

Appendix 1



Hot Food Takeaways in Medway A Guidance Note

July 2014

Executive Summary

This guidance note has been produced to help tackle the issue of obesity through the built environment. It seeks to locate hot food takeaways in appropriate areas, and avoid over-concentration of these uses in an effort to encourage people to eat more healthily. In accordance with the National Planning Policy Framework, it seeks to ensure town centre viability and vitality.

The issue of health has been addressed in both the National Planning Policy Framework, and the National Planning Practice Guidance, and as such requires planning authorities to work with public health and to take account of the health status and needs of the local population to improve health and wellbeing.

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, taking into consideration other matters such as noise and litter, 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 year¹.
- 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 Programme (NCMP) showed that obesity prevalence among 4-5 year olds was 9.5% and 19.2% among children aged 10-11 year olds².
- 2.4 There is a direct relationship between obesity and deprivation. Women in more deprived areas are more likely to be obese than those

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

² http://www.noo.org.uk/uploads/doc/vid_17926_ChildWeightFactsheetFeb2013.pdf

elsewhere. Obesity prevalence increases from 21.5% in the least deprived 20% of areas to 31.5% in the most deprived 20%³.

- 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 2020⁴.

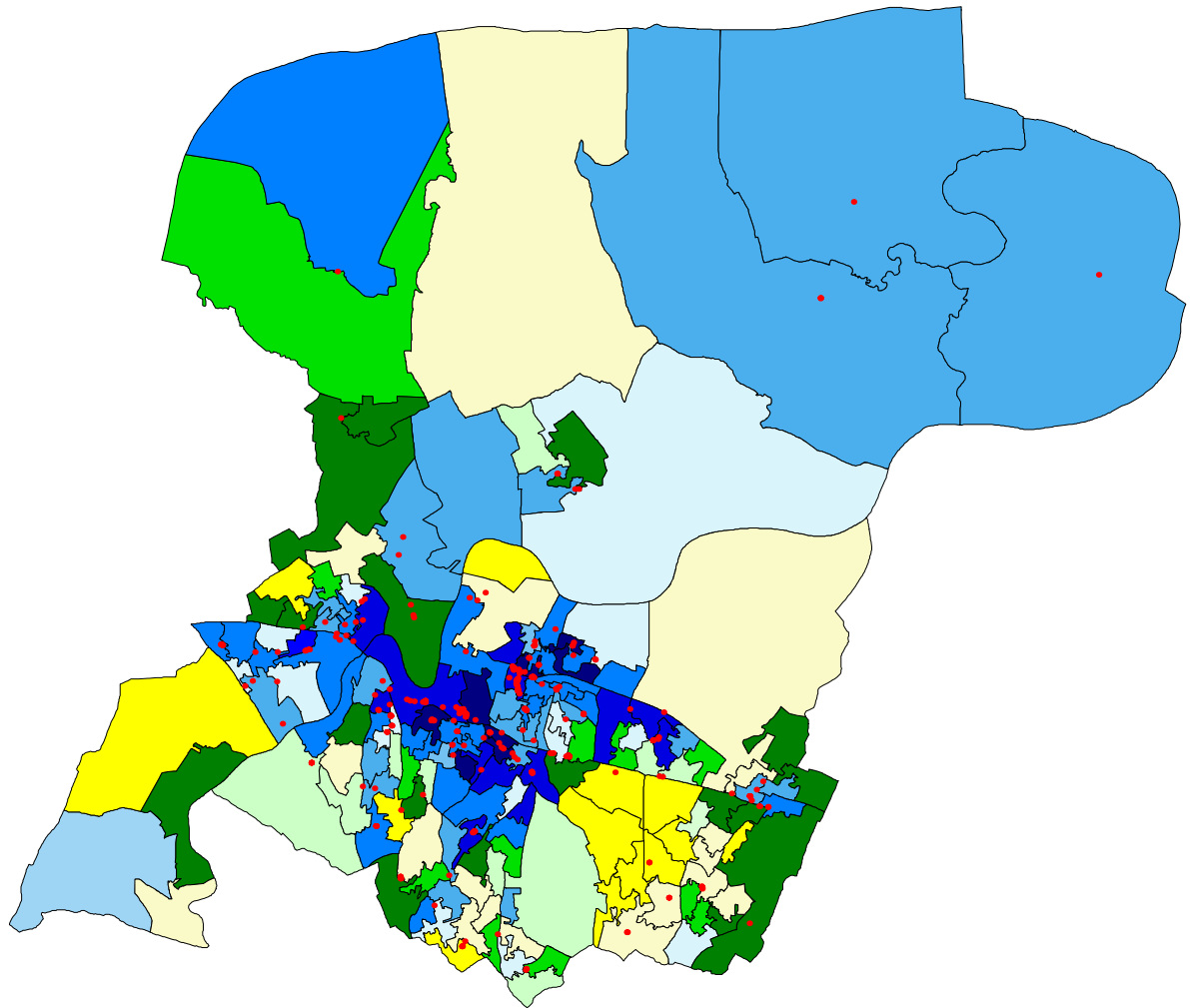
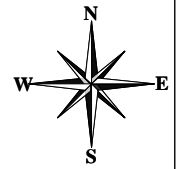
3. Medway Context

- 3.1 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 persons⁵. 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.
- 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 ranging between 15 and 172 per

³ http://www.noo.org.uk/uploads/doc/vid_17925_AdultWeightFactsheetFeb2013.pdf

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

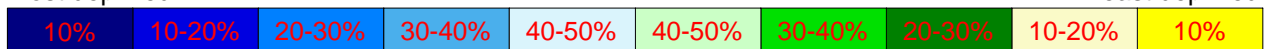
⁵ <http://www.medway.gov.uk/environmentandplanning/developmentplan/factsandfigures.aspx>



● Registered hot food
takeaway

Most deprived

Least deprived



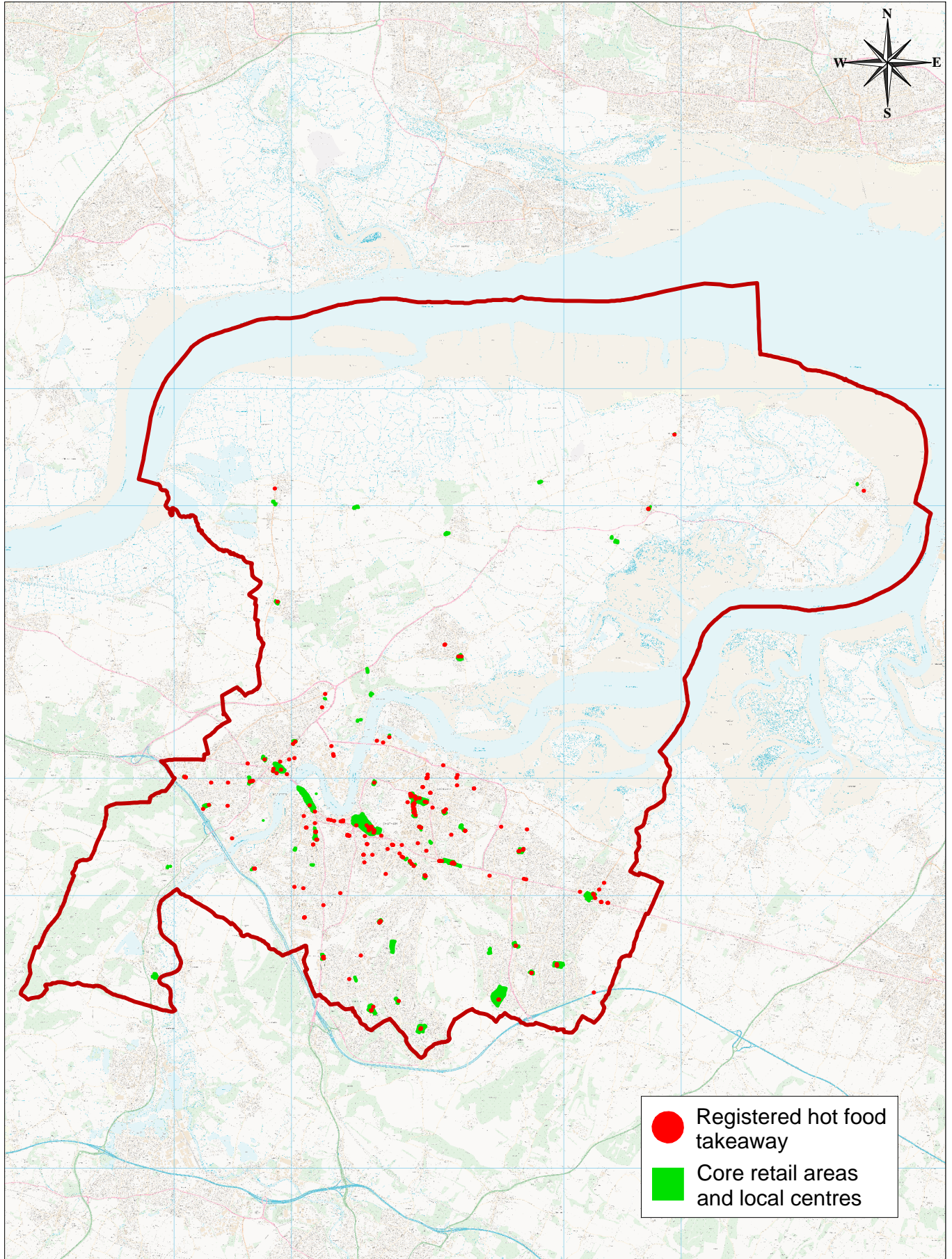
Plan 1

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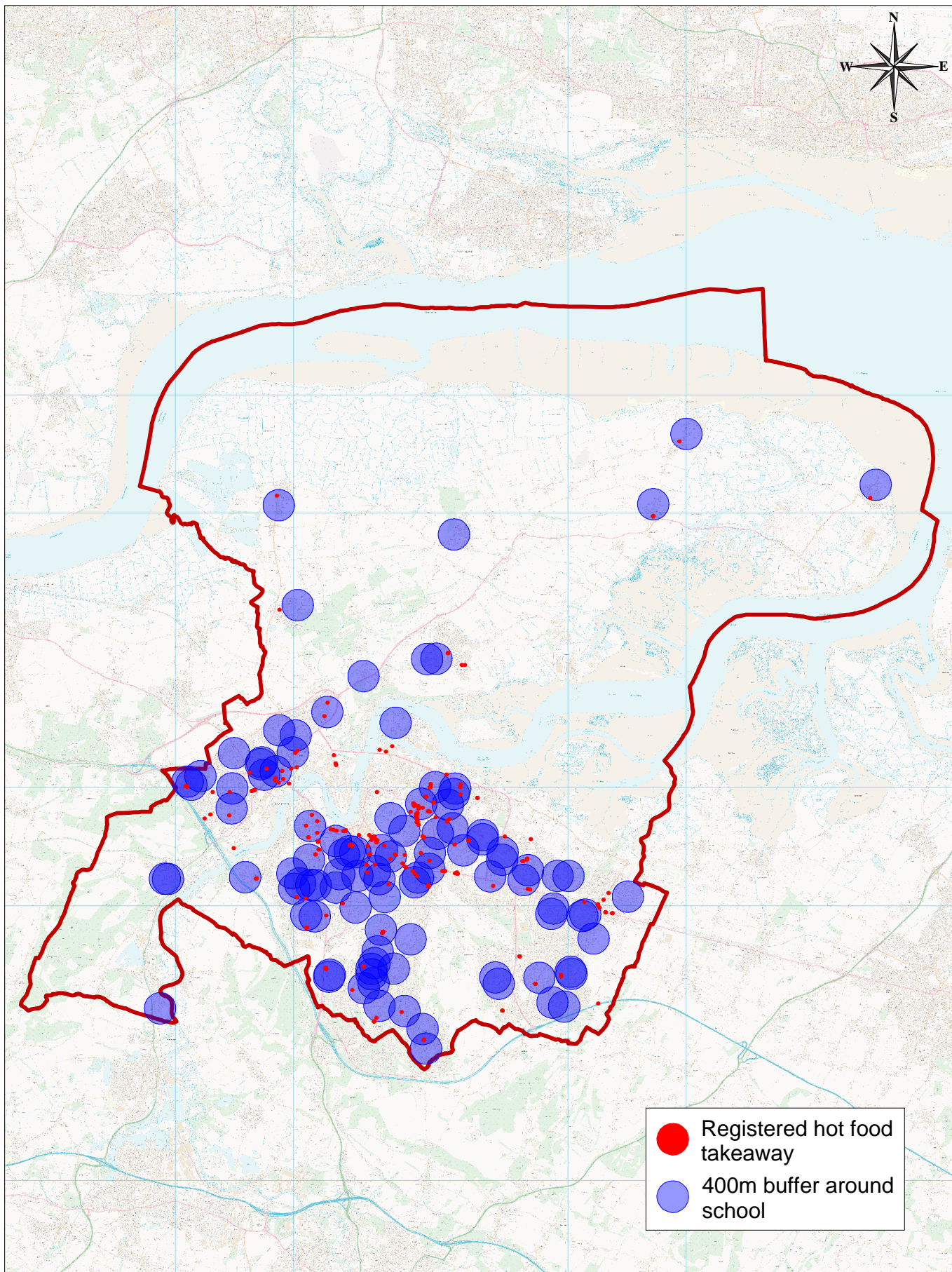
Plan 2

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Plan 3

100,000 population⁶. 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 Furthermore, the National Planning Practice Guidance (NPPG) states that “*local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making*”.
- 4.3 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*”.
- 4.4 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.
- 4.5 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

- 4.6 Addressing the wider determinants of health and wellbeing has been identified as the basis of the new public health service. The Marmot Review recommended strengthening the role and impact of ill-health prevention including by tackling obesity⁷. Local authorities are part of the response to tackling obesity with a whole systems approach, which should include integrated policies. Sustainable Community Strategies

⁶ <http://www.local.gov.uk/documents/10180/5674046/Obesity+briefing/e7cfd1b-953b-418d-85f2-1b6abe2e0a16>

⁷ <http://www.instituteofhealthequity.org/projects/fair-society-healthy-lives-the-marmot-review/fair-society-healthy-lives-full-report>

should be used as a critical planning tool to develop local strategies to reduce obesity⁸.

- 4.7 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*”⁹. 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 outlets¹⁰. 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 Documents¹¹.
- 4.8 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 options¹². Further research work is summarised in Appendix 1.

Local Health Policy

- 4.9 The Medway Sustainable Community Strategy (SCS)¹³ 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*” 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 people¹⁴.
- 4.10 The Joint Health and Wellbeing Strategy (JHWS) (2012-2017) 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.*

⁸ <http://www.bis.gov.uk/assets/foresight/docs/obesity/17.pdf>

⁹ http://www.rtpi.org.uk/media/6325/GPN5_final.pdf

¹⁰ <http://guidance.nice.org.uk/ph25>

¹¹ http://webarchive.nationalarchives.gov.uk/20100407220245/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_084024.pdf

¹² http://www.noo.org.uk/uploads/doc/vid_15683_FastFoodOutletMap2.pdf

¹³ http://www.medway.gov.uk/pdf/sustainable_com_strategy_web.pdf

¹⁴ <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.*

4.11 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*”¹⁵.

4.12 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 areas¹⁶.

Local Plan Policy

4.13 ‘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.

4.14 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

4.15 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.

4.16 It will be seen that restrictions have been introduced:

¹⁵ <http://www.medway.gov.uk/pdf/health%20and%20Well-being%20StrategyFINAL.pdf>

¹⁶ 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, together with 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 health promotion 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 country¹⁷.
- 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 school¹⁸.

¹⁷ <http://www.healthyurbandevelopment.nhs.uk/wp-content/uploads/2013/12/HUDU-Control-of-Hot-Food-Takeaways-Feb-2013-Final.pdf>

¹⁸ http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf

- 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 Over provision of 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 the town centres of Strood, Rochester, Chatham, Gillingham and Rainham and Hempstead Valley Shopping Centre.

5.11 Below these in the retail hierarchy are a 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,
Wainscott | - Rochester Riverside |
| - Frindsbury Road,
Frindsbury | - Chatham Maritime |
| - Bryant Road/Weston
Road | - Brompton High Street |
| - Darnley Road | - Luton Road – Luton High
Street |
| - Bligh Way | - Princes Park |
| - Wells Road | - Wayfield |
| - Temple Waterfront (new) | - Shirley Avenue |
| - Delce Road – Maidstone
Road | - Walderslade Village |
| - Marley Way | - Kestral Road |
| - Borstal | - Admirals Walk |
| | - Silverweed Road |
| | - Livingstone Circus |
| | - Sturdee Avenue |

- Watling Street
- Twydall Green
- Station Road (Rainham)
- Hoath Lane – Fairview Avenue
- Cliffe
- Cliffe Woods
- Chattenden
- Cooling
- High Halstow
- Hempstead Road
- Parkwood Green
- Hoo St Werburgh
- Lower Upnor
- Upper Upnor
- 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 school lunchtimes and for a period after school, so as to contribute towards healthier lifestyles for younger people in particular.
- 5.14 New hot food takeaways will not be permitted to operate between the hours of 12:00 – 14:00 if located within 400 metres of a secondary school. Hours of operation will also be restricted between 15:00 – 17:00 in areas where new hot food takeaways are located within 400 metres of a primary or secondary school.

- 5.15 These restrictions will not apply in town centres, or neighbourhood/local centres, even where they fall within 400 metres of a school.

Location

- 5.16 A5 uses, (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 suitably sited in these areas and prohibiting development in established centres would be unreasonable.

Vitality & Viability

- 5.17 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.
- 5.18 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

- 5.19 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.
- 5.20 New hot food takeaways over 100m² will be subject to a contribution of £1,000; £100 per 10m².
- 5.21 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 areas¹⁹. 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 school²⁰.

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 area²¹. 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^{22, 23, 24}. 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 research²⁵.

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	400m around primary and secondary schools or Advanced Learning Centre

¹⁹ [http://www.ajpmonline.org/article/S0749-3797\(05\)00256-4/fulltext](http://www.ajpmonline.org/article/S0749-3797(05)00256-4/fulltext)

²⁰ <http://hej.sagepub.com/content/69/2/200.full.pdf+html>

²¹ <http://www.sciencedirect.com/science/article/pii/S1353829210000948>

²² <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2008.137638>

²³ http://www.fhf.org.uk/meetings/2008-07-08_School_Fringe.pdf

²⁴ <http://www.nber.org/papers/w14721.pdf>

²⁵ <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2745509/pdf/nihms136009.pdf>

Council	Concentration	Clustering	Proximity
		groups of A5 units	
Birmingham	No more than 10% of units within the centre or frontage to be A5		
Bristol			400m of an area 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,	No more than two A5 units to be located adjacent to each other	

Council	Concentration	Clustering	Proximity
	to be A5 uses		
Oldham	No more than 5% of ground floor frontage in defined locations shall be A5 use No more than 10% of ground floor frontage in another specified location to be A5 use	No more than two A5 uses to be located adjacent to each other 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.

Examples of A5 use class shop types	Examples of shop types not within the A5 use class
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, Villages and Neighbourhood Centres listed in Policy R10 of the Medway Local Plan 2003

Local Shopping Centres

Lordswood	1-18 Kestral 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, Rochester	69-83 (odds) & 118-130 (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 Road 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 & 2 The Mall
Hoo, St Werburgh	All shops in village

Village Centres

All Hallows	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

Neighbourhood Centres

London Road, Rainham	12-40 (evens)
Delce Road	48-56 (evens)
New Road, Chatham	139-15 (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 (odds), 110-114 (evens), 84-92 (odds)
Rochester Court, Medway City Estate	Unit 2-6 (evens) & 3-1 (odds)
Palmerston Road	88-106 (evens)
Peveral Green	45-49 (odds)
Richmond Road	136-142 (evens)
Scotteswood Avenue	1-7 (odds)
Trafalgar Street	131-135 (odds)

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Appendix 2

Schedule of responses to public consultation on Hot Food Takeaways in Medway: A Guidance Note

1.0 Introduction

Public consultation on the draft guidance note took place over a six-week period from 20 March 2014 to 02 May 2014.

20 formal written responses were received, 3 responses were received from schools, and 147 young people responded to surveys which were carried out by the Medway Young Inspectors on behalf of the council.

All comments on the draft Guidance Note have been considered and the table below contains officer's proposed responses to those comments together with recommendations for where changes should be made to the guidance note as a result.

Formal responses received from individuals/organisations

Comments made by	Summary of response	MC response	Recommended change to the guidance note
A. Masters	Supportive of the guidance note. Planning applications/guidance necessary.	Para 5.12 sets out the methodology used when assessing suitability of A5 uses in specific areas within Medway.	None
P. Rose	Supportive of the guidance note. Specific reference to para 3.3 and 3.4.	Noted	None
S. Hannant	Supportive of the guidance. It won't make much impact due to concentration that already exists. Other shops sell drinks and sweets – and we wouldn't want these uses to be taken away. Teenagers gather around hot food takeaways at lunchtime – why are they allowed leave school grounds	The guidance only applies to new hot food takeaways (A5 use). Local shops would not be affected, and the council seeks to ensure that there are sufficient services to meet the needs of local people.	None

	at lunchtime.		
D. Brake	Strongly supports the proposal.	Noted	None
L. Napleton	In support of the guidance note. Refers to the need for more healthy lifestyle choice venues including; healthy eating, physical activity.	Noted	None
B. Katnoria	Supportive of the guidance note. Questions whether or not schools allow children to leave school at lunchtime. Refers to the social isolation that may be suffered by elderly people who rely on these outlets. Food should be labelled to identify fats, calories and sugars.	The restrictions proposed in the guidance note would only apply to new hot food takeaways. Therefore existing provision would not be affected and current patterns of behaviour are likely to remain unchanged – with respect to the elderly using these businesses. The restrictions on new hot food takeaways would only apply where they are within 400 metres of a school between certain hours of the day, and outside of town, neighbourhood and local centres.	Potential to consider application of policy in restricting lunchtime opening hours in proximity to primary schools.
H. Athawes	Supportive of the guidance note. Questions why schools are allowing children out at lunch times. There are far too many hot food takeaways in Medway and takeaways should be encouraged to provide healthy food. Food sold in takeaways should be labelled giving information on the sugar and fat contents.	Noted	Potential to consider application of policy in restricting lunchtime opening hours in proximity to primary schools.
A. Turner	Supportive of the guidance note. Recognising that it is a positive step.	Noted	None
H. Ince	Supportive of the guidance note.	Noted	None

E. Olsen	Supportive of the guidance note. Must provide additional initiatives/alternatives. Clustering these uses in one place means that litter/parking issues are contained.	The issue around clustering would see an appropriate dispersal of hot food takeaways, rather than confining these uses to specific areas in the way the response suggests.	None
G. Hawkins	Supportive of the guidance note.	Noted	None
K. Hawkins	Supportive of the guidance note. Highlights that disadvantaged areas are being targeted by these uses. More liaison with schools in these areas suggested. More emphasis on educating children on life skills.	The guidance note maps the areas of multiple deprivation in Medway showing the location of hot food takeaways. These are often in the less advantaged areas of the borough.	None
C. Wrate	Strongly supportive of the guidance note. There should be a distinction between primary and secondary schools, as primary school children are not allowed leave school at lunchtimes. Disagrees with a higher percentage of hot food takeaways being permitted under the guidance in smaller centres. Grouping an area of Luton High Street with Chatham would make sense in terms of clustering. Cars double-parking outside hot food takeaways in Luton are an issue making it difficult for road users and deliveries. There should be no more hot food takeaways on Luton Road. Council should also look at reducing the number of outlets selling alcohol. Particular concern with regards to the neighbourhood designation of Luton. The	<p>In order for smaller parades of shops to be viable it may, in some cases, be necessary to allow additional A5 uses in these areas. Each planning application is considered on its own merit and the guidance note would be applied to ensure that areas are not overly concentrated with hot food takeaways going forward.</p> <p>Car parking and littering are issues that are addressed in any planning application and would be considered in the assessment of any planning application going forward. The guidance will complement rather than over ride the issue of parking and littering when determining planning applications.</p> <p>Restricting A5 uses outright is not considered reasonable. A range of different uses is needed</p>	Potential to consider application of policy in restricting lunchtime opening hours in proximity to primary schools.

	<p>policy will need to be applied as stated – addressing each area as opposed to combining them into one.</p> <p>Remove the designation of the smaller areas of Luton Road and not allow any A5 uses. Ensure only designated areas are included in calculating the percentages. Be more specific about the percentage of A5 in an area. Licensing needs to be looked at if the council are to address the issue of health in Medway.</p>	<p>in order to create a retail area/ neighbourhood area that is viable and vital and serves the local area.</p> <p>Addressing the issue of outlets selling alcohol is outside the scope of this particular guidance.</p>	
T. Irvine	<p>Strongly disagrees with the proposal. Children and parents are best placed to decide for themselves. Needs to be more support for education and encouragement amongst local early year providers.</p>	Noted	None
E. Jennings	<p>Strongly disagrees with the proposal. Disagrees with the 400m buffer. Primary school children are not allowed to leave school at lunch times. Adults who are capable of making their own decisions are being penalised. Unreasonable not to allow a takeaway because it is close to another takeaway. If one wishes to open, it means there is demand for this use, and it is preferable to vacant units.</p>	<p>The 400m buffer is the equivalent of a 5 minute walk. It has been used across the country for this purpose. The council must provide town centres/ neighbourhood centres that are vital and viable which necessitates the provision of a range of services, and not a concentration of any one particular use.</p>	<p>Potential to consider application of policy in restricting lunchtime opening hours in proximity to primary schools.</p>
D. Atkinson	<p>Disagrees with the proposals. The proposal would damage the local economy</p>	<p>Each planning application is considered on its own merits. Should the guidance note be</p>	<p>Potential to consider</p>

	<p>and not achieve the desired outcome. Children are not allowed leave school at lunch time. After school, children will go to a shop and buy sweets and fizzy drinks; not usually the takeaway. The school in which the respondent works sells fruit and has also worked to improve children's attitude to exercise. It denies freedom of choice. More needs to be done to involve families in outdoor activities.</p> <p>The concentration of hot food takeaways should be dealt with by way of planning applications. Some areas (e.g. Hoo) could do with one or two takeaways to give residents choice. In some villages, going beyond 400m of a school would effectively mean no takeaway could locate there.</p>	<p>adopted, it would aid in decision making rather than be used solely in assessing planning applications.</p> <p>The guidance note does allow for more flexibility in local and neighbourhood areas for the very reason put forward by the respondent. Such areas provide a service to people in these areas, and in order for there to be sufficient choice available, a higher percentage is permitted. The 400m buffer proposed in the guidance note would not apply where it would impact on designated centres.</p>	<p>application of policy in restricting lunchtime opening hours in proximity to primary schools.</p>
N. Back	<p>Neither agrees or disagrees with the proposal overall. Disagrees with the proposal in terms of concentration and clustering of hot food takeaways – there are no healthier eating options for them to undermine. This may be the only hot food some children can access. Improving school meals should be undertaken before applying the guidance note. Provide children with the food they want to eat at an affordable price in school. Nudge</p>	Noted	None

	people towards healthier food rather than forcing it upon them.		
M. Carpenter (Planware Ltd) on behalf of McDonald's	Wholly opposed to the guidance note. The planning Authority should plan positively for the area and not seek to influence people's dietary choices. There is no evidence to suggest that A5 uses close to schools causes adverse health consequences. Applying s106 levy does not accord with guidance test or Planning Acts. The council should plan to meet the development needs of the area. The proposed policy does not allow for exceptions and restricts all A5 development, making new business unviable. It does not reflect the sequential test. There is no justification for applying a 400m buffer. There is a weak relationship between body weight and exposure to fast food outlets.	<p>The guidance document has been prepared positively in line with the National Planning Policy Framework which states that town centres should be recognised as the heart of their communities and should support their vitality and viability with provision for customer choice and a diverse retail offer. The guidance as drafted permits further development of hot food takeaways in town centres/neighbourhood centres and local centres where there would not be over-concentration of this use, and subject to other planning considerations such as litter and neighbouring amenity.</p> <p>Planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in kind and scale to the development. The contribution is a modest amount which reflects the fact that over half of hot food takeaways in the Borough are located in core retail areas, neighbourhood and local centres. Therefore, it is related in scale and kind to the types of A5 uses the Council is likely to receive.</p>	None

		The Urban Design Compendium (2000) is a recognised and well referenced guide, and states in paragraph 3.2.1 (p.41): “A widely used benchmark is for mixed development neighbourhoods to cover a 400m radius, equating to about five minutes walk.”	
C. Irvine	<p>Strongly opposed to the guidance note. There is no evidence to support the proposal and it could potentially be illegal to enforce. No opinion with regards to the clustering element of the guidance note. Greater emphasis should be placed on education and encouragement.</p> <p>It is an attack on jobs, business and the local economy. It is only part of the solution. How does it make sense to restrict a business within 399m of a school, but allow it if the business is 401m beyond a school. Supportive of the efforts being taken to educate people on how to make healthy choices and encourage more people to enjoy a healthy, active lifestyle.</p> <p>Children up to year 7 are not allowed to leave the school premises unless accompanied by an appropriate adult.</p> <p>Obesity is declining in Medway. Questions</p>	<p>Hot food takeaways would still be permitted should the guidance note be adopted. It is noted and agreed that taking action on hot food takeaways is only part of the solution. Public Health have several other initiatives which promote healthy eating and work to reduce obesity. Application of the 400m buffer is based on the Urban Design Compendium (2000) is a recognised and well referenced guide, and states in paragraph 3.2.1 (p.41): “A widely used benchmark is for mixed development neighbourhoods to cover a 400m radius, equating to about five minutes walk.”</p> <p>It is agreed that particular emphasis should be on education and helping people to make healthier food choices.</p> <p>Obesity in Medway is reducing however, efforts are in place, through this guidance and other initiatives, to reduce the obesity levels further.</p> <p>Evidence supports the guidance note, which is</p>	<p>Potential to consider application of policy in restricting lunchtime opening hours in proximity to primary schools.</p>

	<p>if the guidance is legal, supported by evidence, or if it will contribute to a reduction in childhood obesity. Will the guidance result in appeals against the council.</p>	<p>referenced within the document. The effectiveness of the guidance note will be monitored in the Authority Monitoring Report and can be amended if appropriate. Similar guidance has been adopted in numerous other planning authorities which bears weight in relation to its legality and effectiveness.</p> <p>Obesity and overweight is measured annually through the National Child Measurement Programme.</p>	
<p>N. Saynor on behalf of Public Health England</p>	<p>Strongly supportive of such an approach, taking a robust stand on trying to regulate the growth of hot food takeaways as one strand in an approach to control the rise in obesity in the population. Recognised that regulation of hot food takeaways needs to be done as one strand of a wider obesity strategy. Suggests restricting students to school grounds over lunch times; working with takeaways to see if it's possible to influence their menus; working with environmental health officers and considering how restrictions of opening hours might be applied for noise or other reasons as well of course for hygiene and sanitation issues.</p>	<p>Support of the guidance note is welcomed. It is agreed and accepted that this is only one strand in the approach to reducing obesity in the population. Suggestions put forward, whilst they may work, are not something that can be considered through the planning process, but can be shared with the relevant departments.</p>	<p>None</p>

Schools:

A survey was conducted with all schools in the area through the Schools Bulletin which is sent to schools in Medway on a weekly basis.

There were three responses to the consultation two of which were received from a secondary/grammar school, and one from a primary school. The response received from the primary school disagreed that hot food takeaways should not have their opening hours restricted at lunch times and after school. In this case, there are no hot food takeaways located within a five-minute walk from the school and pupils are not permitted to leave the school grounds at lunch times.

Both secondary/grammar schools did not allow pupils to leave school at lunchtimes, however one stated that sixth form pupils are permitted to leave school at lunch. This school is within a five-minute walk of a hot food takeaway and the response received agrees that hot food takeaways should have their opening hours restricted both at lunch and after school. The second response received from a secondary/grammar school does not have a hot food takeaway within a five-minute walk of the school, pupils are not allowed to leave the school at lunchtimes, but the response strongly agrees that new hot food takeaways should have their opening times restricted at lunch and for a period after school.

Young people:

The Young Inspectors programme is designed to bring young people together and support them to influence local services for young people. The programme recruits young people with a range of life experiences aged from 13 to 19 and up to 25 for those with disabilities and/or learning difficulties.

The role of the young inspectors is to go out and inspect services that are aimed at children and young people.

Research and surveys were carried out by the Young Inspectors which found:

Almost 10% of children in Medway (during the period of 2012/13) are obese by their first year of school. This compares to the South East average of 7.9% and the National average of 9.3%.

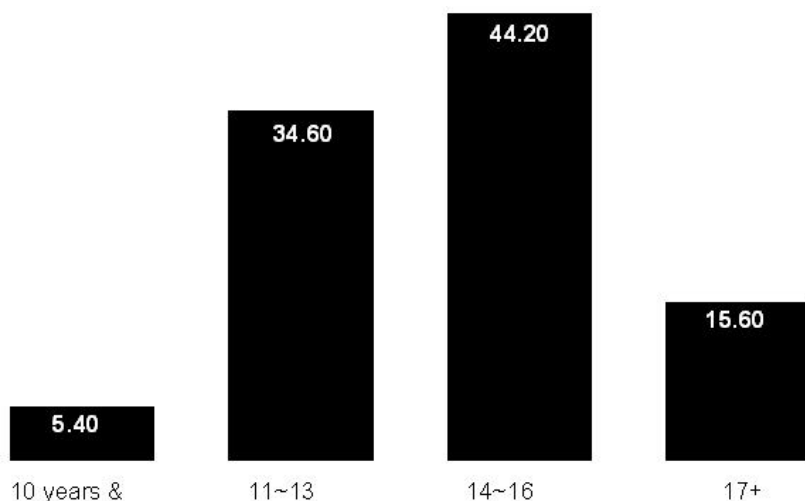
This shows that Medway has a higher proportion of children considered obese than both the regional and national averages.

Just over 32% of Medway children in year six (during the period of 2012/13) are considered to be obese. This compares to the South East average of 29.7% and the national average of 33.3%.

Even though Medway has a high obesity level amongst year 6 school pupils. This is slightly below the national average but slightly higher when compared to the South East.

Respondents came from various areas of Medway with 43 from Rochester/Strood, 49 from Gillingham, and 55 from Chatham. 86 respondents were male, and 61 female.

Age of respondents shown as a percentage:



Counts Analysis % Respondents	Total	How often do you eat takeaways?						
		Daily	Once a week	Twice a week	Twice a month	Monthly	Never	Special occasions
Base	147	12 8.2%	53 36.1%	2 1.4%	35 23.8%	35 23.8%	4 2.7%	6 4.1%
Age								
10 years & under	8	1 12.5%	1 12.5%	-	4 50.0%	1 12.5%	1 12.5%	-
11	5	1 20.0%	1 20.0%	-	1 20.0%	1 20.0%	-	1 20.0%
12	28	1 3.6%	13 46.4%	-	7 25.0%	6 21.4%	-	1 3.6%
13	18	-	9 50.0%	-	1 5.6%	7 38.9%	-	1 5.6%
14	16	4 25.0%	4 25.0%	-	3 18.8%	3 18.8%	-	2 12.5%
15	19	-	6 31.6%	1 5.3%	4 21.1%	6 31.6%	1 5.3%	1 5.3%
16	30	2 6.7%	10 33.3%	-	9 30.0%	9 30.0%	-	-
17	17	2 11.8%	7 41.2%	-	5 29.4%	2 11.8%	1 5.9%	-
18	6	1 16.7%	2 33.3%	1 16.7%	1 16.7%	-	1 16.7%	-

Counts Analysis % Respondents	Total	Who do you usually go with to get your takeaway?		
		On your own	With friends	With family
Base	147	2 1.4%	43 29.3%	109 74.1%
What time of the day do you usually have your takeaway?				
During school lunch time	2	-	2 100.0%	-
After school	23	-	11 47.8%	14 60.9%
Evening	118	2 1.7%	29 24.6%	96 81.4%
Weekends	4	-	3 75.0%	2 50.0%

53 Respondents (36%) said they have takeaways once a week. 12 Respondents said they have takeaways daily.

Two respondents said they have a takeaway during their school lunch break and go with friends to get it.

15.6% (23) respondents said they usually go after school to get a takeaway. Out of those 60.9% (14) said they go with family. 47.8% (11) said they go with friends.

Most respondents (80%) said they usually have their takeaways in the evening, with the majority of these going with their family.

Only 4 respondents said they have a takeaway during the weekend.

Should hot food takeaways have their opening times restricted during school lunch times?

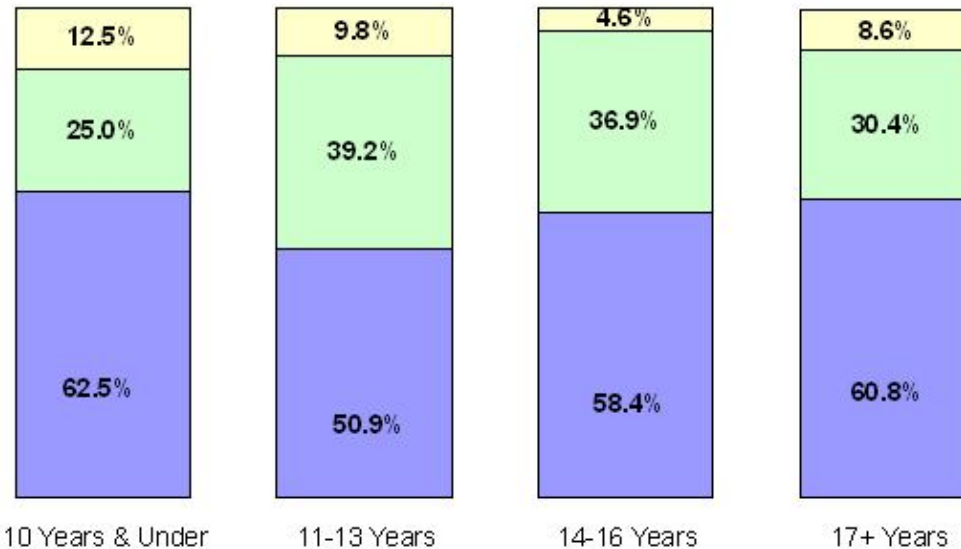


Just over half (56.4%) of respondents agreed that hot food takeaways should have restricted opening times during school lunch times.

The age group least likely to agree with restricted opening times at lunch times were those aged 17 years and over.

56.5% aged 17 years and over disagreed with this proposal.

Should hot food takeaways have their opening times restricted if within a five-minute walk from school?



Just over half (56.4%) of respondents agreed that hot food takeaways should have their opening times restricted if they are located within 5 minutes of a school.

The age group least likely to agree with restricted opening times if they are located within 5 minutes of a school were those aged between 11 to 13 years.

39.2% aged between 11 to 13 years disagreed with this proposal and further 9.8% said they did not know.

Luton Residents Meeting:

A meeting was held with some residents of Luton involved with Big Local. There was a consensus that there are too many hot food takeaways in Luton with a particularly high concentration on the High Street/Luton Road. There was concern raised in relation to the proposal with regards to the concentration/clustering principle. In this area a 15% threshold would not work in this area due to the number of residential dwellings also in that area.

One resident stated that the 15% threshold would never be reached and this would allow a large number of hot food takeaways locate in the area, far beyond what is already developed and operating.

Residents raised concern in relation to the number of off-licences in the Luton area, and suggested that something be done to reduce the number of them in proximity to schools, much like what is proposed with hot food takeaways.

All were in agreement that something needs to be done to tackle the issue of obesity and the proliferation of hot food takeaways in their area and were therefore supportive of the guidance note.

Asset Mapping:

The guidance note was discussed at an Asset Mapping event run by the Public Health Team. The group consisted of a number of stakeholders; some of who responded to the consultation using the response forms. These have been considered in the accompanying table above.

Developing Neighbourhood Approach (DNA) meeting:

The group expressed the need to reduce the number or prevalence of hot food takeaways in Luton and Medway. Attendees were encouraged to submit a response to the consultation.

Youth Club:

Respondents differed in their views. Some were of the opinion that there are too many hot food takeaways, some thought there was a need for more and others thought there were enough already.

Sixth formers were permitted to leave school grounds at lunchtime and some of those would go to hot food takeaways at this time. After school was a more likely time for pupils to go to hot food takeaways.

Some of the respondents were in favour of the 400-metre buffer around schools, and others were not in support. There was no reason given for these views.

One respondent stated that they would not be deterred from using hot food takeaways should there be less of them in the area, they would simply go elsewhere. Other respondents said they would use hot food takeaways less often if there were less of them in the area.

All respondents were in support of Medway Council making Medway a healthier place to live.

One of the supervisors said that there is a demand for hot food takeaways or else they would be going out of business. The respondent stated that if children do not go to a hot food takeaway, they will go to a shop to buy chocolate and crisps which is no better than food served from a hot food takeaway. She questioned what gives the Council the right to allow fish and chip shops but not allow ethnically derived food. According to the respondent, the high street is changing from retail to social with a café culture emerging. Development of a hot food takeaway or restaurant was considered more favourable than having an empty unit in the area. People want a food experience, and if that's what they want then let them have it. The respondent also mentioned the fact that some hot food takeaways work in combination with delicatessens – referring to the Turkish restaurant and Tulip on Chatham's High Street. She suggested that the Council look into selecting the type of food rather than hot food takeaways generally and to promote a mix, not one dominant offer. The Council need to provide better cycle lanes, roads for pedestrians/cyclists, and not for motorists so that people can play.

Medway Ethnic Minority Forum:

Members of the forum asked questions regarding the issue of clustering, however no views were expressed at this meeting. Members were encouraged to submit their views using the online response form.

Appendix 3

Hot food takeaways

Young Inspectors Project Report
April 2014:

Ricky, James, Bradley, Andrew,
Jess, Robert, Reece, Liam

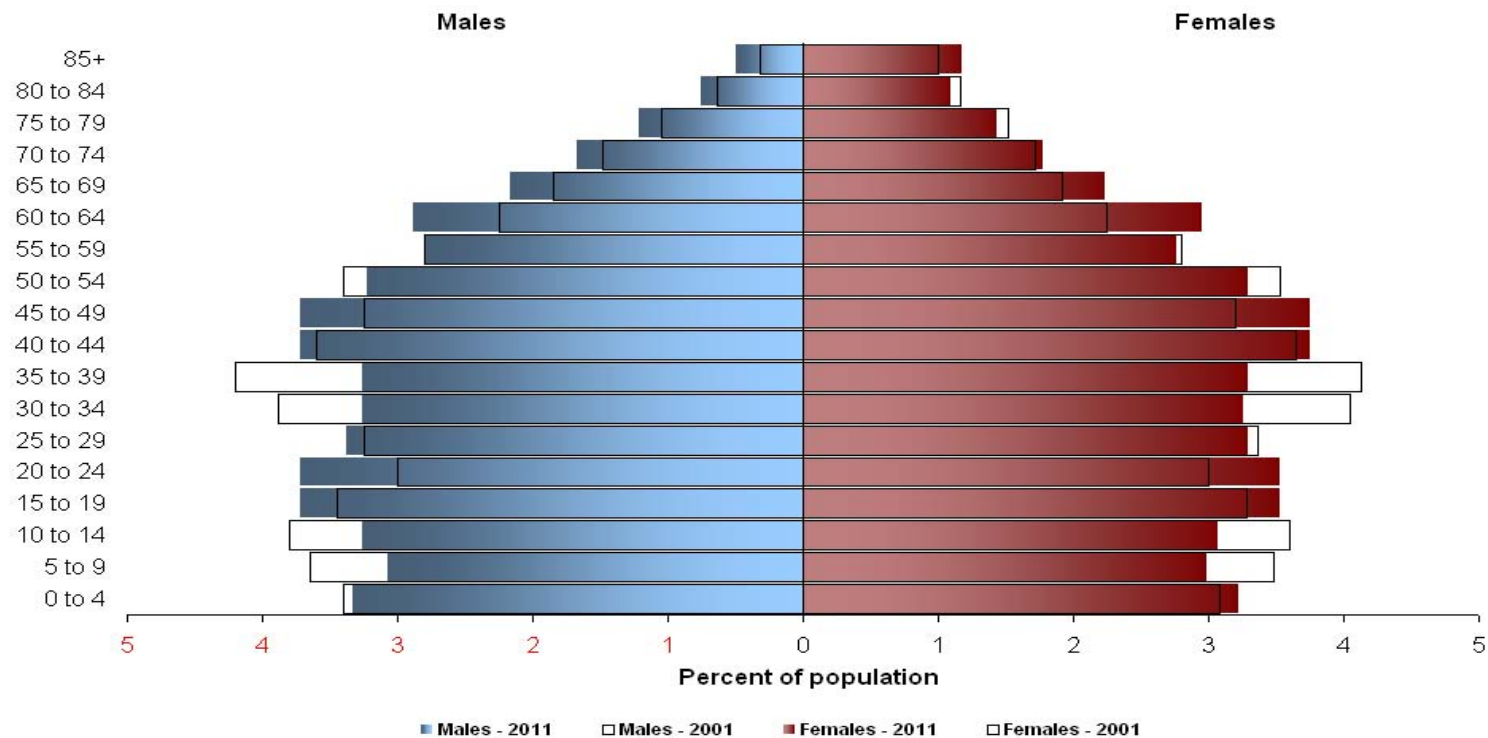


Background

Medway Young People

- Medway's population according to the 2011 Census now stands at 263,900.
- 69,000 Medway residents are aged between 0 to 19 years of age, which is 26% of Medway's populations.

Medway population by quinary age group - 2001 and 2011



Source: Census, Office for National Statistics (ONS) Crown Copyright.

Medway Schools

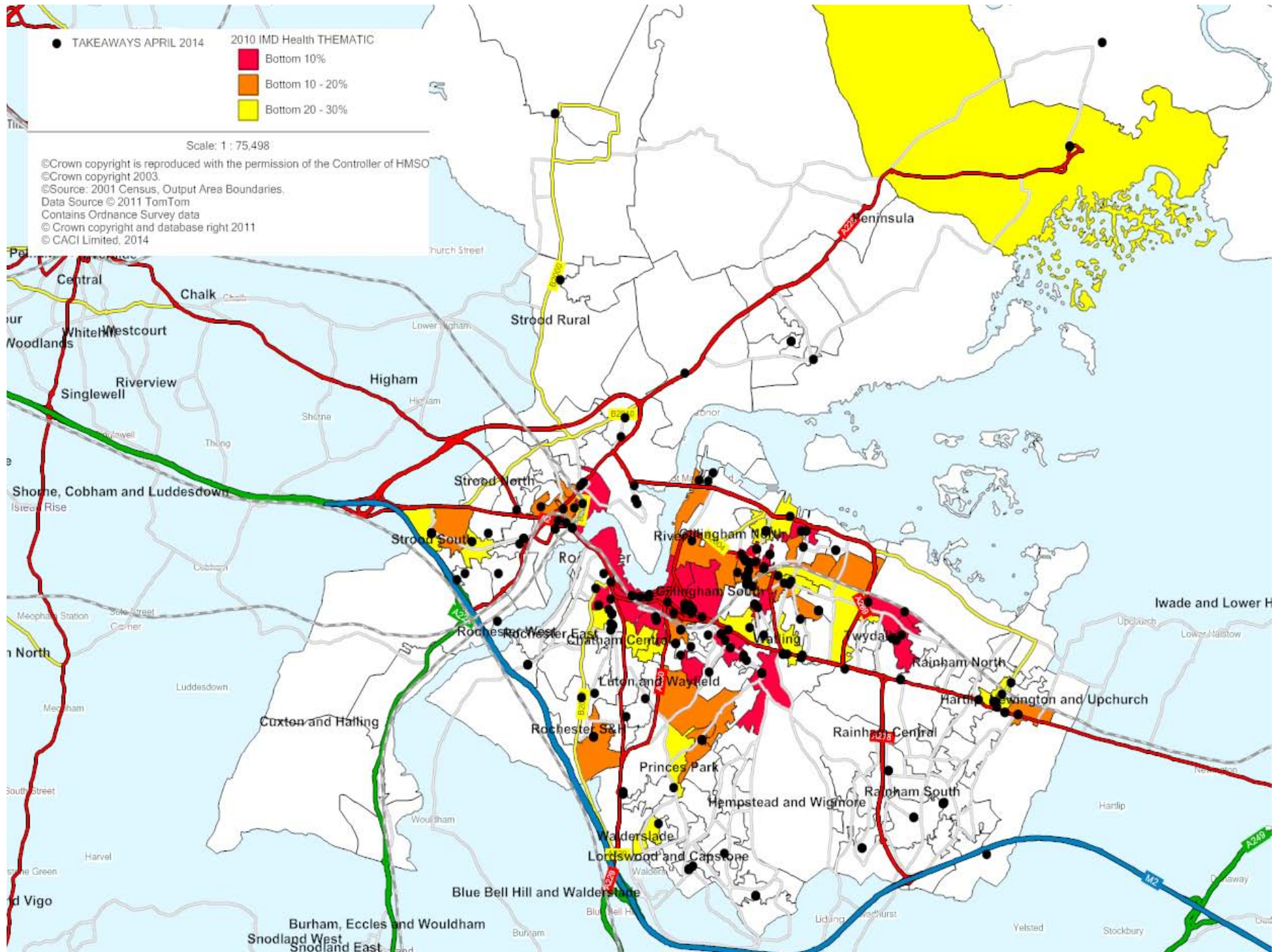
Currently Medway has:

77 - Primary Schools

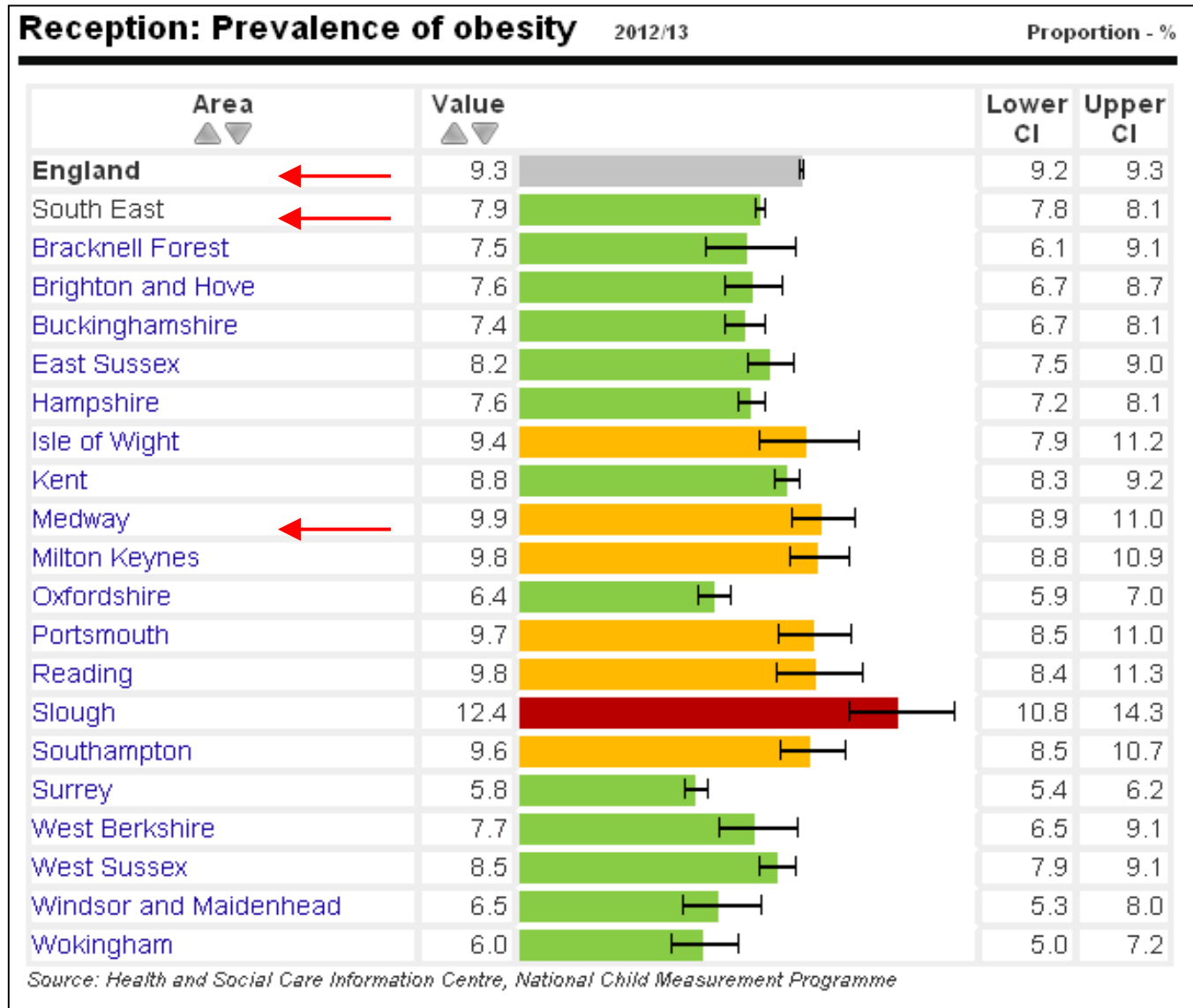
17 - Secondary Schools

6 - Special Schools & Units





Medway Child Obesity - Reception

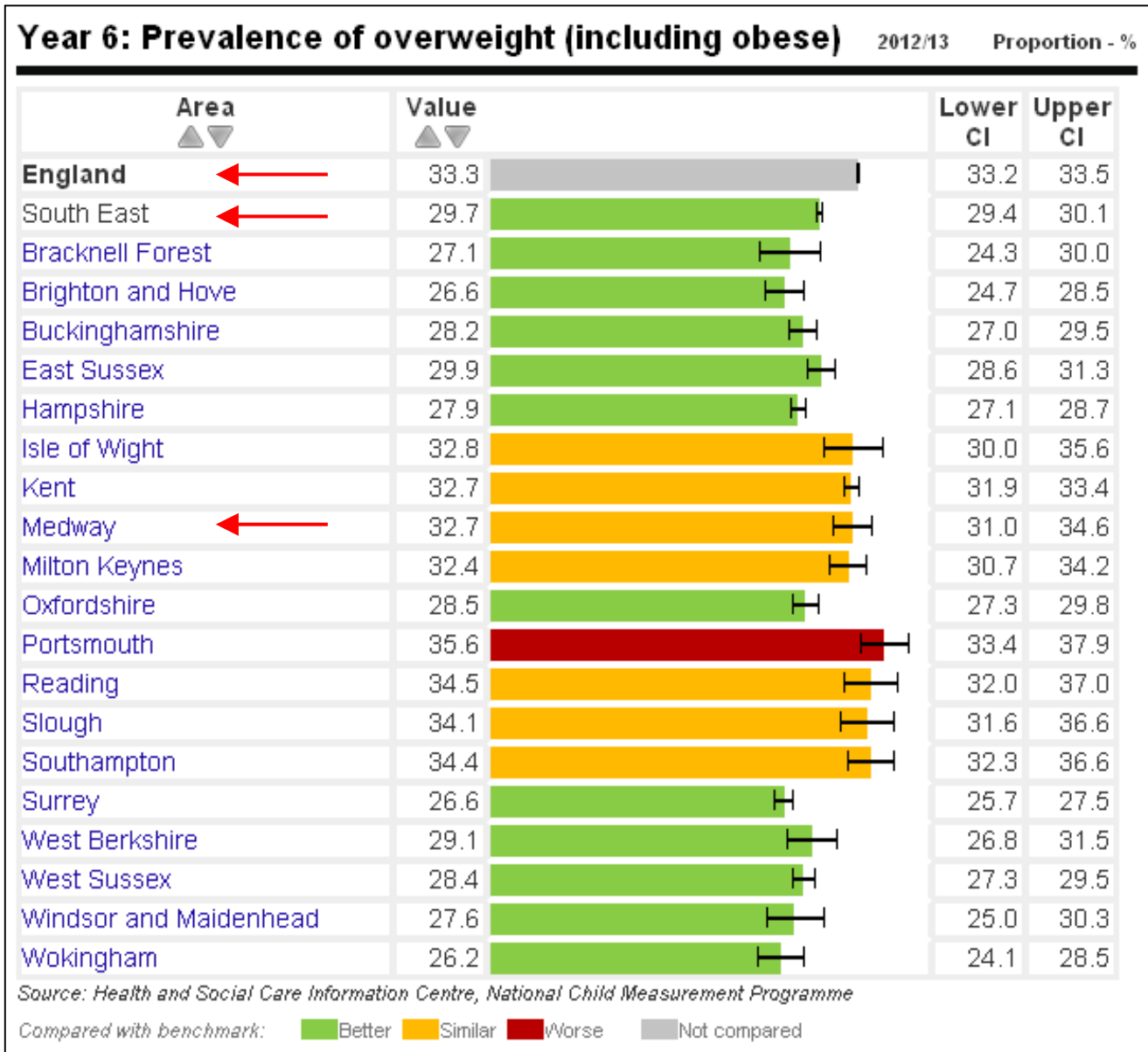


Almost 10% of children in Medway (during the period of 2012/13) are obese by their first year of school.

This compares to the South East average of 7.9% and the National average of 9.3%.

This shows that Medway has a higher proportion of children considered obese than both the regional and national averages.

Medway Obesity - Year 6 Children



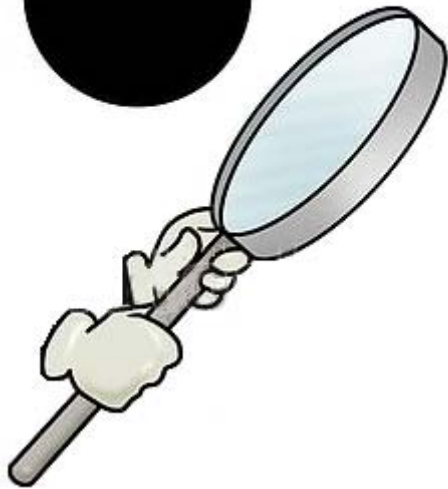
Just over 32% of Medway children in year six (during the period of 2012/13) are considered to be obese.

This compares to the South East average of 29.7% and the national average of 33.3%.

Even though Medway has a high obesity level amongst year 6 school pupils. This is slightly below the national average but slightly higher when compared to the South East.



Inspection Methodology



Day 1:

We were briefed by the Medway Council Planning Team on a proposal that might help reduce childhood obesity in Medway.

We were asked to find out young people's eating habits as well as their opinions on hot takeaways near secondary schools.

We decided to design a questionnaire to find out:

- How often young people have takeaways
- Opinions on restricting takeaways opening times
- Should the council be creating a healthy environment for young people?

Day 2:

Once we had finished designing our survey. We decided the best place to find out young people's opinions would be to go to local parks & play areas.

We then split into three groups taking 50 surveys per group. To ensure respondents knew who we were, we had photo ID and blue Medway Council research tops.

Areas covered:

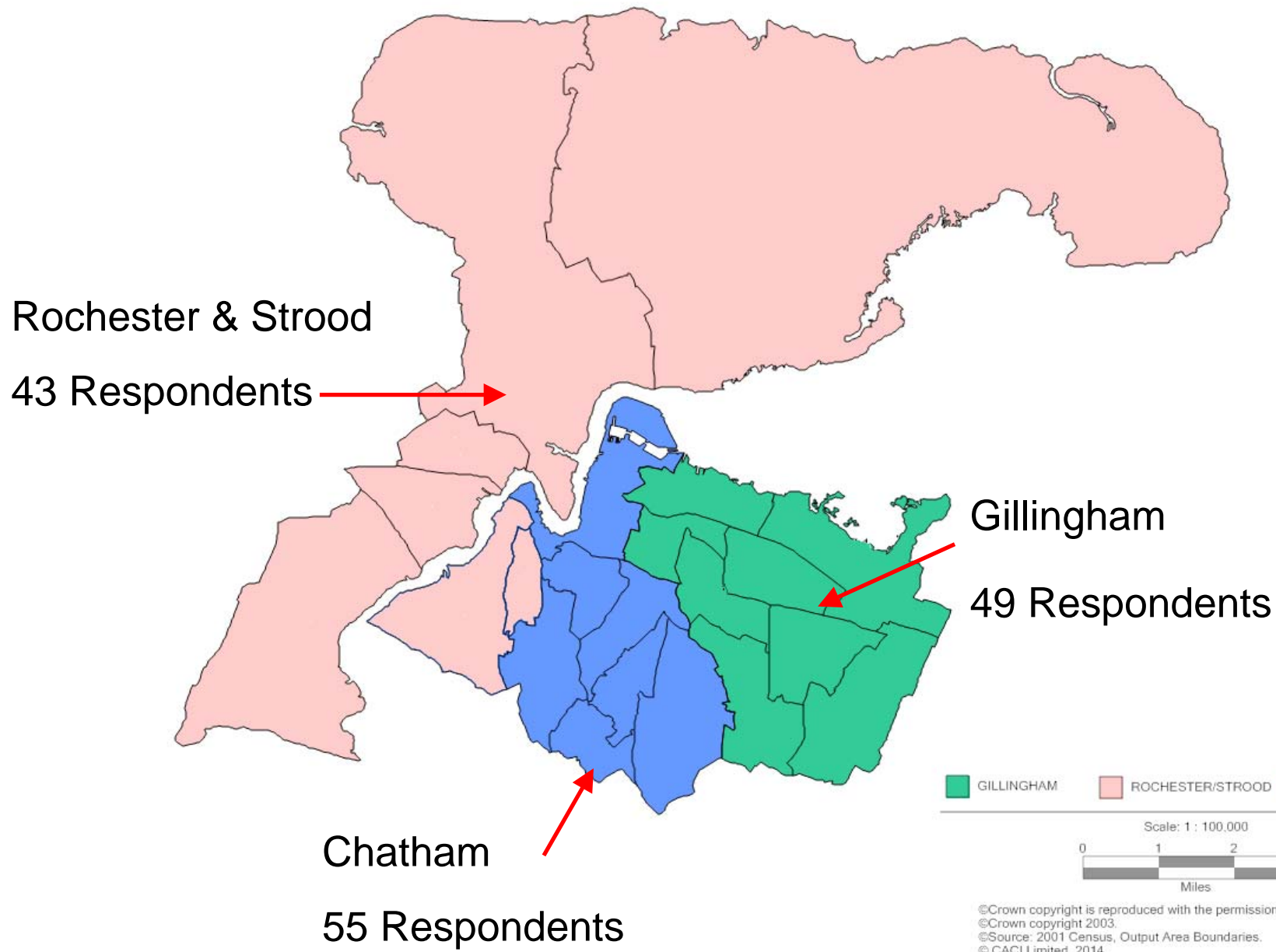
- Gillingham
- Chatham
- Rochester and Strood

Overall we collected 147 surveys.

Day 3:

On the third day, we analysed the survey information we had collected and prepared a verbal presentation to the Planning & Health Teams.

Respondents



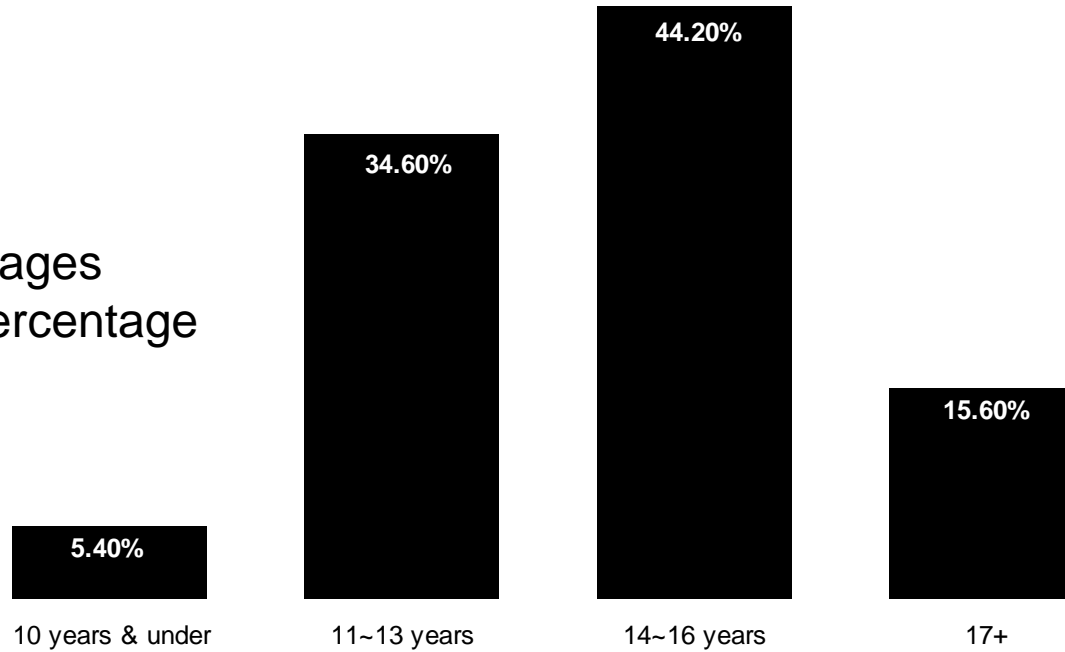


86 Respondents
were male (58.5%)



61 Respondents were
female (41.5%)

Respondents ages
shown as a percentage



What did we find out?



How Often Do You Eat Takeaways?

Counts Analysis % Respondents	Total	How often do you eat takeaways?						
		Daily	Once a week	Twice a week	Twice a month	Monthly	Never	Special occasions
Base	147	12 8.2%	53 36.1%	2 1.4%	35 23.8%	35 23.8%	4 2.7%	6 4.1%
Age								
10 years & under	8	1 12.5%	1 12.5%	-	4 50.0%	1 12.5%	1 12.5%	-
11	5	1 20.0%	1 20.0%	-	1 20.0%	1 20.0%	-	1 20.0%
12	28	1 3.6%	13 46.4%	-	7 25.0%	6 21.4%	-	1 3.6%
13	18	-	9 50.0%	-	1 5.6%	7 38.9%	-	1 5.6%
14	16	4 25.0%	4 25.0%	-	3 18.8%	3 18.8%	-	2 12.5%
15	19	-	6 31.6%	1 5.3%	4 21.1%	6 31.6%	1 5.3%	1 5.3%
16	30	2 6.7%	10 33.3%	-	9 30.0%	9 30.0%	-	-
17	17	2 11.8%	7 41.2%	-	5 29.4%	2 11.8%	1 5.9%	-
18	6	1 16.7%	2 33.3%	1 16.7%	1 16.7%	-	1 16.7%	-

53 Respondents (36%) said they have takeaways once a week. 12 Respondents said they have takeaways daily.

Time of Day & Who Do you Go with?

Counts Analysis % Respondents	Total	Who do you usually go with to get your takeaway?		
		On your own	With friends	With family
Base	147	2 1.4%	43 29.3%	109 74.1%
What time of the day do you usually have your takeaway?				
During school lunch time	2	-	2 100.0%	-
After school	23	-	11 47.8%	14 60.9%
Evening	118	2 1.7%	29 24.6%	96 81.4%
Weekends	4	-	3 75.0%	2 50.0%

Please note: Respondents could have chosen more than one option.

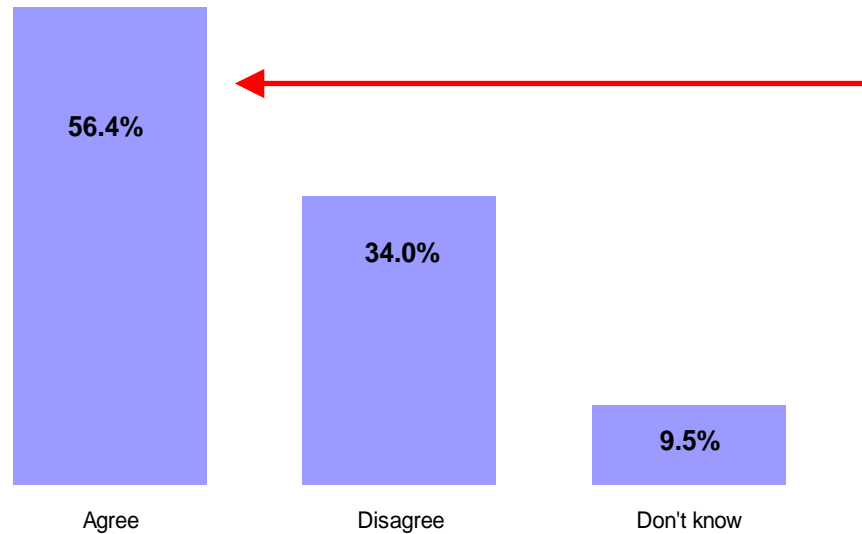
- Only two respondents said they have a takeaway during their school lunch break and go with friends to get it.

- 23 (15.6%) respondents said they usually go after school to get a takeaway. Out of those 14 (60.9%) said they go with family, slightly less said they go with friends.

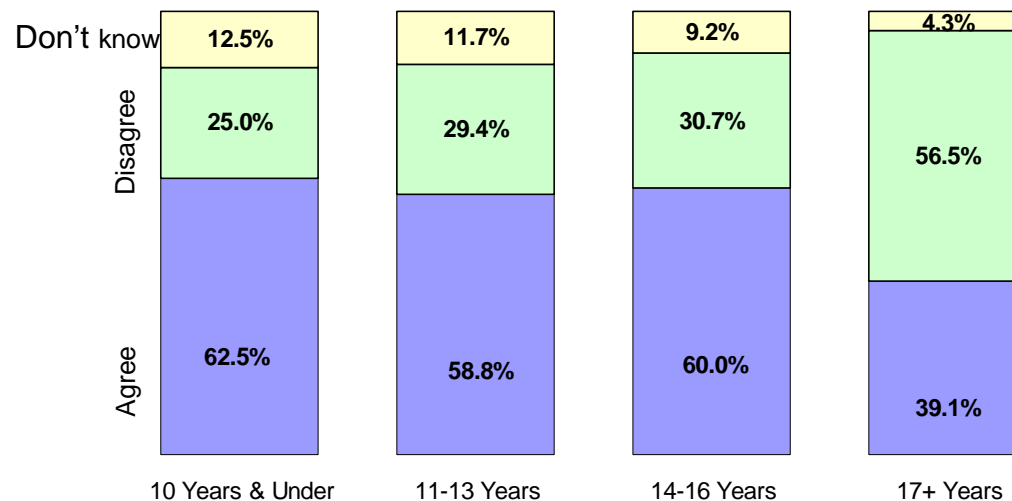
- Most respondents 80% said they usually have their takeaways in the evening, with the majority going with their family.

- Only four respondents said they have a takeaway during the weekend.

Should Hot Food Takeaways Have Their Opening Times Restricted During School Lunch Times?



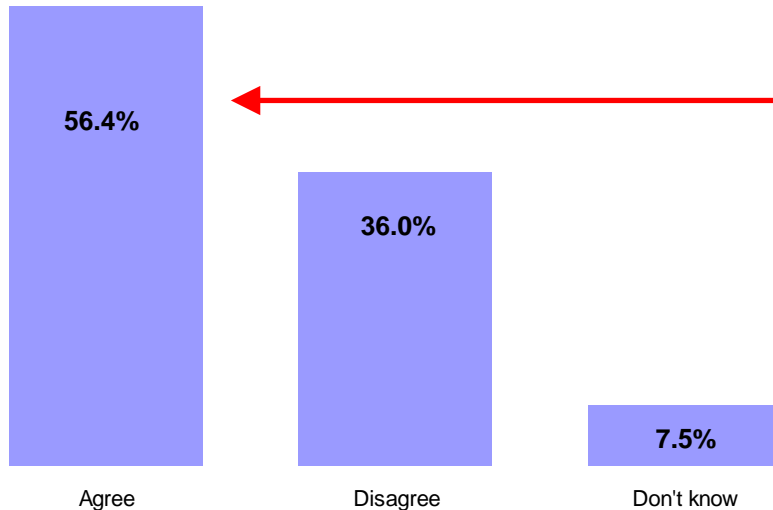
Just over half (56.4%) of respondents agreed that hot food takeaways should have restricted opening times during school lunch times.



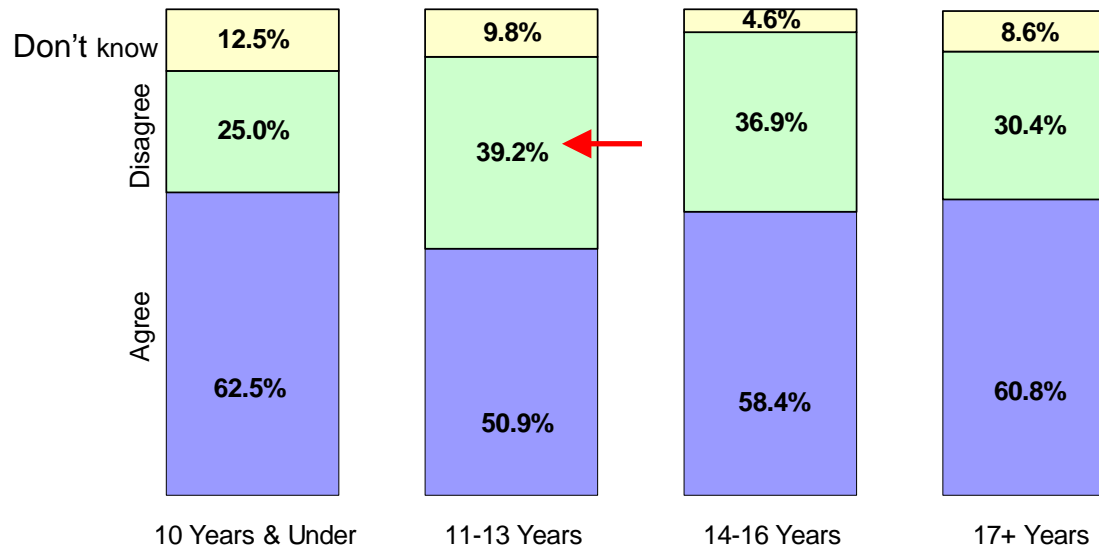
The age group least likely to agree with restricted opening times at lunch times were those aged 17 years and over.

56.5% aged 17 years and over disagreed with this proposal.

Should Hot Food Takeaways Have Their Opening Times Restricted If Within A Five Minute Walk From School?



Just over half (56.4%) of respondents agreed that hot food takeaways should have their opening times restricted if they are located within 5 minutes of a school.



The age group least likely to agree with restricted opening times if they are located within 5 minutes of a school were those aged between 11 to 13 years.

39.2% aged between 11 to 13 years disagreed with this proposal and further 9.8% said they did not know.

Should Medway Council Create A Healthy Environment?

Counts Analysis % Respondents	Total	The council creating a healthy environment for you			
		Supportive	Neither supportive or unsupportive	Unsupportive	Don't know
Base	145	75 51.7%	53 36.6%	8 5.5%	9 6.2%
Age					
10 years & under	8	6 75.0%	2 25.0%	-	-
11	5	3 60.0%	2 40.0%	-	-
12	28	16 57.1%	9 32.1%	1 3.6%	2 7.1%
13	18	9 50.0%	7 38.9%	-	2 11.1%
14	15	6 40.0%	6 40.0%	2 13.3%	1 6.7%
15	19	8 42.1%	10 52.6%	-	1 5.3%
16	29	15 51.7%	9 31.0%	3 10.3%	2 6.9%
17	17	9 52.9%	6 35.3%	2 11.8%	-
18	6	3 50.0%	2 33.3%	-	1 16.7%

Just over half overall said they were supportive of Medway Council creating a healthy environment.

Only eight respondents (5.5%) said they were unsupported.

Appendix 4

Diversity impact assessment

Guidance on carrying out a diversity impact assessment

A diversity impact assessment (DIA) (sometimes referred to as an equality impact assessment - EIA) is a process that helps you demonstrate that you have complied with the Council's statutory obligation to put fairness and equality at the centre of any change to service provision, policy or strategy and taken into account the impact on individuals.

The DIA process helps you to assess the likely impact any such change may have on all sections of the community and/or council staff, including people with protected characteristics as defined in the Equality Act 2010 ("the Act").

By considering the likely impact **before any decisions** are made that will result in a change to service, this process helps you to find ways that can prevent, or at the very least, reduce any potential adverse impact. You cannot fulfil your duty by justifying a decision **after** it has been taken.

Protected characteristics (Equality Act 2010)

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Why carry out a DIA?

Carrying out DIAs, and making sure decision makers take into account the findings of DIAs, is one way that the Council can demonstrate compliance with its public sector equality duty under the Act. Section 149 of the Act states that public authorities must, in the exercise of their functions, have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

Service improvement

DIAs are an effective tool to drive forward improvements to services which benefit our communities.

Medway's approach

In 2013, Medway reinforced its support to continue using DIAs as an effective way to demonstrate our focus on customers and citizens.

One of the two values of Medway Council is:

"Putting our customers at the centre of everything we do".

Carrying out DIAs is a vital tool for managers to ensure that they incorporate this value in the way they deliver services.

What if we don't carry out a DIA?

Done badly or not at all, it carries significant risks in terms of compliance with legal requirements and Council policy. There is no legal requirement to carry out a DIA, but without one, it's hard to show that the Council has fulfilled its legal duties to have due regard to the matters in the Act. This could result in Council decisions being challenged in the courts, in delays, legal costs and damage to the Council's reputation.

Diversity impact assessment

Failure to carry out a DIA would also be a lost opportunity to improve the quality and accessibility of services for our residents.

What support is available to help me carry out an assessment?

Contact your Performance & Intelligence hub if you require any help carrying out the DIA.

Stage 1: Getting started – Identify what you are assessing?

Why are you carrying out a DIA? Be clear about what it is you are trying to assess. Are you trying to assess the impact of a proposed new service, project, strategy or policy - or the impact of a proposed change to an existing one of the above?

When is a DIA required?

You must assess the impact on protected characteristic groups (or any other disadvantaged groups) **before any decisions** are made in relation to any of the above.

You can only assess the likely impact of any proposed change if you have sufficient evidence on which to base your judgment.

Stage 2: Gathering evidence What evidence do I gather?

All relevant evidence which will support your judgment about the likely impact (whether this is a negative or positive impact) on the protected characteristic groups.

Keep it in proportion

The amount of evidence collected should be proportionate to the scale and impact of the issue being assessed.

You need evidence to help you answer the following questions:

Can you quantify the current service?

- Actual number of service users
- Profile of service users (age/ethnicity/disability etc)
- Potential number of service users (enclosed Medway community profile information may be useful)
- Customer satisfaction results

- Budget information
- Performance information
- Benchmarking information

Can you quantify the scale of any problem which this proposed change is attempting to resolve?

- Number of incidents
- Number of complaints
- Previous DIAs addressing this

Can you quantify what changes are being proposed?

- What new/different services will look like compared to the current service

Can you quantify who will be impacted by the change?

- Numbers of staff
- Numbers of existing customers
- Numbers of potential customers
- Contractors/other groups/all of Medway community
- What protected characteristics do any of the above have

Who have you consulted to identify what the impact on the above groups will be, or what solutions could mitigate any adverse impact?

- Existing service users and/or their families/carers
- Staff/legal dept
- Other stakeholders
- Other organisations
- Service user, or performance information
- Staff forums

Where **evidence is missing**, and where appropriate, you should consider obtaining new evidence. This can be included in your Action Plan.

Again, remember any additional work to obtain new evidence must be proportionate to the subject under assessment.

Stage 3: Assessing the impact

How do I use the information gathered?

You must make an assessment regarding the likely impact that the proposed change will have on the protected characteristic groups.

You will need to identify if the impact is positive, negative, or a mix of both.

Diversity impact assessment

'Positive impact' could include how the change may **advance equality** and/or **foster good relations between people who share a protected characteristic**.

You will need to identify how significant the impact is in terms of its nature and the number of people likely to be affected.

No adverse impact

There is likely to be no adverse impact on any of the protected characteristic groups. What happens next?

Complete the DIA and include evidence to show why you judge that there will be no adverse impact. This information will be vital should the DIA be challenged at a future date.

No further work is required on the DIA unless there is a significant change in the future which requires a new assessment.

Adverse impact

There is likely to be an adverse impact on one or more protected characteristic groups. What happens next?

You need to identify how you can avoid any adverse impact or at least mitigate the adverse impact.

You must set out in the Action Plan what mitigating measures you intend to put in place.

What if there are no options which will mitigate adverse impacts?

If you can't mitigate the adverse impact, it is important that you state that this is the case, and why, as it will act as an important early warning to managers and councillors.

What if I don't know what the impact will be?

If you don't know, you must demonstrate how you plan to get evidence of the likely impact. Include this in your Action Plan.

What should Action Plans contain?

The Action Plan is an important part of the DIA. It should include actions showing how you intend to:

- Mitigate adverse impacts

- Obtain new evidence to enable an informed judgment on the likely impact to be made

All actions should be Specific, Measurable, Achievable, Realistic and Time bound (SMART).

Stage 4: Recommendation

Based on the evidence available, the lead officer may include a recommendation for decision makers to consider.

If there is insufficient evidence to make a recommendation, say so. You may be able to make a recommendation once further evidence is obtained.

Stage 5: Authorisation

The completed DIA must be signed by your Assistant Director as confirmation that:

- The evidence included is satisfactory
- The action plan to mitigate adverse impacts and/or obtain new evidence is satisfactory
- Relevant service managers are aware of the content of the DIA
- The recommendation is satisfactory

What next?

All reports being submitted to Cabinet regarding a proposed change to a service, strategy etc must include a copy of the relevant DIA. Cabinet has to have due regard to equality matters when making decisions. It cannot do so if it does not have the relevant information in the report when it makes its decision.

All DIAs are published on the Council's internet site (including those which do not go to Cabinet). Email a copy of your completed DIA to the [Corporate Performance & Intelligence hub](#) where arrangements are made to publish on the internet.

Stage 6: Monitoring the Action Plan

The Action Plan should be incorporated into your existing service plan so that it can be monitored as part of your existing service plan monitoring process.

Diversity impact assessment

Medway community profile information

The 2011 Census provides a wide range of equality data relating to the communities in Medway. The following is a summary of this information which you may find useful as part of your evidence gathering.

If you require more detailed information relating to Medway communities, this can be found in Medway's annual equality report: **Delivering fair and responsive services.**

Age

- Medway's population at the 2011 census was 263,925.
- Broken down by age group, 24.5% (64,724) are aged 0-18, 61.5% (162,196) are 19-65 and 14% (37,005) are over 65.
- The last ten years has seen an increase in the number and proportion of the 65+ category and a decrease in the number of children (0-18) in Medway.
- Although there has been a decline in the 0 to 18 age group, the proportion of the population at this age remains higher than Kent, the South East and England & Wales.
- The decrease in the population of young people is likely to be reflective of a decline in births from 1997 onwards, although it should be noted that births have started to increase again from 2007.

Gender

- As recorded in the 2011 Census, the population in Medway is almost evenly split along gender lines with 49.6% male and 50.4% female.
- Since 2001 there has been a higher increase in the male population (+6.5%) compared to the female population (+5.1%).

Disability

- The majority of Medway's population, 82%, is in good or very good health, with the proportion of the population not in good health increasing slightly since 2001.
- 16.4% (43,354) of the population state that their day-to-day activities are limited. This is a lower proportion than the average cross England and Wales (17.9%) but higher than across the South East (15.7%).
- In addition, 24,289 households (24.9%) report having at least one person in the household with a long-term health problem or disability.
- There are 25,033 (9.5%) residents in Medway who provide some degree of unpaid care.

Race

- The white population is the most prominent ethnicity in Medway accounting for 89.6% (236,579) of the total population.
- This has decreased from 94.6% in 2001.
- White British is the largest individual ethnic group reporting at 85.5% of the population.
- The Black and Minority Ethnic group stands at 10.4% of the population, which is higher than Kent (6.3%) and the South East (9.4%) but lower than across England and Wales (14.1%). This has increased significantly from 5.4% in 2001.
- Residents who stated they were Black African saw the greatest proportional increase in population up from only 0.3% in 2001 to 1.8% in 2011.
- Medway's Profile: White (89.6%), Asian (5.2%), Black (2.5%), Mixed (2%), Other (0.7%)

Diversity impact assessment

Religion or belief

- The most prominent religious group in Medway is Christian accounting for 57.8% (152,637) but this showed a large decrease from 2001 (72%) and is lower than Kent (62.5%), the South East (59.8%) and England and Wales (59.3%).
- This is followed by No Religion (29.9%) and Religion Not Stated (6.8%).
- Those who stated their religion as Muslim increased at a faster rate than Sikh since 2001 and now represents the fourth largest religious group in Medway.
- Proportionally, Medway has a significantly higher percentage of residents stating their religion as Muslim than Kent, but is significantly smaller - less than half - the proportion of England & Wales.
- Religion & belief: Medway Profile (2011): Christian 57.8%, No Religion 29.9%, Religion Not Stated (6.8%), Muslim (2%), Sikh (1.5%), Hindu (1%), Other Religion (0.5%), Buddhist (0.4%) Jewish (0.1%)

Gender reassignment

- There are no accurate local estimates of the transsexual population.
- There have been two studies in the Netherlands and Scotland, which have suggested that between 1 in 11,500 and 1 in 12,500 people are transsexual. (Trans: A Practical Guide, Department for Health, October 2008).
- In the UK there have been 3,863 applications dealt with by the Gender Recognition Panel between 2004/05 and 2012/13.

Marriage and civil partnership

- Of the population aged 16 or over, 46.1% (97,095) were married in 2011.
- This represented a 6.1% decrease in the marriage rate since 2001.
- The proportion of the population aged 16 or over who are single and have never married has increased by just over 17,200 or up by 5.8 percentage points.
- This will in part reflect Medway's younger age profile, and the national trend of declining numbers of marriages.
- The 2011 census also collected data on civil partnerships for the first time.
- There are just over 350 residents in Medway in a civil partnership; the low numbers reflect its relatively new legal status.

Pregnancy and maternity

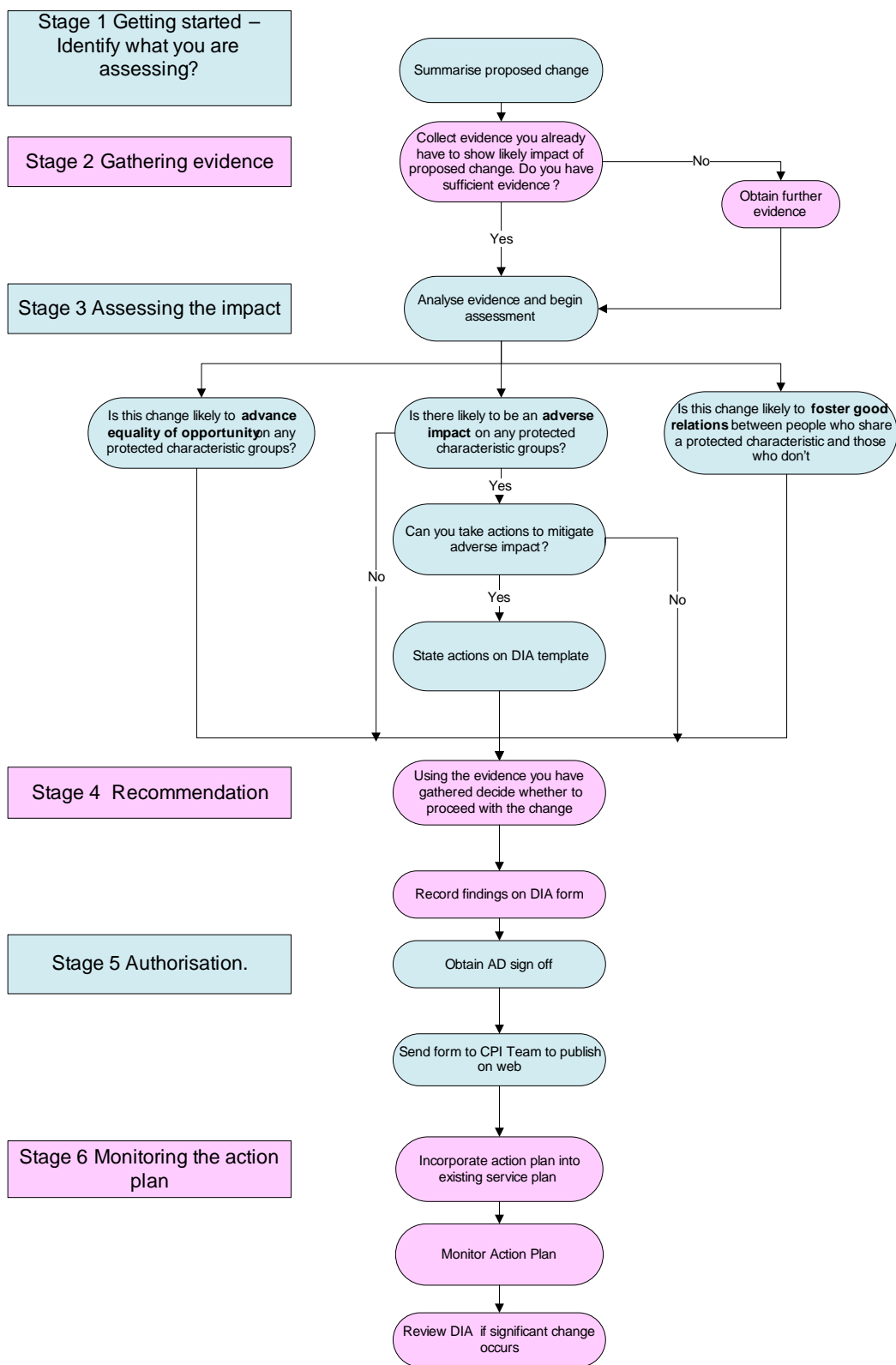
- In 2011 there were 4,714 conceptions within Medway; a rate of 86.3 conceptions per 1,000 women aged 15 to 44, higher than the Kent, South East and England and Wales rates.
- The rate of under 18 conceptions, 38.8 conceptions per 1,000 women aged 15 to 17 in 2011 was higher than Kent, the South East and England and Wales.

Sexual orientation

- Whilst there is no specific data available with regard to sexual orientation, research suggests that the lesbian, gay and bisexual (LGB) population account for between 5 and 7% of the population. (DTI, Final Regulatory Impact Assessment: Civil Partnership, 2004)
- Using these figures and the Medway mid-2012 population estimate, the Medway LGB population (18+) is likely to be between 10,300 and 14,500 people.
- In Medway the Census 2011 indicated that there were 1,589 people or 0.8% of the population living in a civil partnership or are a same sex couple cohabiting.
- This is broadly comparable with national trends.

Diversity impact assessment

DIVERSITY IMPACT ASSESSMENT FLOWCHART



Diversity impact assessment

TITLE <i>Name/description of the issue being assessed</i>	Hot Food Takeaway Planning Guidance Note
---	---

DATE <i>Date the DIA is completed</i>	20 June 2014
---	---------------------

LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Catherine Smith Planning Manager - Policy
--	--

1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

The guidance note seeks to manage the location of new hot food takeaways in Medway, particularly to avoid siting near schools and over concentration in local centres. The proposal aims to contribute to wider public health interventions to improve the health of Medway's communities. The planning guidance note builds on the existing policy R18 in the 2003 Medway Local Plan that sets the criteria for the location of Hot Food Takeaways. The guidance only applies to the consideration of planning applications for new Hot Food Takeaways, and not existing businesses.

2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

Public Health information has provided details of the health characteristics of Medway's communities. Consultation was carried out on a draft of the guidance note. The consultation sought to engage with sectors of the community that may be most affected by the new guidance. This included contacting schools, children and young people, minority ethnic communities, and small businesses. The consultation showed a majority supported the aims of the guidance. The results of the survey of children and young people had a mixed response on the proposals to restrict new hot food takeaways and their opening hours in the vicinity of schools. Details of the consultation responses are set out in the Appendices to the report.

Diversity impact assessment

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age			
Disability			
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity			
Race			
Religion/belief			
Sex			
Sexual orientation			
Other (eg low income groups)			

4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

There is no direct impact on any protected characteristic group, as all planning applications are subject to a standard assessment process. The guidance note seeks to improve the health of people in Medway through promoting a healthier environment, as part of a wider package of public health interventions. The guidance has specific aims to manage the location and operation of new hot food takeaways in the vicinity of schools, as part of measures to reduce childhood obesity.

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

Diversity impact assessment

- Are there alternative providers?
- What alternative ways can the Council provide the service?
- Can demand for services be managed differently?

Planning officers can advise on locations where the siting of new hot food takeaways would not be affected by the proposed guidance note.

6 Action plan

- Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Monitor implementation of hot food takeaway guidance (if adopted) and likely impact.	Planning Policy & Public Health teams	Annually by 31 March.

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

To support the introduction of the proposed planning guidance on the location of new hot food takeaways, for the opportunities to promote improved health in Medway, as part of an integrated package of public health interventions.

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Assistant Director

Stephen Gaimster

Diversity impact assessment

Date

20 June 2014

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443

email: annamarie.lawrence@medway.gov.uk

C&A: phone 1031

email: paul.clarke@medway.gov.uk

BSD: phone 2472 or 1490

email: corppi@medway.gov.uk

PH: phone 2636

email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication