway Council has raised concern with the distribution of hot food takeaways across the borough and has recommended there be a reduction in the opportunities for school age children to access unhealthy food near to schools and recreational areas<sup>14</sup>.

#### *Local Plan Policy*

4.12 ‘Saved’ policy R18 from the Medway Local Plan 2003 covers Takeaways, Hot-food Shops, Restaurants, Cafes, Bars and Public Houses. It details the criteria that must be met in order to successfully locate a hot-food takeaway. Development of hot-food takeaways, restaurants, cafes, bars and public houses will be permitted where there is no significant detrimental impact on neighbouring land uses or residential amenity. The policy also states that there should not be a proliferation of a single use in an area that would have a negative impact on the environment or highway safety. Hours of operation are dependant on the surrounding land uses and associated amenity considerations. Proposed development must make provision for suitable refuse disposal and collection facilities and will be subject to other policies of the plan pertaining to amenity, traffic, parking and disability access.

4.13 It should be noted that the Medway Local Plan was prepared and adopted prior to a change in the use class order which now categorises hot-food takeaways as a single use in their own right; A5.

#### *Approach Taken by Other Local Authorities*

4.14 A number of local authorities have produced planning documents relating to hot food takeaways and their scope is summarised in a table in Appendix 1. These have addressed both the health dimension and more common planning issues such as vitality and viability.

4.15 It will be seen that restrictions have been introduced:

---

<sup>13</sup> <http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf>

<sup>14</sup> [http://www.medway.gov.uk/pdf/130515\\_The%20scope%20for%20tackling%20obesity%20in%20Medway%20through%20the%20built%20environment%20v6%20FINAL.pdf](http://www.medway.gov.uk/pdf/130515_The%20scope%20for%20tackling%20obesity%20in%20Medway%20through%20the%20built%20environment%20v6%20FINAL.pdf)

- To prevent an undue **concentration** of units within commercial/retail frontages
- To avoid units **clustering** together (usually no more than two adjoining each other)
- To limit **proximity** to schools and, in a few cases, leisure and recreation facilities.

## 5. The Medway Approach

- 5.1 A similar approach, other than in relation to leisure and recreation facilities is appropriate in Medway. It is not intended to include leisure centres, playing fields and play areas at present. This is because they are not used exclusively by young people and other initiatives are more likely to result in improved outcomes.
- 5.2 Applications for hot food takeaways are assessed against saved policy R18 in the Medway Local Plan 2003, the National Planning Policy Framework and other material considerations. Other material considerations relating to the health dimension include the Joint Health and Wellbeing Strategy and the Medway Sustainable Community Strategy, plus the evidence relating to obesity that underpins them.
- 5.3 Specific consideration will be given to the following matters.

### ***Proximity to Schools***

- 5.4 Evidence shows that once obesity is developed it is difficult to treat. If in adolescence obesity develops, it is likely to remain into adulthood. In an effort to establish appropriate healthy eating habits and reduce the rate of childhood obesity in the local population the Council therefore considers it appropriate to restrict the hours of operation of hot food takeaways within 400m of schools.
- 5.5 Having fast food outlets in close proximity to schools negates some of the independent initiatives implemented in schools and is a contributing factor in the rise of obesity in the area. It is for this reason that a buffer zone is set at 400m from both secondary and primary schools. This distance is equivalent to a five-minute walk and it is widely used across the country.
- 5.6 A specific issue has been identified with teenagers leaving secondary schools at lunchtimes to access hot food outlets. Children in primary school do not normally leave school premises during school hours but research indicates that the most popular time for purchasing food from shops is after school.
- 5.7 Given these considerations a condition controlling the hours of operation will be applied to planning permissions for new hot-food takeaways (use class A5) where proposals:



- Fall within 400m of the boundary of a primary or secondary school; and
- Are situated outside an established core retail area or local centre.

### **Concentration and Clustering**

- 5.8 Too many takeaways within a commercial frontage, local centres or in proximity to schools outside recognised centres are not appropriate - either in terms of the vitality and viability of centres or from a health perspective. Too many units together can undermine the main retail function of a centre and appear to promote hot food takeaways in preference to healthier food options. This is recognised in Policy R18, which sets down a number of criteria against which proposals can be assessed and in health research.
- 5.9 In particular, criterion (ii) of Policy R18 questions whether:  
*The presence of any similar uses in the locality, and the combined effect that any such concentration would have, would be acceptable in terms of environmental impact and highway safety.*
- 5.10 Within Medway there are six core retail areas or centres. These are Strood, Rochester, Chatham, Gillingham and Rainham town centres plus Hempstead Valley Shopping Centre.
- 5.11 Below these in the retail hierarchy are a large number of local centres, the largest of which have recently been classified as 'neighbourhood centres'. All local centres are listed in Policy R10 of the Medway Local Plan 2003 (see also Appendix 2 to this guide). The neighbourhood centres are as follows:
- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| - Wainscott Road,<br>Wainscott      | - Princes Park                    |
| - Frindsbury Road,<br>Frindsbury    | - Wayfield                        |
| - Bryant Road/Weston<br>Road        | - Shirley Avenue                  |
| - Darnley Road                      | - Walderslade Village             |
| - Bligh Way                         | - Kestral Road                    |
| - Wells Road                        | - Admirals Walk                   |
| - Temple Waterfront (new)           | - Silverweed Road                 |
| - Delce Road – Maidstone<br>Road    | - Livingstone Circus              |
| - Marley Way                        | - Sturdee Avenue                  |
| - Borstal                           | - Watling Street                  |
| - Rochester Riverside               | - Twydall Green                   |
| - Chatham Maritime                  | - Station Road (Rainham)          |
| - Brompton High Street              | - Hoath Lane – Fairview<br>Avenue |
| - Luton Road – Luton High<br>Street | - Hempstead Road                  |
|                                     | - Parkwood Green                  |
|                                     | - Hoo St Werburgh                 |
|                                     | - Lower Upnor                     |
|                                     | - Upper Upnor                     |

- Cliffe
- Cliffe Woods
- Chattenden
- Cooling
- High Halstow
- St Mary Hoo
- Lower Stoke
- Stoke
- Allhallows
- Grain

5.12 The Council will consider the possible impact of hot food takeaways/A5 uses in each type of centre as part of an assessment of the vitality and viability of the centre as a whole. The approach is described below:

Type of Centre	Approach
Core retail area/main town centre	Determine the proportion of each main frontage in terms of each main town centre use class (A1, A2, A3, A4, A5, D1 and D2). This will normally be expressed in linear metres converted to an overall percentage; A1 should normally account for at least 60% of the total and preferably more; A5 uses should not normally exceed 10% unless there is a clear issue with units being vacant for 12 months or more. No more than two adjoining units will normally be allowed. This is to avoid fragmentation of the main retail function and avoid an undue concentration of A5 units
Neighbourhood or larger local Centre	Determine the proportion of each main frontage in terms of each main town centre use class (A1, A2, A3, A4, A5, D1 and D2). This will normally be expressed in linear metres converted to an overall percentage; A1 should normally account for at least 40% of the total. A5 uses should not normally exceed 15%
Smaller Local Centre	The characteristics of each centre can vary considerably but it is important to retain such centres where possible as they provide a focus for local community life and contribute to sustainability. Determine the proportion of each main frontage in terms of each main town centre use class (A1, A2, A3, A4, A5, D1 and D2). This will normally be expressed in linear metres converted to an overall percentage; An A5 use will not normally be permitted if it would displace an active A1 use or if it would result in more than 3 adjoining units being occupied by hot food takeaways.

5.13 Outside such centres and in all cases where the property is situated within 400 metres of a school, A5 uses will be subject to restricted opening hours enforced through an appropriate condition. This will ensure that outlets are not open during the school day so as to contribute towards healthier lifestyles for younger people in particular.

### ***Location***

- 5.14 A5 uses, including hot food takeaways are considered a town centre use and so will not normally be permitted beyond the core retail areas and neighbourhood and local centres as defined above. Applications for hot food takeaways will be considered within the core retail areas, even where they fall within 400 metres of a school and may be exempt from the condition restricting hours of operation. This is considered appropriate as development of this nature is suitable sited in these areas and prohibiting development in established centres would be unreasonable.

### ***Vitality & Viability***

- 5.15 Whilst hot food takeaways contribute to the mix of town centres, it is important that they do not dominate the local retail food offer in the area. An over abundance of hot food takeaways displaces other shop and food options and impacts on the vitality and viability of designated town and neighbourhood centres. Because of this some communities in Medway have a limited choice of and access to fresh, nutritious food.
- 5.16 The clustering of hot food takeaways breaks up the continuity of the retail frontage and can detract from the primary retail function resulting in the loss of shops, which is to the detriment of local residents and the vitality and viability of the centre as a whole. To ensure that shopping areas are diverse and balanced, especially in designated centres, applications for hot food takeaways will be assessed for their cumulative impact.

### ***Section 106 agreements***

- 5.17 Hot food takeaways will be permitted provided they satisfy Local Plan policy and guidance. To mitigate their impact on the health of local communities a fee will be levied on each new A5 unit which is permitted. This will be done through a standard legal agreement known as a section 106 agreement. Money raised will be spent exclusively on initiatives to combat obesity, which will be identified in partnership with Public Health.
- 5.18 A wide range of cost effective initiatives are possible but could include:
- The promotion of healthier menu options with takeaway operators
  - Cookery demonstrations and healthy eating advice in more deprived neighbourhoods and amongst specific target groups
  - Healthy food promotions in conjunction with local markets and leisure centres
  - Promotion of local produce
  - Provision of outdoor exercise equipment.

## Appendix 1: Further Background Information

### Research into obesity and the incidence of hot food takeaways

A study of the relationship between socioeconomic deprivation and the location of McDonald's fast food restaurants in England and Scotland found that per capita outlet provision was four times higher in the most deprived census output areas compared to the least deprived census output areas<sup>15</sup>. This concentration of hot food takeaways can create what are termed "obesogenic environments" in which pupils have ready access to fast food outlets when travelling to and from school<sup>16</sup>.

A study undertaken in Leeds has shown that there is a positive correlation between the density of fast food outlets and the obesity of children in the area<sup>17</sup>. Another study found that students with fast food outlets within half a mile of their schools consumed fewer servings of fruit and vegetables, consumed more soft drinks and were more likely to be overweight than students whose schools were not located close to fast food outlets<sup>18, 19, 20</sup>. There is a further association between fast food outlets and ill health; a study has identified a link between fast food restaurants and stroke risk in neighbourhoods which were subject to this research<sup>21</sup>.

### Approaches taken by other local authorities to control hot food takeaways

Council	Concentration	Clustering	Proximity
Barking & Dagenham	5% limit on A5 units and/or frontage	No more than two adjoining frontages to be A5; at least two non-A5s between groups of A5	400m around primary and secondary schools (measured from the school boundary)
Barnsley		No more than two A5 units are located adjacent to each other; no less than two non-A5 units between groups of A5 units	400m around primary and secondary schools or Advanced Learning Centre
Birmingham	No more than 10% of units within the centre or frontage to be A5		
Bristol			400m of an area

<sup>15</sup> [http://www.ajpmonline.org/article/S0749-3797\(05\)00256-4/fulltext](http://www.ajpmonline.org/article/S0749-3797(05)00256-4/fulltext)

<sup>16</sup> <http://hej.sagepub.com/content/69/2/200.full.pdf+html>

<sup>17</sup> <http://www.sciencedirect.com/science/article/pii/S1353829210000948>

<sup>18</sup> <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2008.137638>

<sup>19</sup> [http://www.fhf.org.uk/meetings/2008-07-08\\_School\\_Fringe.pdf](http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf)

<sup>20</sup> <http://www.nber.org/papers/w14721.pdf>

<sup>21</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2745509/pdf/nihms136009.pdf>

<b>Council</b>	<b>Concentration</b>	<b>Clustering</b>	<b>Proximity</b>
			where young people gather
Central Lancashire (Chorley, Preston, South Ribble)		Applications assessed against their cumulative impact	400m of primary or secondary, or special school
Dudley	No more than 5% of the frontage to be A5 uses	No more than two A5 uses will be permitted adjacent to one another	400m of an existing school or other youth centred facility
Greenwich	25% limit on non-A1 frontage		400m around primary and secondary schools (measured from school boundary)
Halton			400m of primary, secondary schools, playing fields and children's play spaces
Hammersmith and Fulham	No more than 20% of the length of the key local shopping centre frontage as a whole will be permitted to change to food and drink uses (A3, A4, A5)		Areas where children are likely to congregate – schools, parks and youth facilities
Haringey		No more than two adjoining frontages to be non-A1	
Havering	20% and 33% limits on non-A1 frontage	No more than two adjoining frontages to be non-A1	
Kensington & Chelsea	20% and 34% limits on non-A1 frontage	No adjacent non-A1 frontages; no more than three adjoining frontages to be non-A1 [in other areas]	
Newham			400m around secondary schools
North West Leicestershire	No more than 10% of the total commercial units in specified centres, to be A5 uses	No more than two A5 units to be located adjacent to each other	
Oldham	No more than 5% of ground floor frontage in defined locations shall be A5 use	No more than two A5 uses to be located adjacent to each other	

<b>Council</b>	<b>Concentration</b>	<b>Clustering</b>	<b>Proximity</b>
	No more than 10% of ground floor frontage in another specified location to be A5 use	Between individual or groups of A5 uses, there should be at least two non-A5 uses	
Salford	Avoid over-concentration		
Sandwell			400m around primary and secondary school or college site
St Helen's	No more than 5% of units in the centre or frontage being A5	No more than two adjoining frontages to be A5	400m around primary and secondary schools
Stoke (proposed)	Limits proposed	Limits proposed	400m around secondary schools
Tower Hamlets	No more than 5% of units to be A5 within the defined areas	No less than two non-A5 units between groups of hot food takeaways	200m around primary and secondary schools, youth club and/or local authority leisure centre  200m – 400m from schools may be permitted with hours of operation conditioned
Wakefield	5% limit on A5 units and/or frontage	No more than two adjoining frontages to be A5; at least two non-A5s between groups of A5	The proximity of an existing (or proposed) school and/or local authority leisure centre
Waltham Forest	5% limit on A5 frontage; no A5 within 400m of existing A5 [outside designated areas]	No more than two adjoining frontages to be A5; at least two non-A5s between groups of A5	400m around schools, youth centres and park boundaries
Worcester			Consultation with schools within 400m of an A5 application

### **Hot food takeaways – a definition**

Hot food takeaways serve a different purpose to that of restaurants or cafes (A3 use class), drinking establishments (A4 use class) and shops (A1 use class). This guidance applies to hot food takeaways (A5 use class) under the Town and Country Planning (Use Classes) Order 1987 as amended.

The definition of a hot food takeaway is an establishment whose primary business is the sale of hot food for consumption off the premises.

The proposed layouts of such premises provide a guide as to whether the use will fall into the A3 or A5 use class. In determining the dominant use of the premises, consideration will be given to:

- The proportion of space designated for food preparation and other servicing in relation to designated customer circulation space; and
- The number of tables or chairs to be provided for customer use.

Applicants should demonstrate that the proposed use would be the primary business use. The table below identifies what shop types fall within the A5 use class, however it should not be considered as a definitive list.

<b>Examples of A5 use class shop types</b>	<b>Examples of shop types not within the A5 use class</b>
Pizza shops	Restaurants/cafes
Kebab shops	Public Houses
Chicken shops	Wine Bars
Fish and Chip shops	Night Clubs
Indian, Chinese or other takeaway shops	
Drive through premises	

## Appendix 2 Local centres listed in Policy R10 of the Medway Local Plan 2003

Local Shopping Centres	Numbers
Lordswood	1-18 Kestrel Road
Parkwood	1-45 Parkwood Green
Twydall	1-64 Twydall Green
Walderslade	263-385 odds; Walderslade Road 7-11 (odds) & 8-12 (evens) Walderslade Shopping Centre, Units 1-6 Sherwood House, Walderslade Village Centre
Ordnance Street	2-16 (evens)
Luton Road	2-74 (evens)
Pattens Lane	106-112 (evens) & 27-35 (odds)
Wayfield Road	161-183 (odds)
Luton High Street	25-49 (odds) & 50-54 (evens)
Shirley Avenue	1a-5 (odds) & 20-25 (incl)
Silverweed Road/Yarrow Road	42-86 (evens) & 27-31 (odds)
Admirals Walk	1-12 (evens)
The Links	11-16 (incl)
Holland Road	60-68 (evens)
Rainham Road/Watling Street	168-182 (evens) & 101-109 (odds)
Delce Road	82-128a (evens)
The Fairway	64-72 (evens) & 1-2 Leake House
Marley Way, Central Parade	1-12 (incl)
Maidstone Road,	69-83 (odds) & 118-130



Rochester	(evens)
Leander Road/Orion Road	80-82 (evens) & 53-57b (odds)
Bligh Way	165-181 (odds)
Bryant Road/Weston Road	61-97 (odds) & 34,36,64/49
Darnley Road/Cedar Road	9a-29 (odds) & 14/1-5 (odds)
Wells Road	1-7 (odds) & 25-35 (odds)
Frindsbury Road	88-110 (evens) & 105-109 (odds)
Brompton High Street	3-25 (odds) & 8-26 (evens)
Fairview Avenue	151-169 (odds)
Hempstead Road	140-148 (evens)
Hoath Lane	30-48 (evens)/Wigmore Rd. No 2
Maidstone Road, Rainham	371-377 (odds)
Sturdee Avenue	42-58 (evens) & 59-65 (odds)
Watling Street	46-94 (evens) & 123-147 (odds)
Norreys Road	1-4 (incl)
Livingstone Circus	1-8 & 13-17 Livingstone Buildings, Barnsole Road 1-6, Gillingham Road 198-206 (evens) & 239-277 (odds), Franklin Road 142 & Balmoral Road 217 & 219
Princes Park	Safeway Store, 1 and 2 The Mall
Hoo, St Werburgh	All shops in village
<u>Village Centres</u>	
Allhallows	All shops In village
Chattenden	All shops In village
Cliffe	All shops In village
Cliffe Woods	All shops In village

Cuxton	All shops In village
Grain	All shops In village
Halling	All shops In village
High Halstow	All shops In village
Lower Stoke	All shops In village
Wainscott	All shops In village
<u>Neighbourhood Centres</u>	
London Road, Rainham	12-40 (evens)
Delce Road	48-56 (evens)
New Road, Chatham	139-151 (odds)
Maidstone Road, Rochester	57-59 (odds), 208-214 (evens), 97-109 (odds)
Cuxton Road	Units 1-9 (odds), Unit 2-4 (evens)
High Street, Strood	5-39 (odds) & 4-24 (evens)
London Road, Strood	2-24 (evens)
Canterbury Street	132-136 (evens) 148-206 (evens) 227-255 (odds) 302-304 (evens) 312-320 (evens) 428-432 (evens) 499-563 (odds)
James Street	119-123 (odds)
High Street, Rainham	173-179 (odds)
London Road/Maidstone Road	1-7 (odds) / 2 (evens) Maidstone Road
Station Road, Rainham	88-94 (evens) & 183-191 (odds)
Ashley Road	1-9 (odds)
Barnsole Road	151-157 (odds)
Boundary Road	109-113 (odds)
Carnation Road	41-47 (odds)
Dale Street	289-291 (odds)

Gillingham Road	36-46 (evens)
Grove Road	54 (evens) & 59 (odds)
John Street	78-86 (evens)
Laburnum Road	67-71 (odds)
Lonsdale Drive	286-288 (evens)
Luton Road	268-274 (evens) 136-183 (evens) 110-114 (evens) 84-92 (evens)
Rochester Court, Medway City Estate	Unit 2-6 (evens) & 3-1 (odds)
Palmerston Road	88-106 (evens)
Peverel Green	45-49 (odds)
Richmond Road	136-142 (evens)
Scotteswood Avenue	1-7 (odds)
Trafalgar Street	131-135 (odds)

## References:

- 1 Foresight Report (2007) *Tackling Obesities: Future Choices*. London: Department for Business, Innovation and Skills. Available at: <http://www.bis.gov.uk/assets/foresight/docs/obesity/17.pdf> (Accessed 3 September 2013).
- 2 National Obesity Observatory data factsheet Child Weight. Available at: [http://www.noo.org.uk/uploads/doc/vid\\_17926\\_ChildWeightFactsheetFeb2013.pdf](http://www.noo.org.uk/uploads/doc/vid_17926_ChildWeightFactsheetFeb2013.pdf) (Accessed 4 December 2013)
- 3 National Obesity Observatory data factsheet Adult Weight. Available at: [http://www.noo.org.uk/uploads/doc/vid\\_17925\\_AdultWeightFactsheetFeb2013.pdf](http://www.noo.org.uk/uploads/doc/vid_17925_AdultWeightFactsheetFeb2013.pdf) (Accessed 4 December 2013)
- 4 Marmot, M., et. al. (2010) *The Marmot Review: Fair Society, Healthy Lives. Strategic Review of Health Inequalities in England post-2010*. London: The Marmot Review. Available at: <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review/fair-society-healthy-lives-full-report> (Accessed 10 August 2013).
- 5 Medway Council (2013) Medway Council. Available at: <http://www.medway.gov.uk/environmentandplanning/developmentplan/factsandfigures.aspx> (Accessed 04 December 2013).
- 6 Marmot, M., et al. (2010) *The Marmot Review: Fair Society, Healthy Lives. Strategic Review of Health Inequalities in England post-2010*. London: The Marmot Review. Available at: <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review/fair-society-healthy-lives-full-report> (Accessed 10 August 2013).
- 7 Royal Town Planning Institute, (2009) *Good Practice Guidance Note – Delivering Healthy Communities*. London: Royal Town Planning Institute. Available at: [http://www.rtpi.org.uk/media/6325/GPN5\\_final.pdf](http://www.rtpi.org.uk/media/6325/GPN5_final.pdf) (Accessed 3 September 2013).
- 8 England. National Institute for Health and Clinical Excellence (NICE) (2010) 'Public Health Guidance 25 Prevention of cardiovascular disease'. Manchester. Available at: <http://guidance.nice.org.uk/ph25> (Accessed 22 October 2013).
- 9 England. Department of Health (2008) 'Healthy Weight, Healthy Lives: a cross-government strategy for England'. London. Available at: [http://webarchive.nationalarchives.gov.uk/20100407220245/http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_084024.pdf](http://webarchive.nationalarchives.gov.uk/20100407220245/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_084024.pdf) (Accessed 5 September 2013).

- 10 National Obesity Observatory. 'Obesity and the environment: fast food outlets' 2012, Available at: [http://www.noo.org.uk/uploads/doc/vid\\_15683\\_FastFoodOutletMap2.pdf](http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf) (Accessed 23 October 2013)
- 11 Medway Local Strategic Partnership (2010). Sustainable Community Strategy 2010-26 City of Medway: rich heritage, great future. Available at: [http://www.medway.gov.uk/pdf/sustainable\\_com\\_strategy\\_web.pdf](http://www.medway.gov.uk/pdf/sustainable_com_strategy_web.pdf) (Accessed 10 October 2013)
- 12 NHS Medway (2009). Growing Healthier World Class Commissioning Strategic Commissioning Plan 2008/09 – 2012/13. Available at: <http://www.medway.gov.uk/pdf/Growing%20Healthier%20-%20NHS%20Medways%20Strategic%20Commissioning%20Plan%202008%20to%202013.pdf> (Accessed 10 October 2013)
- 13 Medway Clinical Commissioning Group (2012). Joint Health and Wellbeing Strategy for Medway 2012-2017. Available at: <http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf> (accessed 13 October 2013)
- 14 Bundle, Nick. (2013). 'The scope for tackling obesity in Medway through the built environment'. Medway Council. Available at: [http://www.medway.gov.uk/pdf/130515\\_The%20scope%20for%20tackling%20obesity%20in%20Medway%20through%20the%20built%20environment%20v6%20FINAL.pdf](http://www.medway.gov.uk/pdf/130515_The%20scope%20for%20tackling%20obesity%20in%20Medway%20through%20the%20built%20environment%20v6%20FINAL.pdf) (Accessed 12 October 2013)
- 15 Cummins S, McKay L, McIntyre S. (2005) 'McDonald's restaurant and neighbourhood deprivation in Scotland and England'. *American Journal of Preventative Medicine*, 29(4): 308-10. Available at: [http://www.ajpmonline.org/article/S0749-3797\(05\)00256-4/fulltext](http://www.ajpmonline.org/article/S0749-3797(05)00256-4/fulltext) (Accessed 9 November 2013)
- 16 Caraher M., Lloyd S., Lawton J., Singh G., Horsley K., Mussa F. (2010) 'A Tale of Two Cities: A Study of access to food, lessons for public health practice'. *Health Education Journal*, 69/2 (June 2010): 200-210. Available at: <http://hej.sagepub.com/content/69/2/200.full.pdf+html> (Accessed 11 November 2013).
- 17 Fraser, LK. and Edwards, KI. (2010) 'The association between the geography of fast food outlets and childhood obesity rates in Leeds, UK' *Health & Place*, 16(6): 1124-1128. Available at: <http://www.sciencedirect.com/science/article/pii/S1353829210000948> (Accessed 9 November 2013).
- 18 Davis, B, Carpenter, C. (2009) 'Proximity of fast food restaurants to schools and adolescent obesity'. *American Journal of Public Health*, 99/3 (01 March 2009): 505-510. Available at: <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2008.137638> (Accessed 11 November 2013).

- 19 Sinclair, S., and Winkler, J. (2008) 'The School Fringe: What pupils buy and eat from shops surrounding secondary schools'. Nutrition Policy Unit, London Metropolitan University. Available at: [http://www.fhf.org.uk/meetings/2008-07-08\\_School\\_Fringe.pdf](http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf) (Accessed 14 November 2013).
- 20 Currie, J., DellaVigna, Moretti, E. and Pathania, V. (2009) 'The Effects of Fast Food Restaurants on Obesity'. *American Association of Wine Economics*, (February 2009). Available at: <http://www.nber.org/papers/w14721.pdf> (Accessed 17 November 2013).
- 21 Morgenstern LB, Escobar JD, Sánchez BN, Hughes R, Zuniga BG, Garcia N, Lisabeth LD. (2009) 'Fast Food and Neighbourhood Stroke Risk'. *Annals of Neurology*, 66/2 (01 August 2009): 165-170. Available at: <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2745509/pdf/nihms136009.pdf> (Accessed 13 November 2013).

## **Appendix B**

## Diversity Impact Assessment: Screening Form

<b>Directorate</b>  <b>RCC</b>	<b>Name of Function or Policy or Major Service Change</b>  <b>Hot Food Takeaways in Medway: proposed Guidance Note</b>		
Officer responsible for assessment  Catherine Smith	Date of assessment  30 December 2013	New or existing?  New	
<b>Defining what is being assessed</b>			
<b>1. Briefly describe the purpose and objectives</b>	<p>The council is proposing to produce a guidance note to manage the location of new hot food takeaways in sensitive areas, eg, near schools. This is to be used as a consideration in determining planning applications for new fast food outlets.</p> <p>The guidance aims to improve the health of Medway's population and be one aspect of coordinated action on obesity.</p>		
<b>2. Who is intended to benefit, and in what way?</b>	<p>All of Medway's population, through seeking to create a healthier environment, and contribute to actions to reduce obesity. In considering restrictions in locations close to schools, the proposed guidance will particularly seek to influence improved health in children and young people.</p>		
<b>3. What outcomes are wanted?</b>	<p>Improved health of Medway's population, and a reduction in the levels of obesity, particularly in children.</p>		
<b>4. What factors/forces could contribute/detract from the outcomes?</b>	<b>Contribute</b>  Effectiveness of guidance intervention in improving healthier food choices	<b>Detract</b>  Existing distribution of fast food outlets and wider influences on nutrition and exercise.	
<b>5. Who are the main stakeholders?</b>	<p>Population of Medway, fast food businesses, schools, and planning agents.</p>		
<b>6. Who implements this and who is responsible?</b>	<p>The guidance will be used by planning officers in considering applications for new hot food takeaways. This information will be included in reports to Planning Committee.</p>		



<b>Assessing impact</b>		
<b>7. Are there concerns that there <u>could</u> be a differential impact due to <i>racial/ethnic groups</i>?</b>	<b>YES</b>	There is the potential that hot food takeaways may have a higher representation of businesses from BME groups. The guidance may therefore have a differential impact.
	<del>NO</del>	
<b>What evidence exists for this?</b>	Assessment of existing hot food takeaway businesses.	
<b>8. Are there concerns that there <u>could</u> be a differential impact due to <i>disability</i>?</b>	<del>YES</del>	The policy seeks to improve health of all community sectors in Medway.
	<b>NO</b>	
<b>What evidence exists for this?</b>		
<b>9. Are there concerns that there <u>could</u> be a differential impact due to <i>gender</i>?</b>	<del>YES</del>	The policy seeks to improve health of all community sectors in Medway.
	<b>NO</b>	
<b>What evidence exists for this?</b>		
<b>10. Are there concerns there <u>could</u> be a differential impact due to <i>sexual orientation</i>?</b>	<del>YES</del>	The policy seeks to improve health of all community sectors in Medway.
	<b>NO</b>	
<b>What evidence exists for this?</b>		
<b>11. Are there concerns there <u>could</u> be a have a differential impact due to <i>religion or belief</i>?</b>	<b>YES</b>	There is the potential that hot food takeaways may have a higher representation of businesses from BME groups, and therefore people from different faiths. The guidance may therefore have a differential impact.
	<del>NO</del>	
<b>What evidence exists for this?</b>	Assessment of existing hot food takeaway businesses.	
<b>12. Are there concerns there <u>could</u> be a differential impact due to people's <i>age</i>?</b>	<b>YES</b>	The policy seeks to improve health of all community sectors in Medway. However, the proposal to control new outlets close to schools seeks to encourage healthier eating in children and young people.
	<del>NO</del>	
<b>What evidence exists for this?</b>	Specific proposal to consider restrictions on new outlets close to schools.	
<b>13. Are there concerns that there <u>could</u> be a differential impact due to <i>being transgendered or transsexual</i>?</b>	<del>YES</del>	The policy seeks to improve health of all community sectors in Medway.
	<b>NO</b>	
<b>What evidence exists for this?</b>		

this?		
14. Are there any <i>other</i> groups that would find it difficult to access/make use of the function (e.g. speakers of other languages; people with caring responsibilities or dependants; those with an offending past; or people living in rural areas)?	<del>YES</del>	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		
15. Are there concerns there <u>could</u> be a have a differential impact due to <i>multiple discriminations</i> (e.g. disability <u>and</u> age)?	YES	The policy seeks to improve health of all community sectors in Medway.
	NO	
What evidence exists for this?		

<b>Conclusions &amp; recommendation</b>		
16. Could the differential impacts identified in questions 7-15 amount to there being the potential for adverse impact?	YES	Consideration of potential for differential impact on BME businesses.
	<del>NO</del>	
17. Can the adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or another reason?	YES	The aims to improve the health of Medway's population include wider benefits to BME groups. The guidance would not prohibit the development of new fast food outlets, rather provide clear guidance on locations where planning applications would not be encouraged.
	<del>NO</del>	
Recommendation to proceed to a full impact assessment?		
NO	<b>This function/ policy/ service change complies with the requirements of the legislation and there is evidence to show this is the case.</b>	
NO, BUT ...	<b>What is required to ensure this complies with the requirements of the legislation? (see DIA Guidance Notes)?</b>	Consultation on the proposed guidance will include representatives of BME and faith groups, and small business associations. This will seek to gather information on any differential impact and promote understanding of the guidance.
YES	<b>Give details of key person responsible and target date for carrying out full impact assessment (see DIA Guidance Notes)</b>	

<b>Action plan to make Minor modifications</b>		
<b>Outcome</b>	<b>Actions (with date of completion)</b>	<b>Officer responsible</b>
Ensure engagement with BME communities in developing draft guidance.	<p>Consultation on draft guidance note to include engagement with BME communities and small businesses.</p> <p>Consultation report to set out issues raised and the council's response.</p> <p>Timing of consultation subject to agreement by Cabinet.</p>	Catherine Smith

<b>Planning ahead: Reminders for the next review</b>		
<b>Date of next review</b>	On consideration of final version of guidance note, following consultation.	
<b>Areas to check at next review (e.g. new census information, new legislation due)</b>	Account to be taken of consultation responses received.	
<b>Is there <i>another</i> group (e.g. new communities) that is relevant and ought to be considered next time?</b>		
<b>Signed (completing officer/service manager)</b>	<b>Date</b>	30 December 2013
<b>Signed (service manager/Assistant Director)</b>	<b>Date</b>	

*NB: Remember to list the evidence (i.e. documents and data sources) used*