

Review of Takeaways and Street Trading in Tameside



Technical, Economic and Environmental Services Scrutiny Panel and Personal and Health Services Scrutiny Panel

Contents

	Paragraph	Page No.
Introduction by the chair	1	2
Summary	2	2
Membership of the Panel	3	3
Terms of Reference	4	3-4
Methodology	5	4
Background of the Review	6	5
Review Findings	7	5-12
Conclusions	8	13
Recommendations	9	13-14

Introduction by the Chair

I am very pleased to present this report of a review undertaken by the Personal and Health Services Scrutiny Panel and the Technical, Economic and Environmental Services Scrutiny Panel into Takeaways and Street Trading in Tameside.

The issues relating to takeaways and street trading in Tameside were highlighted by a letter the council received from the Principal of Ashton Sixth Form College.

The main concerns are the 'increasing number of burger vans' and takeaway in close proximity to schools and colleges across the borough.

Meetings have taken place with lead officers in the run up to the review and it has been determined that options are available to the Council from a planning, enforcement and health perspective.

The existing frameworks are somewhat restrictive and it is important that the review looks at how other councils have adopted new approaches towards hot food takeaways and how the Council can incorporate the necessary changes through the development of its Core Strategy and Local Development Framework.

On behalf of the Personal and Health Services Scrutiny Panel and the Technical, Economic and Environmental Services Scrutiny Panel, I would like to thank all those who have participated in this review.



Councillor Brenda Warrington
Chair of the Personal and Health Services Scrutiny Panel

2. Summary

There has been a rise in the number of hot food takeaways and street traders that are located in town centres and in close proximity to schools and colleges.

Other councils across the country have applied changes to their Local Development Framework to restrict planning permission in certain areas and restrict mobile trading in certain areas through enforcement powers.

The review looks at the options available to the council from a planning, enforcement and health perspective and details the possible approaches that can be implemented through the Local Development Framework.

3. Membership of the Scrutiny Panel

Personal and Health Services Scrutiny Panel

Councillor B Warrington (Chair), D Cartwright (Deputy Chair)
Councillors R Ambler, M Bailey, J Bowerman, W Bray, D Buckley, M Downs, J Middleton, E Shorrock.

Technical, Economic and Environmental Services Scrutiny Panel

Councillor A Whitehead (Chair), C Patrick (Deputy Chair)

Councillors R Ambler, D Cartwright, J Cooper, P Douthwaite, M Fowler, A Holland, D McNally, S Parker-Perry, G Roberts, M Whitley, Mr A Moss (Citizens' Panel).

4. Terms of Reference

Aim of the Review:

To explore how Tameside Council can limit and/or control the number of takeaways in town centres and in close proximity to schools and colleges, with the view to improve health inequalities in the borough

Objectives:

1. To examine the location of takeaways and street trading in the borough.

2. To evaluate the options available to Tameside Council from a planning, enforcement and health perspective.
3. To explore how current and future strategies can be adapted to incorporate changes to restrict takeaways and street trading in certain areas.
4. To examine the approach taken by other councils.
5. To produce workable recommendations for the council and partners to deliver sustainable improvements to the future approach towards takeaways and street trading in Tameside.

Value for Money/use of Resources:

The number of takeaways that are located in town centres and in close proximity to schools and colleges has increased significantly over recent years.

It is important that the right strategies are put in place to stop planning permission being granted for takeaways in certain areas and work is done to prevent clusters of takeaways emerging, which can detract from a town centre's primary function to residents and visitors.

Equalities issues:

Takeaways and street trading has an impact on all sections of Tameside's economy. The review will consider what changes need to be made to ensure that town centres do not become saturated with takeaways and there are enough healthy eating options for residents.

It is also important that young people make informed choices with regards to healthy eating and work is done to reduce the number of takeaways that are in close proximity to schools and colleges.

Tameside Area Agreements:

The following targets from the Tameside Area Agreement relate to Apprenticeships.

Key Quality of Life Measures	
Healthy Tameside	• Life Expectancy
Supporting Measures	
Healthy Tameside	• Obesity/Diet

5. Methodology

- 5.1 The Panel met with Andrew Leah, Head of Housing and Planning, Tameside MBC; Debbie Bishop, Head of Health and Wellbeing, Tameside MBC; and Sharon Smith, Head of Environmental Services, Tameside MBC to provide an overview of the current situation and the options that are available to the council with regards to planning, health and enforcement.

6. Background of the Review

- 6.1 There is a proliferation of hot food takeaways and mobile traders located in town centres and in close proximity to schools and colleges in Tameside.
- 6.2 There are concerns that the food they sell can be high in fat, salt and sugar.
- 6.3 Poor diet can have major health consequences and increase the incidence of a range of health issues such as obesity and cardiac problems as well as being strongly related to social disadvantages such as poor education and lack of skills.
- 6.4 There is an important link between how places are planned and developed and the health of the communities that live in them. This link is increasingly recognised in planning guidance and in how planners approach their work.
- 6.5 It is also important that opportunities are available for people to buy fresh healthy produce locally and restrict the opening of new facilities which offer fast/unhealthy food within a reasonable walking distance of schools.

7. Review Findings

Health Issues

- 7.1 Poor diet can affect an individual's health in a number of ways. Over eating of foods with a high fat content and a lack of nutritional balance can result in serious illness such as high blood pressure, stroke, heart disease, obesity and diabetes.
- 7.2 Tackling obesity and promoting healthy eating is at the forefront of numerous local and national policies. A person is considered to be obese if they have a Body Mass Index (BMI) above 30. Strict national standards were introduced in 2006 which focus specifically on deep fried food and fizzy drinks.
- 7.3 Childhood obesity in Tameside has increased over recent years. Data from 2007 shows that 15.3% of primary school children in year 6 were classed as obese, this has increased to 20.6% in 2010. Data from 2011 shows a slight decrease at 19.7%. The average for England was 17.5% in 2007 and 19% in 2011.
- 7.4 The term 'obesogenic environment' refers to the role the environmental factors play in determining the availability and consumption of different foods.
- 7.5 From April 2013 the management of public health will transfer to local authority control. The obesity strategy for England 'Healthy Weight; Healthy Lives' indicates an opportunity for local authorities to control new fast food outlets through the use of planning powers.
- 7.6 Planning can intervene to ensure there are opportunities available for people to buy fresh healthy produce locally and restrict the opening of new facilities which offer fast and unhealthy food, especially in close proximity to schools and colleges.
- 7.7 It is also important to focus on providing a more efficient concentration of provision in town centres, creating greater diversity and vitality across the borough. This can lead to greater opportunities for employment while ensuring a town centre's primary functions are retained.

- 7.8 Many large retailers such as McDonalds and supermarkets are signing up to the Public Health Responsibility Deal. This is aimed towards reducing the amount of trans fats and saturated fats in the food they sell.
- 7.9 The Public Health Responsibility Deal is a voluntary agreement and there is currently little incentive for small independent businesses to participate.

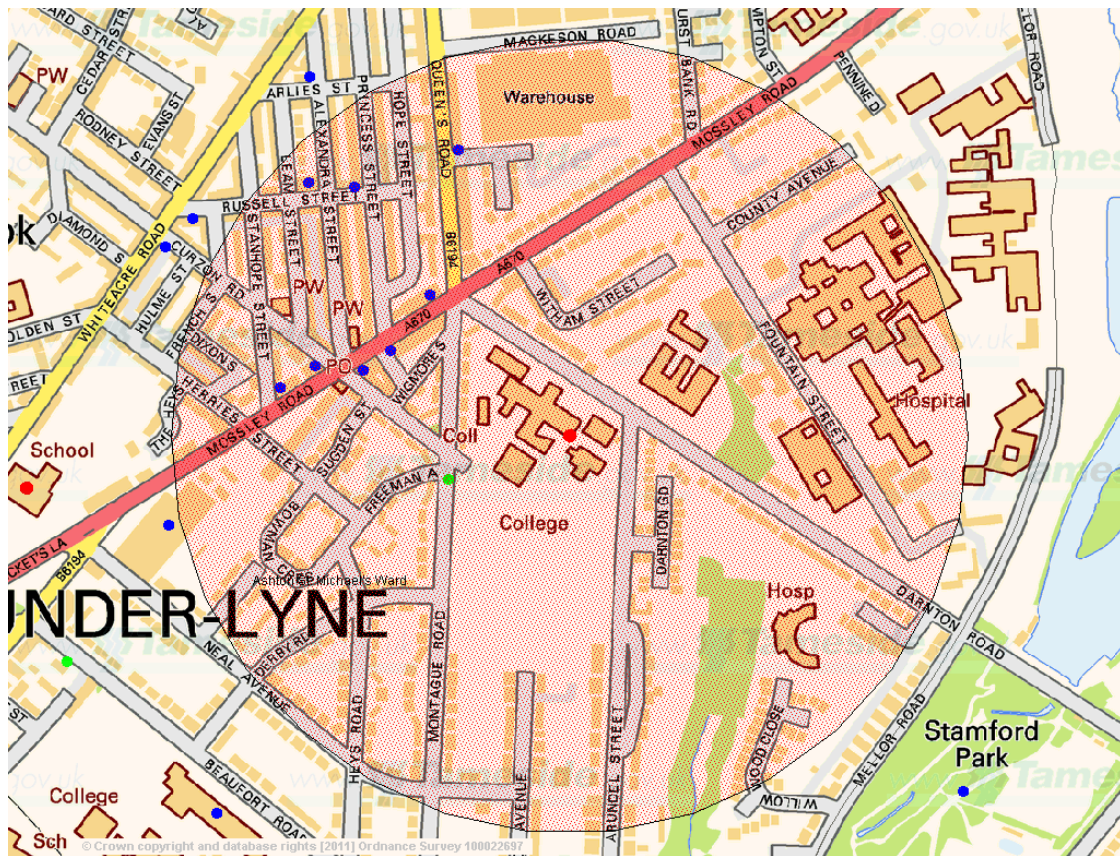
Conclusions

1. Childhood obesity in Tameside has risen over recent years.
2. There is currently no incentive for small independent businesses to sign up to the Public Health Responsibility Deal.

Current Location of Takeaways and Street Traders in Tameside

- 7.10 Through the development of their Local Development Framework some council's have introduced guidelines which prohibit takeaways and mobile traders operating within 400 metres of a school or college.
- 7.11 The map below identifies the current location of mobile traders and premises that potentially sell unhealthy food within 400 metres of Ashton Sixth Form College.

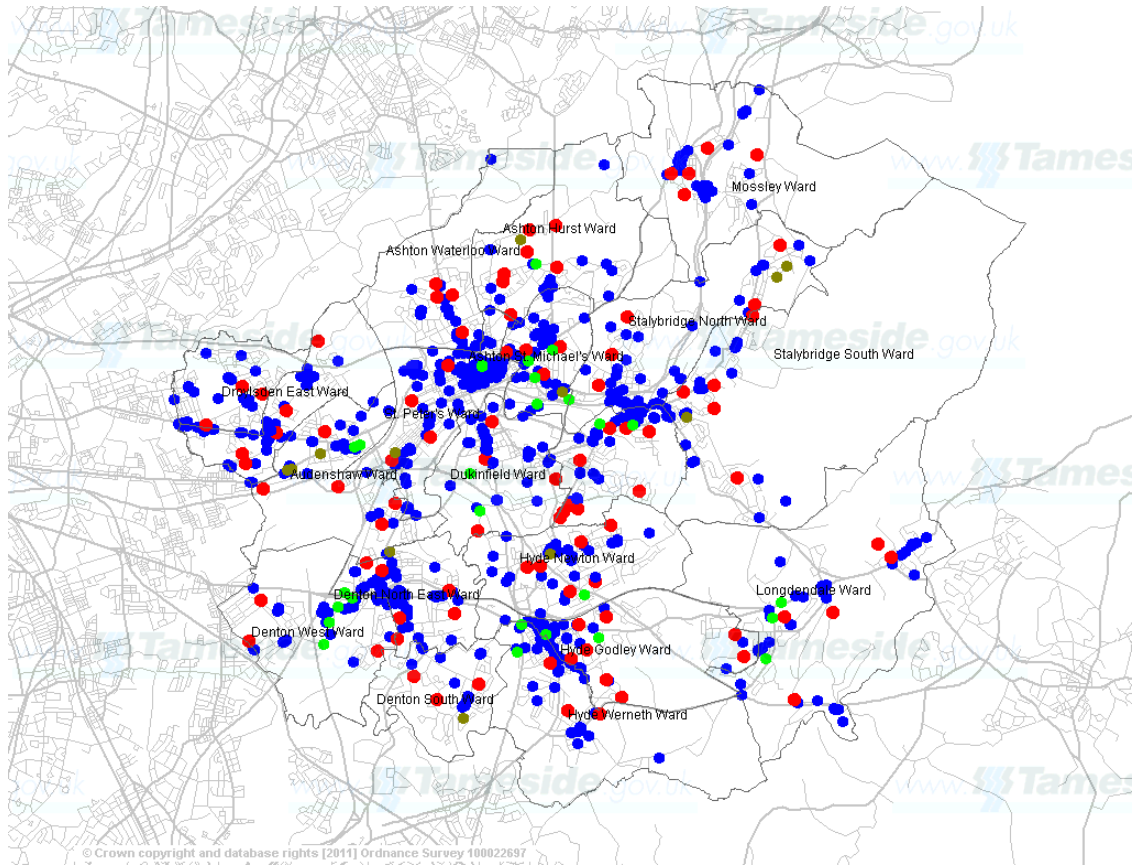
Proximity to Ashton Sixth Form College



- Schools
- Mobiles
- Other Food

- 7.12 The shaded circle on the map represents the 400 metre radius around the college which roughly equates to a 3 to 4 minute walk in all directions. Within the 400 metre area there are currently 9 food sources available to students. There are 3 bakeries, 1 mobile trader, 2 takeaways, 1 cafe and 2 alternative types of food outlet.
- 7.13 In Tameside there are currently no conditions in place to prevent trading around schools and colleges, or the type of foods that are sold. Street traders currently have a list of prohibited streets which they are unable to trade on, however this does not include streets that are in close proximity to schools and colleges.

Location Across the Borough



- Schools - 98
- Mobiles - 27
- Other Food - 819
- Mobile (Ice Cream Vans) – 14

- 7.14 The map above shows where all registered takeaways, street traders and other food establishments are situated in relation to the 98 schools across Tameside.
- 7.15 Research shows that there is a clear division between the numbers of businesses selling unhealthy food in deprived areas compared with more affluent areas in the borough.
- 7.16 There are more takeaways located near schools in deprived areas and many children from secondary schools and colleges frequently go outside school premises to buy food.

Conclusions

3. Other councils have prohibited takeaways and street traders operating within 400 metres of schools or colleges.
4. In Tameside there are currently no restrictions in place to prevent trading around schools or colleges.
5. More takeaways are located in deprived areas across the borough.

Recommendations

1. That the Council work to promote those businesses signed up to the Public Health Responsibility Deal, by raising residents awareness through the council website and publications.

Current Position Planning

- 7.17 While planning can look at the types of businesses in a local area there are no current planning policies in place that control food businesses with regards to health. While planning can deal directly with fixed takeaway businesses, mobile trading is not covered by planning policy and legislation.
- 7.18 All premises are categorised by 'use class order', the classes range from A1 to A5 in ascending order. The A1 retail class includes premises such as standard retail shops, green grocers etc.
- 7.19 A hot food takeaway is classed as A5, which is the most difficult to obtain. Planning permission is required to trade upwards from A1 to A5, however once A5 is awarded a retailer can trade downwards without planning consent.
- 7.20 If a hot food takeaway closes and/or the property becomes vacant the A5 classification would remain on the property indefinitely and it could re-open as a takeaway at any time, even if the ownership had changed.
- 7.21 Policy S7 of the Unitary Development Plan describes circumstances where a council might refuse planning consent for a hot food takeaway. It looks specifically at whether it would harm the amenity of surrounding residential areas, create a danger to road users and whether it would lead to an unacceptable change in the character of an area.

Options Available from a Planning Perspective

- 7.22 The existing planning framework can be somewhat restrictive and the ability to control the number of takeaways is not necessarily looked at from a health perspective.
- 7.23 The council is currently developing its 'Core Strategy' and Local Development Framework (LDF). It is important that the LDF works towards developing new policies which focus on hot food takeaways and mobile traders, as it would be difficult to redraft existing policies around health impacts etc.
- 7.24 Once the LDF is finalised a Supplementary Planning Document (SPD) can be created to focus on hot food takeaways and street trading in a similar approach that has been adopted and developed by other councils.

- 7.25 To ensure that the SPD is comprehensively developed and resilient to challenge it is important that evidence is provided while the document is being created. Relevant topic papers such as the 'Issues and Options' paper can be included in the consultation.
- 7.26 It is important that the character of Tameside's town centres remain attractive and diverse. A key area that the SPD should focus on is the opening times of takeaways and their appearance during the daytime, i.e shutters down during the day, graffiti etc.
- 7.27 Current information from the Tameside Area Agreement and the Citizens' Panel also show that street cleanliness is a high priority for Tameside residents. It is therefore important for the Council look at how street cleanliness can be improving during times when pubs and clubs have closed.
- 7.28 Due to the types of foods sold in takeaways, they often leave trays and wrapping which can create litter on streets. Due to the lack of toilet facilities for the public once pubs have closed it is important to provide options, in order to stop people urinating in streets and doorways.

Approach Taken by Other Councils

- 7.29 Following the implementation of the new LDF, both St Helens Council and Waltham Forest Council have produced a SPD which focuses on hot food takeaways.
- 7.30 The SPD created by St Helens Council was adopted in June 2011 and includes the following information.
- 7.31 Planning permission for hot food takeaways will only be granted providing it is located:
- i) Within the defined town centres of St Helens or Earlestown, or
 - ii) Beyond a 400 metres exclusion zone around any primary or secondary school and sixth form college, either within or outside the Local Education Authority control
- 7.32 Where a hot food takeaway is to be located within a town centre it should not result in:
- i) More than 5% of the units within the centre or frontage being hot food takeaways
 - ii) More than two units being located adjacent to each other
 - iii) Between individual or groups of hot food takeaways there should be at least two non A5 units
- 7.33 Waltham Forest Council was the first council to have a SPD adopted in 2009, which specifically looked at hot food takeaways. Their document is virtually identical to that of St Helens. The SPD includes one addition which restricts hot food takeaways, where the proposal falls within 400 metres of a park boundary.

Oldham MBC

- 7.34 In terms of neighbouring authorities, Oldham MBC have drafted a SPD called 'Vibrant Centres', the document went to consultation in February 2012.
- 7.35 The objectives of the document are to provide clear guidance for new developments and changes of use. It focuses on how the concentration (clusters) of takeaways is managed and ensures that developments make a positive contribution towards the visual appearance of areas during opening and non-opening hours.

Conclusions

6. There are planning polices which control food businesses, however this currently doesn't take place from a health perspective.
7. The council is currently developing its 'Core Strategy' and Local Development Framework.
8. Other councils have produced a Supplementary Planning Document which provides clear guidance on hot food takeaways.
9. Other councils have created exclusion zones around schools and colleges.

Recommendations

2. That once the Local Development Framework is implemented the Council creates a Supplementary Planning Document which includes:
 - Exclusion zones around schools and colleges
 - No more than 5% units within a town centre being a hot food takeaway
 - Stop 'clusters' of takeaways emerging.
3. That the council reviews whether closed/unoccupied takeaways should retain their A5 classification indefinitely.
4. That the council work to ensure that a minimum number of takeaways offer toilet facilities within a given area (i.e after 11pm) to the general public. With the view that this will help improve street cleanliness.

Street Trading

- 7.36 In Tameside mobile traders are currently able to park on most streets except for those prohibited by the council and areas that are in close proximity to other retail outlets selling similar products.
- 7.37 There are currently no restrictions in place to prevent a mobile trader parking in close proximity to a school or college.
- 7.38 From a licensing perspective the options that are available to the Council are:
- Prohibiting trading within a specified distance from a school or college
 - Restricting trading during the periods that students are travelling to and from school/college, or during lunch break etc.
 - Restricting the sale of certain unhealthy foods
- 7.39 Consideration could also be given towards reviewing the list of prohibited streets in the borough with a view to include streets around the vicinity of all schools and parks in the borough.

Street Trading – Leicester City Council

- 7.40 The street trading policy at Leicester City Council details a general presumption against street trading in the vicinity of schools. It is determined to be in the vicinity of a school if it is situated in an area that pupils may be encouraged to walk to, either before or after school and during breaks.

- 7.41 Under the current terms it is unlikely that exceptions will be granted, from one hour before the start of the school day until one hour after the end of the school day.
- 7.42 In addition to this the Code of Practice details the following mode of operation:
- Move from position to position remaining stationary for no longer than 5 minutes to initially attract customers and thereafter only long enough to serve customers that are present.
 - Ice cream vans must not stop within 100 metres of school grounds during the school day unless they have received specific consent.
 - Mobile operators other than ice cream vans must not stop within 400 metres of school grounds from an hour before the start of the day until an hour after the end of the school day.

Conclusions

10. The list of prohibited streets in Tameside doesn't currently include streets that are close to schools and colleges.
11. Options are available to the council to prohibit trading in certain areas and at set times during the day.

Recommendations

5. The council to review its list of prohibited streets to incorporate the surrounding areas of schools and colleges.

Options Available from a Health Perspective

- 7.43 It is important that the council works to encourage existing hot food takeaways to improve the nutritional value of the products on sale. This can be achieved by reviewing cooking methods, portion sizes and the levels of sugar and salt used.
- 7.44 The council has recently undertaken the salt shaker campaign and the ASK campaign. Work was carried out with retailers to reduce the number of holes in their salt shakers and with restaurants to remove salt from tables.
- 7.45 A Workplace Health Improvement Officer position has also been created to work closely with local businesses, offering support and advice. This therefore creates a contact to build rapport with local businesses and helps to actively promote healthier menus and cooking methods across the borough.
- 7.46 Some schools across the borough have introduced personal health into their curriculum, which will help to educate pupils of the future consequences of eating unhealthy food.
- 7.47 Work has also been carried out in children centres to educate new parents on the food they feed their children and generate an understanding that aside from being better for you, healthier food options can be cheaper. This has been done through 'cook and eat' classes and other activities to help improve parent and child engagement.
- 7.48 Working closely with children and parents to provide information and support can play a positive role in changing a person's habitual behaviour of choosing the easy/unhealthy option first.

Going Forward

- 7.49 Many local authorities are developing similar SPDs within their LDF to create clear guidelines for hot food takeaways
- 7.50 The main content of the SPDs will be very similar for each council, however some may have additional requirements dependent on the local population and how built up certain areas are.
- 7.51 The main issues that will be apparent in all council proposals are:
- Combat childhood and adolescent obesity, which will reduce the demand on future health care resources and improve the future health of residents.
 - Restrict planning permission in certain areas.
 - Work with current owners on the appearance of shop frontages and how they can be aesthetically improved, i.e shutters down during the daytime.

Health Impact Assessment (HIA)

- 7.52 The HIA is a useful tool which looks at the health impacts of certain plans and policies. There is an explicit focus on health inequalities by giving specific consideration whether the impacts of a proposal fall disproportionately on vulnerable or minority groups.
- 7.53 The HIA process involves collecting a wide range of evidence in order to interpret health risks and potential health gains. They can be used alongside policy development and have the opportunity to influence and change draft policies, so that any negative health impacts can be avoided.

Conclusions

12. The council have recently undertaken numerous health campaigns to highlight and reduce the amount of salt eaten by residents.
13. A Workplace Health Improvement Officer position has been created to help promote healthier eating and build sustainable relationships with local businesses.
14. Work has been carried out in children centres to educate and support new and existing parents, in relation to the food they feed their children.
15. Tools are available to the council such as the Health Impact Assessment which focus on health inequalities across the borough

Recommendations

6. That the council continue to build awareness to customers, retailers and restaurants of healthier options through the development of new campaigns similar to 'salt shaker' and ASK.
7. That the Workplace Health Improvement Officer works with businesses to build awareness of ingredients and portion size etc.
8. That the council encourages schools across the borough to introduce personal health into their curriculum.
9. That work is undertaken to continue to deliver and develop classes such as 'cook and eat' at children and community centres for new and existing parents

8. Conclusions

- 8.1 Childhood obesity in Tameside has risen over recent years.
- 8.2 There is currently no incentive for small independent businesses to sign up to the Public Health Responsibility Deal.
- 8.3 Other councils have prohibited takeaways and street traders operating within 400 metres of schools or colleges.
- 8.4 In Tameside there are currently no restrictions in place to prevent trading around schools or colleges.
- 8.5 More takeaways are located in deprived areas across the borough.
- 8.6 There are planning polices which control food businesses, however this currently doesn't take place from a health perspective.
- 8.7 The Council is currently developing its 'Core Strategy' and Local Development Framework.
- 8.8 Other councils have produced a Supplementary Planning Document which provides clear guidance on hot food takeaways.
- 8.9 Other councils have created exclusion zones around schools and colleges.
- 8.10 The list of prohibited streets in Tameside doesn't currently include streets that are close to schools and colleges.
- 8.11 Options are available to the Council to prohibit trading in certain areas and at set times during the day.
- 8.12 The Council have recently undertaken numerous health campaigns to highlight and reduce the amount of salt eaten by residents.
- 8.13 A Workplace Health Improvement Officer position has been created to help promote healthier eating and build sustainable relationships with local businesses.
- 8.14 Work has been carried out in children centres to educate and support new and existing parents, in relation to the food they feed their children.
- 8.15 Tools are available to the Council such as the Health Impact Assessment which focus on health inequalities across the borough.

9. Recommendations

- 9.1 That the Council work to promote those businesses signed up to the Public Health Responsibility Deal, by raising residents awareness through the council website and publications.
- 9.2 That once the Local Development Framework is implemented the Council creates a Supplementary Planning Document which includes:

- Exclusion zones around schools and colleges
 - No more than 5% units within a town centre being a hot food takeaway
 - Stop 'clusters' of takeaways emerging.
- 9.3 That the Council reviews whether closed/unoccupied takeaways should retain their A5 classification indefinitely.
- 9.4 That the Council work to ensure that a minimum number of takeaways offer toilet facilities within a given area (i.e after 11pm) to the general public. With the view that this will help improve street cleanliness.
- 9.5 The Council to review its list of prohibited streets to incorporate the surrounding areas of schools and colleges.
- 9.6 That the Council continue to build awareness to customers, retailers and restaurants of healthier options through the development of new campaigns similar to 'salt shaker' and ASK.
- 9.7 That the Workplace Health Improvement Officer works with businesses to build awareness of ingredients and portion size etc.
- 9.8 That the Council encourages schools across the borough to introduce personal health into their curriculum.
- 9.9 That work is undertaken to continue to deliver and develop classes such as 'cook and eat' at children and community centres for new and existing parents.