

Report of Head of Licensing and Registration

Report to Licensing Committee

Date: 10th February 2015

Subject: Working with Health

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): City and Hunslet		
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. In April 2012 Public Health became a responsible authority under the Licensing Act 2003 with the ability to make representations on applications, be a statutory consultee on all licence applications and the Statement of Licensing Policy.
2. Over the last 3 years Entertainment Licensing has been working closely with colleagues in Public Health in a number of areas. This report advises Licensing Committee of the ongoing work between the Licensing Authority and Public Health.

Recommendations

4. That Licensing Committee notes the contents of this report.

1 Purpose of this report

- 1.1 To advise Licensing Committee of the ongoing work between the Licensing Authority and Public Health.

2 Background information

- 2.1 In April 2012 HM Government's Rebalancing the Licensing Act made a number of fundamental changes to the Licensing 2003.
- 2.2 One of these changes was to make Public Health a responsible authority. They join West Yorkshire Police, West Yorkshire Fire and Rescue Service, Health and Environmental Action Service, Health and Safety, Trading Standards, the Safeguarding Children's Board, Planning and the licensing authority.
- 2.3 The main effect of this change is that all new applications or application to vary existing licences are automatically sent to Public Health to enable them to comment on them.
- 2.3 In addition Public Health become a statutory consultee on the review of the Statement of Licensing Policy.
- 2.4 However HM Government is yet to address the issue of making the protection of public health a licensing objective. There is some discussion ongoing about whether the broad data provided by public health could be used to evidence cumulative impact, but this has not been inserted into the legislation or statutory guidance yet.

3 Main issues

- 3.1 In order for Public Health to make a worthwhile contribution to the licensing of alcohol, officers from Entertainment Licensing have been working with Public Health on a number of project streams.

Public Health as a Responsible Authority

- 3.2 The role of a responsible authority is suited to organisations such as the Police, Fire Service and Environmental Health who deal with business directly. It is much more challenging for agencies such as Social Services and Public Health who operate on a much wider basis.
- 3.3 All licence applications are determined on a case by case basis and any determination must be relevant to the individual premises.
- 3.4 As such it is challenging for Public Health to apply the data they hold to licence applications as the data is so broad in context. For example, in south Leeds Public Health know that the life expectancy of the people living in that area is lower than in other areas, but it is impossible to apply this data to an off licence in Beeston.
- 3.5 Public Health England have taken this challenge on board in order for Public Health directors to have an effective input into licence applications and licensing policies.

- 3.6 A number of workshops are being organised around the country. The purpose of these workshops is to show how Public Health can get involved at all levels and the data they can provide to licensing authorities which can be of assistance. Officers from Entertainment Licensing have presented to Public Health directors, Licensing committee chairs and Licensing Officers in Manchester, Leeds and London.
- 3.7 The workshops have been well received and Leeds has been able to provide further assistance to authorities around the country.

Local Licensing Guidance

- 3.8 As Members are aware there has been concern about life expectancy rates in south Leeds for a number of years. Entertainment Licensing was originally approached by the Community Safety Manager and Health and Wellbeing Manager for South Leeds to implement a cumulative impact policy which would relate to off licensed premises in order to reduce the availability of alcohol in the more deprived areas in south Leeds.
- 3.9 However health is not a licensing objective and there was an overall reduction of on-licensed premises in the concerning areas, and so a cumulative impact policy would not have been evidentially possible.
- 3.10 Instead officers worked with Public Health on some guidance documents for applicants around health promotion.
- 3.11 In April 2012, at the same time Public Health was made a responsible authority, HM Government also published a revised S182 Guidance which required applicants to take into consideration the local area in their applications. This opened the door for a more detailed guidance note which could provide this information and encourage applicants to include specific measures in their applications which, over time, would help to improve the long term health outcomes in that area.
- 3.12 Local Licensing Guidance was endorsed by Licensing Committee in 2013 as a pilot in LS10 and LS11. Guidance was endorsed for inner west and inner east Leeds in September last year.
- 3.13 Officers are currently reviewing the applications received since the LLG was put in place, to evaluate the effectiveness of the Guidance in agreeing conditions with applicants.
- 3.14 The long term value of this guidance is yet to be determined but it is hoped that with other measures being put in place, such as short intervention, alcohol workers and an improvement in treatment services that this will improve life expectancy in these areas.

Data sharing

- 3.15 When Public Health was part of NHS Leeds, Entertainment Licensing and other organisations were able to access a number of different data sets which were useful in providing an overall picture of alcohol related problems in the local area. It has always been the case that individual information sharing agreements have been agreed at service level and Entertainment Licensing were working with Leeds Teaching Hospital Trust to form an information sharing protocol all the responsible

authorities could sign up to so that data could be shared across all agencies party to the Leeds Licensing Enforcement Group.

- 3.16 In addition, great work was being done with the Leeds Teaching Hospitals Trust to improve the data collected in A&E departments so that premises responsible for selling to drunks could be identified and although this alone would not have precipitated formal action it would have highlighted those premises where further investigation was required.
- 3.17 However when Public Health moved into the council, the statutory basis under which the data was shared was lost. It was simply not written into the Public Health Act. Entertainment Licensing and Public Health are equally as frustrated by this oversight by HM Government, and are working with Information Governance to find a solution.
- 3.18 At the corporate level Information Governance officers have done a significant piece of work on setting out the challenges around information sharing between partnerships and the council's dependency on it. The aim is to update procedures and focus on the easier challenges first whilst developing a process for dealing with the more difficult problems. This is an extremely complex situation which needs a lot more clarity in defining where the problems are and how to solve them.
- 3.19 The Leeds Informatics Board has formed a subgroup called the City Wide Information Governance Steering Group which does include LTHT representation. This appears to be primarily about health purposes but Information Governance officers have stressed at the first meeting that the council is concerned with other issues as well.
- 3.20 The next step is to provide a clear documented requirement for existing data and suggested legal grounds to enable LTHT to share the desired information.

Problem Gambling/Problem Drinking

- 3.21 Although there is difficulty in obtaining specific data from Leeds Teaching Hospitals Trust, there is a wealth of data publicly available on the Leeds Health Observatory, the Office of National Statistics and so on.
- 3.22 Officers have met with other local authorities (Westminster, Birmingham, Manchester, Brighton and Hove) to discuss the issues around betting premises and problem gambling. Although it's early days, there is discussion around mapping localities to identify areas which are vulnerable to problem gambling.
- 3.23 For example, organisations working with problem gamblers report that problem gambling is more prevalent amongst white, middle aged men, and people of Chinese ethnicity, in deprived areas and so on. By overlaying these demographics it's possible to produce a heat map of areas where it is more likely for there to be problem gambling issues. This can then be cross checked with treatment services and can direct the council in where to place funding for further work around problem gambling.
- 3.24 This work can feed into the Gambling Act Statement of Licensing Policy where operators wishing to open new betting and gambling premises in those localities

would be expected to take this into consideration in their policies and procedures to show that the companies are meeting the objective of protecting vulnerable people.

- 3.25 Once the model has been established it could also be applied to problem drinking. This could lead to further work around public safety and crime and disorder associated with problem drinking. It would also be important should HM Government introduce public health as a licensing objective in relation to cumulative impact.
- 3.26 Officers are working with Information Governance, Public Health and the team that administrate the Social Inclusion Fund to judge the feasibility of heat mapping localities vulnerable to problem gambling and problem drinking. This work is in its very early stages and officers will report back to Licensing Committee once the preliminary work has been undertaken.

Large Casino Social Inclusion Fund

- 3.27 As part of the Large Casino application process, applicants were required to provide information as to how their bid would best benefit the area. The bids were tied into a Schedule 9 Agreement which is attached to the gambling premises licence.
- 3.28 As part of the reporting process the Financial Inclusion Team provides an update each year on the current work being done relating to the Social Inclusion Fund .
- 3.29 GGV Ltd was the successful applicant in the Large Casino process. Part of the schedule 9 agreement (which had over 30 benefits) was a financial payment to be made as a one off payment, followed by an annual payment based on 4% of the gross gaming yield, or £450k whichever is the higher amount to be paid once the casino opens.
- 3.30 The initial lump sum of £1million and the ongoing annual payments are held in a Social Inclusion Fund (SIF). Of the £1m upfront payment, £200,000 has been used to cover the Council's costs of running the casino process over the previous four years. £800,000 will be used to fund projects and initiatives over a three year period prior to the casino opening. These initiatives will support the city's anti-poverty agenda and is closely aligned to a range of activities that will proactively support financial and economic inclusion. The future annual payment, whilst continuing to fund initiatives that achieve social, financial and economic inclusion priorities, will also fund projects that mitigate potential harmful social effects of gambling. This approach was approved by Executive Board.
- 3.31 The latest estimate of when the casino is likely to open is around September 2016 but this may change dependant on development issues. The next tranche of funding from the casino operator will be due after 12 months of the opening of the casino. Therefore, this is likely to be sometime after September 2017 and the initial £800,000 fund will be required to fund projects up to that time.

Agreeing Criteria for the Fund

- 3.32 In January 2014 Leeds City Council held a workshop with partners and council officers to consult on guidance, criteria and how the funding should be spent. The funding criteria, overarching guidance and examples of the type of projects to be funded, which emanated from the stakeholder workshop, were agreed at the Council's Executive Board in March 2014 (Appendix 1).
- 3.33 This criteria applies to the £800,000 and the subsequent gaming revenue funding once the casino is in operation. The SIF criteria were designed to encourage investment into new projects and activities that will make a real change when tackling poverty. Proposals for new ideas would need to demonstrate sustainability or a social return on investment. Proposals to extend existing services in the city must demonstrate ways to become less dependent on funding and develop ways to become sustainable.
- 3.34 During the workshop it was recommended that the SIF is split into a Small Projects Fund to support more innovative and start up projects and a General Fund to support larger scale projects. In addition to announcements in the local press, both funds were officially open in July 2014 and partners were invited to apply to the fund.

Small Projects Fund

- 3.35 Leeds City Council agreed to set up a £50,000 small projects fund which was managed by Leeds Community Foundation (LCF). The cost for LCF to manage the fund was £5,000. This left a balance of £745,000 in the General Fund. LCF is the city's largest independent grant-maker, who provided guidance and support to an independent panel who reviewed all the applications and took decisions as to the allocation of funding.
- 3.36 The independent panel consists of representation from Yorkshire Bank, Leeds City Credit Union, Public Health, Financial Inclusion Team, Advice Leeds, Area Management and Leeds Voluntary Action.
- 3.37 In October 2014 £44,260 of the fund was awarded to 8 local independent organisations on projects ranging from working with isolated men at risk of suicide, employability skills to ex-offenders, and mentoring and engagement support to vulnerable women.
- 3.38 There was a balance of £5,740 remaining unallocated in the fund. The panel were keen to support projects working to improve digital inclusion, particularly for BME and other disadvantaged groups, to help improve financial inclusion. It was agreed that the remaining balance would be allocated to work in this area. LCF, Voluntary Action Leeds and Advice Leeds are currently progressing this and will decide on what form the activity could take and which community organisations would be appropriate to be involved. The full list of projects supported is attached at Appendix 2.
- 3.39 Impact reporting will be required from all funded organisations at the conclusion of the project. LCF will obtain interim monitoring in February 2015 to provide updates on progress.

General Social Inclusion Fund

- 3.40 Since July 2014, initial proposals are being received by the Financial Inclusion Team. Dialogue has been taking place to assess whether SIF money is appropriate or whether different funding streams need to be explored. Any initiatives that LCC wish to pursue will be invited to submit an official application form. Once applications have been screened to meet the core criteria, they will be reviewed by an independent panel.
- 3.41 To date 13 proposals have been considered, 10 of which have either not qualified under SIF core criteria or require further consideration or partnership work in order to reduce duplication and prevent substitute funding. However 3 applications have reached the formal submission stage. The applications are currently being screened and will be put to the panel for a decision by February 2015. It is anticipated that funding will be released by March 2015. If all the current applications are considered worthy of support the amount of SIF funding allocated to these 3 projects would be £76,425.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This advisory report does not require consultation or engagement.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 At this time there are no implications for equality and diversity/cohesion and integration.

4.3 Council policies and City Priorities

- 4.3.1 The licensing regime contributes to the following Best Council Plan 2013-17 outcomes:

- Improve the quality of life for our residents, particularly for those who are vulnerable or in poverty;
- Make it easier for people to do business with us.

- 4.3.2 The licensing regime contributes to our best council objective:

- Ensuring high quality public services – improving quality, efficiency and involving people in shaping their city.

4.4 Resources and value for money

- 4.4.1 Each of the four threads is being funded within existing resources. Specifically the Public Health presentations are funded by Public Health, Local Licensing Guidance forms part of other multiagency work, information sharing is part of ongoing enforcement work and the heat mapping of problem gambling and drinking would be funded by the Large Casino Schedule 9 agreement.

4.4.2 As described within the report the Large Casino schedule 9 agreement payment has funded a number of projects and initiatives and is self-sufficient.

4.5 Legal Implications, Access to Information and Call In

4.5.1 Of the four strands, the information sharing is the most significant in relation to legal implications. As the statutory framework has been changed it is no longer possible for the council to access anonymised data in the way that it once was.

4.5.2 There may be legal implications with using the problem gambling/problem drinking heat map data, if it does not have a strong evidential basis. This is still be explored.

4.6 Risk Management

4.6.1 The risk from accessing data unlawfully is low as all those involved are aware of the legislative restrictions.

4.6.2 The risk from over relying on data that cannot be proven to be relevant is medium. The relevance and accuracy of the data must be considered as before it is used in policy documentation or relied upon when making licensing decision as the data would be used to defend licensing decision on appeal. However as officers are aware of this, they can provide the necessary information to Members before any decision to include this data in policies is taken.

5 Conclusions

5.1 In April 2012 Public Health became a responsible authority under the Licensing Act 2003 with the ability to make representations on applications, be a statutory consultee on all licence applications and the Statement of Licensing Policy. Over the last 3 years Entertainment Licensing has been working closely with colleagues in Public Health in a number of areas. The engagement of Public Health has been crucial in this.

6 Recommendations

6.1 That Licensing Committee notes the contents of this report.

7 Background documents¹

7.1 There are no unpublished background documents that relate to this matter.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

SIF Criteria and Overarching Guidance agreed at Executive Board March 2014

Funding Criteria

The criteria for funding has been developed with reference to the definitions for social, financial and economic inclusion previously considered by the Executive Board and set out below:

- Social Inclusion activities are those which aim to reduce poverty and social exclusion. In monitoring social exclusion and poverty, the Joseph Rowntree Foundation look at trends and statistics on low income, child poverty, work, education, sickness and disability, benefits and housing.
- Social Inclusion activities would therefore be the sort of activities which work towards improving income, health and wellbeing, reduce child poverty, thereby improving access to work and affordable housing and encourage community engagement and participation. Social Inclusion is the over-arching theme of which being financially and economically included assists in achieving.
- Financial exclusion is a lack of access to mainstream banking or affordable credit which most people take for granted. The consequence of this is that people who do not have access are forced to use alternative providers such as high cost or doorstep lenders, money shops, pawn brokers and illegal loan sharks. This leaves people vulnerable to falling into un-manageable debt, struggling to pay essential bills, struggling to pay for food, causing anxiety, stress and being trapped into poverty.
- Financial Inclusion initiatives help people to manage their finances better through encouraging the use of more affordable sources such as a credit union, maximise their incomes through welfare rights advice and manage their debts through budgeting and effective money management support.
- Economic exclusion occurs when there is a lack of access to the labour market and good jobs, either due to low wages, or not being able to access the relevant skills or training. Economic Inclusion activities would therefore be the sort of activities that support people into work, or provide training, improve skills, or create job opportunities and initiatives to remove barriers to work readiness e.g. deal with debt problems.

Overarching guidelines

- The type of initiatives funded would need to be balanced and could be:
 - Short term until other more permanent funding can be found.
 - For new innovative or experimental projects where there is uncertainty about potential outcomes until a pilot project is completed.
 - Longer term projects where sustainability cannot be guaranteed within a relatively short timescale. In these cases a business plan will be developed with milestones to be achieved at stages in the life of the project.

- The SIF could be used for matched funding of projects that would not be possible to deliver without a matched fund commitment. Eg European funding
- The fund may be used to lever in other capital funding for projects.
- The fund could be used to raise capital for a larger scale project where the repayments could be serviced from the fund. Careful account would have to be given to the long term sustainability of the fund over the servicing period of any capital loan.
- Projects should illustrate a social return on investment and encourage partnership working between organisations.
- Funding should support capacity building and ideally fund substantial projects where sustainability can be achieved.
- Where traditionally the level of funding for a particular service has resulted in gaps in provision the SIF could be used to extend existing services.
- The SIF is intended to support new and increased activity to help deliver social, financial and economic inclusion. The SIF will not normally be used to replace existing funding streams but exceptions may be considered for critical services affected by removal or reduction in Government funding

Summary of projects awarded small grants from the Social Inclusion Fund

Organisation	Issue	Beneficiary	Area	Project Summary
Better Leeds Communities	Advice	Adults	Citywide	BLC plan to build a best practice housing advice service which provides integrated support to clients and links closely with health professionals. Their service currently has an established network and set of connections with local housing agencies, social landlords, departments of the council and local solicitors enabling quicker resolution, shorter turnaround times and constructive discussions towards solving the presenting and associated issues. A key aim is to provide integrated early interventions to prevent financial crisis and reduce the risk of eviction.
St Vincent's Support Centre	Advice	Vulnerable adults	East Leeds	Develop an Additional Support service to work alongside debt and benefits advisers. This team of part time staff and volunteers/social work students sift through the chaotic lifestyle issues often facing people with addictions and mental health problems to determine where the gaps in support are. This may involve opening mail which has been sat unopened for weeks or making appointments. It could also involve supporting clients with issues such as form filling, referral to other agencies, acquiring household essentials such as ovens, fridges as well as furniture from appropriate charities.
Together Women	Advice	Women	East Leeds	Together Women, will be launching the "Money Mentor Project" training up volunteer mentors to provide 1-1 support to women who need help and advice around budgeting, debt management and general financial awareness. Together Women were awarded the grant on agreeing to work with Money Buddies and other similar projects to refer between them and ensure no duplication of provision.

Aim Education	Education/ Training	Ex-service personnel Ex-offenders	Citywide	Providing employability, team building, mentoring and safeguarding skills, alongside sports activity coaching to ex-service personnel and ex-offenders. The aim of the project is to improve client employability, improve access to Sport, Health and Wellbeing and offer ex-service personnel an opportunity to reintegrate into civilian life by providing work experience and training.
Crossroads Youth Project	Education/ Training	Unemployed adults	South Leeds	An experimental project which will aim to improve employment opportunities for unemployed adults to work in youth services. The service will include counselling and mentoring, short introductory and structured placement as volunteers in local agencies – school and youth projects.
Barca Leeds	Isolation	Unemployed young men	West Leeds	Barca will work with socially isolated, unemployed men at risk of suicide in the Armley and Wortley areas. The project will promote and develop community based activities to engage isolated men in local activities and sports, promote discussion, reduce stigma and inform people about services that can help.
Space 2 Leeds	Isolation	Vulnerable, isolated men	East Leeds	Space 2 are expanding their Men's Room project which seeks to build confidence, employability skills, improve health and wellbeing, develop social networks, enable men to become engaged with their local communities and provide additional support on their journeys to find work.
Project Hope	Volunteering	Unemployed Young adults	East Leeds	Project Hope, are focusing on helping young unemployed adults back to work through a structured volunteering programme whereby unemployed people can have "taster placement" in a volunteering role so they can develop new skills and self-confidence.