

COUNCIL AGENDA

(Ordinary Council Meeting)

To be held at Fulham Town Hall

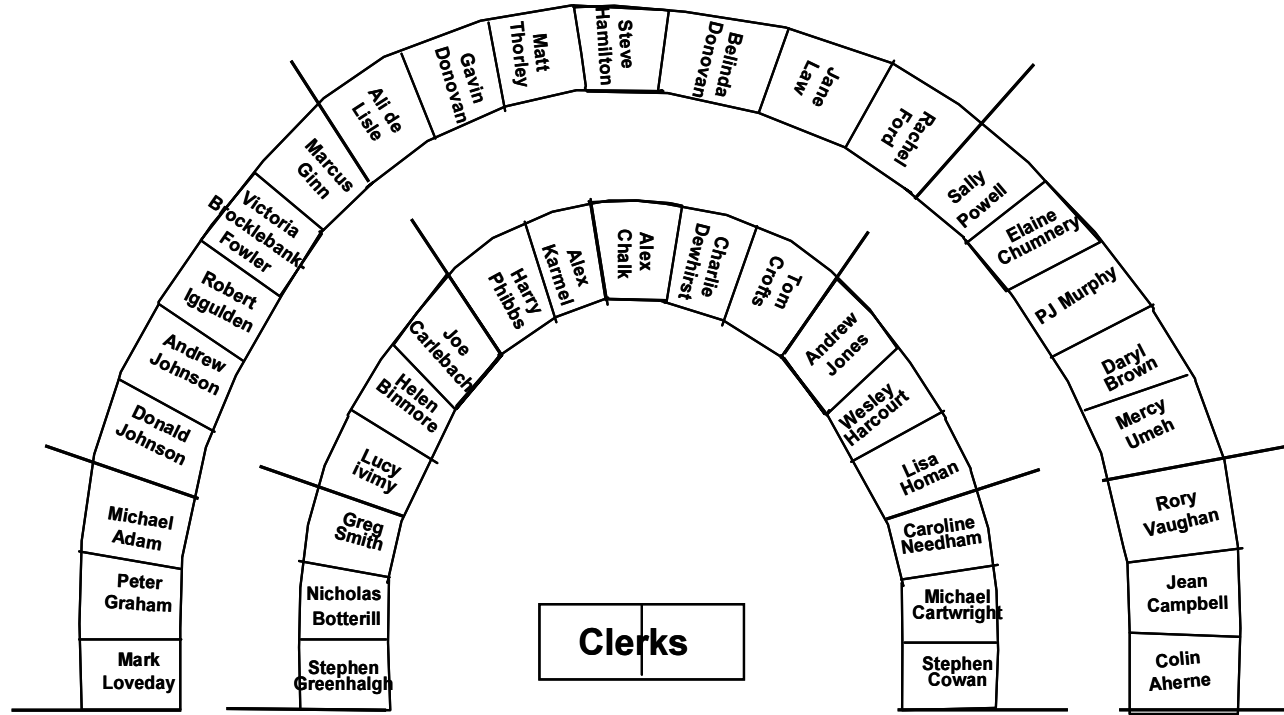
Wednesday 27 October 2010

COUNCIL CHAMBER FOYER

Public Gallery upstairs

50 - 60 seats

ENTRANCE



OFFICERS

		Oliver Craig	Georgie Cooney	Peter Tobias	ADLDS
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	Iain Coleman				
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Adronie Alford	Frances Stainton
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MAYOR **DEPUTY MAYOR**



The Mayor (Councillor Adronie Alford)
Deputy Mayor (Councillor Frances Stainton)

ADDISON

Alex Chalk (C)
Belinda Donovan (C)
Peter Tobias (C)

HAMMERSMITH
BROADWAY

Michael Cartwright (L)
Stephen Cowan (L)
PJ Murphy (L)

RAVENSCOURT PARK

Charlie Dewhirst (C)
Lucy Ivimy (C)
Harry Phibbs (C)

ASKEW

Lisa Homan (L)
Caroline Needham (L)
Rory Vaughan (L)

MUNSTER

Michael Adam (C)
Adronie Alford (C)
Alex Karmel (C)

SANDS END

Steve Hamilton (C)
Ali de Lisle (C)
Jane Law (C)

AVONMORE &
BROOK GREEN

Helen Binmore (C)
Joe Carlebach (C)
Robert Iggulden (C)

NORTH END

Daryl Brown (L)
Georgie Cooney (C)
Tom Crofts (C)

SHEPHERDS BUSH
GREEN

Iain Coleman (L)
Andrew Jones (L)
Mercy Umeh (L)

COLLEGE PARK &
OLD OAK

Elaine Chumnerly (L)
Wesley Harcourt (L)

PALACE RIVERSIDE

Marcus Ginn (C)
Donald Johnson (C)

TOWN

Oliver Craig (C)
Stephen Greenhalgh (C)
Greg Smith (C)

FULHAM BROADWAY

Victoria Brocklebank-
Fowler (C)
Rachel Ford (C)
Matt Thorley (C)

PARSONS GREEN AND
WALHAM

Nicholas Botterill (C)
Mark Loveday (C)
Frances Stainton (C)

WORMHOLT AND
WHITE CITY

Colin Aherne (L)
Jean Campbell (L)
Dame Sally Powell (L)

FULHAM REACH

Gavin Donovan (C)
Peter Graham (C)
Andrew Johnson (C)



SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 27 October 2010
At Fulham Town Hall, SW6

The Council will meet at 7.00pm.

19 October 2010
Town Hall
Hammersmith W6

Geoff Alltimes
Chief Executive

Full Council Agenda

27 October 2010

<u>Item</u>		<u>Pages</u>
1.	MINUTES	186 - 193
	To approve and sign as an accurate record the Minutes of the Extraordinary Council Meeting held on 16 September 2010.	
2.	APOLOGIES FOR ABSENCE	
3.	MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)	
4.	DECLARATIONS OF INTERESTS	
	If a Councillor has any prejudicial or personal interest in a particular report he/she should declare the existence and nature of the interest at the commencement of the consideration of the item or as soon as it becomes apparent.	
	At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a prejudicial interest may also make representations, give evidence or answer questions about the matter. The Councillor must then withdraw immediately from the meeting before the matter is discussed and any vote taken, unless a dispensation has been obtained from the Standards Committee.	
	Where members of the public are not allowed to be in attendance, then the Councillor with a prejudicial interest should withdraw from the meeting whilst the matter is under consideration, unless the disability has been removed by the Standards Committee.	
5.	PETITIONS	
5.1	SANDS END COMMUNITY CENTRE	194 - 197
	The Council has received a petition requesting it to “abandon its plans to sell the Sands End Community Centre which houses our library and community centre and reinvigorate the management of the centre to generate fuller use of its many facilities and thereby increase its value to the community and reduce its costs to the borough.”	

6. PUBLIC QUESTIONS (20 MINUTES)

The Leader/relevant Cabinet Member to reply to questions submitted by members of the public:

6.1 QUESTION 1 - MR JON ROWLERSON 198

6.2 QUESTION 2 - MR NICK BARDONI 199

6.3 QUESTION 3 - MS ANN ROSENBERG 200

6.4 QUESTION 4 - MR COLL MCDONNELL 201

7. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

7.1 TREASURY MANAGEMENT OUTTURN REPORT 09-10 202 - 208

This report provides information on the Council's debt, borrowing and investment activity for the financial year ending 31 March 2010.

7.2 REVIEW OF STATEMENT OF LICENSING POLICY 2010 209 - 319

This report seeks approval for the Council's Statement of Licensing Policy 2010, which has been publicly consulted upon. The Licensing Act 2003 requires each Licensing Authority to review its Statement of Licensing Policy every three years.

It was last reviewed in 2007 and this will be our third edition which must be published by January 2011. This report outlines the review and consultation process, issues for consideration and the proposed amendments which were subject to public consultation.

7.3 SEXUAL ESTABLISHMENT VENUES AND SEX ESTABLISHMENT POLICY 320 - 389

In April 2010, section 27 of the Policing and Crime Act 2009, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, by introducing a new type of sex establishment called a 'sexual entertainment venue'. The new legislation offers the Council and local residents greater power to control the number and location of lap dancing clubs and similar venues in the borough. If the Council wishes to adopt the powers offered by the legislation it needs to resolve to do so.

A draft Sex Establishment Policy was sent out for a 12 week consultation which began on 9 June 2010 and ended on 30 August 2010. This report seeks the approval to exercise these powers and also upon the proposal to adopt a policy to reflect and set out the Council's position.

7.4 SHEPHERDS BUSH MARKET AREA PLANNING BRIEF - MARKET AND THEATRE LED REGENERATION 390 - 625

This report seeks a resolution to adopt the Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010 as a Supplementary Planning Document (SPD) to the Council's Unitary Development Plan 2007 (as amended).

Attached to the report is a summary of representations received during the statutory public consultation period that took place between 10 September 2010 and 11 October 2010. As a result of the consultation exercise a revised version of the planning brief is attached highlighting changes made to the brief in response to the comments received.

7.5 ANNUAL REPORT OF THE AUDIT COMMITTEE 2009/10 626 - 639

This report details the work of the Audit Committee during 2009/10, outlining the key developments in Governance, Internal Control, Risk management, Internal Audit, Anti-fraud and External Audit. It also sets out the plans for the future, built on the lessons learnt. The report provides an opportunity for all members to review the Committee and to review its performance.

8. SPECIAL MOTIONS

To consider and determine any Special Motions:

8.1 SPECIAL MOTION 1 - THRESHOLD HOUSING ADVICE 640

8.2 SPECIAL MOTION 2 - RESOLUTION BUILDING SCHOOLS FOR THE FUTURE URGENT 641

8.3 SPECIAL MOTION 3 - WHITE CITY HEALTH CENTRE 642

8.4 SPECIAL MOTION 4 - CHANGE OF COMMITTEE MEMBERSHIP 643

8.5 SPECIAL MOTION 5 - THE MAYOR, HAMMERSMITH AND FULHAM 644

9. INFORMATION REPORTS - TO NOTE (IF ANY)



COUNCIL MINUTES

(EXTRAORDINARY COUNCIL MEETING)

THURSDAY 16 SEPTEMBER 2010

PRESENT

The Mayor Councillor Adronie Alford
Deputy Mayor Councillor Frances Stainton

Councillors:

Colin Aherne	Tom Crofts	Donald Johnson
Helen Binmore	Charlie Dewhirst	Andrew Jones
Nicholas Botterill	Belinda Donovan	Alex Karmel
Victoria Brocklebank-Fowler	Gavin Donovan	Jane Law
Daryl Brown	Rachel Ford	Mark Loveday
Jean Campbell	Marcus Ginn	PJ Murphy
Joe Carlebach	Peter Graham	Caroline Needham
Michael Cartwright	Stephen Greenhalgh	Harry Phibbs
Alex Chalk	Steve Hamilton	Sally Powell
Elaine Chumnerly	Wesley Harcourt	Greg Smith
Iain Coleman	Lisa Homan	Peter Tobias
Georgie Cooney	Robert Iggulden	Mercy Umeh
Stephen Cowan	Lucy Ivimy	Rory Vaughan

17. MINUTES

The minutes of the Council Meeting held on 30 June 2010 were confirmed and signed as an accurate record.

18. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Michael Adam, Oliver Craig, Andrew Johnson, Ali de Lisle and Matt Thorley.

19. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS (IF ANY)

The Mayor announced with much sadness the deaths of Reverend Roger Thacker and Margaret Randall. Reverend Roger Thacker became Priest-in-Charge at St Paul's Church, Hammersmith, on 7 April 1974 - 1979, he was appointed Vicar of St Paul's Church, Hammersmith from 1979 - 1999 and served as borough chaplain from 1996 - 1997. Margaret Randall was the wife of Carey Randall who was the first Town Clerk of the London Borough of Hammersmith.

Councillor Dame Sally Powell paid tribute to Reverend Roger Thacker.

The Council observed a minute of silence in their memory.

The Mayor's Announcements were circulated and tabled at the meeting. (Copy attached as **Appendix 1** to these minutes).

20. DECLARATIONS OF INTERESTS

Councillor Wesley Harcourt declared a personal interest in respect of Special Motion 2 Threshold Housing Advice, as Threshold Housing Advice was a partner organisation of Advice UK who he worked with. He was also a trustee of the Hammersmith and Fulham Citizens Advice Bureau.

Councillor Lisa Homan also declared a personal interest in this Special Motion as she was a trustee of the Hammersmith and Fulham Citizens Advice Bureau.

21. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

21.1 Local Development Framework: Proposed Submission Core Strategy

7.12pm - The report and recommendation was formally moved for adoption by the Deputy Leader and Cabinet Member for Environment and Asset Management, Councillor Nicholas Botterill.

Speeches on the report were made by Councillors Stephen Cowan, Andrew Jones, Daryl Brown, Michael Cartwright, PJ Murphy, Wesley Harcourt, Lisa Homan and Dame Sally Powell (for the Opposition) and Councillors Nicholas Botterill, Mark Loveday and Stephen Greenhalgh (for the Administration).

The report and recommendation was put to the vote:

FOR	24
AGAINST	15
ABSTENTIONS	0

The report and recommendation was declared **CARRIED**.

8.10pm RESOLVED:

- (1) That the proposed submission Local Development Framework Core Strategy (Appendix 1 of the report) and changes to the Proposals Map (Appendix 2 of the report), with a view that the documents and other associated submission documents required by the Town and Country Planning Regulations are made available for 6 weeks for public consultation commencing on 1 October 2010 or as soon thereafter, be approved; and
- (2) That the Director of Environment in conjunction with the Cabinet Member for Environment, is authorised to approve any technical and other minor amendments to the submission documents:

- (a) before public consultation; and
- (b) after, or in response to, public consultation, and before submission to the Secretary of State for independent examination.

22. SPECIAL MOTIONS

22.1 Motion to Adjourn Special Motions

8.11pm - Under Standing Order 15(e)(ix), Councillor Mark Loveday moved that Special Motions 1, 2 and 3 be adjourned until the Ordinary Council Meeting to be held on 27 October 2010. Councillor Victoria Brocklebank-Fowler seconded this motion.

Speeches on the motion were made by Councillors Stephen Cowan and Colin Aherne (for the Opposition) and Councillor Mark Loveday and Stephen Greenhalgh (for the Administration) before it was put to the vote:

FOR	24
AGAINST	14
ABSTENTIONS	0

The motion was declared **CARRIED**.

8.25 pm - **RESOLVED**:

That Special Motion 1 (Resolution Building Schools for the Future Urgent), Special Motion 2 (Threshold Housing Advice) and Special Motion 3 (White City Health Centre) be adjourned until the Ordinary Council Meeting to be held on 27 October 2010.

***** CONCLUSION OF BUSINESS *****

Meeting started: 7.00 pm
Meeting ended: 8.25 pm

Mayor

ANNOUNCEMENTS BY THE MAYOR

1. It is with much sadness that I have to announce the death of the Reverend Roger Thacker on Wednesday 15th September 2010 in London. Rev Roger Thacker became Priest-in-Charge at St Paul's, Hammersmith, on 7 April 1974 - 1979, he was appointed Vicar St Paul's Hammersmith 1979 - 1999. During his first decade at St Paul's he opened up the church to community events. Rev Roger Thacker served as borough chaplain 1996 - 1997.

I also have to announce the death of Margaret Randall, aged 89, who died on 24th July 2010. Her husband Carey Randall was the first Town Clerk of the London Borough of Hammersmith.

2. On 1st July, accompanied by my Mayoress, I attended a reception to Celebrate the Republic of Belarus Independence Day, Hyatt Regency Hotel, Portman Square, W1H
3. On 2nd July, I attended and laid a wreath at the Friends of Kensal Green Cemetery 'Service of Remembrance', Harrow Road, NW10
4. On 3rd July, I attended the PCT Festival of Health and Wellbeing event, Lyric Square, W6
5. On 3rd July, I attended a Fun Day event, Fielders Meadows, Bishops Park, SW6
6. On 3rd July, I attended and officially opened Fair On The Green, Parson Green Lane, SW6
7. On 3rd July, I attended St. Augustine's RC School Summer Fair, Disbrowe Road, W6 8QE
8. On 3rd July, I attended Phoenix High School Summer Fayre, Phoenix High School, W12
9. On 3rd July, accompanied by my Mayoress, I attended the Mayor of Hillingdon Summer Charity Ball, Radisson Hotel, Hayes
10. On 4th July, I attended the Balfour Beatty London Youth Games and Opening reception, Crystal Palace Stadium
11. On 5th July, I attended and officially opened Arthur Henderson House, new Playground, Fulham Road SW6
12. On 6th July, accompanied by my Mayoress, I attended the Fulham Society Summer Party, Lady Margaret School, Parsons Green, SW6

13. On 8th July, I attended the funeral of Maggie Burgess, Mortlake Crematorium, TW11
14. On 8th July, I attended the Innovation Awards Ceremony, Fulham FC, Craven Cottage, SW6
15. On 8th July, I attended the Community Sports Awards, CFC, Stamford Bridge, SW6
16. On 9th July, I attended the Friends of the Forces Awards, Pryors Bank Cafe, Putney Bridge Approach, SW6
17. On 9th July, I attended George Irvin's Family Fair, Shepherds Bush Green, W12
18. On 9th July, I attended the BBC Prom 'Out and About', Westfield Atrium, Westfield London, W12
19. On 10th July, accompanied by my Deputy Mayor and Mayoress, I attended the French National Day celebrations, French Lycee, Queensbury Place, SW7
20. On 11th July, accompanied by my Mayoress, I attended the 2010 Volunteer Police Cadet's Parade Competition and Presentation Ceremony, Peel Centre, Hendon
21. On 13th July, accompanied by both my Mayoress's, I attended Bishop Creighton House Trustees Party, Bishop Creighton House, SW6
22. On 13th July, accompanied by both my Mayoress's, I attended the Opening Night of Circus, Circus, Circus, Riverside Studios, W6
23. On 14th July, accompanied by my Mayoress, and past Mayor Cllr Alex Karmel, I attended the Lord Mayor of London Civic Service, St. Pauls Cathedral, EC4
24. On 11th August, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, FTH
25. On 11th August, I was delighted to host a reception for the Metropolitan Police Volunteer Cadet's, Mayor's Parlour, HTH
26. On 13th August, accompanied by my Mayoress, I attended the Mayor of Havering's Charity Event, Romford Greyhound Stadium, London Road, RM7
27. On 17th August, I attended a tour of Studio E Architects, Rainville Road, W6
28. On 17th I attended a tour with Alan Shaw, Chelsea Football Club, Stamford Bridge, Fulham Road, SW6

29. On 17th August, I attended a performance by Creative Kidz, Bhavan Cultural Centre, W14
30. On 18th August, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, FTH
31. On 18th August, I was delighted to attend Hammersmith London 'I Love Books' event, St. Pauls Green, Hammersmith Broadway, W6
32. On 19th August, I attended the Al-Muntada 'Ramadan Community Dinner', Bridge Place, SW6
33. On 20th August, I was honoured to Judge this years Borough In Bloom competition, Mayor's Office, HTH
34. On 20th August, I attended the Masbro 'Family Fun Day', Masbro Centre London W14.
35. On 21st August, I attended the annual family Fun Day event, Old Oak Community & Children's Centre, Braybrook Street, W12
36. On 23rd August, I attended the reopening of Barnes and Sons Funeral Directors and Plaque Unveiling ceremony, Uxbridge Road, W12
37. On 24th August, accompanied by my Mayoress and the Deputy Lieutenant for Hammersmith & Fulham, I attended the Reserve Forces Annual Visitors Day for Middlesex and ACF Groups.
38. On 25th August, I attended a Citizenship Ceremony during which, I presented each citizen with their official certificate, Council Chamber, FTH
39. On 2nd September, accompanied by my Mayoress, I attended the opening night performance of 'The Man From Stratford', Riverside Studios, W6
40. On 3rd September, I attended the T.I.M.E Event (UK) Fulham, Ibis Hotel, Lillie Road, SW6
41. On 3rd September, accompanied by my Mayoress, I attended the Metropolitan Police Passing Out Parade, Hendon
42. On 3rd September, accompanied by my Mayoress, I attended the London In Bloom Award evening, Guildhall, EC4
43. On 4th September, accompanied by my Consort, I attended the Polish Air Force wreath laying ceremony, Northolt War Memorial and POSK Centre, King Street, W6
44. On 4th September, I attended the Evening Service, St Saviours Church, Cobbold Road, W12

45. On 5th September, accompanied by my Mayoress, I attended the BBC Prom performance, Royal Albert Hall, Kensington Gore, SW7 2AP
46. On 6th September, accompanied by my Mayoress, I attended the Italian Cultural Institute, 'Breviario Grimani' presentation evening, Belgrave Square, SW1
47. On 7th September, I was delighted to attend a private tour of 'Emery Walker House', Hammersmith Terrace, W6
48. On 8th September, accompanied by my Mayoress, I attended the NHS Health Check event, Fulham Pharmacy, 608 Fulham Road SW6
49. On 9th September, I attended and officially opened the refurbished Twynholm Mansion block, Purcell Road, SW6
50. On 9th September, I attended the Balfour Beatty London Youth Games event, Lords Cricket Ground, Wellington Road, NW9
51. On 11th September, accompanied by my Mayoress, I attended the Mayor of London's, 'Thames Festival 2010 event' on board the Silver Sturgeon, SE1
52. On 12th September, I was honoured to attend the Green Flag Raising ceremony, Normand Park, SW6
53. On 14th September, I attended the official opening of the Music House, Bush Hall, Uxbridge Road, W12



Report to Council

27 OCTOBER 2010

**CABINET MEMBER
FOR RESIDENTS
SERVICES**

Councillor Greg Smith

**PETITIONS: SANDS END COMMUNITY
CENTRE**

The Council has received a petition requesting it to “abandon its plans to sell the Sands End Community Centre which houses our library and community centre and reinvigorate the management of the centre to generate fuller use of its many facilities and thereby increase its value to the community and reduce its costs to the borough.”

WARDS

Sands End

CONTRIBUTORS

Petitions Officer
ADLDS

RECOMMENDATION:

That Council decide action to be taken in relation to the petition as set out in paragraph 2.1 of the report.

1. BACKGROUND

1.1 In June 2010, Council began a public consultation on the proposed sale of nine Council-owned buildings. Sand Ends Community Centre was one of the proposed disposals. A petition containing over 6,900 signatures from people living, working or studying in the borough was received against the proposed sale of Sands End Community Centre.

1.2 The Petition's prayer is as follows:-

"We the citizens of Sands End petition the Council to:-

- a. abandon its plans to sell the Sands End Community Centre which houses our library and community centre; and
- b. reinvigorate the management of the centre to generate fuller use of its many facilities and thereby increase its value to the community and reduce its costs to the borough."

1.3 The Petition also contained the following supporting statement:-

"London used to be a series of villages and some areas still have that feel and identity: Fulham still has some character and Sands End has that community feel despite the gentrification of parts of Fulham or little Chelsea as it is now known. The Sands End Community Centre, tucked away in the back streets, is well used by those who know it and those who need its facilities. An affordable gym, table tennis, badminton, a small library which runs reading/story telling sessions for local children, with computers and a place for pensioners to read the daily papers. There's a crèche, dance & fitness studios and craft workshops - a jewellery and stained glass studio and a well equipped pottery - Fulham used to be famous for its pottery (an old bottle kiln is preserved at the bottom of the New Kings Road). Age Well, NHS Rehab (uncertainty has forced the service to relocate), Sure Start and sports sessions for the disabled are run here. In proposing to close the library - on the grounds that few books are borrowed - the council is ignoring the broad use that is made of it by local people during the day and evening. Everyone is welcome at the Centre and people of all ages, cultures and means can mix together here; and for some less mobile or lonely people it is a lifeline. The community centre is within walking distance for all its many users. The centralisation of library facilities elsewhere in Fulham would mean a journey of more than a mile for local people on Fulham's crowded roads. Public transport is slow and cars mean parking charges and add to the congestion. If the council sells the building to developers they will destroy a COMMUNITY centre. We want to build up Sands End Community Centre (which has

been run down) and strengthen it as the social hub for the people of the Ward. The collocation of these sports, educational, health and welfare activities make the Centre in its present form a vital asset to our community. It contributes significantly to social cohesion in an area which is otherwise characterised by huge disparities in personal wealth. And it could be better managed to the benefit of the community and the borough. David Cameron wants us to build a Big Society but our council is threatening to take away the very building which would enable us to do that.

The wishes of the people of Sands End, as represented by this petition, are that the Council reconsiders its plan to sell the Sands End Centre and to engage with them to revive, revitalise and reinvigorate the Centre in order to establish this vital resource once more as the focal point of our community – not merely the Sands End Centre more the Centre of Sands End”.

- 1.4 In response to the general consultation, residents have asked for more information on the range of alternative sites for the relocation of services currently run in Sands End Community Centre. The Council has agreed to extend the consultation on the sale of Sands End Community Centre to allow more time for discussions on the relocation of services.
- 1.5 Under the Council’s Petitions Scheme, a petition attracting a minimum of 5000 valid signatures (of people who live, work or study in the borough) triggers consideration of the petition by Full Council.

2. COUNCIL RESPONSE TO THE PETITION

- 2.1 In accordance with the Council’s Petitions Scheme, the petition organiser (or someone he/she nominates) may address the Council for up to 5 minutes on the subject of the petition. The Council may then decide to take one or more of the following courses of action:
 - a) take the action requested in the petition
 - b) hold an inquiry into the matter
 - c) undertake research into the matter
 - d) hold a public meeting
 - e) hold further consultation
 - f) hold a meeting with petitioners
 - g) refer the petition for consideration by the relevant Select Committee
 - h) write to the petition organiser setting out its views about the request in the petition.

3. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

3.1 There are no financial implications to this report.

4. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

4.1 The petition is valid under the Council's statutory Petition Scheme under Part 1 of the Democracy Economic Development and Construction Act 2009 and falls to be considered by Council.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Petitions and letters relating to saving the Sands end Community Centre.	Kayode Adewumi ext. 2499	Finance and Corporate Services, Head of Councillor Services
CONTACT OFFICER		NAME: David Viles EXT. 2063	

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Mr Jon Rowleron

To the: Cabinet Member for Residents Services

QUESTION

“Question to Council regarding the proposed closure and sale of the Sands End Community Centre.

Mollie Macartney recently sent the Action Group a letter of support. Mollie Macartney is a widow of 84 and was a WREN in World War II.

Mollie Macartney writes:

"I always get a lovely welcome when I regularly go into the Library to borrow books. The personal contact is so important. I also read the newspapers as being on a limited income I find daily newspapers too expensive. I notice with dismay that the library is run down and there have been no new book purchases for some time.

PLEASE PLEASE reconsider the Council's decision to sell the Sands End Community Centre."

What words of comfort does the Council have for Mollie Macartney?"

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Mr Nick Bardoni

To the: Cabinet Member for Children's Services

QUESTION

“Question to Council regarding the proposed closure and sale of the Sands End Community Centre.

In the summer, referring to the proposed closure of Sands End Centre, Cllr Greg Smith stated in the Press, "If there is a massive groundswell of opinion, then of course we'll have to look at these proposals again".

Given that such a "massive groundswell" has now occurred, as evidenced by a petition of over 6000 signatures, the hundreds of comments left on iPetitions.com, the dozens and dozens of letters it has received against the proposed closure and the protest by hundreds of residents outside the Centre on 8 October; will the Council please define precisely what further conditions it considers necessary to be met in order for it to abandon this hugely unpopular proposal which, as has been surely demonstrated, runs contrary to the wishes of the overwhelming majority of voters in Sands End?"

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Ms Ann Rosenberg

To the: Cabinet Member for Community Care

QUESTION

“I am given to understand that in any proposed relocation of services, there must be ‘like for like’ with no diminution of services.

The pottery studio in Sands End Community Centre was custom built after being relocated from Beaufort House eight years ago. Essential equipment includes four kilns, four work benches to accommodate 16 students, two surfaces for wedging clay with storage for tools, cloths etc. 9 wheels, a pug mill, extruder, a spray booth, grinder, and large double sink for cleaning equipment with sufficient drainage to cope with waste material. There is also an area to re-claim waste clay. There is separate storage for stoneware and earthenware glazes, slips, hazardous oxides, bulk ingredients for glaze making, (some hazardous), earthenware, stoneware and other specialist clays; storage for work in progress, bisque firing and separate storage for stoneware and earthenware firing, plus storage for finished work.

The space in which all this is housed is the minimum for the range of work by the students who range from the beginner to those at professional level. There is good disabled access, and health and safety issues can be easily addressed.

This is the best equipped pottery studio in London and would certainly equal any in a university which runs a ceramics degree course.

Where do you propose to relocate the studio?”

PUBLIC QUESTION TIME

LONDON BOROUGH OF HAMMERSMITH & FULHAM

COUNCIL MEETING – 27 OCTOBER 2010

Question by: Mr Coll McDonnell

To the: Deputy Leader and Cabinet Member for Environment and Asset Management

QUESTION

“Given the very strong local distress over the proposed demolition of 30-52 Goldhawk Road – expressed in the many emails to the council, our Facebook page with over 300 members, petitions and letters; the concern expressed by local groups such as the Hammersmith Society and Hammersmith and Fulham Historic Buildings Group; the fact that these shops are of historic significance being very probably the earliest shops to be built on the road; that all the shop keepers are keen to stay; and that these shops provide significant social and economic benefits from the well loved Pie and Mash shop to the important fabric shops; and finally the real danger that if we move these shops from their current context we could crush the life and community that presently thrives along the Goldhawk Road; would the council consider – in the light of all this – the possibility of the restoration rather than the demolition of this terrace as part of the regeneration of Shepherds Bush market?”



Report to Council

27 OCTOBER 2010

CONTRIBUTORS
Director of FCS

Subject

WARDS
All

**TREASURY MANAGEMENT OUTTURN
REPORT**

This report provides information on the Council's debt, borrowing and investment activity for the financial year ending 31 March 2010.

RECOMMENDATIONS:

To note the borrowing and investment activity for the period 1 April 2009 to 31 March 2010.

1. Introduction and Background

1.1 The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management 2009 was adopted by this Council in February 2010 and this Council fully complies with its requirements.

1.2 The primary requirements of the Code are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- Receipt by the Full Council of an annual treasury management strategy report for the year ahead, a midyear review report, and an annual review report of the previous year.
- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body which in this Council is the Audit and Pensions Committee.

2. This annual report covers:

- The Council's treasury position as at 31 March 2010 (Para. 3)
- Economic review (Para.4)
- Borrowing rates (Para. 5)
- Borrowing outturn for 2009/10 (Para. 6)
- Investment outturn for 2009/10 (Para. 7)
- Debt rescheduling (Para. 8)
- Compliance with treasury limits and Prudential Indicators (Para. 9)

3. Current Treasury Position

3.1 The Council's borrowing position at the beginning and end of the year is set out in Table 1.

Table 1 – Outstanding Debt

	31 March 2009		31 March 2010	
	Principal	Ave. Rate	Principal	Ave. Rate
	£000's		£000's	
Fixed Rate - PWLB	398,520		475,520	
Variable Rate - PWLB	Nil		Nil	
Market & Temporary Loans	Nil		Nil	
Total	398,520	6.06%	475,520	5.93%
Total Investments	76,000	4.94%	137,000	1.24%

- 3.2 The General Fund Capital Finance Requirement (CFR) is £133 million as at 31/03/10 compared to £137 million as 31/03/09 a reduction of £4 million. The HRA CFR is £405 million as at 31/03/10 compared to £353 million as at 31/03/09 an increase of £52 million. The increase in the HRA CFR is due to the delivery of the decent homes programme. Total CFR is £538 million as at 31/03/10.
- 3.3 The CFR represents the underlying borrowing need of the HRA and General Fund. The reason why actual borrowing is lower than the CFR is because the Council has affectively borrowed from its internal resources.

4. Economic Review

- 4.1 During 2009/10 the Monetary Policy Committee (MPC) was focused on helping the economy to turn around from plunging into the deepest and longest recession the UK economy had experienced for many years.
- 4.2 Despite keeping Bank Rate at an unprecedented historical low of 0.5% all year, the MPC also had to resort to extreme measures in terms of pumping liquidity into the economy through quantitative easing by purchasing £200bn gilts and corporate bonds. This had the effect of boosting prices for gilts and corporate bonds and therefore bringing down yields, so also reducing borrowing costs for both the corporate and public sector.
- 4.3 It was notable that the increase in money supply in the economy generated by this programme brought the credit crunch induced spread between Bank Rates and 3 months LIBID (investment rate that depositors could earn) down from 0.95% at the beginning of the financial year to zero during August 2009.
- 4.4 The dominant focus in 2009/10 was on quarterly GDP growth figures. The recession bottomed out in quarter 1 for 2009. There was then major disappointment that the end of the recession failed to materialize in quarter 3 2009 but the fourth quarter of 2009 did then see economic growth at +0.4%.

- 4.5 CPI inflation has not been a major concern of the MPC as it fell back below the 2% target level from June to November. However, it did spike upwards to reach 3.5% on the back of the unwinding of the temporary cut in VAT to 15% on January 2010. This was not seen as a cause for alarm as this spike was expected to fall out of the inflation index and inflation was forecast by the Bank of England to fall back under target by the end of 2010.
- 4.6 More recent figures have been released which show UK CPI inflation peaked at 3.7% in April and slowed to 3.4% in May which is the first decline for three months as lower costs of items from food and transport eased price pressures in the economy. Although the CPI figure fell on the month, it is still well above the 2% target rate due to the VAT restored to 17.5% in January.
- 4.7 The latest data would suggest that CPI inflation may have peaked in the short term and the spare capacity in the economy should pull down inflation going forward. In 'normal time' such high inflation would trigger a series of rate rises from the MPC, however the Committee is likely to remain cautious given the outlook for growth and the troubles in the Euro area.

5. Borrowing Rates 2009/10

- 5.1 Variations in most PWLB rates this year have been within a fairly limited band compared to previous years with the largest spread being 1.12% in the 10 year.
- 5.2 **5 Year PWLB rate.** This started the year at 2.54% and then fell to a low for the year of 2.47% before then rising sharply to hit a peak of 3.29% in July. From there it fell until reaching 2.54% in October and then rose back up to a peak 3.13% in January. It finished the year at 2.89%.
- 5.3 **10 Year PWLB rate.** This started the year at 3.36% and then fell to a low for the year of 3.30% before then rising sharply and rose to hit a peak of 4.15% in July. From there it fell until reaching 3.55% in October and then rose back up to a peak of 4.42% in February. It finished the year at 4.19%.
- 5.4 **25 Year PWLB rate.** This started the year at 4.28% and then peaked in the 4.70%'s during June – August before falling to a bottom of 4.07% in October. From there it rose again towards the end of the year to return to the 4.70%'s and peaked at 4.83% in February. It finished the year at 4.67%.
- 5.5 **50 Year PWLB rate.** This started the year at 4.57% and then peaked a 4.85% in June before falling back to a low of 4.18% in October. From there it rose again towards the end of the year and peaked at 4.79% in March. It finished the year at 4.70%.

6. Borrowing Outturn for 2009/10

- 6.1 As a result of the H&F Homes bid in 2005/06 for £192 million to the DCLG for supported borrowing for the Decent Homes Initiative there was a borrowing requirement of £77 million. It was decided to take advantage of low long term rates and reduce expose to fluctuations in short term interest rates that borrowing would be taken in November 2009. This borrowing will be supported through the Housing Revenue Account Subsidy.
- 6.2 To balance the Council's debt maturity portfolio this was taken over the following periods.
- 7 Million at 3.95% for 10 years
 - 20 Million at 4.04% for 11 years
 - 20 million at 4.31% for 19 years
 - 20 Million at 4.25% for 15 years
 - 10 Million at 4.32% for 21 years
- 6.3 Debt Performance - As shown in para 3 the average debt portfolio rate has reduced over the course of the year from 6.06% to 5.93%.
- 6.4 An analysis of the Council's long term (PWLB) borrowings by maturity (i.e. date of repayment) is as follows:

PWLB	31 March 2009 £000s	31 March 2010 £000s
Up to two years	0	16,000
Between two and five years	36,430	25,533
Between five and ten years	66,026	77,923
More than ten years	<u>296,064</u>	<u>356,064</u>
Total	<u>398,520</u>	<u>475,520</u>

- 6.5 An analysis of movements on loans and investments during the period is shown below:

	Balance 31.03.09 £000s	Loans/Invs Raised £000s	Loans/Invs Repaid £000s	Balance 31.03.10 £000s
PWLB	398,520	77,000	0	475,520
Temporary loans	0	0	0	0
Total debt	<u>398,520</u>	<u>77,000</u>	<u>0</u>	<u>475,520</u>
Investments	<u>76,000</u>	<u>973,950</u>	<u>912,950</u>	<u>137,000</u>

7. Investment Outturn for 2009/10

- 7.1 At the start of 2009/10, investment rates were enhanced by a credit crunch induced margin. However, the Bank of England's quantitative easing operations had the desired effect of improving the supply of credit in the economy and so these margins were eliminated by half way through the year. Consequently, investment rates fell markedly during the first half of the year.
- 7.2 **Overnight rate:** this varied little during the year within a range of 0.38 – 0.49%.
- 7.3 **3 month rate:** from a high point for the year of 1.50% on 01.4.09, the rate fell gradually to reach a low of 0.42% in September before finishing the year at 0.52%.
- 7.4 **12 month rate:** this started the year at a credit crunch enhanced rate of 1.85% and fell steadily until reaching 0.85% in September. Since then it has risen to finish the year at 1.15% as the market looked ahead to when the MPC would have to start raising Bank Rate from its then current rate of 0.50%.
- 7.5 Investment Performance – The Council manages its investments in-house and invests with the institutions listed in the Council's approved lending list. The Council invests for a range of periods from over night to 364 days, dependent on the Council's cash flow, its interest rate view and the interest rates on offer.

	Average Investment	Average Interest Rate	Benchmark Return
Internally Managed	£103,700,000	1.24%	0.37%

- 7.6 The benchmark for internally managed funds is the weighted average 7-day LIBID rate sourced from the Financial Times.
- 7.7 Investments as at 31 March 2010 stood at £137,000,000, whilst the average for the year was £103,700,000. The Council exceeded the benchmark return by 0.87%.
- 7.8 The Council has also strengthened its credit criteria by using all three credit rating agencies Fitch, Moody's and Standard and Poor rating plus data on movements in credit default swaps. Credit ratings, alerts and changes are notified to treasury officers on a daily basis and these are acted upon immediately. In addition officers monitor the financial press and economic reports. The Council is alerted to changes to ratings of all three agencies through its use of Sector's creditworthiness service. This methodology was approved at Council on 24 February 2010.
- 7.9 Since the report to Council in February 2010 the banking sector has remained an area of uncertainty and the current policy is that whilst we maintain our lending list in accordance with the agreed methodology, we continue to

operate a more restricted lending list and only lend to UK Government guaranteed institutions and the UK Government.

8. Debt Rescheduling

- 8.1 On 1 November 2007 the PWLB imposed two rates for each period, one for new borrowing and a new, significantly lower rate for early repayment of debt. The differential between the two rates ranged from 26bp (basis points) in the shorter dated maturities to over 40bp in the longer ones. They also introduced daily movements of 1bp instead of 5bp and rates in half year periods throughout the maturity range (previously had been mainly in 5 year bands). These changes effectively meant that restructuring the portfolio into new PWLB borrowing would not produce savings.

9. Compliance with Treasury Limits and Prudential Indicators

- 9.1 During the financial year the Council operated within its treasury limits and Prudential Indicators as set out in the Council's Treasury Strategy Report.

10. Comments of the Director of Finance

- 10.1 The comments of the Director of Finance are contained within this report.

11. Comments of the Head of Legal Services

- 11.1 There are no direct legal implications for the purpose of this report.

12. Comments of the Audit and Pensions Committee

- 12.1 The Audit and Pensions Committee noted the report at its meeting held on 22 September 2010.

13. Recommendations

- 13.1 To note the borrowing and investment activity for the period 1 April 2009 to 31 March 2010.

LOCAL GOVERNMENT ACT 2000 - BACKGROUND PAPERS

No.	Brief Description of Background Papers	Name/Ext. of holder of file/copy	Department/Location
1.	Loans and Investments Ledger	Rosie Watson Ext: 2563	Room 4, Ground Floor, Town Hall
2.	Treasury Management documents	Rosie Watson Ext: 2563	Room 4, Ground Floor, Town Hall



Report to Council

27 OCTOBER 2010

LEADER

*Councillor
Stephen Greenhalgh*

TITLE: Review of Statement of Licensing Policy 2010

WARDS

All

SUMMARY:

This report seeks approval for the Council's Statement of Licensing Policy 2010, which has been publicly consulted upon.

The Licensing Act 2003 requires each Licensing Authority to review its Statement of Licensing Policy every three years.

It was last reviewed in 2007 and this will be our third edition which must be published by January 2011.

This report outlines the review and consultation process, issues for consideration and the proposed amendments which were subject to public consultation.

CONTRIBUTORS

Environmental Services

Legal and Democratic Services

Finance and Corporate Services

RECOMMENDATION::

Council is asked to approve the Council's Final Statement of Licensing Policy 2010 as set out in Appendix 1 of this report.

1. BACKGROUND

- 1.1 Section 5 of the Licensing Act 2003 requires each licensing authority to determine and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the three year period to which the licensing policy applies.
- 1.2 The current Statement of Licensing Policy 2007 at Appendix 5 was adopted by the London Borough of Hammersmith and Fulham in November 2007. The Draft revised Statement of Licensing Policy 2010 is the Council's third since the Act came into force and must be published by 31 January 2011.
- 1.3 The proposed amendments to the Draft revised Statement of Licensing Policy 2010 are detailed in section 2.4 of this report.

2. REPORT

2.1 Introduction

- 2.1.1 The Licensing Act 2003 sets out four licensing objectives which the licensing authority has a duty to promote. These are:

- the prevention of crime and disorder,
- public safety,
- the prevention of public nuisance, and
- the protection of children from harm.

- 2.1.2 This Authority currently has 901 licensed premises which include the following:

- Pubs, Bars and Clubs
- Restaurants
- Shops (Off Licences)
- Social Clubs, Halls and Staff restaurants
- Hotels
- Cinemas and Theatres
- Take Aways selling hot food or hot drink between 11pm and 5am

- 2.1.3 Individuals engaged in making and authorising the sale of alcohol require a personal licence issued by the authority in whose area they reside.

- 2.1.4 The Act also allows events for less than 500 people to proceed without a premises licence providing that written notification is given to the police and the Council with a minimum of 10 working days notice. Premises are limited to a maximum of 12 such events per calendar year which may not exceed a period of 15 days and there must be at least 24 hours between events.

2.2 Review Process

2.2.1 The Council's Statement of Licensing Policy 2007 was reviewed in consultation with the respective responsible authorities as defined by the Licensing Act 2003 and consideration was given to the following guidance and policies:

- The guidance issued under Section 182 of the Licensing Act 2003,
- The current Statement of Licensing Policy 2007
- The Council's parks and open spaces, events, and economic development strategies
- The Strategic assessment from the Crime and Disorder Reduction Partnership (CDRP)
- The Council's Disability Equality Scheme (DES) and Single Equality Scheme (SES)

2.3 Consultation process

2.3.1 The 12 week consultation took place between 8 June 2010 to 30 August 2010. The Draft revised Statement of Licensing Policy 2010, together with the consultation letter and the consultation questionnaire were sent to over 2400 stakeholders, advertised with H&F News, on the Council website and placed on the Council's consultation portal.

2.3.2 The Draft revised Statement of Licensing Policy 2010 was also considered at the Environment and Residents Services Select Committee, and the Licensing Committee.

2.3.3 Section 5(3) of the 2003 Act requires the licensing authority to consult on its statement of licensing policy with the police, the fire authority and such person's representative of:

- Holders of premises licences issued by that authority
- Holders of club premises certificates issued by that authority,
- Holders of personal licences issued by that authority, and
- Businesses and residents in its area.

2.3.4 In addition to the statutory consultees, others were also consulted, including;

- Residents;
- Responsible Authorities: Police, Fire Authority, Environment Protection Team, Commercial Services Team, Trading Standards Team, Planning Team, and the Area Child Protection Committee;
- Councillors;
- Resident groups, tenants associations and societies;
- Health service including PCT, Accident and Emergency and the London Ambulance service;
- British Transport Police;
- London Underground;
- Neighbouring authorities;
- British Institute of Inn keeping;
- Chamber of Commerce;

- Drug and alcohol action team;
- Crime and Disorder Reduction Partnership; and
- Trade unions.

2.4 Summary of Key Responses

The amendments to the Draft revised Statement of Licensing Policy 2010 and responses together with the officers' comments are summarised below. A summary of the consultation responses can be seen at Appendix 2 of this report.

2.4.1 GENERAL/PURPOSE

Summary of Consultation Responses: The majority of consultees indicated that they considered the Draft revised Statement of Licensing Policy 2010 was clearly written and easy to understand and felt the length of the policy was 'about right'.

Officers Comments: By its nature, the Licensing Act 2003 and the guidance issued under Section 182 of the Act covers a wide range of complex areas. The aim of this Draft revised Statement of Licensing Policy 2010 was to have one all encompassing policy which provided all the relevant information for all stakeholder in one document which they could refer to.

2.4.2 LICENCE CONDITIONS

Summary of Consultation Responses: Over 86% of consultees considered it useful to include a section on 'licence conditions' under section 4 and a pool of conditions under Annex 3 in the Draft revised Statement of Licensing Policy 2010.

Officers Comments: The aim of the section was to help to ensure consistency and make sure that licensed premises in the vicinity of football grounds do not become crime and disorder hot spots during match days. In addition the 'Pool of Conditions' will make it easier for applicants, residents, Councillors, and agencies such as the Police to understand and request consistent conditions for each type of premises when making, commenting on or considering applications.

Following consultation the existing mandatory conditions have been included as well. See Annex 1 in the Final Statement of Licensing Policy 2010 at Appendix 1 of this report. The pool of conditions has been reviewed and a statement has been added to clarify that conditions should only be used where it is considered necessary and proportionate to the promotion of the licensing objectives. Conditions in relation to litter and cigarette bin provisions have been inserted. An additional statement has been added to advise that further conditions may be added in the future and to check the Councils website for the most current pool of conditions. The changes have been made under Annex 3 in the Final Statement of Licensing Policy 2010 at Appendix 1 of this report.

2.4.3 CUMULATIVE IMPACT

Summary of Consultation Responses: Over 88% of the consultees were supportive of the possible adoption of further special licensing policies. The full response from the Police can be seen at Appendix 3 of this report.

Officers Comments: The Council has adopted a special licensing policy for the Fulham Broadway Area as it considered that the cumulative effect of many licensed premises within the vicinity was resulting in problems of public disorder and nuisance to the surrounding area. This included low level crime, such as littering, shouting, vomiting and urinating in residential streets. Details of the special licensing policy for the Fulham Broadway Area have been included as Annex 4 in the Final Statement of Licensing Policy 2010.

2.4.4 PREVENTION OF CRIME AND DISORDER

Summary of Consultation Responses: 88% of consultees were in favour of the inclusion of a non-exhaustive list of measures to prevent crime and disorder, and over 83% supported the requirements to comply with the control of illegal drugs and weapons.

Officers Comments: The purpose of the list was to make it easier for applicants to address crime and disorder issues when preparing their Operating Schedule. In addition the proposals in relation to the control of illegal drugs and weapons on the premises was to make sure that applicants took responsibility for the activities that took place on their premises and liaised with the Council and Police to have the correct systems in place in dealing with these issues.

2.4.5 IRRESPONSIBLE DRINKS PROMOTIONS

Summary of Consultation Responses: 88% of consultees were in favour of the inclusion of guidance and examples of irresponsible drink promotions under Section 15.6 and Annex 2 of the Draft revised Statement of Licensing Policy 2010.

Officers Comments: New mandatory conditions came into force on 6 April 2010 which ban irresponsible drinks promotions such as “all you can drink for £10” offers or the dispensing of alcohol directly into the mouth. The new mandatory conditions also include the requirement to have free tap water available to customers.

These new conditions were included in the policy as well as further conditions that will become mandatory from 1 October 2010 to raise awareness in order to achieve compliance.

2.4.6 OFF LICENCES

Summary of Consultation Responses: 79% of the consultees agreed with including tighter controls for off licences around the sale of alcohol.

Officers Comments: Street drinking, football crime and disorder and underage sales of alcohol continue to be an issue around various parts of the Borough. Tighter controls would help to promote responsible management in these licensed premises.

2.4.7 CONSIDERATION OF OUR RESIDENTS

Summary of Consultation Responses: 81% of consultees were supportive of this new section outlining the responsibilities of licence holders and the impact of their activities on crime and disorder and public nuisance.

Officers Comments: This section was included as a result of the concerns and complaints raised by residents over the last three years in relation to noise and disruption from people leaving premises late at night.

2.4.8 ANNUAL MAINTENANCE FEES

Summary of Consultation Responses: 81% of consultees agreed with the proposal of the Licensing Authority to pursue any unpaid annual maintenance fees.

Officers Comments: Approximately 80 licence holders are presently in arrears and debt recovery measures are in place, however pursuing these debts takes up much time and resource from the Council. Each licence holder is required to pay an annual fee and the vast majority of licence holders pay their fees on time. For this reason to ensure that all businesses receive fair treatment, those who simply choose not to pay will be pursued as often non payment of fees can be an indicator of other licence irregularities.

2.4.9 MINOR VARIATIONS

Summary of Consultation Responses: 75% were supportive of the clarification on the difference between minor and full variations of existing licences.

Officers Comments: The amendment was made to provide greater clarity for all stakeholders.

2.4.10 PERSONAL LICENCES

Summary of Consultation Responses: 81% were supportive of Personal Licence Applicants endorsing the back of photographs with their name, date of birth and contact number.

Officers Comments: The change was made to speed up the processing time for applications.

2.4.11 TEMPORARY EVENTS NOTICES (TENs)

Summary of Consultation Responses: 60% were supportive of the guidance for holders of Large Outdoor Events, and the Police were supportive of the inclusion of the risk assessment forms regarding specific events.

Officers Comments: It is recommended in the Draft revised Statement of Licensing Policy that in general the Licensing Authority and police be given at least 28 calendar days notice of the event to allow them to help organisers plan their events safely.

The police were very supportive of this amendment as it allows them to consult with applicants and ensure that the opportunity for crime and disorder is minimised at the planning stage.

2.4.12 DESIGNATED PREMISES SUPERVISOR (DPS) IN COMMUNITY PREMISES

Summary of Consultation Responses: 56% were supportive of the guidance on the recent changes in the 2003 Act in relation to community premises.

Officers Comments: Community premises are now allowed to apply to have the standard mandatory condition under Section 19 of the Licensing Act 2003 removed from their premises licence. The alternative licence condition will be that *'every supply of alcohol under the premises licence must be made or authorised by the management committee'* as opposed to being authorised by a DPS who holds a personal licence.

2.4.13 INTERESTED PARTIES

Summary of Consultation Responses: 75% felt it was useful to include information on the recent changes in the 2003 Act in relation to the amendment to the definition of 'interested parties'.

Officers Comments: It was important to clarify this change in the Draft revised Statement of Licensing Policy 2010 to remind and encourage Councillors to make representations where they felt that one or more of the four licensing objectives were not being upheld to support local residents.

2.4.14 FURTHER COMMENTS

Consultees were asked for any additional comments. The following table details the further changes adopted from the suggestions made by our consultees. These changes have been inserted in the Final Statement of Licensing Policy 2010 for approval at Appendix 1 in this report.

Consultees Comments	Further Changes to Final Statement of Licensing Policy 2010 (at Appendix 1)
Residents wanted a fair chance to learn about new applications.	The Final Policy includes information on the email alert system under Section 16 and 21. The email alert system is on the Councils website enabling residents, and other interested parties to make representations if they wish to do so.
The Police suggested adding their contact details in the Policy.	The generic police mailbox email address has been inserted under Section 18.
Planning suggested applicants are reminded to obtain the correct planning permission when applying for a licence and to provide a website link to the planning portal for further guidance and application forms.	These points have been inserted under section 14 and in addition the Final Policy contains information to remind applicants of the consequences of non compliance.
The Greater London Authority, City Operations 2012 Team wanted the Council to show their commitment to a safe and successful Olympic and Paralympic Games by advising licence holders to give due consideration to public safety and security risks.	A paragraph has been inserted under Section 18 to clarify the points raised.
The Environment Protection Team suggested further guidance be provided to prevent disturbance by customers arriving and leaving the premises.	Section 10 has been amended to provide further guidance and clarity.
The Environment Protection Team suggested further considerations in relation to risks associated with the public nuisance objective be added.	Further risks have been inserted under Section 15 which includes deliveries, waste, odour, ventilation, vibrations, and light pollution.

2.5 Comments

2.5.1 Environment and Residents Services Select Committee

A report was presented to the Committee, on 7 September 2010, where it was resolved that the revised Final Statement of Licensing Policy 2010 be endorsed.

2.5.2 Licensing Committee

This report was presented to the Committee on 12 October 2010 where it was resolved that the Final Statement of Licensing Policy 2010 be endorsed.

3 RISK MANAGEMENT IMPLICATIONS

- 3.1 The licensing authority can only consider matters within the scope of the Licensing Act and relevant guidance documents and cannot become involved in the moral issues relating to licensing.
- 3.2 Considerations must be given to the four licensing objectives as well as providing the necessary protection to residents, whilst promoting greater choice and flexibility to businesses and their customers.
- 3.3 The review of the Statement of Licensing Policy 2007 will be added to the Public Protection and Safety Divisional Risk Register to ensure that the risks are managed.

4 CONCLUSION

- 4.1 Careful consideration has been given to the consultation responses that have been made in response to the consultation exercise and amendments have been made to the revised Statement of Licensing Policy 2010.
- 4.2 The key responses have been summarised in section 2.4.4 of this report. The Final Statement of Licensing Policy 2010 at Appendix 1 of this report includes all the changes made following the consultation responses.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 There are approximately 900 premises issued under Licensing act licences that have to pay an annual charge due on the anniversary of the initial grant of the licence.
- 5.2 The main amendment that will impact financially will be the proposal to introduce more robust procedures to pursue any unpaid licence fees. Premises may also have their licences time limited if they owe any annual maintenance fees. This amendment will provide for improved debt recovery across licensing activities. Better use of time and resource will also result as a consequence of time limiting licensed premises where a proportion of annual fees remain outstanding.
- 5.3 Time limiting licences will also reduce the overall risk of bad debt by taking corrective action earlier in the process.

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC) SERVICES

- 6.1 The Council has a duty in respect of each three year period to determine its policy with respect to the exercise of its licensing functions and publish a statement of licensing policy before 7 January 2011. The Council is under a duty to undertake a consultation as set out in section 2.3 of this report.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1	Guidance Issued under section 182 of the Licensing Act 2003	Sanju Manji Ext 3392	PPS/ENV
2	List of consultees	Sanju Manji Ext 3392	PPS/ENV
3	Consultation Letter	Sanju Manji Ext 3392	PPS/ENV
4	Consultation Questionnaire	Sanju Manji Ext 3392	PPS/ENV
5	Draft revised Statement of Licensing Policy 2010	Sanju Manji Ext 3392	PPS/ENV
6	Online and Postal Responses to the Consultation	Sanju Manji Ext 3392	PPS/ENV
7	Minutes of the Environment and Residents Services Select Committee Meeting	Sanju Manji Ext 3392	PPS/ENV
CONTACT OFFICER: Sanju Manji		EXT : 020 8753 3392	

APPENDICES

- Appendix 1 Final Statement of Licensing Policy 2010 for approval
- Appendix 2 Summary of Consultation Responses
- Appendix 3 Response from the Metropolitan Police
- Appendix 4 Response from the Environmental Protection Team
- Appendix 5 Current Statement of Licensing Policy 2007



[DRAFT] STATEMENT OF LICENSING POLICY

January 2011

London Borough of Hammersmith &
Fulham statement of licensing policy
Issued January 2011

This policy has been prepared in accordance
with guidance issued under the latest
Section 182 of the Licensing Act 2003.

**If you would like more information,
please contact us:**

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Licensing Authority**
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1 Foreword

- 1.1 The Licensing Authority will have regard to this policy when carrying out its functions under the Licensing Act 2003.
- 1.2 The Licensing Act 2003 requires the Licensing Authority to publish this statement of licensing policy. This policy will be used as a guide in decision making with regard to licensing matters.
- 1.3 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken, these are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.

Each objective is of equal importance. It is important to note that there are no other licensing objectives, therefore these four objectives are paramount considerations at all times.

- 1.4 The Licensing Authority is keen to promote the cultural life of our borough and licensing will be approached with a view to encouraging all forms of licensable activity that are carried out in ways consistent with the Licensing Objectives.
- 1.5 Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax. The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve and protect the borough. Not only has this Licensing Statement been prepared to promote the four Licensing Objectives under the Licensing Act 2003, the Licensing Authority has had regard to the local strategies which have been developed for the borough, its residents, businesses, workers and visitors. The Licensing Authority intends to secure the proper integration with local crime prevention, planning, transport, tourism and cultural strategies and council's equality agenda by ensuring our licensing statement is consistent with their aims and objectives.
- 1.6 The Licensing Authority will seek to implement the policy in a positive and inclusive way for the whole community.
- 1.7 The council's vision of the improvements it wishes to secure in the local quality of life comes under it's objectives of:
- Putting Residents First
 - Delivering value for money
 - Cracking down on crime and antisocial behaviour
 - A borough of opportunity
 - A cleaner greener borough

- 1.8 Our aim is to target premises, which are causing problems within our communities and have a lighter touch for the majority of businesses and community activities, which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.
- 1.9 Residents also have the benefit of the right to challenge a licensing sub-committee decision, by appealing to the Magistrates Court.
- 1.10 An effective licensing policy, alongside other initiatives, can work towards promoting the positive aspects, such as increasing the leisure industry provision for the community and encouraging regeneration of town centres, as well as controlling the negative impacts such as increase in noise, nuisance, anti-social behaviour and crime and disorder.
- 1.11 Through this policy the Licensing Authority hopes that local people and visitors to Hammersmith & Fulham will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at or leaving licensed premises. In addition, and in response to concerns about the impact of longer trading hours on behaviour and disturbance at night, we have given the protection of local residents, whose lives can be blighted by disturbance and antisocial behaviour associated with the behaviour of some people visiting places of entertainment, a central place in our strategy. The Unitary Development Plan (UDP) sets out the council's planning policies for developing land, improving transport and protecting the environment. The council is required to determine planning applications in accordance with the UDP, the London Plan and any other material considerations.
- 1.12 Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance, and has a proven track record of treating each application in a fair and considered way.
- 1.13 Green spaces have been protected and extended throughout the 1990s to improve the local quality of life. The borough is home to one of Europe's largest shopping centres, Westfield, three major football clubs; Chelsea, Fulham and Queens Park Rangers, national exhibition centres; Olympia and Earls Court 2 and one of London's major live entertainment venues, the HMV Hammersmith Apollo.
- 1.14 The Licensing Act requires the Licensing Authority to review the licensing policy every three years. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

2 Introduction and purpose

2.1 The Licensing Authority for the London Borough of Hammersmith & Fulham makes this Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003.

2.2 This policy statement has amongst other things, five main purposes, which are:

- **To inform Members** of the Licensing Committee of powers of the Licensing Authority and the boundaries within which to make decisions.
- **To inform licence applicants** of the parameters within which the Licensing Authority will make licensing decisions and how licensed premises are likely to be able to operate within the borough.
- **To inform local residents and businesses** of the considerations which the Licensing Authority will take when making licensing decisions.
- **To inform Responsible Authorities** of their powers under the Licensing Act 2003 to promote the four Licensing Objectives.

2.3 The policy relates to the following activities (known as licensable activities) that are required to be licensed under the act:

- a. The retail sale of alcohol including licensing of individuals, premises, wholesale of alcohol to members of the public and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;
- c. The provision of regulated entertainment in the presence of an audience. Regulated entertainment includes:
 - film exhibitions
 - performances of a play
 - indoor sporting events
 - boxing or wrestling events
 - live music performances
 - playing of recorded music
 - performances of dance
 - the provision of facilities for making music and provision of dance facilities (and anything of a similar description);
- d. The licensing of activities on a temporary basis, TENs (temporary event notices); and
- e. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am.

2.4 The two main types of licence issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. TENs may be issued for licensable activities involving no more than 499 people & lasting no more than 96 hours (4 days). References to licences in this document include certificates, TENs or other permissions under the act.

2.5 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions attached to licences will be focused on matters that are within the control of individual licensees.

Accordingly, conditions will centre on the premises and on the vicinity of those premises. What is in the vicinity will depend on the facts of each individual case. But the Licensing Authority will primarily focus on the direct impact of the activities at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

- 2.6 Every application made to the Licensing Authority will be considered on its own merits. This policy will be used as a basis in coming to consistent and transparent decisions on licence applications.
- 2.7 The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Licensing Act (available from www.culture.gov.uk). Where it is necessary to depart from that guidance, the Licensing Authority will give its reasons for doing so.
- 2.8 Additionally in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has taken into account the provisions of the Crime and Disorder Act 1998.
- 2.9 The scope of this policy covers all applications made under the Licensing Act 2003. Designated sports grounds, events and exhibition centres are the subject of separate legislation. Consideration of applications for premises licences will be limited to those activities that are licensable under the 2003 Act.
- 2.10 Nothing in this policy will undermine any person from applying for a variety of permissions under the act.
- 2.11 The Policy has been drawn up in consultation with a number of bodies and organisations, including:
- Metropolitan Police;
 - London Fire, Emergency and Planning Authority;
 - Representatives of holders of premises licences in the borough;
 - Representatives of holders of club premises certificates in the borough;
 - Representatives of holders of personal licences in the borough;
 - Representatives of residents and businesses in the area, including resident groups, tenants associations and societies;
 - The Area Child Protection Committee; Health service including PCT, Accident and Emergency and the London Ambulance service;
 - British Transport Police;
 - London Underground;
 - Neighbouring authorities;
 - British Institute of Inn keeping;
 - Chamber of Commerce;
 - Drug and alcohol action team;
 - Crime and Disorder Reduction Partnership; and
 - Trade unions;
- 2.12 This policy comes into force on 31st January 2011.
- 2.13 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

3 Fundamental principles

- 3.1 In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the act, these are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance;
 - The protection of children from harm.
- 3.2 To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities including those relating to planning, transport, crime and disorder. Accordingly, the Licensing Authority will enter appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.
- 3.3 The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment and leisure industry, and we will work with our stakeholders to ensure mutual co-existence.
- 3.4 The Licensing Act 2003 provides the entertainment and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides some extra powers for the Licensing Authority and the police to work closely to protect residents from disturbance.
- 3.5 Deregulation inevitably brings with it a higher degree of self-regulation by licence and certificate holders. This shift means that the primary responsibility for controlling activities on licensed premises firmly rests on the licence holders and managers of such premises. This Licensing Authority, with support from the other enforcement agencies will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community of which both businesses and residents form a part.
- 3.6 Interested Parties and Responsible Authorities may view applications for Club Premises Certificates and Premises Licences, and may make representations to the Licensing Authority where they believe the application undermines one or more of the Licensing Objectives. (see Glossary of terms for Interested Party and Responsible Authority definitions)
- 3.7 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious. All representations must be made to the Licensing Authority. Only written representations sent by e-mail, post or hand delivered will be accepted, however, where circumstances prevent this, the Licensing Authority shall consider any other forms of representation on a case by case basis.
- 3.8 If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Panel consisting of a sub committee of Councillors of the Licensing Committee. Where no relevant representation has been made applications will be granted by licensing officers under delegated powers. In making decisions on licence applications, the Licensing Panel must have regard to the Licensing Act 2003 and relevant Regulations, the Guidance published by the Department of Culture, Media and Sport (DCMS) under s.182 of the Licensing Act 2003, and this Statement of Licensing Policy.
- 3.9 Applicants should also have regard to these documents when preparing their application

- 3.10 Where relevant representations have been received by the Council, conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned, and they will relate to the licensing objectives and be restricted to matters within the control of individual licence holders.
- 3.11 In making decisions on licensing applications and in imposing conditions, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned relating to the four Licensing Objectives.

4 Licence Conditions

Schedule 4 of the Policing and Crime Act 2009 amended the Licensing Act 2003 to give the Secretary of State the power to impose new mandatory licensing conditions in relation to the supply of alcohol under licence.

These new mandatory licensing conditions apply to all existing and future premises licences which authorise the supply of alcohol, and these conditions override any conditions already included in a premises licence or club premises certificate, so far as they are identical to the existing conditions or inconsistent with, and more onerous than, the existing conditions. The new conditions will apply to every licence and certificate authorising the sale and supply of alcohol from the point they come into force.

Mandatory Conditions

- 4.1 The original mandatory conditions are listed at Annex 1.

New mandatory conditions have been introduced for all existing and future Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 2 for details.

The new conditions:

- Ban irresponsible drink promotions;
- Ban the dispensing of alcohol directly into the mouth; and
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly.
- Require an age verification policy to be in place to prevent underage sales; and
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine.

Local Pool of Conditions

- 4.2 Necessary and proportionate conditions, which relate to the Licensing Objectives will be drawn in particular circumstances from the National Pool of Conditions, issued by the Department of Culture,

Media and Sport (DCMS). Further information regarding these conditions can be found at www.dcms.gov.uk. This does not preclude the Licensing Authority attaching other conditions if deemed appropriate.

The Licensing Authority has its own local pool of conditions (see Annex 3 for details) that it will apply to premises, as necessary, for the promotion of the licensing objectives. Applicants should consider the National Pool and local pool of conditions and incorporate them into their operating schedules, as they consider necessary, to promote each of the Licensing Objectives.

Football Conditions

- 4.3 The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days any premises in the vicinity of our football grounds will be expected to robustly deal with this area in their operating schedule.
- 4.4 Where a relevant representation is made in respect of an application made by a licence holder, by the Police or another Responsible Authority the Licensing Authority may apply enhanced “match day” conditions to assure the Licensing Objectives are met. This may include but is not limited to the following conditions:
- Restriction of hours in the run up to and after ‘Kick Off’
 - Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
 - Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding to prevent their customers from drinking or taking alcohol out onto the street outside the premises on match days
 - The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required
 - Having door supervisors on duty
 - Having a Designated Premise Supervisor/Personal Licence Holder on the premises
 - Using display cabinets with shutters for alcohol
- 4.5 The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of glass bottles on match days and as such may require that no bottles are sold on match days.
- 4.6 It has also been the experience of the Licensing Authority that at times it may be required to completely close ‘off’ and ‘on’ licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football unit will liaise with premises at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred however where formal closure under Section 161 is required, this may lead to a review of that premises licence and the potential for additional conditions to be imposed.
- 4.7 Licence holders will be required to ensure that they and their staff comply at all times with all conditions attached to their licence.

5 Licensing hours

- 5.1 Where there is a relevant representation, the Licensing Authority will consider each particular case on its merits having regard in particular to the following matters:
- Whether the licensed activities are likely to cause an adverse impact especially on local residents, and, if there is potential to cause adverse impact, what, if any, appropriate measures will be put in place to prevent it;
 - Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
 - Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
 - Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder and nuisance;
 - Whether the premises has an authorised or lawful use under town planning legislation;
 - Whether there have been any representations made by the Police, or other relevant agency or representative.
- 5.2 The Licensing Authority will closely scrutinise extended hours applications to ensure that the Licensing Objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the Licensing Objectives. If an hours restriction is imposed, the Licensing Authority will normally require that customers should be allowed a minimum of thirty minutes to consume alcohol. For example where the supply of alcohol on the premise is permitted to 11pm, and the opening hours of the premise are until 12 midnight, the drinking up time would be between 11pm to 12 midnight.
- 5.3 In determining representations to an application, which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the Licensing Objectives.
- 5.4 The Licensing Authority will not normally approve an application for a licence unless the applicant can demonstrate that the premises have the appropriate (in terms of the activity and hours sought) planning permission or lawful use.
- 5.5 Exceptions may be made where special circumstances can be demonstrated by the applicant why the application should be considered and approved although the planning status of the premises has not been finalised.
- 5.6 It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street

drinking issues, issues in relation to public nuisance and disorder issues in the vicinity of this type of premises, the Licensing Authority may restrict the hours of sale of alcohol.

6. Cumulative Impact

- 6.1 In determining an application, where there has been a relevant representation, the Licensing Authority will, where appropriate, take into account the cumulative (collective) effect of the number, type and density of licensed premises already existing in the area. A saturation of licensed premises can attract customers to an area to such a degree, that it has an adverse impact on the surrounding area beyond the control of individual licence holders.
- 6.2 Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the council may consider it inappropriate for any further licensed premises to be established in the area or capacities to be increased. In such circumstances, an application for a licence for activities, which would undermine the promotion of any of the four Licensing Objectives would be refused.
- 6.3 In 2009 the Licensing Authority identified Fulham Broadway as an area where the number, type and density of premises providing licensable activities after 11pm was having a serious negative impact on the local community and local amenities. In order to ensure that residents are protected from the negative impact of late night local licensing activities, the Licensing Authority has adopted a special policy. This policy is set out in Annex 4 and will be applicable to all applications where relevant representations are made in that area, except applications for Personal Licences. The special policy will be reviewed regularly to assess whether it is still needed or should be expanded or amended.
- 6.4 The absence of a special policy in other areas does not prevent any Responsible Authority or Interested Party from making representations on the grounds that the premises will give rise to a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives.
- 6.5 Where there is sufficient evidence that another particular area has reached a point where existing licensing activity is at such levels that if by granting a licence, it would contribute to the negative impact in the area, the council may adopt a special policy in relation to that area.
- 6.6 If any further special policies were adopted it would not be absolute and each application would still have to be considered on its own merits.
- 6.7 In coming to any decision regarding cumulative impact the Licensing Authority will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:
- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
 - Police enforcement of the normal law concerning disorder and anti-social behaviour.
 - Prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.

- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.

7 Promotion of other strategies

- 7.1 The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only necessary, proportionate and reasonable licensing conditions will be imposed on such events. The council recognises that as part of implementing cultural strategies, account needs to be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.
- 7.2 Arrangements have been made for licensing committees to receive, when appropriate, reports on the needs of the local tourist economy.
- 7.3 The Licensing Authority will keep the licensing committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- 7.4 The Licensing Authority will also report to local transport committees with regard to the need to disperse people from town centres in order to avoid concentrations of people that can produce nuisance and disorder.
- 7.5 The Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of opportunities for all.
- 7.6 The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include taking into account the following:
- Public Protection and Safety Division's Enforcement Policy;
 - Crime and Disorder Reduction strategy;
 - Community Safety strategy;
 - Drugs and Alcohol strategy;
 - Equal Opportunities policy;
 - Cultural and Tourism strategies including promotion of live music and community events;
 - Objectives of the Private Security Industry Authority;
 - Responsibilities under Anti Social Behaviour Act 2003;
 - Home Office Safer Clubbing Guide. See: www.drugs.gov.uk/Reports;
 - LACORS/TSI Code of Practice on Test Purchasing (Note LACORS is now Local Government Regulation – LGR)
 - Health Act 2006
 - Violent Crime Reduction Act 2006
 - Clean Neighbourhoods and Environment Act 2005

8 Prevention of crime and disorder

- 8.1 The Licensing Authority will require the applicant to detail in their operating schedule the steps proposed to ensure the deterrence and prevention of crime and disorder, on and in the vicinity of the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to resort to the premises. Please refer to Section 15 – Operating Schedule.
- 8.2 The Licensing Authority will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti social behaviour occurring elsewhere after customers have left the premises.
- 8.3 The Licensing Authority is aware of the link between the supply of discounted alcohol and incidents of alcohol related disorder as well as the impact that excessive consumption of alcohol or binge drinking can have on public health and will consider whether any measures or restrictions can be placed on alcohol sales to prevent binge drinking and promote ‘sensible drinking’. See Annex 2.
- 8.4 The Licensing Authority will use the powers contained within the Licensing Act to ensure operators’ promotional activities do not undermine the Licensing Objectives. Where alcoholic drinks are heavily or extensively discounted, or there are other forms of promotion such as ‘two for one’ or ‘drink all you can’ offers, this is likely to encourage excessive consumption or binge drinking and result in alcohol fuelled incidents of crime and disorder and implications for public safety, public nuisance and may expose children to risk of harm. See Annex 2.
- 8.5 Any premises found to be participating in heavily discounted and irresponsible alcohol drinks promotions will be considered as high risk premises for multi-agency compliance and enforcement visits. See Annex 2.
- 8.6 The responsible authorities have stated that where evidence shows that a premises’ alcohol drinks promotions are undermining one or more of the Licensing Objectives, then they may instigate a review of the licence.
- 8.7 Off Licences, shops, supermarkets and stores selling alcohol for consumption off the premises potentially have a high risk of crime and disorder as well as being targeted as an easy premises from where to acquire alcohol. Such premises can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by groups of drinkers, through the sale of alcohol to children, and through the sale of alcohol to street drinkers and persons who are already drunk.
- 8.8 The Licensing Authority expects off licences to show particular diligence in areas where these problems are prevalent, and to strictly monitor the way they sell alcohol where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- 8.9 It is important that staff working at off licences are suitably trained in the Licensing Act 2003 and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer’s age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- The likelihood of any violence, public order or policing problem if the licence is granted;
 - The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control, for example the use of Security Industry Authority registered door supervisors to control customers on the pavement or in a beer garden, as a result of the smoking ban,.
 - Past conduct and prior history of complaints proved against the premises;
 - Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
 - Any relevant representations.
- 8.10 If there are concerns about illegal drugs, applicants must show that they can comply with the Home Office guidance Safer Clubbing in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- 8.11 If there are concerns about weapons, applicants must show that they can comply with the control of weapons on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- 8.12 Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.
- 8.13 Police powers to deal with any disorder have been strengthened and they have a key role to play in the prevention of crime and disorder on licensed premises.
- 8.14 The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants. As a result the Licensing Authority and the Police will sign up to a Memorandum of Understanding. This document will provide an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.
- 8.15 It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the police before making a formal application. Licences for any form of public entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

9 Public safety

- 9.1 The Licensing Authority will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place. Please refer to Section 15 – Operating Schedule

- 9.2 Maximum occupancy limits in the premises licence will be specified only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include a limit as a licence condition.
- 9.3 The Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') now means that any conditions imposed by the Licensing Authority that relate to any fire safety requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect.
- 9.4 The exception to this will be in cases where the council and the enforcing authority for the fire safety order are one and the same body. For example in designated sports-grounds and stands where the council enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the Licensing Authority.
- 9.5 Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. In certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. The types of premises subject to safe capacities will be the following;
- Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment is being provided within the meaning of the act
- 9.6 The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with the following:
- Checks on equipment at specified intervals;
 - Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
 - The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
 - The use of door supervisors to manage the entrance and exit from the premise and, to protect public safety as customers leave the premises;
 - The provision of air conditioning and ventilation;
 - Measures to protect against overcrowding; and
 - Consideration of the needs of disabled people and appropriate provisions.

10 The prevention of nuisance

- 10.1 The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate

to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. Please refer to Section 15 – Operating Schedule

10.2 In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for nuisance and anti-social behaviour.

10.3 The Licensing Authority will particularly consider the following matters where they are material to the individual application:

- One of the most common complaints the Licensing Authority receive is about nuisance caused by customers as they leave licensed premises at night. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is adhered to. Further guidance on dispersal policies can also be found on the NOCTIS website at www.noctisuk.org/
- The proximity of residential accommodation;
- The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance late at night and/or in the early hours of the morning. However nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and/or Interested Parties relating to potential nuisance from any activity at all times dependant on the merits of the application/steps taken or proposed to prevent nuisance.
- Limiting the number of people permitted to use a garden/other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden/other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);

- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;
- Whether a dispersal policy has been prepared to minimise the potential for disturbance as customers leave the premises.

11 Protection of children from harm

11.1 The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. Please refer to Section 15 – Operating Schedule

11.2 The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:

- At certain times of the day;
- When certain licensable activities are taking place;
- Under certain ages, e.g. 16 or 18;
- Unless accompanied by an adult.

11.3 The Licensing Authority will particularly consider if:

- There is entertainment or services of an adult nature commonly provided;
- There have been convictions, Fixed Penalty Notices (FPNs) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
- There is a known association with drug taking or dealing;
- There is a significant element of gambling on the premises;
- There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
- There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
- There have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.

11.4 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Licensing Act 2003 permits the use of children under the age of 18 to undertake test purchases.

11.5 Where a sale of alcohol has been made on the same premises, to a minor on two or more different

occasions within three months the premises licence could be suspended for a defined period.

- 11.6 Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals. See Annex 2.
- 11.7 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety.
- 11.8 The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the act. See Annex 2.
- 11.9 The Licensing Authority commends the [Portman Group Code of Practice](#) on the naming, packaging and promotion of alcoholic drinks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The Licensing Authority recommends that the applicant refer to the Retailer Alert Bulletin by which the Portman Group tells licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 11.10 The Licensing Authority will expect the operating schedule for premises with film exhibition to include a stipulation that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification. See Annex 1.
- 11.11 There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out.
- 11.12 In relation to pubs, restaurants and clubs, the Licensing Authority will expect licensees to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff avoiding locating cigarette machines near exits so that attempted purchases by young people can be challenged.
- 11.13 Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.
- 11.14 The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board and in particular the child protection officer. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products.

12 Premises licences

- 12.1 An application for a premises licence must be made in the prescribed form to this Licensing Authority. The application must be accompanied by:
- The required fee;
 - An operating schedule;
 - A plan of the premises in a prescribed form;
 - If the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor. This person will normally have been given day to day responsibility for running the premises by the premises licence holder; and
 - Copies of the appropriate certificates.
- 12.2 Please note the fee for a premises licence is payable annually on the anniversary of the granting of the application. Non payment of this fee will be treated by the Licensing Authority as a serious matter and every effort will be made to recover the debt.
- 12.3 The licensing committee may be interested to know if there has been non payment of the annual maintenance fee and if fees are outstanding this may be highlighted in the case officer's report, at any future application for variation or if a review is brought against a particular premises. The Licensing Authority will advise applicants for new applications where previous fees have not been paid.
- 12.4 Officers will determine on a case-by-case basis which applications require an inspection, and will arrange for such inspection.
- 12.5 Applicants will be informed if the Licensing Authority is not minded to conduct an inspection.
- 12.6 The Licensing Authority will proactively monitor licensable activity within the borough and carry out a programme of risk based inspections.

13 Variations to existing premise licences

- 13.1 Where a premise licence requires a *material* change to the licence a variation application should be made. This would include an increase in the capacity of the premises, a change in the hours of operation of the premises, a change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the licence. The procedure is similar to the process for a new application, in that it will require a 28 day consultation period and a site notice to be displayed.
- 13.2 The Licensing Act was amended to include the ability of premises licence and certificate holders to apply to vary their existing licence for a *minor* variation.
- 13.3 A minor variation application may not be used to vary the licence to:
- vary substantially the premises
 - vary the Designated Premise Supervisor
 - authorise the sale by retail of alcohol

- authorise the supply of alcohol at any time between 11 pm and 7 am
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail

13.4 There are 4 main types of variation suitable for the minor variation application:

- Minor changes to the structure or layout of a premises
- Small adjustments to licensing hours (except for the sale/supply of alcohol)
- Removal of out of date, irrelevant or unenforceable conditions and volunteered conditions
- Licensable activities: adding/removing certain licensable activities, including live music

13.5 Applications are made to the Licensing Authority on prescribed forms. The application must be advertised on a **white A4 notice** at the premises, and contain basic details such as a brief description of the proposed variation; name of the applicant or club; address of the premises; and date by which any interested party may make representations. There is no requirement for the applicant to advertise the application in a local newspaper. Applicants can volunteer conditions as part of the minor variations process, whether from their own risk assessment of the variation, or from informal discussions with the responsible authorities or the Licensing Authority.

13.6 There are no hearings under the minor variation process. The application will be determined by licensing officers under the Delegated Authority powers of the Council.

13.7 There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers “must consult relevant responsible authorities if there is any doubt about the impact of the variation on the Licensing Objectives and they need specialist advice, and take their views into account in reaching a decision.” The guidance also states “in many cases the Licensing Authority may be able to make a decision without consultation”.

13.8 Interested parties may make representations based on the Licensing Objectives. Representations do **not** trigger a hearing under the minor variations process, but the guidance states that licensing authorities must take any representations into account in arriving at a decision.

13.9 The timescale set out in the legislation is **15 working days**. Day one is the first working day after the day the Licensing Authority receives the application. The Licensing Authority must then process the application and determine it within 15 working days.

13.10 If the Licensing Authority fails to determine the application within 15 working days, the application is deemed refused, and the fee must be returned to the applicant.

13.11 The first 10 working days of the 15 working day period constitute a consultation period in which Interested Parties may make representations to the Licensing Authority. During this period officers may consider the application and may consult relevant responsible authorities. A determination of the application cannot be made during the 10 working day period; a decision on the application must be made during the remaining 5 working days.

NB: If the application is rejected within the 15 days, the local authority retains the fee in the usual way.

13.12 The key test by the Licensing Authority is whether the proposed variation could impact adversely on

any of the four Licensing Objectives.” Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice requirements following determined applications.

- 13.13 **Granted applications:** the Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice.
- 13.14 **Refused applications:** the Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises. Licences and summaries will be re-issued on the grant of a minor variation to reflect the changes made.

14 Planning Permission

- 14.1 The local planning authority exercises its powers to control opening times of all new establishments seeking planning permission, where harm would otherwise arise.
- 14.2 Applications for premises licenses should normally relate to premises with an existing lawful use for the activities proposed.
- 14.3 Licensing applications will not be a re-run of the planning application. The granting by the licensing committee of any variation of a licence, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.
- 14.4 The council's Planning Policies are currently set out in its Unitary Development Plan (UDP) and subsequently in the Local Development Framework, supplemented by additional guidance on A3 use of restaurants and cafés, A4 use of public houses and A5 use for take-aways. Additional policies are set out in the London Plan, which is also part of the statutory development plan for the borough. For further information contact the Planning Division on 020 8753 1084.
- 14.5 The strength of these policies is that there is an obligation both on the council, as the local planning authority, and the decision maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.
- 14.6 In general, planning permissions authorise the development or change of use of land and buildings in the public interest, whereas licences relate to the specific circumstances and proposed licensable activity within a particular premises and the suitability of the operator and may cover only a part of the premises.
- 14.7 In many cases where an application is made for a new licence or variation, the town planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required. However, the existing planning permission might, and if recently granted is very likely to have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case,

anybody seeking a licence to operate beyond those hours would first need to seek and obtain the revised planning permission or a variation or removal of the relevant planning condition.

- 14.8 In general, the planning position should be resolved before a licence application is made. The Licensing Authority may refuse to grant a licence if the:
- Activity to be authorised would amount to an unlawful use of the premises;
 - Hours being sought exceed those authorised by any planning permission.
- 14.9 The Licensing Authority may nonetheless determine a licence application without evidence of a lawful planning use where the applicant satisfactorily demonstrates special reason justifying such an approach.
- 14.10 The Licensing Act states that any authorisation for the supply of alcohol in relation to a petrol station will have no effect if the premise is used primarily as a garage. It is for the Licensing Authority to decide in the light of the facts whether or not any premises is used primarily as a garage. The Licensing Authority will establish primary use based on an examination of the intensity of use by customers of the premises and not based on an examination of gross or net turnover.
- 14.11 All applicants are encouraged to obtain the correct planning permission. Further information and advice can be obtained from the Planning Portal at <http://www.planningportal.gov.uk/>, where applicants can also download an application form. In order for applications to be carefully considered it is useful to include a description of the current use of the premises and whether there will be a change of use. E.g. It is currently being used as a take-away and will be changing to a restaurant. Please note that operating a licence without the relevant planning permission could be a breach of planning control and could leave licence holders vulnerable to enforcement action.

15 Operating schedules

- 15.1 Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. In the vast majority of cases, the terms of the operating schedule will translate into the licence conditions that set out how the business will be run.
- 15.2 Prospective holders of new premises licences, and those seeking variations to existing premises licences are advised to consult with the Licensing Authority and the various responsible authorities at the earliest possible stage in order to reduce the risk of any dispute arising.
- 15.3 The Licensing Authority will seek to impose the minimum conditions necessary to promote the Licensing Objectives. For those premises, which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.
- 15.4 Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.
- 15.5 During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.

- 15.6 The Licensing Authority considers that it would be beneficial if operating schedules include all the following:

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- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;
- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will apply the “Technical Standards for Places of Entertainment” to new premises providing entertainment and premises that are having refurbishment works carried out. These standards cover access for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

LICENSABLE ACTIVITIES

Where the licensable activities include the supply of alcohol:

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the act and in pursuit of the Licensing Objectives; except in some Community Premises (**see Designated Premises Supervisors in Community Premises at section 19**)
- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;
- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association’s document – Point of Sale Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also available via the www.beerandpub.com website. Refer to Annex 2.

For sales of alcohol for consumption off the premises – applicants in respect of off licences and other premises selling alcohol for consumption off the premises may need to consider whether:

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible ‘intimidation’ to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.

- there are measures necessary to prevent underage sales. (See Annex 2)
- there are measures necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

Where the licensable activities include dance:

- a description of the type of dancing in broad terms, such as if dancing will be done by professionals or if it will be for members of the public, where it will take place on the premises, if the dancing involves striptease or lap dancing;

LICENSING OBJECTIVES

- 15.7 The Licensing Authority will robustly examine any application and its operating schedule to ensure premises do not impact negatively in the community measuring against the four Licensing Objectives. The Licensing Authority will consider the steps which the applicant proposes to take to promote the Objectives. The Licensing Authority will use further conditions where they are not satisfied an operating schedule is sufficient to control these potential issues. The following provides a non-exhaustive list of measures/issues that the Licensing Authority considers may be relevant to licence applications:

The prevention of crime and disorder

- 15.8 The following provides a non-exhaustive list of risks associated with the crime and disorder objective that applicants may want to consider when preparing their Operating Schedule:
- **Crime and disorder in the vicinity of the premises** : this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
 - **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
 - **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
 - **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises
 - **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
 - **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether

SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered). See Annex 1.

- **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
- **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and, in some cases, to provide such risk assessment to the Events Team at Fulham Police and or the Clubs and Vice Unit of the Metropolitan Police before the event is agreed.

Public safety

15.9 The following provides a non-exhaustive list of risks associated with the public safety objective that applicants may want to consider when preparing their Operating Schedule:

- **special effects** - whether music and dance venues and performance venues will use equipment or special effects, e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc.
- **incident and occurrence book** – keeping an incident book on the premises so staff can record any instances of crime, disorder, refused sales, ejections and intimidating behaviour.
- **risks associated with special promotions/events** – ensuring compliance with guidance from the Metropolitan Police relating to specific event risk assessments for externally promoted live music events well in advance of the event. Risk assessment forms can be obtained from the Metropolitan Police Licensing Officer.
- **getting home safely** - providing information to customers and staff (including contact telephone numbers) regarding safer options available for travelling home late at night - including night buses, licensed taxis and private hire (mini-cabs).
- **overcrowding** - developing policies and procedures regarding capacity to prevent overcrowding and patrons possibly becoming aggressive.

- **premises environment** - applicants should consider the physical environment of the premises and have regard to issues that could increase the likelihood of patrons becoming agitated or aggressive. This may include procedures regarding door supervision, identification and management of drunken customers and issues of overcrowding and capacity, which may result in patrons becoming aggressive or rowdy.

The prevention of public nuisance

15.10 The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

- **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider therefore the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Environmental Protection Team recommend that deliveries/collections should only be done between the hours of 8:00am and 8:00pm, depending on the proximity of residential and/or other noise-sensitive properties.
- **Drink promotions** – adopting policies to discourage excessive drinking such as happy hours, buy one get one free, etc. See Annex 2.
- **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.
- **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Councils Environmental Protection Team may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.

- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day.

Commercial waste can also be taken directly to one of the council's approved waste transfer sites. Alternatively there are several licensed waste carriers operating within the Borough, which are listed on the council website.

If you do not have a commercial waste agreement the Council offers a flexible service that allows businesses to increase and decrease their collection service every three months, and the contract can be revised by calling the trade waste team on 020 8753 3021 or alternatively email them on tradewasteemails@lbhf.gov.uk.

The protection of children from harm

15.11 The following provides a non-exhaustive list of risks associated with the public nuisance objective that applicants may want to consider when preparing their Operating Schedule:

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. See Annex 2. The Council will expect premises only to accept current passports, driving licences or documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of-age cards as endorsed by the Home Office. More information can be found on <http://www.brc.org.uk/pass/default.asp>
- Where an application has not indicated any adult entertainment a voluntary condition that no nudity or adult entertainment will take place at the premises.

16 Consultation

16.1 The applicant will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003.

16.2 The Licensing Authority will carry out a consultation process in accordance with the regulations made under the Licensing Act 2003. In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation. The Licensing Authority will publicise details of applications received.

16.3 In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other interested parties to make representations to the Licensing Authority if they wish to do so.

17 Applications for Personal Licences

- 17.1 In order to obtain a personal licence the requirements are that the applicant must:
- Be aged 18 or over;
 - Possess a licensing qualification accredited by the Secretary of State;
 - Not have forfeited a personal licence within five years of his or her application;
 - Produce a Criminal Record Bureau certificate;
 - Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
 - Pay the appropriate fee to the council.
- 17.2 The Licensing Authority requires that any photographs submitted to it must be clearly endorsed on the reverse side with the persons name, date of birth and contact number in order to ensure these are correctly processed.
- 17.3 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.
- 17.4 A personal licence is valid for 10 years. A designated premises supervisor must hold a personal licence.

18 Temporary Event Notices (TENs) and Other Events

- 18.1 The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 96 hours) do not need a licence providing that a minimum of 10 working days notice is given to the police and the Licensing Authority. The police are the only ones that can object to a Temporary Event Notice if the event is likely to undermine the crime prevention objective.
- 18.2 Where police representation is received by serving a counter notice the Licensing Authority will hold a hearing to decide the application.
- 18.3 The Licensing Authority will consider whether the limitations set down by the act in terms of numbers and duration of events and capacities are being observed.
- 18.4 It is recommended in general that the Licensing Authority and police be given at least 28 calendar days notice of any event, to allow them to help organisers plan their events safely.
- 18.5 Organisers of temporary events are strongly advised to contact the Licensing Authority, the Environmental Protection Team and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

Large Outdoor Events

- 18.6 Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in

nature, may not be suitable for licensing under the TENs process. Events will be licensed under a time limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make applications for a new Premise Licence and should therefore ensure that they apply in good time.

- 18.7 Applicants for such events must consider “The Event Safety Guide” published by the Health and Safety Executive on all aspects of arranging and staging events.
- 18.8 Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as the Police, Environmental Protection, Commercial Services Team, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TfL) and Highways.
- 18.9 The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a “safe” event, and will minimise disruption to traffic management and nuisance.
- 18.10 The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the group.
- 18.11 The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.
- 18.12 Accordingly, for premises that wish to stage promotions, or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.
- 18.13 The Licensing Authority further recommends the Metropolitan Police Promotion Event Risk Assessment Form 696 and the After Promotion Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the Licensing Authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the Licensing Authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.
- 18.14 Forms 696 and 696A are available on the Metropolitan Police web site at <http://www.met.police.uk/> It is recommended that electronic completion and transmission of the forms is undertaken by licensees. E-mail addresses for submission are fhevents@met.police.uk and licensing@lbhf.gov.uk

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- 18.15 Generally, applicants are advised to offer only the following conditions in their Operating Schedule.
 - The Licensee shall comply with the Event Management Plan submitted to and approved by the Licensing Authority.

- The Event shall be run in accordance with the site plan submitted to, and approved by, the Licensing Authority. No changes shall be made to the site plan without the prior consent of the Licensing Authority.

- 18.16 This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.
- 18.17 The council may seek in its own name premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.
- 18.18 The Council is fully committed to a safe and successful Olympic and Paralympic games in London in 2012. The Council recognises that the resources of the police and emergency services will be planned out and prioritised for the security of major events before, during and after the games from 1st May 2012 until 31st October 2012. Due consideration will be given by the Council to representations from the Police in relation to licence applications for activities during the games time on the grounds of public safety and security when police and other emergency services resources are insufficient to deal with the risks presented. Where, as a result of representations from a responsible authority, it is identified that a licence or proposed event presents a risk and that the licensing objectives will be compromised, it is likely that such applications will not be granted.
- 18.19 Anyone planning an event of this nature is strongly recommended to enter into discussion with the Police and Licensing Authority as early as possible to ensure the event can be properly planned. Failure to liaise with the Licensing Authority may see the committee refusing a licence for the event on grounds of Public Safety.

19 Designated Premises Supervisors (DPS) in community premises

- 19.1 Community premises can have a licence to supply alcohol without the requirement to have a Designated Premises Supervisor (DPS).
- 19.2 Such an application can only be made if the licence holder is, or is to be, a committee or board of individuals with responsibility for the management of the premises. The following condition will be attached to the premise licence: "Every supply of alcohol under the premises licence must be made or authorised by the management committee."
- 19.3 Church halls, chapel halls, parish halls, community halls, village halls are examples of community premises. Where it is not clear whether premises are community premises, the matter will be approached on a case-by-case basis, with the main consideration being how the premises are predominantly used. If they are:
- genuinely made available for community benefit most of the time;
 - accessible by a broad range of people and sectors of the local community;

- providing facilities to benefit the community as a whole;
- they are likely to be considered to be community premises.

19.4 If it is authorised for the sale of alcohol, the management committee of the premises can apply to remove the DPS requirement. This removes the mandatory conditions in relation to a DPS and the personal licence holder(s). See Annex 1.

19.5 The application form requires the applicants to provide the names of the management committee's key officers to the Licensing Authority. The Licensing Authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.

19.6 Existing premises licence holders must pay a fee and the application will take 28 days to process.

19.7 In exceptional circumstances, the police can object to the request on grounds of crime and disorder. The Licensing Authority must then hold a hearing to reach a decision on whether to grant the application.

20 Enforcement Policy

20.1 The Licensing Authority operates a proactive inspection regime that is based on risk. These inspections are linked to the Enforcement Policy, which targets premises failing to support the Licensing Objectives. Relevant action will be taken after each visit in accordance with this policy.

20.2 Premises that produce disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.

20.3 The Licensing Authority has a long-established Enforcement Policy, based around the principles of consistency, transparency and proportionality it also takes into account the Attorney General's Guidelines to Crown Prosecutors for bringing prosecutions.

20.4 The Licensing Authority will take necessary enforcement action in accordance with our Enforcement Policy.

20.5 The Licensing Authority will use a range of sanctions such as letters of warning, simple cautions, Fixed Penalty Notices (FPNs) and legal proceedings.

20.6 The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies.

20.7 Enforcement will be focussed on premises or persons found to be failing to promote the four Licensing Objectives.

21 Dealing with Complaints, Representations and Reviews

- 21.1 Where a representation is made to the Licensing Authority by an interested party, the Licensing Authority will consider whether it is valid. In determining whether a representation is valid the Licensing Authority will first consider if the complaint made is irrelevant, vexatious, frivolous or repetitious.
- 21.2 Interested Parties include:
- A resident living in the vicinity
 - A body representing people who live in that vicinity
 - A person involved in a business in that vicinity
 - A body representing people who have businesses in that vicinity
 - A Councillor.
- 21.3 The definition of “interested parties” has been expanded to include all Councillors of local authorities. This means that councillors of this Council can now make representations or seek a review in their own right.
- 21.4 Councillors are not required to live in the vicinity or in the same ward as the licensed premises they are making a representation about, and are not required to have been requested to act by any other person or body.
- 21.5 Where an interested party has made:
- Valid representations about licensed premises; or
 - A valid application for a licence to be reviewed then the Licensing Authority may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.
- 21.6 This process will not override the right of any interested party to ask the Licensing Authority to consider their valid representations, or for any licence holder to decline to participate in a mediation meeting.
- 21.7 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident living in the vicinity of the premises, may ask for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.
- 21.8 A licence will be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence, particularly seriously, where they involve evidence of:
- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
 - Use of licensed premises for the sale and distribution of illegal firearms;
 - Evasion of copyright in respect of pirated or unlicensed films and music;
 - Underage purchase and consumption of alcohol;
 - Use of licensed premises for prostitution or the sale of unlawful pornography;
 - Serious risks to children;
 - Use of licensed premises for unlawful gaming and gambling;
 - Use of licensed premises as a base for organised criminal activity;

- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for the sale of smuggled tobacco or goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where there have been disregard to warnings;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours.

21.9 At a review hearing the committee can make the following decisions:

- Modify the conditions of the premises licence;
- Exclude a licensable activity from the scope of the licence;
- Remove the designated premises supervisor;
- Suspend the licence for up to three months;
- Revoke the licence.

21.10 Interested parties aggrieved by decisions of the Licensing Authority are entitled to appeal to the magistrates court.

21.11 In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other interested parties to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot be made anonymously.

21.12 It is important to note that officers in the Licensing Team cannot request a review of a licence, as they form part of the Licensing Authority. They can only take enforcement action for a breach of a licensing condition or other licensing infringement.

21.13 Where the Licensing Authority considers that action under its statutory powers is necessary it may seek to issue a warning letter, a simple caution or prosecute for the offence.

21.14 Complaints about breaches of conditions e.g. trading after hours stated on their licence should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at licensing@lbhf.gov.uk. They can also provide a copy of the licence with the full licence conditions.

21.15 Complaints about other issues e.g. noise nuisance, underage sales should be brought to the attention of the relevant responsible authority. See section 2 – Consideration of Our Residents.

22 CONSIDERATION OF OUR RESIDENTS

22.1 Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the premises and therefore beyond the direct control of the licensee. Nonetheless, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.

However, as a matter of policy, the council expects every holder of a licence, certificate or permission to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and

action consistent with that responsibility.

- 22.2 Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.
- 22.3 Population densities in our borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objective will be of paramount concern when evaluating Operating Schedules. Committees will place high regard on the control measures in place by the applicant in order to ensure our residents are protected from the potential detrimental effects of any licences premises.
- 22.4 Residents are advised to contact the Environment Protection Team's out of hours service at the time that any noise nuisance is occurring. Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Protection to be successful. For this reason it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.
- 22.5 If residents are experiencing ongoing problems with particular licensed premises, please refer to Section 21 – Dealing with Complaints, Representations and Reviews.

23 Licensing Committee

- 23.1 The Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions and administrative matters. The Licensing Authority will review this Statement of Licensing Policy at least every three years. Any changes to the policy will include full consultation of all interested parties.
- 23.2 A sub-committee of three councillors will determine applications where representations have been received from interested parties and responsible authorities.
- 23.3 The Licensing Committee will also deal with other licensing matters not associated with the Licensing Act 2003, such as massage and special treatments, street trading, sex establishments, gambling, etc.
- 23.4 Where a councillor who is a member of a Licensing Committee or a subcommittee has had direct involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.
- 23.5 Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Licensing Authority.
- 23.6 The Licensing Authority's authorised officers will deal with licence applications where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.
- 23.7 The Licensing Authority's authorised officers will make the decisions upon whether representations

are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

Annex 1 – Original Licensing Conditions

(1) Supply of alcohol:

No supply of alcohol may be made under the premises licence –

- (a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

(2) Exhibition of Films

Admission of children must be restricted in accordance with any recommendation made by the film classification body specified in the licence

Or

where the licensing authority has notified the holder of the licence that it considers a classification or an alternative classification is necessary then

Admission of children must be restricted in accordance with any recommendation made by that licensing authority

In this section-

"children" means persons aged under 18; and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

(3) Door Supervisors

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must be licensed by the Security Industry Authority.

Annex 2 – New Mandatory Licensing Conditions

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 3 – Local Pool of Licence Conditions

Local Pool of Licence Conditions

The following licensing conditions can be applied to different types of premises (A – F below). They can be used as a guide for applicants, residents, Councillors, agencies and responsible authorities such as the Police when making, commenting on or considering applications. This list is not exhaustive and should be used as a guide to help promote the four licensing objectives, in its application, to the following types of premises:

A: Restaurants

B: Late night refreshment Venues

C: Public houses and bars:

D: Nightclubs

E: Off Licences

F: Theatres, Cinemas, Qualifying Clubs, Hotels and Community Premises

Conditions should only be added where considered necessary and proportionate to the promotion of the licensing objectives.

Exit routes and evacuation procedures	Application
Means of escape shall be maintained unobstructed, immediately available and clearly identifiable.	Public Safety A, B, C, D, E, F
Exit doors shall be checked before opening each day to ensure they function satisfactorily.	Public Safety A, B, C, D, E, F
Notices shall be prominently displayed at each exit from the premises asking patrons to be considerate to neighbours when leaving.	Public Safety A, B, C, D, E, F
Customers shall not be permitted to sit or stand in gangways or aisles or in any position that will impede means of escape from the premises.	Public Safety A, B, C, D, F
An evacuation policy shall be in place that is to the satisfaction of the Fire Authority, Licensing Authority and Police. All staff members shall be trained in the evacuation policy. Written records of staff training shall be kept and produced to Police and authorised Council officers on request.	Public Safety A, B, C, D, E, F
Emergency/fire drills and tests will be conducted monthly. Records of these tests shall be made available upon request.	Public Safety A, B, C, D, E, F
Use of beer gardens/external areas	
The use of the garden/external area shall cease after <i>(insert time)</i> hours on <i>(insert days of the week)</i> .	Nuisance A, C, D, F
Alcohol shall not be sold to customers to drink on the pavement outside the premises unless a Tables and Chairs Licence is in force.	Nuisance A, B, C, D
A maximum of <i>(insert number)</i> customers will be allowed in outdoor areas of the	Nuisance

premises. These customers shall not be such as number as to cause obstruction of the public highway.	A, B, C, D
Where a Tables and Chairs licence is in effect, only seated customers shall be permitted to drink in the area covered by the Tables and Chairs licence.	Nuisance A, B, C, D
Where customers are permitted to drink alcohol outside the premises, (<i>insert number</i>) of registered door supervisors will be used to monitor and manage those customers from (<i>insert times</i>).	Nuisance A, C, D
A physical barrier, such as a rope, will be used to mark the boundary of the area outside the premises where customers are allowed.	Nuisance A, C, D
The garden of the premises shall be closed to customers at (<i>insert time</i>).	Nuisance A, C, D
The tables and chairs outside the premises shall be brought inside at (<i>insert time</i>).	Nuisance A, B, C, D
No more than (<i>insert number</i>) of patrons shall be permitted to drink or smoke outside the premises at any one time.	Nuisance A, B, C, D
Customers shall not be permitted to take drinks outside with them and prominent signage shall be provided to this effect.	Nuisance A, B, C, D
Staff shall regularly supervise the pavement area outside the premises to ensure customers are not blocking pavements or causing nuisance to neighbouring premises.	Nuisance A, B, C, D
Customers shall not be permitted to take glass bottles or glasses outside the premises.	Nuisance A, B, C, D, F
Persons wishing to leave the premises to smoke shall not be permitted to take drinks outside with them.	Nuisance A, B, C, D, F
External lighting for the premises shall be turned off after the premises are closed to the public.	Nuisance A, B, C, D, E, F
Where customers are permitted to smoke immediately outside the premises, smoking bins/ashtrays/receptacles should be provided.	Nuisance A, B, C, D, F
Door supervisors and door entry policies	
A minimum of (<i>insert number</i>) door supervisors shall be on duty on the premises during the hours of (<i>insert times</i>) on (<i>insert days of week</i>).	Crime/disorder C, D, F
A minimum of (<i>insert number</i>) of door supervisors shall be provided on (<i>insert days of week</i>) to patrol external areas of the premises between the hours of (<i>insert times</i>).	Crime/disorder C, D, F
Policy and procedures for door staff will be put into place around dispersal techniques for customers and procedures for dealing with incidents that occur in	Crime/disorder C, D, F

the vicinity of the premises.	
The premises shall operate a dispersal policy and all staff shall be trained in its implementation.	Crime/disorder C, D, F
Random searches shall be undertaken of customers entering the premises between the hours of <i>(insert times)</i> and prominent signage provided to this effect.	Crime/disorder C, D, F
At least one female door supervisor shall be provided where door supervisors are used to search female customers.	Crime/disorder C, D, F
Customers shall be supervised when leaving the premises and shall be asked to leave quietly.	Nuisance C, D, F
There shall be no admittance or re-admittance to the premises after <i>(insert time)</i> .	Nuisance C, D
A minimum of <i>(insert number)</i> door supervisors shall be on duty on the premises from <i>(insert time)</i> until all customers have left the premises and its vicinity.	Nuisance C, D, F
Door supervisors shall be provided with radios to enable them to contact each other and the duty manager at the premises.	Crime/disorder C, D, F
Capacity	
A maximum of <i>(insert number)</i> customers shall be permitted on the premises at any one time.	Public Safety A, B, C, D, F
“Clickers” or other devices shall be used by door staff to monitor the number of persons present on the premises at any one time.	Public Safety C, D, F
CCTV	
CCTV shall operate at all times while the premises remains open to the public and all images captured will be recorded and stored on site for a minimum period of 31 days.	Crime/disorder A, B, C, D, E, F
Copies of CCTV recordings will be made available to the Police and/or the Licensing Authority on request within 48 hours of the request being made together with facilities for viewing where requested. If the CCTV equipment is inoperative, or is otherwise not installed and working to the satisfaction of the Police and Licensing Authority, then within 48 hours the Police and Licensing Authority shall be notified and an estimate given of the repair timescale. The premises will comply with all reasonable requests from the Police, which may include the suspension of licensable activities if necessary.	Crime/disorder A, B, C, D, E, F
Training	
At least one member of staff on duty whilst this licence is being used shall be trained in the requirements of the Licensing Act 2003 in terms of the licensing	ALL A, C, D, E, F

objectives, offences committed under the Act and conditions of the Premises Licence. Such person(s) shall be competent to ensure offences are not committed and that the premises shall be run in accordance with the licence.	
All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003. Written records of this training shall be retained and made available to Police and Council officers on request.	ALL A, C, D, E, F
All staff shall be trained in how to identify drunk or drug impaired customers. This training shall be repeated at least biannually and written records of the training kept and made available to Police and authorised Council officers on request.	ALL A, C, D, E, F
Weapons	
A metal detection device shall be randomly used by door supervisors to search patrons for weapons.	Crime/disorder C, D, F
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons.	Crime/disorder C, D, F
Any drugs or weapons confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.	Crime/disorder C, D, F
Responsible management	
The licence holder shall actively participate in any local Pubwatch or similar scheme.	Crime/disorder A, B, C, D, E
The premises shall be a member of any local radio scheme that allows them to be in contact with other venues in the local area.	Crime/disorder B, C, D, E, F
An incident log book will be maintained by the premises that details incidents of note that occur in the premises. This shall include refused sales, disorder, and ejections as a minimum. The log book shall be kept on the premises and be available for inspection at all times the premises is open, and management shall regularly check the book to ensure all staff are using it.	Crime/disorder A, B, C, D, E, F
Protecting children, proof of age schemes	
A Proof of Age scheme shall operate at the premises and all staff shall be trained in its implementation. Only photographic ID such as a British driving licence, a current passport or a PASS ID card shall be treated as acceptable forms of identification.	Children A, C, D, E, F
All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.	Children A, C, D, E, F
Posters shall be displayed in prominent positions around the till advising customers of the Proof of Age policy in force at the premises.	Children A, C, D, E, F

A refusals book shall be kept at the premises to record details of all refusals to sell alcohol. This book shall contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. The book shall be made available to Police and authorised Council officers on request.	Children A, C, D, E, F
The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff.	Children A, C, D, E, F
Noise issues	
A sound limiting device shall be installed, set and sealed at a level approved by the Council.	Nuisance C, D, F
Only the Premises Licence Holder and the Designated Premises Supervisor shall have access to the sound limiting device.	Nuisance C, D, F
The sound limiting device shall be used whenever relevant regulated entertainment is taking place.	Nuisance C, D, F
A cut-out device shall be connected to the exit doors and will be operational at all times the licence is in use.	Nuisance C, D, F
When the premises doors are open the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.	Nuisance C, D, F
No sound emanating from regulated entertainment shall be audible a metre from the façade of the nearest noise sensitive premises between 2300 and 0700 hours.	Nuisance A, C, D, F
All external doors and windows to the premises shall be kept closed during the provision of regulated entertainment, save during access and egress.	Nuisance A, C, D, F
The licence holder or duty manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by excessive noise break out.	Nuisance A, C, D, F
Litter	
Patrols of the area outside the premises shall be undertaken every (<i>insert time period</i>) during the use of the licence and any litter accumulations cleared.	Nuisance A, B, C, D, F
Where customers are permitted to drink alcohol outside the premises, regular litter and glass collections shall be carried out in all areas where customers are congregating.	Nuisance A, C, D, F
Litter bins should be provided in the area immediately outside the Premises	Nuisance A, B, E, F

Cigarette litter bins should be provided in the area immediately outside the Premises	Nuisance A, B, C, D, E, F
Proprietary clubs	
Admission to the licensed premises shall be restricted to Members of the Club and their bona fide guests.	ALL F
No person shall be admitted to the premises without an interval of at least 48 hours between application for membership and admission.	ALL F
Only one guest per member shall be permitted.	ALL F
No more than three guests per member shall be admitted to the club, and details of all guests shall be recorded on site and to be made available to Police immediately upon request on any given night that they visit the premises.	ALL F
The maximum number of guests in attendance on any given night is not to exceed 25% of the total number of persons at the premises.	ALL F
Members and guests shall be required to "sign in" when entering the premises.	ALL F
Any book used for the signing in of members and guests shall be kept on the premises at all times and made available on request to Police and authorised Council officers.	ALL F
Selling alcohol	
Strong beer and cider above 5.5% ABV will not be sold.	Nuisance E
No single cans or bottles of beer or cider will be sold.	Nuisance E
A minimum of two members of staff shall be present at all times whilst the premises remain open for the sale of alcohol.	Nuisance E
At least one person holding a Personal Licence shall be on duty at the premises when alcohol is being sold.	Nuisance E
All alcohol kept in the public part of the premises shall be kept in display units. All display units for alcohol will have lockable shutters Shutters shall be closed and locked at the end of the permitted hours for the sale of alcohol, and shall not be unlocked again whilst the premises is open until the start of the permitted hours on the following day.	Nuisance E
All alcohol shall be stored and displayed behind the service counter and not in aisles or other areas accessible to the public.	Nuisance E
All alcoholic drinks shall be clearly labelled or marked with the name of the premises.	Nuisance E
Any alcohol sold for consumption off the premises shall be sold in a sealed container.	Nuisance C, D, E, F

Alcoholic and soft drinks shall be served in polycarbonate containers.	Crime/disorder C, D, F
Alcoholic drinks sold in cans or bottles should be marked with a unique identifier, that identifies the premises from which the alcohol was originally sold	Nuisance B, E
Drug use	
The premises shall operate a zero tolerance policy to drug use and posters shall be prominently displayed to this effect.	Crime/disorder C, D, F
All staff shall be trained in the implementation of the venue's drugs policy.	Crime/disorder C, D, F
Toilet cisterns shall be provided with sloping lids or similar to discourage drug use.	Crime/disorder C, D, F
Any drugs confiscated from customers shall be stored in a locked and secure container and the Police shall be notified as soon as reasonably practicable.	Crime/disorder C, D, F
Theft and security	
Bag clips shall be made available on all tables.	Crime/disorder A, B, C, D, F
A cloakroom or similar facility shall be available for customers to leave their belongings.	Crime/disorder C, D, F
Notices shall be displayed throughout the premises to advise customers of the potential for thefts.	Crime/disorder A, B, C, D, F
The premises shall participate in any local radio scheme in operation that enables them to be in contact with other local radio scheme users.	C, D, F
Hotels	
Alcohol may be sold at any time to hotel guests for consumption on the premises.	Nuisance F
Alcohol shall only be sold to non hotel residents from the hours of <i>(insert times)</i> on <i>(insert days of the week)</i> and during the following times to persons attending bona fide private functions at the hotel <i>(insert days and times)</i> .	Nuisance F
Premises providing Nudity, Striptease and other Adult Entertainment	
No person under the age of eighteen shall be admitted to the premises or be permitted to remain on the premises when adult entertainment is taking place.	Children A, C, D, F
Prominent notices shall be displayed at each entrance to the premises when adult entertainment is taking place stating that there shall be no admission to the premises for persons aged under 18.	Children A, C, D, F
The premises shall be arranged so adult entertainment is not visible from the street.	Children A, C, D, F

There shall be no external advertisement at the premises for adult entertainment.	Children A, C, D, F
There shall be no leafleting or touting of the adult entertainment at the licensed premises.	Children A, C, D, F
Nudity shall only be permitted by performers and not by customers.	Children A, C, D, F
A minimum of one metre distance shall be maintained between dancers and customers during adult entertainment.	Children A, C, D, F
A written Code of Conduct for staff participating in the provision of striptease or nudity shall be in place, and shall be kept on the premises for inspection by Police or authorised Council officers at all times the premises are open to the public. Management shall ensure all staff are aware of the Code of Conduct and shall take all reasonable steps to ensure it is adhered to.	Children A, C, D, F
Hiring or letting of rooms or premises	
Where rooms at the premises are let to individuals or groups for private hire, a hire agreement shall be in place that includes an outline of the conditions on the Premises Licence (<i>or Club Premises Certificate</i>) and clearly states the responsibilities of the hirer in respect of upholding such conditions.	ALL A, C, D, F
Where the premises are let to individuals or groups for private hire, a named person shall be responsible for ensuring that conditions of the Premises Licence (<i>or Club Premises Certificate</i>) are adhered to. This person shall provide their details to the licence holder (<i>or Secretary of the Club</i>) in writing in advance of the event and their details shall be retained for a period of at least thirty one days after the date of the event.	ALL A, C, D, F
Special effects	
Any special effects or mechanical installation shall be arranged and stored so as to minimise any risk to the safety of the audience, performers and staff. Special effects include: <ul style="list-style-type: none"> • Dry ice machines and cryogenic fog • Smoke machines and fog generators • Pyrotechnics, including fireworks • Real flame • Firearms • Motor vehicles • Strobe lighting • Lasers • Explosives and highly flammable substances.	Public Safety A, C, D, F
The Licence Holder shall not permit the use of special effects, except with the prior consent of the Licensing Authority, which may be subject to additional conditions if necessary to promote the public safety objective.	Public Safety A, C, D, F
Promotions or events	
The licensee shall undertake a risk assessment of any promotion or event using the Metropolitan Police Promotion/Event Risk Assessment (Form 696) or an	Public Safety A, C, D, F

equivalent and provide a copy to the Police and the Licensing Authority not less than 14 days before the event is due to take place. Following submission of the risk assessment, all directions of the Police shall be complied with, including cancellation of an event if necessary.	
Where an 'event' has taken place, the licensee shall complete a Metropolitan Police After Promotion/Event Debrief Risk Assessment (Form 696A) and submit this to the Metropolitan Police and the Licensing Authority, within three days of the conclusion of the event.	Public Safety A, C, D, F
The licensee shall take all reasonable steps to ensure that there is no unauthorised advertising of events to be held at the premises.	Public Safety A, C, D, F
Miscellaneous conditions	
Furniture at the premises for customer use shall be fixed in position so space cannot be made to allow the provision of dancing or other entertainment.	Nuisance A, C, F
The premises will be adequately ventilated in all areas to which the staff and public have access.	Public Safety A, B, C, D, F

In the future other conditions may be added which will be made available on the Councils website.

Annex 4– Special licensing policy for Fulham Area

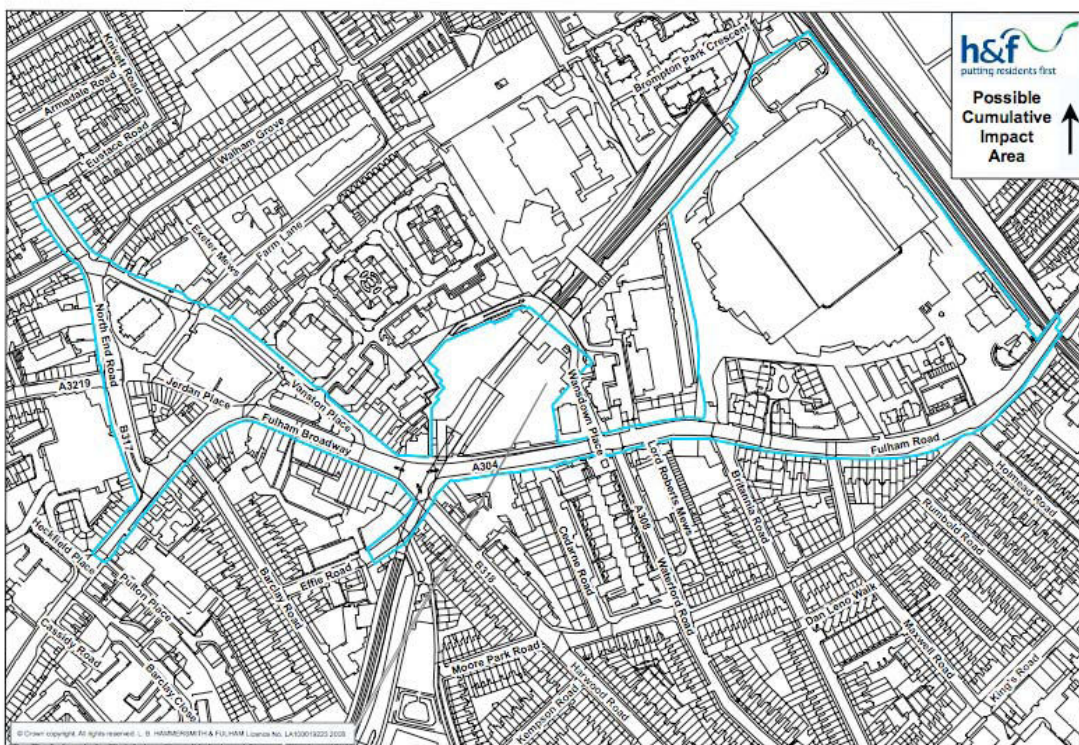
1 The Council has decided to introduce a special policy relating to cumulative impact as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated November 2007 at paragraph 4.3 to the Fulham Town Centre Area (being the shaded area and all premises which have a principal form of access onto the shaded area as shown on the plan.

2 "Cumulative impact" means the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area.

3 The Fulham Town Centre Area has been identified as being adversely affected in terms of the Licensing Objectives because of the cumulative impact of the concentration of drink led premises. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.

4 Applications for new premises licences, club premises certificates or any variations within the Fulham Town Centre Area that are likely to add to the existing cumulative impact will normally be refused where a relevant representation has been made, unless the applicant can demonstrate that there will be no negative cumulative impact on one or more of the Licensing Objectives. Accordingly, the presumption of refusal in this policy is not absolute and the circumstances of each application will be considered where a relevant representation has been made.

5 The presumption of refusal does not relieve responsible authorities or interested parties of the need to make a relevant representation. Applicants will need to address the special policy issues in their operating schedules. If there are no representations the Licensing Authority must grant the application in terms consistent with the operating schedule submitted.



6. The cumulative impact policy will be kept under review by the Licensing Authority.

7. The geographical boundary of the proposed area

Figure 1. Proposed Cumulative Impact Area (CIP).

Glossary

Appeals

Appeals against decisions of the Licensing Authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the Licensing Authority's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the Licensing Authority with directions; and make an order for costs.

Designated Premises Supervisor (DPS)

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves (who must also be a Personal Licence holder.)

Extended hours application

Any application that seeks to extend the hours of operation of the premises to which it relates. Whilst all applications will be thoroughly scrutinised with a view to the promotion of the Licensing Objectives, particular care might need to be taken when an extension of hours is requested. In such circumstances, there might be greater potential for impact on residential occupiers that might amount to a public nuisance. An hours restriction might be the only method of promoting the Licensing Objectives, particularly in the light of advice in PPG 24 Planning and Noise which recognises a distinction that noise might have on residential occupants between the hours of 11pm and 7am compared with the rest of the day.

Interested party

Section 13 of the Licensing Act 2003 defines 'interested party' and 'responsible authority'. Interested parties are defined as:

- a person living in the vicinity of the premises
- a body representing persons who live in that vicinity
- a person involved in a business in that vicinity
- a body representing persons involved in such businesses
- Elected Members of the Licensing Authority (local Councillors)

Late night refreshment premises

Premises where refreshment is provided at any time between the hours of 11.00pm and 5.00am. This includes the supply of hot food or hot drink to members of the public whether for consumption on or off the premises.

Licensable activities

Those activities under the Licensing Act 2003, which require a licence from the Licensing Authority include the following:

- The sale by retail of alcohol;
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment;
- The provision of late night refreshment.

Licensing Authority

In the Licensing Act 2003 licensing authorities in London are defined as the councils of London boroughs.

Personal licences

A licence which:

- Is granted by a Licensing Authority to an individual;
- Authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

Regulated entertainment

Includes both entertainment and entertainment facilities, where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment (indoors and outdoors);
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox. A karaoke machine would constitute regulated entertainment and therefore require a licence. Musical instruments made available for members of the public would also constitute an entertainment facility.

Relevant representation

A representation (objection) by an interested party or a responsible authority that relates to the likely effect of the grant of the licence on the promotion of at least one of the four Licensing Objectives.

Responsible authorities

These include:

- Chief Officer of Police;
- The Fire Authority;
- The enforcing authority for health and safety at work;
- The Planning Authority;
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health;
- The recognised body responsible for the protection of children from harm;
- Trading Standards.

Special event

This definition relates to events that require a Promotion Event Risk Assessment Form 696 and 696A

A significant event will be deemed to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artists; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

Security Industry Authority (SIA)

An authority that implements the Private Security Industry Act 2001, their key role is managing and issuing of licences for people working in particular areas of the private security business, including door supervisors.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, and change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the premises licence.

Vicinity

Incidents regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Contact details

For further information about this policy please contact licensing@lbhf.gov.uk

or write to:

London Borough of Hammersmith & Fulham

Licensing Authority

Public Protection and Safety Division

Town Hall Extension

King Street, Hammersmith

London

W6 9JU

Phone: 020 8753 1081

Fax: 020 8753 3922

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

Appendix 2

Summary of Review of Statement of Licensing Policy 2010 Consultation Responses

Consultation Questions		Consultee Responses					
		Yes	%	No	%	Not Sure	%
1	Do you feel that the revised Statement of Licensing Policy is clearly written and easy to understand?	36	75	2	4	10	21
		Too Long	%	Too Short	%	About Right	%
2	Do you think that the length of the revised Statement of Licensing Policy is:	14	29	0	0	34	71
		Yes	%	No	%	Not Sure	%
3	We have added a new section to clarify the purpose of this policy under paragraph 2.2. Do you think that it is useful to include this in the revised Statement of Licensing Policy?	42	88	0	0	6	13
4	We have included a new section on “licence conditions” that specifically relate to football. This will help to ensure consistency and that our premises in the vicinity of football grounds do not become crime and disorder hot spots during match days. Do you think that it is useful to include this information in the revised Statement of Licensing Policy?	40	83	0	0	8	17
5	We propose to include a pool of conditions that could be applied to different types of premises into our revised Statement of Licensing Policy. These conditions would apply to premises such as restaurants, hotels, public houses, nightclubs, premises supplying hot takeaway food and drink, and off licences. Do you think that it is a good idea to include a pool of conditions in the revised Statement of Licensing Policy?	43	90	0	0	5	10
6	The council has adopted a special licensing policy for the Fulham Broadway Area as it was felt that the cumulative effect of many licensed premises within the vicinity was resulting in problems of public disorder and nuisance to the surrounding area. This included low level crime, such as littering, shouting, vomiting and urinating in residential streets. Details of the special licensing policy for the Fulham Broadway Area have been included in this revised policy. Do you think that it is a good idea to adopt a special licensing policy for other parts of the Borough?	42	88	0	0	6	13

Consultation Questions	Consultee Responses					
	Yes	%	No	%	Not Sure	%
7 The revised Statement of Licensing Policy retains the flexibility to take into account the cumulative effect that too many licensed premises in one area may have. Do you believe we should keep this flexibility in our Policy to make decisions on licence applications based on cumulative impact?	38	79	2	4	8	17
8 We have included a non-exhaustive list of measures/issues to be considered in relation to crime and disorder. Do you think that this is a good idea?	42	88	2	4	4	8
9 Applicants for on-licences must be able to demonstrate that they can comply with the control of illegal drugs on their premises. We have included a section in the revised Statement of Licensing Policy, that where requested, the licence holder should agree a protocol with the council and the police on the handling of illegal drugs on their premises. Do you think that this is a good idea?	42	88	1	2	5	10
10 Applicants for on-licences must be able to demonstrate that they can comply with the control of weapons on their premises. We have included a section in the revised Statement of Licensing Policy, that where requested, the licence holder should agree a protocol with the council and the police on the handling of weapons on their premises. Do you think that this is a good idea?	38	79	4	8	6	13
11 Do you think that it is a good idea to include guidance and examples of irresponsible drink promotions in the revised Statement of Licensing Policy?	42	88	1	2	5	10
12 Do you think that it is a good idea to include tighter controls for off licences around the sale of alcohol in the revised Statement of Licensing Policy, especially in order to control the population of street drinkers, football match day crime and disorder and illegal sales of alcohol to children?	38	79	1	2	9	19
13 We understand from the complaints that we receive that the noise and disruption from people leaving premises late at night is a particular cause of concern for our residents. We have included a new section about having consideration of our residents in the revised Statement of Licensing Policy. Do you think that this is a good idea?	39	81	0	0	9	19

Consultation Questions		Consultee Responses					
		Yes	%	No	%	Not Sure	%
14	We have recommended that defined dispersal policies are implemented at venues that are primarily alcohol led premises and close to residential premises, such as nightclubs and pubs. We have also recommended that all staff are trained on any such policy. Do you think that this is a good idea?	38	79	0	0	10	21
15	We have made reference in the revised Statement of Licensing Policy to the fact that the Licensing Authority will pursue any unpaid licence fees and that premises may have their licences time limited if they owe any annual maintenance fees. Do you agree with this?	39	81	1	2	8	17
16	We have clarified the situations in which we will accept minor variation applications within our revised Statement of Licensing Policy. Do you think that it is useful for us to clarify our approach to full and minor variations of existing licences?	36	75	1	2	11	23
17	We have requested that applicants endorse the back of photographs with their name, date of birth and contact number, in order to speed up the processing time. Do you agree with this?	39	81	0	0	9	19
18	We have included guidance for holders of Large Outdoor Events in the borough in order to ensure that events are well planned and that the Public Safety and Prevention of Nuisance objectives are satisfied by applicants. Do you think that it is a good idea to include this guidance in the revised Statement of Licensing Policy?	29	60	1	2	18	38
19	We have included in our revised Statement of Licensing Policy guidance on the removal of a DPS for community premises. Do you think that this is a good idea?	27	56	1	2	20	42
20	We have included information about the fact that Councillors are now considered to be “interested parties” and can therefore make representations in their own right. Do you think that it is useful to include this information?	36	75	2	4	10	21



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

Miss Sanju Manji
Trading Standards and Licensing Manager
Environment Services Department,
Public Protection & Safety Division,
5th Floor,
Town Hall Extension
King Street,
London
W6 9JU

Stuart Ratcliffe
Fulham Police Station
Heckfield Place
London
SW6 5NL
Telephone: 02082462886
Facsimile:
Email: Stuart.Ratcliffe@met.police.uk
www.met.police.uk
Your ref:
Our ref:
26 August 2010

Re: consultation regarding *Statement of Licensing Policy Review June 2010*

Dear Miss Manji,

I am writing in response to your *Statement of Licensing Policy Review June 2010*. Police have considered the draft policy in conjunction with *Amendments to the Guidance issued under Section 182 of the Licensing Act 2003 on 28th June 2007*. We have provided a written response which incorporates elements of your online survey, but feel that a reply to your consultation process should be met in writing. As a Responsible Authority, police are supportive of the Licensing Authority and are keen to ensure that the multi-agency cooperation and approach present on this borough is continued and developed in a proactive manner. Police are supportive of the Licensing Authority in its four key objectives; the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm. Police have a number of observations in support of your *Statement of Licensing Policy Review June 2010*.

Police are supportive of the fact that your draft policy includes new elements relating to the specific issue of football in Hammersmith and Fulham Borough. The London Borough of Hammersmith and Fulham is unique in the fact that it has three major football clubs within its area of responsibility. This situation puts unique demands on Hammersmith and Fulham Police. The formal acknowledgement of enhanced 'match day' conditions ensures that our understanding, approach and expectations of Designated Premises Supervisors within this specific licensing issue is clear. Police would suggest that the terms under 4.4 of 'Restrictions of hours pre-match and post-match' may be helpful. The points held in 4.4, 4.5, 4.6 and 4.7 are all welcomed and supported by Police.

Police are aware of the efforts made by the Licensing Authority to establish a Saturation Policy in the Fulham Broadway area and are pleased that this is present in your draft licensing policy. Police believe that this is a new approach that should be supported and would welcome its adoption in the Hammersmith and Shepherds Bush areas.

Tens applications are dealt with under your draft policy 18.1- 18.17. Police believe that this is an area that will be enhanced post-September 2010. Within the *Amendments to the Guidance issued under Section 182 of the Licensing Act 2003 on 28th June 2007* advice provided suggests making clear preferences on the time scale of preferred receipt of these notices. Police fully support the Local Authorities request for these forms to be supplied 28 days prior to the event and encourage this preference to be advertised. This allows Police to provide full consideration to the notice and ensure, through consultation with applicants, that the opportunity for crime and disorder is minimised at the planning stage, rather than at a late point in the development of an event.

Police believe that the current enforcement action undertaken is both proactive and timely. A broad combination of licensing enforcement exists and this is noted in your policy. Police welcome the opportunity to work in partnership and adopt a formal multi-agency approach in order to support the licensing objectives. This is a process that is underway and enhances current practises (20.6)

Police note the inclusion of risk assessment forms in your policy regarding specific events. Police welcome this in your policy. Police ask that the following email address be added to your points of contact, to allow direct access to the borough events department. fhevents@met.police.uk

19.1-19.7 relate to Designated Premises Supervisors in community premises. Police believe that it is important to view this on a case-by-case policy, as stated in your draft policy, in order to ensure that the deregulation is of benefit to the community and not a hindrance.

Appendix 2- Local Pool of Licence Conditions is welcomed by Police. As your policy states, this acts as a realistic guide to all parties involved in licensing issues.

In summary, Police believe that the policies outlined in your draft *Statement of Licensing Policy Review June 2010* promote the licensing objectives on Hammersmith and Fulham Borough. Additions take into account unique local issues and support the relevant authorities in ensuring the licensing objectives are tackled proactively.

Yours Sincerely,

Stuart Ratcliffe

Licensing Officer

Hammersmith and Fulham Police

29 August 2010

Miss Sanju Manji
Trading Standards and Licensing Manager
Environment Services Department
Public Protection & Safety

When telephoning please ask for:
Somayya Yaqub
020 8753 3949

Dear Sanju,

Environmental Protection Response to Statement of Licensing Policy Review

Thank you for giving us the opportunity to make comment on the Statement of Licensing Policy Review June 2010, please accept this letter as a response to the consultation on behalf of the Environmental Protection Responsible Authority.

Question 1: Please state whether you are a:

Responsible Authority.

Question 2: Do you feel that the revised Statement of Licensing Policy is clearly written and easy to understand?

Yes.

Question 4: Do you think that the length of the revised Statement of Licensing Policy is:

About right.

Question 5: We have added a new section to clarify the purpose of this policy under paragraph 2.2. Do you think that it is useful to include this in the revised Statement of Licensing Policy?

Yes.

Question 6: We have included a new section on "licence conditions" that specifically relates to football. This will help to ensure consistency and that our premises in the vicinity of football grounds do not become crime and disorder hot spots during match days.

Do you think that it is useful to include this information in the revised Statement of Licensing Policy?

Yes.

Question 7: We propose to include a pool of conditions that could be applied to different types of premises into our revised Statement of Licensing Policy. These conditions would apply to premises such as restaurants, hotels, public houses, nightclubs, premises supplying hot takeaway food and drink, and off licences.

We propose to introduce this change to make it easier for applicants, residents, Councillors and agencies such as the Police to understand and request consistent conditions for each type of premises when making, commenting on or considering applications.

Do you think that it is a good idea to include a pool of conditions in the revised Statement of Licensing Policy?

Not sure. As they stand.....

I can't work out why the potential licence conditions have been written to only apply to certain premises, categorised A to F inclusive. The inference appears to be that some conditions will not apply to some types of premises. Consequently it is our view this can lead to potential room for error e.g. just looking at the first condition for Escape Routes and Evacuation Procedures, 'Means of escape shall be maintained unobstructed, immediately available and clearly identifiable', to apply to premises C (public house and bars), D (nightclubs) and F (theatres, cinemas, qualifying clubs, hotels and community premises) – why not A (restaurants)?

I could give many other examples but I'm sure the point is made with the above.

Furthermore, while I accept model conditions are useful to promote consistency, I think there can be a temptation to add them regardless, without any thought for the necessity and / or proportionality of doing so. I would respectfully suggest therefore that it would be important (critical) to have a caveat to the effect that conditions should only be added where considered necessary and proportionate to the promotion of the licensing objectives, as well as not over-lapping with other legislation / regulation which, incidentally, many of these could be argued to do so e.g. with Health & Safety / Fire Safety, the Environmental Protection Act etc.

Question 8: The council has adopted a special licensing policy for the Fulham Broadway Area, as it was felt that the cumulative effect of many licensed premises within the vicinity was resulting in problems of public disorder and nuisance to the surrounding area. This included low level crime, such as littering, shouting, vomiting and urinating in residential streets. Details of the special licensing policy for the Fulham Broadway Area have been included in this revised policy.

The council considered that it was not appropriate for any further licensed premises to be established in the area or permitted hours of operation to be increased. The Licensing Authority are now empowered to reject new applications and restrict changes to existing licences following a valid representation. The policy has helped to reduce crime and disorder in the area.

Do you think that it is a good idea to adopt a special licensing policy for other parts of the borough?

Yes.

Where there is evidence to support this, naturally.

Question 9: The revised Statement of Licensing Policy retains the flexibility to take into account the cumulative effect that too many licensed premises in one area may have. Do you believe we should keep this flexibility in our Policy to make decisions on licence applications based on cumulative impact?

Yes.

Question 10: We have included a non-exhaustive list of measures/issues to be considered in relation to crime and disorder. Do you think that this is a good idea?

Yes.

Question 11: Applicants for on-licences must be able to demonstrate that they can comply with the control of illegal drugs on their premises. We have included a section in the revised Statement of Licensing Policy, that where requested, the licence holder should agree a protocol with the council and the police on the handling of illegal drugs on their premises. Do you think that this is a good idea?

Yes.

Question 12: Applicants for on-licences must be able to demonstrate that they can comply with the control of weapons on their premises. We have included a section in the revised Statement of Licensing Policy, that where requested, the licence holder should agree a protocol with the council and the police on the handling of weapons on their premises. Do you think that this is a good idea?

Yes.

Question 13: Do you think that it is a good idea to include guidance and examples of irresponsible drink promotions in the revised Statement of Licensing Policy?

Yes.

Question 14: Do you think that it is a good idea to include tighter controls for off licences around the sale of alcohol in the revised Statement of Licensing Policy, especially in order to control the population of street drinkers, football match day crime and disorder and illegal sales of alcohol to children?

Yes.

Question 15: We understand from the complaints that we receive that the noise and disruption from people leaving premises late at night is a particular cause of concern for our residents. We have included a new section about having consideration of our residents in the revised Statement of Licensing Policy. Do you think that this is a good idea?

Yes.

Question 16: We have recommended that defined dispersal policies are implemented at venues that are primarily alcohol led premises and close to residential premises, such as nightclubs and pubs. We have also recommended that all staff are trained on any such policy. Do you think that this is a good idea?

Yes.

Question 17: We have made reference in the revised Statement of Licensing Policy to the fact that the Licensing Authority will pursue any unpaid licence fees and that premises may have their licences time limited if they owe any annual maintenance fees. Do you agree with this?

Unsure.

Can we legally time-limit licences when there is no renewal of a licence – when does the opportunity to time-limit a licence arise?

Question 18: We have clarified the situations in which we will accept minor variation applications within our revised Statement of Licensing Policy. Do you think that it is useful for us to clarify our approach to full and minor variations of existing licences?

Yes.

Question 19: We have requested that applicants endorse the back of photographs with their name, date of birth and contact number, in order to speed up the processing time. Do you agree with this?

Yes.

Question 20: We have included guidance for holders of Large Outdoor Events in the borough in order to ensure that events are well planned and that the Public Safety and Prevention of Nuisance objectives are satisfied by applicants. Do you think that it is a good idea to include this guidance in the revised Statement of Licensing Policy?

Yes.

Question 21: We have included in our revised Statement of Licensing Policy guidance on the removal of a DPS for community premises. Do you think that this is a good idea?

Yes.

Question 22: We have included information about the fact that Councillors are now considered to be “interested parties” and can therefore make representations in their own right. Do you think that it is useful to include this information?

Yes.

Question 23: If you would like to make any other comments around this consultation on this revised Statement of Licensing Policy please detail them below:

The following comments relate to section 10 (The prevention of nuisance) of the Draft Review document dated June 2010.

Under **paragraph 10.3** there is a series of bullet points, the fourth of which describes some of the steps the Licensing Authority will particularly consider that the applicant has taken or proposed to undertake to prevent noise and vibration escaping from the premises. Naturally, this is not meant to be an exhaustive list but I think two significant measures have been overlooked which should be included to make applicants aware of them in advance.

These are:

- Limiting the number of people permitted to use a garden / other open-air areas, including those for the use of smoking, at any one time; and
- Restricting the use of a garden / other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).

I also have a concern with the sentence in the fifth bullet point (“This will usually be of greater importance between 11:00pm and 7:00am than at other times of the day.”). Again, I accept we would not be ‘tied’ to these times, but such a statement could be misleading and be cited by an applicant if we are making representations about preventing nuisance from customers arriving at or leaving the premises (or, indeed, any other matter) outside of these time.

My preference would be for something more along the lines of:

- This will usually be of greater importance late at night and / or in the early hours of the morning; however, nuisance can arise at any time of the day or night so the Licensing Authority will consider representations from Responsible Authorities and / or Interested Parties relating to potential nuisance from any activity at all times dependant on the merits of the application / steps taken or proposed to prevent nuisance.

There is a spelling mistake in the bullet point relating to the siting of external lighting – siting is spelt sitting, which has clearly slipped through the computer spell check as a word in its own right.

The following comments relate to **paragraph 15.10**, which is meant to provide a non-exhaustive list of risks associated with public nuisance that applicants may want to consider when preparing their Operating Schedule.

Again, I accept this is a non-exhaustive list and, clearly, we retain our discretion to make representations on any matter we feel hasn’t been adequately addressed by the applicant, but I’m concerned an applicant may read paragraph 15.10 in isolation to

other parts of the Policy and consequently be under the impression that these are the only matters they need to address in their Operating Schedule.

I would therefore recommend adding the following:

- **Noise and / or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room / area of the premises and the suitability of the construction of this room / area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby residential properties.
- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and / or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Councils Environmental Protection Service may therefore require evidence that the kitchen ventilation and / or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQ's.
- **Deliveries / collections** – noise from deliveries too and / or collections (e.g. refuse) from the premises are another common source of complaint. Consider therefore the times of such deliveries / collections are make sure you specify to any contractors that deliveries / collections should not be made at anti-social times – as a guide, Environmental Protection tend to recommend deliveries / collections should only be done between the hours of 8:00am and 8:00pm, depending on the proximity of residential and / or other noise-sensitive properties.
- **Waste** – consider how and where waste will be stored / disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and / or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day.
- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and / or diffused to also prevent nuisance.

The following comments relate to **paragraphs 18.4 and 18.5**, which relate to Temporary Event Notices. The paragraphs advise that organisers of temporary events are recommended / strongly advised to contact the Licensing Authority and the Police for advice when planning events.

I would like to see Environmental Protection added to these paragraphs.

Finally, I would like to reiterate my comments under **Question 7**, which relates to the pool of conditions that could be applied to different types of premises.

As stated above, while I accept model conditions are useful to promote consistency, I think there can be a temptation to add them regardless, without any thought for the necessity and / or proportionality of doing so. I would respectfully suggest therefore that it would be important (critical) to at least have a caveat to the effect that conditions should only be added where considered necessary and proportionate to the promotion of the licensing objectives, as well as not over-lapping with other legislation / regulation which, incidentally, many of these could be argued to do so e.g. with Health & Safety / Fire Safety, the Environmental Protection Act etc.

That said, I have a very strong fundamental concern with the inclusion of this pool of conditions as they stand for the reason also stated above i.e. I can't work out why the potential licence conditions have been written to only apply to certain premises, categorised A to F inclusive. The inference appears to be that some conditions will not apply to some types of premises. Consequently it is our view this can lead to potential room for error.

There is probably too large a debate here to have and resolve in time for the deadline to publish the revised Statement of Licensing Policy. I note the introductory paragraph to the pool of conditions states that 'This list is not exhaustive and should be used as a guide....' Etc, but I would respectfully suggest also adding the following:

The pool of licence conditions does not form part of this Statement of Licensing Policy and, as such, is subject to change at any time without prior notice or consultation.

For reference, we had a similar caveat on Appendices to our Statement of Licensing Policy at Enfield, which we were advised at the time was lawful.

Thank you once again for giving us the opportunity to comment on the draft review, I trust our comments are both helpful and can be included in the final published Statement of Licensing Policy.

Yours sincerely,

Dom Stagg
Environmental Health Officer

Environmental Protection

**Director of Environment
Nigel Pallace**

Statement of licensing policy

November 2007



This policy has been prepared in accordance with guidance issued under Section 182 of the Licensing Act 2003.

If you would like more information, please contact us.

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1 Foreword

1.1 The council will have regard to this policy when carrying out its functions under the Licensing Act 2003.

1.2 The Licensing Act 2003 requires the council to publish this statement of licensing policy. This policy will be used as a guide in decision making with regard to licensing matters.

1.3 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken, these are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

Each objective is of equal importance. It is important to note that there are no other licensing objectives, so that these four objectives are paramount considerations at all times.

1.4 Through this policy the council hopes that local people and visitors to Hammersmith & Fulham will have better opportunities to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at or leaving licensed premises. In addition, and in response to concerns about the impact of longer trading hours on

behaviour and disturbance at night, we have given the protection of local residents, whose lives can be blighted by disturbance and antisocial behaviour associated with the behaviour of some people visiting places of entertainment, a central place in our strategy.

1.5 Our aim is to target premises, which are causing problems within our communities and have a lighter touch for the majority of businesses and community activities, which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises that produce disorder, threaten public safety, generate public nuisance or threaten the well being of our children will be targeted for enforcement action.

1.6 Residents also have the benefit of the right to challenge a licensing decision of the council, by appealing to the magistrates' court.

1.7 Police powers to deal with any disorder have been strengthened and they have a key role in the prevention of crime and disorder on licensed premises. The council retains its power as local planning authority to control opening times of all new establishments seeking planning permission, where harm would otherwise arise.

1.8 An effective licensing policy, alongside other initiatives, can work towards promoting the positive aspects, such as increasing the



leisure industry provision for the community and encouraging regeneration of town centres, as well as controlling the negative impacts such as increase in noise, nuisance, antisocial behaviour and crime and disorder.

- 1.9** The Unitary Development Plan (UDP) sets out the council's planning policies for developing land, improving transport and protecting the environment. The council is required to determine planning applications in accordance with the UDP, the London Plan and any other material considerations.
- 1.10** Licensing applications will not be a rerun of the planning application. The granting by the licensing committee of any variation of a licence, which involves a material alteration to a building, would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate.
- 1.11** Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the council has been successful in seeking to strike this balance, and has a proven track record of treating each application in a fair and considered way.
- 1.12** The majority of the nightlife is situated in the three town centres in the borough: Shepherds Bush, Hammersmith and Fulham. Each has a thriving social and artistic life. Green spaces have been protected and extended throughout the 1990s to improve the local quality of life. The borough is home to a world-renowned research and teaching hospital (forms part of Hammersmith Hospitals NHS Trust) and three major football teams (Chelsea, Fulham and QPR).
- 1.13** Our licensing policy is designed to build upon the work presently carried out by the council to maintain a dynamic, innovative and attractive place to live, work and relax. The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve and protect the borough. Not only has this licensing statement been prepared to promote the four licensing objectives under the Licensing Act 2003, the council has had regard to the local strategies which have been developed for the borough, its residents, businesses, workers and visitors. The council intends to secure the proper integration with local crime prevention, planning, transport, tourism and cultural strategies, and the council's equality agenda by ensuring our licensing statement is consistent with their aims and objectives.
- 1.14** The council will seek to implement the policy in a positive and inclusive way for the whole community



1.15 The council's vision of the improvements it wishes to secure in the local quality of life comes under its objectives of:

- delivering value for money
- cracking down on crime and antisocial behaviour
- a borough of opportunity
- a cleaner greener borough.

1.16 The council is keen to promote the cultural life of our borough and licensing will be approached with a view to encouraging all forms of licensable activity that are carried out in ways consistent with the licensing objectives.

1.17 The council may seek in its own name premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.

1.18 The legislation provides the entertainment and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides some extra powers for the council and the police, who we work closely with, to protect residents from disturbance.

1.19 Deregulation inevitably brings with it a higher degree of self regulation by licence and certificate holders. This shift means that the primary responsibility for controlling

activities on licensed premises firmly rests on the licence holders and managers of such premises. This council, with support from the other enforcement agencies will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community of which both businesses and residents form a part.

1.20 The act requires the council to review the licensing policy every three years. All reviews will be subject to further consultation with all stakeholders and any revised policy will be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

2 Introduction and purpose

2.1 The licensing authority for the London Borough of Hammersmith & Fulham (hereafter referred to as 'the council') makes this Statement of Licensing Policy in accordance with section 5 of the Licensing Act 2003. The policy relates to the following activities that are required to be licensed under the act (known as licensable activities):

- the retail sale of alcohol including licensing of individuals, premises, wholesale of alcohol to members of the public and purchases via the internet or mail order;



- the supply of alcohol to members of club premises;
 - the provision of regulated entertainment in the presence of an audience. Regulated entertainment includes film exhibitions, performances of a play, indoor sporting events, boxing or wrestling events, live music performances, playing of recorded music, dance performances, provision of facilities for making music and provision of dance facilities (and anything of a similar description);
 - the licensing of activities on a temporary basis (temporary event notices); and
 - the provision of late night refreshment. Supply of hot food or drink from premises from 11pm to 5am.
- London Fire and Emergency Planning Authority;
 - representatives of holders of premises licences in the borough;
 - representatives of holders of club premises certificates in the borough;
 - representatives of holders of personal licenses in the borough;
 - representatives of residents and businesses in the area, including resident groups, tenants associations and societies;
 - the Area Child Protection Committee; Health service including PCT, Accident and Emergency and the London Ambulance service;
 - British Transport Police;
 - public transport undertakers;
 - neighbouring authorities;
 - British Institute of Inn keeping;
 - Chamber of Commerce;
 - drug and alcohol action team;
 - Crime and Disorder Reduction Partnership;
 - trade unions; and
 - other relevant organisations that could be affected by this policy.

2.2 The two main types of licence issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. Temporary event notices may be issued for licensable activities involving less than 500 people lasting less than 96 hours. References to licences in this document include certificates, temporary event notices or other permissions under the act.

2.3 The policy has been drawn up in consultation with the following:

- Metropolitan Police;

2.4 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act. The conditions



attached to licences will be focused on matters that are within the control of individual licensees. Accordingly, conditions will centre on the premises and in the vicinity of those premises. What is in the vicinity will depend on the facts of each individual case. But the council will primarily focus on the direct impact of the activities at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

2.5 Licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour caused by people once they are away from the premises and therefore beyond the direct control of the licensee. Nonetheless, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.

2.6 However, as a matter of policy, the council expects every holder of a licence, certificate or permission to accept and be responsible for minimising the impact of their activities and antisocial behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility. Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area where and to the extent that these matters are within their control.

2.7 Every application made to the council will be considered on its own merits. This policy will be used as a basis in coming to consistent and transparent decisions on licence applications.

2.8 When this policy refers to the licensing authority's approach to the exercise of its decision making powers, this refers to those cases where its discretion has been engaged by the receipt of relevant representations.

2.9 The council has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Licensing Act (available from www.culture.gov.uk). Where it is necessary to depart from that guidance, the council will give its reasons for doing so.

2.10 Additionally in formulating this policy document the council has had regard to the provisions of the European Convention on Human Rights, the Race Relations Act 1976 (amended 2000) and has taken into account the provisions of the Crime and Disorder Act 1998

2.11 The scope of this policy covers all applications made under the Licensing Act 2003. Designated sports grounds, events and exhibition centres are the subject of separate legislation. Consideration of applications for premises licences will be limited to those activities that are licensable under the 2003 Act.



2.12 Nothing in this policy will undermine any person from applying for a variety of permissions under the act.

2.13 This policy comes into force on 7 November 2007.

3 Fundamental principles

3.1 In carrying out its licensing functions, the council will actively seek to promote the four licensing objectives set out in section 4 of the Act, these are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

3.2 To achieve these objectives the authority will use its full range of powers and engage all relevant responsibilities including those relating to planning, transport, crime and disorder. Accordingly, the authority will enter appropriate partnership arrangements, working closely with the police, the fire authority, local businesses, community representatives and local people in meeting these objectives.

3.3 The council has significant experience and awareness of the requirements of, and issues surrounding, the entertainment and leisure industry, and we will work with our stakeholders to ensure mutual coexistence.

3.4 This policy is not intended to duplicate existing legislation and regulatory regimes that already place obligations on employers.

3.5 Where relevant representations have been received by the council, conditions attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned, and they will relate to the licensing objectives and be restricted to matters within the control of individual licence holders.

3.6 Necessary and proportionate conditions, which relate to the licensing objectives will be drawn in particular circumstances from the National Pool of Conditions, issued by the Department of Culture, Media and Sport. Further information regarding these conditions can be found at www.dcms.gov.uk however this does not preclude the council attaching other conditions if deemed appropriate. Applicants should consider the National Pool of Conditions and incorporate them into their operating schedules, as they consider necessary to promote the licensing objectives. Applicants should also consider the needs of disabled people and, where reasonable, make appropriate provision for them, as outlined in the Disability Discrimination Act 1995.

3.7 Licence holders will be required to ensure that they and their premises comply at all times with any conditions attached to a licence.



3.8 In making decisions on licensing applications and in imposing conditions, the council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned relating to the four licensing objectives.

3.9 All relevant representations will be considered during the decision making process, unless they are considered to be frivolous, vexatious or repetitious.

4 Cumulative impact

4.1 In determining an application, where there has been a relevant representation, the authority will, where appropriate, take into account the cumulative effect that the existence of a saturation of premises in one area may have. A saturation of licensed premises can attract customers to the area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders

4.2 Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the council may consider it inappropriate for any further licensed premises to be established in the area or capacities to be increased. In such circumstances, an application for a licence for activities, which would

undermine the promotion of any of the licensing objectives would be refused.

4.3 Where there is sufficient evidence that a particular area had reached a point where existing activity is at such levels that if by granting them, they would contribute to the cumulative effect that the council wishes to mitigate, the council might adopt a special policy of refusing certain licence applications.

4.4 If such a policy were adopted it would not be absolute and each application would still have to be considered on its own merits.

4.5 The absence of a special policy does not prevent any responsible authority or interested party making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

4.6 In coming to any decision regarding cumulative impact the council will also have regard to other mechanisms outside of the licensing regime which may also be available to address this issue, these are:

- planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions);
- police enforcement of the normal law concerning disorder and antisocial behaviour. Prosecution of any personal licence holder or member of



staff at such premises who is selling alcohol to people who are drunk;

- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises; and
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

5 Licensing hours

5.1 Where there is a relevant representation, the council will consider each particular case on its merits having regard in particular to the following matters:

- whether the licensed activities are likely to cause an adverse impact especially on local residents, and, if there is potential to cause adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;

- whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to harm to the licensing objectives of the prevention of crime, disorder and nuisance;
- whether the premises has an authorised or lawful use under town planning legislation; and
- whether there have been any representations made by the police, or other relevant agency or representative.

5.2 The licensing authority will closely scrutinise extended hours applications to ensure that the licensing objectives are met. In determining an application the licensing committee might decide that the circumstances are such that a restriction on hours is the only appropriate means to achieve the licensing objectives. If an hours restriction is imposed, the council will normally require that customers should be allowed a maximum of thirty minutes to consume alcohol.

5.3 In determining representations to an application, which incorporates an external area to the premises, the licensing committee might decide that the circumstances are such that a restriction on hours in that area is the only appropriate means to achieve the licensing objectives.



5.4 The council will not normally approve an application for a licence unless the applicant can demonstrate that the premises have the appropriate (in terms of the activity and hours sought) planning permission or lawful use.

5.5 Exceptions may be made where special circumstances can be demonstrated by the applicant why the application should be considered and approved although the planning status of the premises has not been finalised.

5.6 It will be the normal policy of the council to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the licensing objectives for restricting those hours. Should there be evidence regarding street drinking issues and disorder issues in the vicinity of this type of premises, the council may restrict the hours of sale of alcohol.

6 Promotion of other strategies

6.1 The council will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only necessary, proportionate and reasonable licensing conditions will be imposed on such events. The council recognises that as part

of implementing cultural strategies, account needs to be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing, street arts and theatre for the wider cultural benefit of the community.

6.2 Arrangements have been made for licensing committees to receive, when appropriate, reports on the needs of the local tourist economy.

6.3 The licensing authority will keep the licensing committee apprised of the employment situation in the area and the need for new investment and employment where appropriate.

6.4 The licensing authority will also report to local transport committees with regard to the need to disperse people from town centres in order to avoid concentrations of people that can produce nuisance and disorder.

6.5 The Race Relations Act 1976 as amended (2000) obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The council has a race equality scheme, and will monitor this policy for any adverse impact on the promotion of race equality.

6.6 The council will ensure its various strategies and policies are joined up to achieve the licensing objectives in the interests of clarity for applicants and effective determination. This will include taking into account the following:



- council enforcement policy;
- crime and disorder reduction strategy;
- community safety strategy;
- drugs and alcohol strategy;
- equal opportunities policy;
- cultural and tourism strategies including promotion of live music and community events;
- objectives of the Private Security Industry Authority;
- responsibilities under Anti Social Behaviour Act 2003;
- Home Office Safer Clubbing Guide. See: www.drugs.gov.uk/reports;
- LACORS/TSI Code of Practice on Test Purchasing
- Health Act 2006
- Violent Crime Reduction Act 2006
- Clean Neighbourhoods and Environment Act 2005

7 Prevention of crime and disorder

7.1 The council will require the applicant to detail in their operating plan the steps proposed to ensure the deterrence and prevention of crime and disorder, on and in the vicinity of the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to resort to the premises.

7.2 The council will require the licence holder to indicate what steps will be put in place to control the excessive consumption of alcohol and drunkenness on relevant premises in order to reduce the risk of anti social behaviour occurring elsewhere after customers have left the premises.

7.3 The council will particularly consider the following matters where they are material to the individual application:

- a) the physical security features installed in the premises. This may include matters such as the position of cash registers, where alcohol is stored in off-licences, the standard of CCTV that is installed, adequate lighting, metal detection and search facilities or the use of toughened drinking glasses in pubs and clubs and/or the removal of glasses or glass bottles outside of the premises proposed to be admitted;
- b) measures employed to promote sensible drinking, responsible serving and procedures for risk assessing promotions such as 'happy hours', which may contribute to the impact on crime and disorder, and plans for minimising such risks;
- c) the measures employed to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies;

- d) where premises are subject to age-restrictions, the procedures in place to conduct age verification checks
- e) the likelihood of any violence, public order or policing problem if the licence is granted;
- f) whether design of the premises (including the provision of seated areas) has been considered having regard to reducing conflict and minimising opportunities for crime;
- g) the measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, for example on the pavement, in a beer garden, or in a smoking shelter or area as a result of the smoking ban, where and to the extent that these matters are within their control, the use of Security Industry Authority registered door supervisors.
- h) the licensing authority recommends that for significant events as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed. Accordingly, for premises that wish to stage promotions, or events the licensing authority recommends that applicants

address the Risk Assessment and debrief processes in their operating schedule.

The licensing authority further recommends the Metropolitan Police Promotion Event Risk Assessment Form 696 and the After Promotion Event Debrief Risk Assessment Form 696A as useful and effective tools for this purpose. Where the Risk Assessment forms are used to assess the likely risks from any promotion or event, the licensing authority anticipates that these will be completed in consultation with the Metropolitan Police. Risk assessments should be submitted to the Metropolitan Police and the licensing authority within 14 days of any proposed event and debrief forms submitted within 14 days of the conclusion.

Forms 696 and 696A are available on the Metropolitan Police website at www.met.police.uk It is recommended that electronic completion and transmission of the forms is undertaken by licensees. Email addresses for submission are **ClubsFocusDesk-CO14@met.police.uk** and **licensing@lbhf.gov.uk**;

- i) any other such measures as may be appropriate, such as participation in a local pub watch scheme or other body designed to ensure effective



liaison with the local community, 'music wind down policies', restrictions on 'happy hours', and other examples of industry best practice;

- j) past conduct and prior history of complaints proved against the premises;
- k) whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
- l) any relevant representations.

7.4 Where applicable, applicants must show that they can comply with the Home Office guidance Safer Clubbing in relation to the control of illegal drugs on their premises. They should agree a protocol with the council and the police on the handling of illegal drugs found on their premises.

7.5 Conditions will, so far as possible, reflect local crime prevention strategies, and the council will also have regard to the views of the local Crime and Disorder Reduction Partnership.

7.6 It is recommended that applicants discuss the crime prevention procedures in their premises with the council and the police before making a formal application. Licences for any form of public entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards

any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

8 Public safety

8.1 The council will require the applicant to detail in their operating plan the steps proposed to ensure the physical safety of people using the relevant premises or place

8.2 Where a relevant representation is made in respect of an application involving the supply or consumption of alcohol in sports grounds, such as football stadiums, the council will consider the application very carefully. Conditions may need to be applied as to when and where alcohol can be sold/supplied in order to promote all the licensing objectives with a particular emphasis on the protection of public safety and crime and disorder.

8.3 Where relevant representations are made by the police over an application from one of the premises situated in the vicinity of one of the football stadiums in the borough for a new licence or a variation to an existing licence the council will consider imposing conditions requiring the service of alcohol exclusively in plastic bottles and cups, for four hours before the start and four hours after the end of the sporting event.

8.4 Maximum occupancy limits in the premises licence will be specified only where necessary for the

Please leave quietly

promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the council will not normally include a limit as a licence condition. From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. Under article 43 of the Fire Safety Order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect.

8.5 The exception to this will be in cases where the council and the enforcing authority for the fire safety order are one and the same body. For example in designated sports grounds and stands where the council enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority

8.6 Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any

material time when the licensable activities are taking place and make representations to that effect. In certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile. The types of premises subject to safe capacities will be the following:

- nightclubs
- cinemas
- theatres
- other premises where regulated entertainment is being provided within the meaning of the act.

8.7 The council will, where appropriate, attach conditions to a licence to ensure public safety, dealing with the following:

- checks on equipment at specified intervals;
- standards to be maintained, e.g, temporary electrical installations to comply with British Standards;
- the number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
- the steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;



- the use of door supervisors to manage the entrance and exit from the premise and, to protect public safety as customers leave the premises;
- the provision of air conditioning and ventilation and the availability of drinking water; and
- measures to protect against overcrowding.

8.8 The council will consider whether any measures or restrictions are placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.

9 The prevention of nuisance

9.1 The council will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the licensing objectives are met. Where there is a relevant representation regarding extended hours, the council will not permit an extension unless it is satisfied that the licensing objectives would be met. Refer back to paragraph 7.3 point (g).

9.2 In considering an application, the council will consider the adequacy of proposed measures to remove or effectively manage the potential for nuisance and antisocial behaviour.

9.3 The council will particularly consider the following matters where they are material to the individual application:

- a) the proximity of residential accommodation;
- b) the type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;
- c) the steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- d) the steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises. This will usually be of greater importance between 11pm and 7am than at other times of the day;
- e) the steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;

- f) the steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- g) the arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- h) the provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- i) the level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- j) the use of gardens and other open-air areas, including those for the use of smoking;
- k) the delivery and collection areas and delivery/collection times;
- l) the siting of external lighting, including security lighting that is installed inappropriately;
- m) the arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- n) the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees;
- o) the history of the applicant in controlling antisocial behaviour and preventing nuisance;
- p) the generation of odour, e.g, from the preparation of food;
- q) any other relevant activity likely to give rise to nuisance;
- r) any representations made by the Police, or other relevant agency or representative; and
- s) whether a dispersal policy has been prepared to minimise the potential for disturbance as customers leave the premises.

10 Protection of children from harm

- 10.1** The council will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be included and any training provided to staff detailed.
- 10.2** The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The council will not normally seek to limit their access (above that specified in the act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:
 - a) at certain times of the day;
 - b) when certain licensable activities are taking place;



- c) under certain ages, e.g, 16 or 18;
and
- d) unless accompanied by an adult.

10.3 The council will particularly consider if:

- a) there is entertainment or services of an adult nature commonly provided;
- b) there have been convictions, FPN's (fixed penalty notices) or cautions for serving alcohol to minors or premises with a reputation for under age drinking;
- c) there is a known association with drug taking or dealing;
- d) there is a significant element of gambling on the premises;
- e) there is a presumption that children under 18 should not be allowed (e.g, to nightclubs, except when under 18 discos are being held);
- f) there are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full time education;
- g) there have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.

10.4 Where there are restrictions (whether imposed by statute or by the council) on the sale or supply of

goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.

10.5 Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety.

10.6 The council will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the act.

10.7 The council commends the Portman Group Code of Practice on the naming, packaging and promotion of alcoholic drinks to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years or older. The council recommends that the applicant refer to the Retailer Alert Bulletin by which the

Portman Group tells licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.

- 10.8** The council will expect the operating schedule for premises with film exhibition to include a stipulation that children will be restricted from viewing age restricted films classified according to the recommendations of the British Board of Film Classification.
- 10.9** In relation to pubs, restaurants and clubs, the council will expect licensees to have due regard to the guidelines issued by the National Association of Cigarette Machine Operators (NACMO). Cigarette machines should be sited in a position where they are clearly visible to members of staff so that attempted purchases by young people can be challenged.
- 10.10** Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.
- 10.11** The responsible authority in relation to the protection of children from harm is the council's Local Safeguarding Children Board and in particular the child protection officer. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products.

11 Premises licences

- 11.1** An application for a premises licence must be made in the prescribed form to this authority. The application must be accompanied by:
- the required fee;
 - an operating schedule;
 - a plan of the premises in a prescribed form;
 - if the application involves the supply of alcohol, a form of consent from the individual who is to be specified in the licence as the designated premises supervisor. This person will normally have been given day to day responsibility for running the premises by the premises licence holder; and
 - copies of the appropriate certificates.
- 11.2** Officers will determine on a case by case basis which applications require an inspection, and will arrange for such inspection.
- 11.3** Applicants will be informed if the council is not minded to conduct an inspection.
- 11.4** The council will proactively monitor licensable activity within the borough and carry out a programme of risk based inspections.

12 Planning permission

12.1 Applications for premises licenses should normally relate to premises with an existing lawful use for the activities proposed.

12.2 The council's planning policies are set out currently in its Unitary Development Plan and subsequently in the Local Development Framework, supplemented by additional guidance on A3 use of restaurants and cafés, A4 use of public houses and A5 use for take aways. Additional policies are set out in the London Plan, which is also part of the statutory development plan for the borough. For further information contact planning department on **020 8753 1084**.

12.3 The strength of these policies is that there is an obligation both on the council, as local planning authority, and the decision maker on any appeal, to give considerable weight to them. This helps to ensure consistency in the decision making process.

12.4 In general, planning permissions authorise the development or change of use of land and buildings in the public interest, whereas licences relate to the specific circumstances and proposed licensable activity within a particular premises and the suitability of the operator and may cover only a part of the premises.

12.5 In many cases where an application is made for a new licence or variation, the town planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required. However, the existing planning permission might, and if recently granted is very likely to have conditions restricting the use of the premises in some way: e.g, the hours of operation. In that case, anybody seeking a licence to operate beyond those hours would first need to seek and obtain a revised planning permission or a variation or removal of the relevant planning condition.

12.6 In general, the planning position should be resolved before a licence application is made. The council may refuse to grant a licence if the:

- a) activity to be authorised would amount to an unlawful use of the premises; or
- b) hours being sought exceeded those authorised by any planning permission.

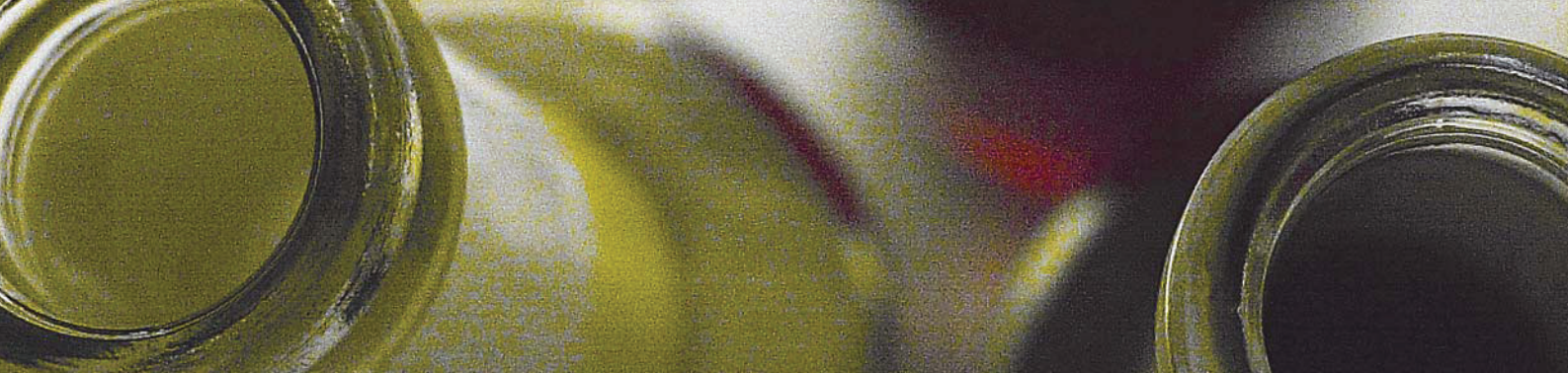
12.7 The council may nonetheless determine a licence application without evidence of a lawful planning use where the applicant satisfactorily demonstrates special reasons justifying such an approach.

13 Operating schedule

13.1 Operating schedules for premises licences are the key to ensuring compliance with the four licensing objectives. In the vast majority of cases, the terms of the operating schedule will translate into the licence conditions that set out how the business will be run.

13.2 The council considers that it would be beneficial if operating schedules include all the following:

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with six screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- any other times when the premises are to be open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the act and in pursuit of the licensing objectives;
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- where the licensable activities include the supply of alcohol what seating and where will they be provided;
- where the licensable activities include dance to describe the type of dancing in broad terms, such as if dancing will be done by professionals or it will be for members of the public, where it will take place on the premises, if the dancing involves striptease or lap dancing;
- where appropriate, details of the accessibility of the premises for disabled people. The council will apply the 'Technical Standards for Places of Entertainment' to new premises



providing entertainment and premises that are having refurbishment works carried out. These standards cover access for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

- whether music and dance venues and performance venues will use equipment or special effects, e.g, moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines, etc; and
- the steps which the applicant proposes to take to promote the licensing objectives.

13.3 Prospective holders of new premises licences, and those seeking variations to existing premises licences are advised to consult with the council and the various responsible authorities at the earliest possible stage in order to reduce the risk of dispute arising.

13.4 The council will seek to impose the minimum conditions necessary to promote the licensing objectives. For those premises, which present the lowest risk to public safety and the other licensing objectives, the council will adopt a light touch approach to regulation.

13.5 Operators of licensed premises will have to comply with planning, environmental health, fire safety, licensing and building control legislation when opening or adapting licensed premises. The council will

seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the licensing objectives.

13.6 During the course of its inspections, the council may refer to any other agency any circumstance it finds that appears to it to be a contravention of the legislation enforced by that agency.

14 Consultation

14.1 The applicant will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003.

14.2 The council will carry out a consultation process in accordance with the regulations made under the Licensing Act 2003. In exceptional circumstances the council may consider it appropriate to carry out a more extensive form of public consultation. The council will publicise details of applications received.

15 Applications for personal licences

15.1 In order to obtain a personal licence the requirements are that the applicant must:

- be aged 18 or over;
- possess a licensing qualification accredited by the Secretary of State;



- not have forfeited a personal licence within five years of his or her application;
- produce a Criminal Record Bureau certificate;
- not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
- pay the appropriate fee to the council.

15.2 Applicants with unspent criminal convictions for relevant offences set out in the Licensing Act are strongly encouraged to first discuss their intended application with the police and the council before making an application.

15.3 A personal licence is valid for ten years. A designated premises supervisor must hold a personal licence.

16 Temporary event notices

16.1 The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 96 hours) do not need a licence providing that a minimum of ten working days notice is given to the police and the council. The police are the only ones that can object to a Temporary Event Notice if the

event is likely to undermine the crime prevention objective.

16.2 Where police representation is received (by means of a counter notice) the council will hold a hearing.

16.3 The council will consider whether the limitations set down by the act in terms of numbers and duration of events and capacities are being observed.


16.4 It is recommended in general that the council and police be given at least 28 calendar days notice of the events, to allow them to help organisers plan their events safely.

16.5 Organisers of temporary events are strongly advised to contact the council and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

17 Enforcement policy

17.1 The council operates a proactive inspection regime that is based on inspections involving risk assessments. These inspections are linked to the enforcement policy, which targets premises failing to support licensing objectives. Relevant action will be taken after each visit in accordance with this policy.

17.2 Premises that produce disorder, threaten public safety, generate



public nuisance or threaten the well being of our children will be targeted for enforcement action.

17.3 The sale of alcohol to minors is a criminal offence and this council will conduct appropriate covert test purchasing exercises in response to complaints and local intelligence. The Licensing Act 2003 permits the use of children under the age of 18 to undertake test purchases.

17.4 The council has a long established enforcement policy, based around the principles of consistency, transparency and proportionality set out in the Department of Trade and Industry's Enforcement Concordat which also takes into account the Attorney General's Guidelines to Crown Prosecutors for bringing prosecutions.

17.5 A graduated response will be taken where offences against legislation are found or where conditions have been contravened. For instance an isolated administrative offence, such as failing to maintain certain records, may be dealt with purely by way of a written warning whilst more serious offences which have either been committed over a period of time or which jeopardise public safety may result in a referral for prosecution.

17.6 The council will seek to work with the police and other responsible authorities in enforcing licensing legislation. We will strive to have a joint enforcement protocol with all the relevant agencies.

17.7 Enforcement will be focussed on premises or persons found to be failing in terms of the licensing objectives.

18 Dealing with complaints

18.1 Where a representation is made to the council, the council will consider whether it is valid. In determining whether a representation is valid the council will first consider if the complaint made is irrelevant, vexatious, frivolous or repetitious.

18.2 Where an interested party (such as a local resident, business or their representative) has made:

- a) valid representations about licensed premises; or
- b) a valid application for a licence to be reviewed then the council may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

18.3 This process will not override the right of any interested party to ask that the council consider their valid representations, or for any licence holder to decline to participate in a mediation meeting.

18.4 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident living in the vicinity of the premises, may ask the council to review the licence because of a matter arising at the



premises in connection with any of the four licensing objectives.

18.5 The council will review a licence where it is alleged that the licensing objectives are being breached and there is evidence to show this. The council will regard applications for the review of any premises licence, particularly seriously, where they involve evidence of:

- use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated or unlicensed films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- serious risks to children;
- use of licensed premises for unlawful gaming and gambling;
- use of licensed premises as a base for organised criminal activity;
- use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;

- use of licensed premises for the sale of smuggled tobacco or goods;
- the use of licensed premises for the sale of stolen goods;
- incidents of disorder;
- instances of public nuisance where there have been disregard to warnings;
- serious risks to public safety which the management is unable or unwilling to correct; or
- frequently operating outside permitted hours.

18.6 Where the council considers that action under its statutory powers is necessary it may seek to issue a warning, simple caution, prosecute or bring a licence before the committee to:

- modify the conditions of the premises licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for up to three months; or
- revoke the licence.

18.7 Interested parties (including residents) aggrieved by decisions of the council are entitled to appeal to the magistrates court.



19 Administration, exercise and delegations of functions

- 19.1** The licensing committee will consist of up to 15 councillors that may sit annually to discuss policy, review delegated decisions and administrative matters. The council will review this policy at least every three years. Any changes to the policy will include full consultation of all interested parties.
- 19.2** A subcommittee of three councillors will determine applications where representations have been received from interested parties and responsible authorities. Ward councillors will not serve on a subcommittee involving an application within their own ward.
- 19.3** The licensing committee will also deal with other licensing matters not associated with the Licensing Act 2003, such as massage and special treatments, street trading or Gambling Act, etc.
- 19.4** Where a councillor who is a member of a licensing committee or a subcommittee has had direct involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the premises licence in question.
- 19.5** Each decision of the licensing committee or its subcommittee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the council.
- 19.6** The council's authorised officers will deal with licence applications where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.
- 19.7** Council officers will make the decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.
- 19.8** The licensing committee will regularly receive, review, comment upon and consider other relevant policies relating to employment, transport, cultural development and community safety as far as they affect its licensing function.

Glossary

Appeals

Appeals against decisions of the licensing authority are to the magistrates' court for the area in which the premises are situated. The appeal must be lodged within 21 days of being notified of the council's decision. On appeal a magistrates' court may, dismiss the appeal; substitute its own decision; remit the case to the licensing authority with directions; and make an order for costs.

Designated premises supervisor

The person in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder themselves (who must also be a personal licence holder.)

Extended hours application

Any application that seeks to extend the hours of operation of the premises to which it relates. Whilst all applications will be thoroughly scrutinised with a view to the promotion of the licensing objectives, particular care might need to be taken when an extension of hours is requested. In such circumstances, there might be greater potential for impact on residential occupiers that might amount to a public nuisance. An hours restriction might be the only method of promoting the licensing objectives, particularly in the light of advice in PPG 24 Planning and Noise which recognises a distinction that noise might have on residential occupants between the hours of 11pm and 7am compared with the rest of the day.

Interested party

Residents and persons involved in businesses in the vicinity of premises where an application or premises licence or a qualifying club certificate has been made, or a body representing such persons. See **Vicinity**.

Late night refreshment premises.

Premises where refreshment is provided at any time between the hours of 11pm and 5am. This includes the supply of hot food or hot drink to members of the public whether for consumption on or off the premises.

Licensable activities

Those activities under the Licensing Act 2003, which require a licence from the council include the following:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; or
- the provision of late night refreshment.

Licensing authority

In the Licensing Act 2003 licensing authorities in London are defined as the councils of London boroughs.

Personal licences

A licence which:

- is granted by a licensing authority to an individual; and
- authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with the premises licence.

Regulated entertainment

Includes both entertainment and entertainment facilities, where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment (indoors and outdoors);
- a performance of live music;
- any playing of recorded music;
- a performance of dance; or
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox. A karaoke machine would constitute regulated entertainment and therefore require a licence. Musical instruments made available for members of the public would also constitute an entertainment facility.

Relevant representation

A representation by an interested party or a responsible authority that relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives.

Responsible authorities

These include:

- Chief Officer of Police;
- the fire authority;
- the enforcing authority for health and safety at work;
- the planning authority;
- the local authority responsible for minimising or preventing the risk of pollution or harm to human health;

- the recognised body responsible for the protection of children from harm;
- Trading Standards.

Special event

This definition relates to events that require a Promotion Event Risk Assessment Form 696 and 696A

A significant event will be deemed to be any occasion in a premises licensed under the provisions of the Licensing Act 2003, where there will be a live performer(s) – meaning musicians, DJs, MCs or other artiste; that is promoted in some form by either the venue or an outside promoter; where entry is either free, by invitation, pay on the door or by ticket.

Security Industry Authority (SIA)

An authority that implements the Private Security Industry Act 2001, their key role is managing and issuing of licences for people working in particular areas of the private security business, including door supervisors.

Variation

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours of operation of the premises, and change to the way the premises is to operate in regard to the operating schedule or a request to vary an existing condition attached to the premises licence.

Vicinity

Incidents regarded as being ‘in the vicinity’ of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. In addressing this matter, the council will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

Contact point

For further information about this policy please contact licensing@lbhf.gov.uk

or write to:

Licensing Section

Environmental Protection Division
5th Floor Town Hall Extension
London Borough of Hammersmith & Fulham
King Street
Hammersmith
London W6 9JU

Phone: 020 8753 1081

Fax: 020 8753 3922

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

If you would like any part of this document interpreted into your own language, please phone 020 8753 4040.

Albanian

Nëse e dëshironi cilëndo pjesë të këtij dokumenti të përkthyer në gjuhën tuaj, ju lutemi telefononi në numrin 020 8753 4040.

Amharic

ማንኛውም ክፍል የዚህ ሰነድ ወደ ምታውቀው ቋንቋ እንዲተርጎምልህ ከፈልግህ፣ እባክህ በቴሌፎን ቀጥሮ 020 8753 4040 ደውል።

Arabic

إذا كنت ترغب بالحصول على أي جزء من محتويات هذه الوثيقة بلغتك الأم، يرجى الاتصال برقم الهاتف 020 8753 4040.

Bengali

আপনি যদি আপনার নিজের ভাষাতে এই ডকুমেন্টের কোন অংশের অনুবাদ চান তাহলে দয়া করে 020 8753 4040 নম্বরে ফোন করুন।

Croatian

Ukoliko želite prijevod bilo kojeg dijela ovog dokumenta na jezik kojim Vi govorite, molimo nazovite telefonski broj 020 8753 4040.

Farsi

لطفاً اگر مایل هستید هر بخشی از این نوشتار به زبان شما ترجمه گردد، با شماره تلفن 020 8753 4040 تماس حاصل فرمایید.

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Portuguese

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Serbian

Ако желите да било који део овог документа буде преведен на ваш матерњи језик, молимо вас да назовете овај број телефона 020 8753 4040.

Somali

Haddii aad jeclaan lahayd in qayb walba oo kamid ah dukumintigan lagu turjumay luqaddaada, faclan soo wac telefoonka 020 8753 4040.

Spanish

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Urdu

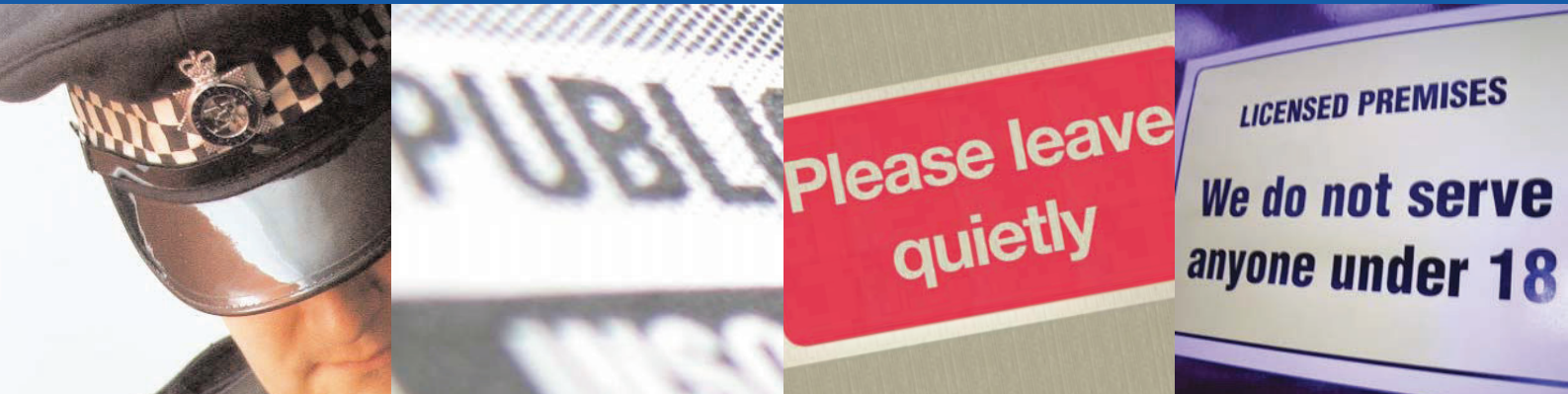
اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ آپ اپنی زبان میں حاصل کرنا چاہتے ہیں تو برائے مہربانی 020 8753 4040 پر فون کریں۔



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Report to Council

27 OCTOBER 2010

LEADER

Councillor Stephen Greenhalgh

TITLE: Sexual Establishment Venues and Sex Establishment Policy

WARDS
All

SUMMARY

In April 2010, section 27 of the Policing and Crime Act 2009, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, by introducing a new type of sex establishment called a 'sexual entertainment venue'.

The new legislation offers the Council and local residents greater power to control the number and location of lap dancing clubs and similar venues in the borough. If the Council wishes to adopt the powers offered by the legislation it needs to resolve to do so.

A draft Sex Establishment Policy was sent out for a 12 week consultation which began on 9 June 2010 and ended on 30 August 2010.

This report seeks the approval to exercise these powers and also upon the proposal to adopt a policy to reflect and set out the Council's position.

CONTRIBUTORS

RECOMMENDATION:

- | | |
|--|---|
| <p>Environment Services</p> <p>Finance and Corporate Services</p> <p>Legal and Democratic Services</p> | <ol style="list-style-type: none"> 1. That Full Council resolve that Schedule 3 (as amended) of the Local Government (Miscellaneous Provisions) Act 1982 shall apply to its area and shall come into force on 1 April 2011. 2. That Full Council adopt the levels of the appropriate maximum number of sex establishments within specified areas of the borough as set out at section 6 of the final draft Sex Establishment Policy. 3. That Full Council make regulations prescribing the standard conditions applicable to sex establishments. 4. That Full Council adopt the final draft Sex Establishment Policy. |
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1. INTRODUCTION

- 1.1 The amendments to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, made by section 27 of the Policing and Crime Act 2009 give the Council greater powers to control “sexual entertainment venues”. Currently a sex establishment licence is not required for such a venue where regulated entertainment (of an adult nature) is authorised by a premises licence issued under the Licensing Act 2003.
- 1.2 If the Council wishes to have the revised Schedule 3 apply to its area, it needs to make a resolution to that effect. If adopted, the revised legislation would offer the Council and local residents greater power to control the number and location of lap dancing clubs and similar venues in their local area.
- 1.3 Sex establishments are defined as:
 - **Sex Cinemas:** Cinemas that are used a significant degree for the exhibition of moving pictures, which are concerned, relate or deal primarily with the portrayal of, or are intended to stimulate or encourage sexual activity; or acts of force or restraint which are associated with sexual activity or genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.
 - **Sex Shops:** Businesses which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles or other things intended for use in connection with, or for the purpose of stimulating or encouraging: sexual activity and acts of force or restraint which are associated with sexual activity.
 - **Sexual Entertainment Venues:** Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser of the entertainer.
- 1.4 Relevant entertainment is ‘any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)’.
- 1.5 The definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:
 - Lap dancing
 - Pole dancing
 - Table dancing
 - Strip shows
 - Peep shows
 - Live sex shows

- 1.6 Currently the borough has three businesses that are currently operating as a sex establishment, as detailed below:

Name	Address	Description
Secrets	62 Glenthorne Road, London, W6 0LR	Lap Dancing Club
Simply Pleasure	123 Hammersmith Road, London, W14 0QL	Adult Sex Shop
Olympia	Olympia Exhibition Centre, Hammersmith Road, London, W14 8UX	Occasional Licence for Annual Erotica Exhibition

- 1.7 Once a resolution has been made that Schedule 3 applies to the borough, the Council can determine appropriate numbers of sex establishment venues for particular areas. It can also make regulations that certain standard conditions be applied to any licence.

2. REPORT

2.1 Resolution to adopt Schedule 3 (as amended) of the Local Government (Miscellaneous Provisions) Act 1982

- 2.1.1 If the proposals in this report are adopted by the Council for sexual entertainment venues, these provisions would allow the Council to refuse an application on wider grounds than is permitted under the Licensing Act 2003 and will give local people a greater say over the regulation of lap dancing and similar venues in the borough.
- 2.1.2 Grounds for refusal under the new legislation include the character of the relevant locality and the use to which any premises are put in the vicinity of the application site.
- 2.1.3 Some premises are currently licensed under the Licensing Act 2003 as “regulated entertainment” whereby local people can only object on the grounds of the four licensing objections, namely prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
- 2.1.4 Licence holders, licensed under the new provisions, will also be required to renew their licence at least every year, at which point local people will have the opportunity to raise objections.
- 2.1.5 There will be exemptions for premises where the relevant entertainment is provided infrequently, i.e. not more than eleven occasions in a twelve-month period, they must be greater than one month apart and must not last for more than 24 hours. These premises will still be regulated under the Licensing Act 2003 and would need to apply for a Temporary Events Notice (TEN).
- 2.1.6 Existing operators who hold a premises licence or club premises certificate under the Licensing Act 2003 will not be given preferential treatment or be automatically granted licences under the provisions of Schedule 3 of the 1982

Act. However they will be able to continue to operate over a 12-month transitional period starting from when the new provisions are adopted.

- 2.1.7 During the first six months of the transitional period existing and new operators can apply for a new licence. At the end of this period the licensing authority must consider all applications together and cannot grant any licences until all the applications have been considered. The number of licences may be limited by Council policy so it would be unfair to consider on a first come first served basis. Once considered the licensing authority can grant as many licences as it sees fit in accordance with the policy. After the first six months licences can still be applied for and each application must be considered individually on its own merit.
- 2.1.8 Any condition on an existing Premise Licence which relates exclusively to the relevant entertainment will be deemed to have been deleted from the premises licence at the end of the 12 month transitional period. Essentially, the condition will still appear upon the licence but will have no force. The relevant entertainment will be regulated by the conditions upon the new relevant entertainment licence. The conditions on the Premises Licence will continue to regulate the other licensable activities, such as alcohol sales or late night refreshment, (etc).

2.2 Sex Establishment Policy

- 2.2.1 Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 allows local authorities to refuse applications on the basis of 'relevant locality'. One of the powers given to a local authority is to prescribe the number of sex establishments, or the number of sex establishments of a particular kind within a "relevant" locality. It is proposed that the Council resolve to set the appropriate levels as contained at paragraph 6 of the Final draft Sex Establishment Licensing Policy attached at Appendix 1.
- 2.2.2 Once a sex establishment licence is granted the Council is able to impose terms, conditions and restrictions on a licence. The Council has the power to make regulations prescribing standard conditions applicable to sex establishment licences. It is proposed that the Council make such regulations, as set out at Appendix 2.

2.3 Consultation Process

- 2.3.1 The guidance issued relating to sex establishments does not stipulate that a consultation must be carried out before adopting Schedule 3 (as amended) of the Local Government (Miscellaneous Provisions) Act 1982. However, the Policing and Crime Act 2009, which amended Schedule 3, requires that if Schedule 3 (as amended) is not adopted within one year of it coming into force (by 6 April 2011) then the Council must, as soon as possible consult local residents about making such a resolution.
- 2.3.2 To avoid unnecessary duplication, the consultation was combined with the review of the Council's Statement of Licensing Policy. The 12 week consultation took place between 9 June 2010 and 30 August 2010. The draft

Sex Establishment Licensing Policy, the consultation letter at Appendix 3 together with the consultation questionnaire at Appendix 4 were sent to over 2000 stakeholders, advertised in h&f News and on the council website and placed on the council's consultation portal.

2.3.3 A number of bodies were consulted, including:

- Residents;
- H&F Council Trading Standards Team;
- H&F Council Environment Protection Team;
- H&F Council Commercial Services Team;
- H&F Council Planning Division;
- Councillors;
- Metropolitan Police;
- London Fire, Emergency and Planning Authority;
- Representatives of holders of premises licences in the borough;
- Representatives of holders of club premises certificates in the borough;
- Representatives of holders of personal licences in the borough;
- Representatives of residents and businesses in the area, including resident groups, tenants associations and societies;
- The Area Child Protection Committee; Health service including PCT, Accident and Emergency and the London Ambulance service;
- Neighbouring authorities;
- Chamber of Commerce;
- Drug and alcohol action team;
- Crime and Disorder Reduction Partnership; and
- Trade unions.

2.4 Summary of responses received from the consultation

2.4.1 The responses received between 9 June 2010 to 30 August 2010 from the consultation can be seen at Appendix 5. A total of 83 responses were received, nine were from Responsible Authorities (as defined by the Licensing Act 2003), five from Councillors and three from representative bodies.

2.4.2 The majority of respondents agreed that the Council should adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and should include the following information in the draft Sex Establishment Licensing Policy:

- a 'relevant locality' policy to seek to limit the number and type of establishments in each ward.
- the fact that it would be inappropriate to issue a licence near residential accommodation, schools or nurseries and youth clubs.
- the fact that it would be inappropriate to issue a licence near a place of worship, community centres and swimming pools.
- how to make objections.
- details of the application and hearing process for new, renewal, transfers and variation applications.
- a schedule of standard conditions.

- suitability of premises.
- fit and proper applicants.
- consultees and responsible authorities.

In particular it was noted:

- that relevant locality required clarity given that most of the borough is residential and on a school route.
- that Secrets is well run and since it opened in 1986 there have been few incidents of fights and scuffles or complaints received by the Division.
- that 37% of respondents agree that the proposal to charge an application fee of £16,688 was reasonable and the same percentage disagree. A comment was received from Simply Pleasure who consider that the fee of over £16K is unacceptable and outrageous, as it is suppose to be a not for profit making fee.
- Further additional comments/summary of responses are at Appendix 5.

2.5 Fees

2.5.1 The proposed fee for a new application takes into account the likelihood of a large number of objections and the impact that a contentious type of application would have on the Council's resources.

2.5.2 The amount charged when administering fees and in particular the process for charging fees must comply with the requirements of the EC Services Directive. In particular fees should be non discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible.

2.5.3 When setting fees, consideration can only be given to the following:

- Administration
- Initial visit(s)
- Third party costs
- Management costs; and
- Local democracy costs

2.5.4 LACORS guidance on how the EC Services Directive impacts on councils setting and administrating fees within the service sector has been attached at Appendix 6.

2.5.5 In view of this guidance it is considered that a reduced fee would be appropriate for renewal, transfer and variation applications, which will be agreed at the Council's next annual review of fees and charges.

2.6 The Environment and Residents Services Select Committee

2.6.1 A report was presented to the Committee, on 7 September 2010. The Committee resolved that the adoption of Section 27 of the Policing and Crime Act 2009 and the content of the draft Sex Establishment Policy be endorsed.

2.7 The Licensing Committee

- 2.7.1 A report was presented to the Committee on 12 October 2010, where it was resolved that the adoption of Section 27 of the Policing and Crime Act 2009 and the content of the draft Sex Establishment policy be endorsed.

2.8 Next steps

- 2.8.1 The 'transitional period' will last for 12 months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force (known as 'the 1st appointed day'). Six months following the 1st appointed day will be known as 'the 2nd appointed day' and the day on which the transitional period ends will be known as 'the 3rd appointed day' which is six months after the 2nd appointed day.

2.8.2 Existing Operators:

To allow time to comply with the new regime, existing operators, who immediately before the 1st appointed day, have a 2003 Act licence and who lawfully use premises as a sexual entertainment venue under that licence will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later.

2.8.3 New Applicants:

Applicants will be able to submit their application from the 1st appointed day onwards. No applications will be determined before the 2nd appointed day. After this day if a new applicant is granted a licence it will take immediate effect. If an existing operator is granted a licence it will not take effect until after the 3rd appointed day up to which point they can continue to operate under their existing premises licence or club premises licence.

3. RISK MANAGEMENT IMPLICATIONS

- 3.1 The adoption of Schedule 3 (as amended) is optional and is not mandatory. The Council could continue to licence lap dancing clubs and similar premises under the Licensing Act 2003. Similarly local authorities are not required to have a Sex Establishment Policy. The Council could adopt Schedule 3 and choose not to approve the draft Sex Establishment Policy.

However, if the Council has not adopted Schedule 3 (as amended) by April 2011 (a year after section 27 came into force) the Council would have to consult local people about whether such a resolution should be made.

- 3.2 A local authority can adopt a Sex Establishment Policy for the determination of applications, provided that the policy does not preclude the individual consideration of an application. The policy may also specify areas where applications are more or less likely to succeed and/or establish location

criteria relating to the character of a locality. This was referred to in the Court of Appeal case of R-v-Birmingham City Council ex parte Quietlynn Ltd.

- 3.3 The provisions contained in Schedule 3 of the 1982 Act are adoptive and there are prescribed procedures to be followed for adoption to be successful.
- 3.4 The Council must pass a resolution, adopting Schedule 3, specifying the day the provisions are to come into effect (this day can be no earlier than one month after the date of the resolution).
- 3.5 The Council must then publish a notice in a local newspaper in two consecutive weeks stating that they have passed such a resolution and its general effect. (The first notice must appear no later than 28 days before the date the provisions come into force).
- 3.6 Failure to follow the correct procedures could result in challenge against any subsequent decisions on enforcement action.

4. CONCLUSION

- 4.1 Adoption of Schedule 3 of the 1982 Act will mean that operators of premises providing “relevant entertainment”, such as lap dancing clubs will have to apply for a separate Sexual Entertainment Venue licence.
- 4.2 Careful consideration has been given to all consultation responses that have been made in response to the consultation exercise and amendments have been made to the Sex Establishment Policy.
- 4.3 The final draft Sex Establishment Licensing Policy attached at Appendix 1 includes all the changes made following the consultation responses.

5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 5.1 Currently the borough has a lap dancing club, a sex shop and an occasional licence for adult entertainment. This makes up a small contribution to the overall licensing income received by the Council. The adoption of schedule 3 (as amended) to the Local Government (Miscellaneous Provisions) Act 1982 will provide more flexibility in raising licence fees for such activities in the future.
- 5.2 The initial application fee reflects the high costs associated with the work involved in processing an abnormally high level of responses. A reduced renewal/variation fee would be consistent with other neighbouring boroughs.

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC) SERVICES

- 6.1 The Council's powers and responsibilities in connection with sex establishments including sexual entertainment venues are contained in the

Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27, Policing and Crime Act 2009.

- 6.2 If the Council chooses to adopt schedule 3 (as amended), it must publish a notice in a local newspaper for two consecutive weeks stating that it has passed the resolution, the first one being at least 28 days before the resolution comes into effect.
- 6.3 Under schedule 3 to the 1982 Act, the Council may also:
- a. resolve to set the levels of the appropriate maximum number of sex establishments within specified areas; and
 - b. resolve to make regulations prescribing standard conditions applicable to licences for sex establishments (See Appendix 2).

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1	List of consultees	Sanju Manji Ext 3392	PPS/ENV
2	Draft Sex Establishment Licensing Policy	Stephanie Needham Ext 4932	PPS/ENV
3	Home Office Sexual Entertainment Venues Guidance for England and Wales	Stephanie Needham Ext 4932	PPS/ENV
4	R-v-Birmingham ex parte Quietlynn Limited	Stephanie Needham Ext 4932	PPS/ENV
CONTACT OFFICER: Stephanie Needham		EXT : 020 8753 4932	

APPENDICES

- Appendix 1 Final draft Sex Establishment Licensing Policy
- Appendix 2 Draft Regulations, prescribing standard conditions applicable to licences for sex establishments
- Appendix 3 Consultation Letter
- Appendix 4 Consultation Questionnaire
- Appendix 5 Response to Consultation between 9 June 2010 to 30 August 2010
- Appendix 6 LACORS guidance on how the EC Services Directive impacts on councils setting and administrating fees within the service sector

Hammersmith and Fulham
Sex Establishment Policy
[DRAFT]

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1. Introduction

This document contains the policy of Hammersmith and Fulham Council on the regulation of Sex Establishments. This policy also encompasses Sexual Entertainment Venues, further to the Council adopting an amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 which reclassified these venues.

The scope of the policy covers new applications, renewal applications, transfer applications and variation applications for all types of sex establishments. A sex establishment licence shall remain in force for up to one year, or for a shorter period should the licensing authority think that it is appropriate.

2. Definitions

In this policy the following expressions have the meaning set out below:

- 2009 Act – The Policing and Crime Act 2009
- 1982 Act – The Local Government (Miscellaneous Provisions) Act 1982
- 2003 Act – The Licensing Act 2003
- Section 27 – Section 27 of the Policing and Crime Act 2009
- Schedule 3 – Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982

3. Other Definitions

Sexual Entertainment Venue (SEV):

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser of the entertainer.

Relevant entertainment:

The meaning of 'relevant entertainment' is 'any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)

The definition of relevant entertainment would apply to the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

Sex Establishments:

Sex Cinema, Sex Shop or SEV

Sex Shop:

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

(a) sex articles; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:

i) sexual activity

ii) acts of force or restraint which are associated with sexual activity.

Sex Cinema:

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which:

(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage:

i) sexual activity; or

ii) acts of force or restraint which are associated with sexual activity.

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

Sex article:

(a) anything made for use in connection with, or for the purpose of stimulating or encouraging:

i) sexual activity; or

ii) acts of force or restraint which are associated with sexual activity. **and**

(b) anything:

i) containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
ii) to any recording of vision or sound, which;

A) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or

B) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

4. Policing and Crime Act 2009

Section 27 of this Act introduced a new type of sex establishment called 'sexual entertainment venue'. This new category allows the Council to regulate lap dancing clubs and other similar venues under Schedule 3.

Previously a sex establishment licence was not usually required for striptease or lap dancing venues, as the relevant permissions for adult entertainment would have been included on a Premises Licence issued under the Licensing Act 2003.

5. Premises that are not sexual entertainment venues

Paragraph 2A (3) of Schedule 3 sets out those premises that are not sexual entertainment venues and these include sex shops and cinemas and those premises that provide relevant entertainment on an infrequent basis. Those premises that provide infrequent relevant entertainment will continue to be regulated under the 2003 Act either by virtue of a premises licence or club premises certificate or a temporary events notice.

6. Relevant Locality and the number of sex establishments considered appropriate

Paragraph 12(3)(c) of Schedule 3 allows local authorities to refuse applications on the basis of "relevant locality". As such a licence can be refused if when a licence application is considered the number of sex establishments, or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority would consider appropriate for that locality.

Paragraph 12 (3)(d) of Schedule 3 also states that the grant or renewal of the licence would be inappropriate, having regard to (i) the character of the relevant locality or (ii) the use to which any premises in the vicinity are put or (iii) the layout character or condition of the premises, vehicle, vessels or stall in respect of which the application is made.

Case law has determined that it is inappropriate for the Council to treat the whole of Hammersmith & Fulham as a relevant locality. However, the Council has determined that it is appropriate to consider each area type as a relevant locality and has considered, in respect of each area, the number of sex establishments that it believes to be an appropriate number for that area. Details can be seen at Annex 1.

Although the Council will look to its policy for guidance on applications, the information in this document will not prevent any individual application from being considered on its merits at the time the application is made.

In addition to the number of sex establishments within the borough the Council has decided that it would be inappropriate to issue a sex establishment licence within the "relevant locality" of the following:

- Purely or primarily residential accommodation
- Schools, play areas, nurseries, youth clubs, children's centres or similar places
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises

- Places of worship
- Community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing.
- Historic buildings or tourist attractions

The Council would also consider the following factors when deciding if an application were appropriate:

- Cumulative adverse impact of existing sex related licensed activities in the vicinity of the proposed premises
- Proximity to areas with the highest levels of recorded crime
- Whether the premises has met the relevant planning requirements
- Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant, and/or any reports received about the applicant from the police or other sources.

7. Renewal of a licence

Where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed, there will be a presumption to grant the renewal application. However, the Council will take into account:

- Levels of recorded crime and disorder in the area
- Evidence of past demonstrable impacts from the operation of the premises on the safety and amenity of local residents
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts.
- The number of complaints received by the Council and previous compliance with the terms and conditions of their licence during licensing inspections.
- Checks with other responsible authorities such as the Police and Environmental Protection to try and understand how effectively the premises had been managed in the past.

8. Variation or transfer of a licence

Where an application is made to vary a licence in terms of the activity, hours of operation or certain conditions as previously licensed or transfer a licence to another person (whether on renewal or not), the Council will take into account the criteria set out in the above mentioned points.

9. Determination of applications

Notwithstanding the factors mentioned in the paragraphs above a licence shall not be granted as a matter of law (paragraph 12, Schedule 3) in the following circumstances:

- To a person under the age of 18; or
- To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of Hammersmith and Fulham Council within the last 12 months; or
- To a person, other than a body corporate, who is not resident in an EEA State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
- To a body corporate which is not incorporated in an EEA State; or
- To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

The Council may refuse a licence where:

The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if they made the application themselves;

10. Schedule of standard conditions

The Council has made by Regulations the following standard conditions subject to which a licence shall be granted or renewed unless they are expressly excluded or varied by the Council when making its determination (paragraph 13 (4) of Schedule 3). See Annex 2.

11. Fees

The fees applied are laid out in the Council's Fees and Charges Schedule.

The fee for a new application takes into account the likelihood of a large number of objections and the impact that a contentious type of application would have on the Council's resources.

The amount charged when administering fees and in particular the process for charging fees must comply with the requirements of the EC Services Directive. In particular fees should be non discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible.

When setting fees consideration has been given to the following:

- Administration
- Initial visit(s)

- Third party costs
- Management costs; and
- Local democracy costs

12. Public Register

A public register will be made available and can be accessed on line on our Licensing webpage.

13. Making Applications

There are 4 types of application available to the applicant. These are:

1. New Application
2. Renewal Application
3. Transfer Application
4. Variation Application

The following sections provide information on the types of application and the documentation needed to be submitted with the application:

14. Application Requirements for a New Application

- An application for a new licence must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state:
 - (a) the full name of the applicant;
 - (b) his permanent address; and
 - (c) his age.
- An application made by a body corporate or an unincorporated body shall state—
 - (a) the full name of the body;
 - (b) the address of its registered or principal office; and
 - (c) the full names and private addresses of the directors or other persons responsible for its management.
- An application relating to premises shall state the full address of the premises.
- An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.
- The full application fee

Below is the criteria to be submitted with the application. This allows the Council and other responsible authorities e.g. the Police to determine whether the applicant and staff members are considered fit and proper, that the premises meet health and safety requirements and that there are no crime and disorder issues relating to the business.

- if the applicant is an individual, a birth certificate;
- if the applicant is an individual, a passport-size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- if the applicant is a company, a passport-size photograph of each of the Directors, the Company Secretary, or any other person responsible for the management of the company which must be dated and have the name of the person identified in the photograph printed on the back;
- a passport-size photograph of each person responsible for the management of the premises which must be dated and have the name of the person identified in the photograph printed on the back;
- a site plan at a scale of 1:1250;
- scale plans of the premises at a scale of 1:50, showing all means of ingress and egress to and from the premises, any parts used in common with other buildings and details of how the premises lie in relation to the street;
- drawings showing the front elevation as existing and as proposed at a scale of 1:50
- duly certified documents of title;
- if the applicant is a company, a certified copy of the resolution authorising the application;
- where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- if the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- if the applicant is a partnership, a certified copy of the Partnership Deed;
- The full application fee;
- a set of audited accounts for the business for the two complete trading years immediately preceding the date of the application.
- The applicant is also required to publish notice of the application. See section 18.

15. Application Requirements for a Renewal Application

- An application for a renewal must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- The full application fee
- provide a set of audited accounts of the business for the two complete trading years immediately prior the date of the application.
- The applicant is also required to publish notice of the application. See section 18.

16. Application Requirements for a Transfer Application

- An application for a transfer must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- The full application fee

- If the applicant is a limited company, a form provided by the Council which provides details of the company;
- If the applicant is an individual, a birth certificate;
- if the applicant is an individual, a passport-size photograph which must be dated and have the name of the person identified in the photograph printed on the back;
- duly certified documents of title;
- if the applicant is a company, a certified copy of the resolution authorising the application;
- where the business will be carried on by or on behalf of partners, the written authority for an application of those partners who are not themselves applicants;
- if the applicant is a company, copies of the Memorandum of Articles of Association of the company, the parent company and any ultimate holding company;
- if the applicant is a partnership, a certified copy of the Partnership Deed;
- The applicant is also required to publish notice of the application. See section 18.

17. Application Requirements for a Variation Application

- An application for a variation must be made on the form provided by the Council. This form must be completed in full. If not, it will be deemed invalid.
- The full application fee
- The applicant must also provide scale plans of the premises at a scale of 1:50, showing all means of ingress and egress to and from the premises, any parts used in common with other buildings and details of how the premises lie in relation to the street;
- The applicant is also required to publish notice of the application. See section 18.

18. Public Advertisement

Where applicable, applicants must:

- publish notice of the application identifying the premises in the local newspaper not later than 7 days after the date of the application. Failure to do so will make the application invalid. The applicant must then provide a copy of the newspaper in full as proof that the notice was given.
- The applicant must also display public notices identifying the premises at the premises in a location where it can be conveniently read by the public for a period of 21 days beginning on the date of application. The form of this notice will be provided by the Council. Failure to do so will make the application invalid. Following the 21 day period, the applicant (or applicant's representative) must provide an affidavit stating that the notice was displayed at the premises for the prescribed period.

Note: The applicant must serve the application on the Chief Officer of Police not later than 7 days after the date of application. Evidence the application was served on the Chief Officer of the Police must be supplied to the Licensing Authority.

19. Application Procedure

An application for a licence should be made on the statutory form. This can be completed on-line or printed off and posted to the licensing authority. The form of application shall be signed by the applicant, or a solicitor or other duly authorised agent acting on behalf of the applicant.

Any person over the age of 18 can apply for a licence provided they:

- a) are a resident of the UK; and
- b) have been a resident of the UK throughout the 6 month period preceding the application; and
- c) are not disqualified under paragraph 17(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; and
- d) have not been refused a grant or renewal application within the period of 12 months immediately preceding the date of the application.
- e) A body corporate can apply for a licence provided it was incorporated in the UK.

The application must be accompanied by a plan, please refer to the specific requirements for plans.

The applicant must pay a fee to accompany the application, the amount of which will depend on the application type.

If one or more of the application criteria are not met, the application will be deemed invalid and the applicant notified. The licensing authority will then allow the applicant to submit/resubmit the required documents. If these documents are provided within a reasonable length of time (to be determined by the Licensing Authority), the application will be deemed valid from the day they are received. The applicant will then be required to re-advertise the application at the premises and in the local newspaper, stating the new consultation period. See section 18.

If the reason for invalidity is not remedied within a reasonable length of time (to be determined by the Licensing Authority), the application will become invalid and will not be progressed any further. The applicant may apply for a refund of the application fee, which will be refunded in full minus the Council's costs. Should the applicant wish to gain a licence at any point in the future, he will have to submit a completely new application along with the relevant fee.

In addition to the notice given by the applicant at the premises and in the local newspaper the Council will:

- a) send notification of the application to local residents within a 30m radius of the premises; and
- b) fix a notice (or notices where appropriate) to the nearest lamp post(s) to the premises to which the application relates.

20. Responsible Authorities and Consultees

The **consultees** for this type of application are the professional bodies whose opinion the licensing authority considers in determining the application. These are:

- (a) Licensing Team
- (b) Trading Standards Team
- (c) Commercial Services Team
- (d) Environmental Protection Team
- (e) London Fire Brigade
- (f) Planning Division
- (g) Metropolitan Police Service
- (h) LSCB and Commissioning Officer

As part of the application process, one or more of the responsible authorities will inspect the premises as soon as is practicable after the receipt of the application. They will contact the applicant directly to arrange this. Once they have considered the application and/or made any necessary inspections or investigations they will inform the Licensing Authority whether or not they wish to make an objection.

Each authority has individual requirements that they will consider when deciding whether or not a premises is suitable or an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, an indication of what these are is as follows:

- Any unlicensed activity (whether or not formal enforcement action has been instigated).
- Compliant with their duties under the Health and Safety at Work etc Act 1974 and Food Safety Act 1990. This will ensure that the premises are safe to have members of the public on them, that maximum capacities are stated on the licence to minimise overcrowding, have sufficient heating, storage and food preparation facilities for caterers and adequate sanitary facilities.
- Noise and nuisance issues.

Observations and/or comments are then made in support of police representations or, in more serious cases, in the form of a formal objection under Schedule 3 paragraph 10(15) to the Local Government (Miscellaneous Provisions) Act 1982.

21. How to make an objection

Any person wishing to object to the application must give notice in writing to the Licensing Authority, stating in general terms the grounds of the objection, not later than 28 days after the date of application.

If an objection is made by a Residents' Association or Local Amenity Society it shall be confirmed at any licensing hearing that the objection has been formally authorised by that Association. This confirmation should be made by the Chairman, Secretary or other duly authorised officer of the Association.

Petitions shall bear the petition appeal on each page and a warning to potential signatories that a copy of the petition will be supplied by the Council to the applicant. Each person signing should also print his name and address. Each page of the petition should be dated.

Copies of the objections shall be forwarded onto the applicant by the Licensing Authority. However, all objections must remain anonymous and the Licensing Authority will not reveal the name or address of the objecting party without their consent.

A Councillor may also object to the application.

The applicant may respond in writing to any objections received against the application. The Case Officer will provide the objector with a copy of the response.

Unless the objection relates to the character of the applicant, the Case Officer may seek to mediate between the parties to see if agreement can be reached prior to a Licensing Sub-Committee hearing.

22. Hearings

Applications for renewal, transfer and variation applications may be granted under delegated authority without the need for a hearing provided no objections have been received against the application.

Following the end of the consultation period, applications for new licences will be referred to the Licensing Sub-Committee to be determined. Written notice of the hearing will be given to the applicant and all interested parties or responsible authorities who have made objections.

The Sub-Committee shall normally consist of three Members. However no business shall be transacted unless at least two members are present. The Councillor for the Ward in which the applicant's premises are situated or where either the applicant or the objectors live shall not normally sit on the Sub-Committee when that application is to be considered.

Under no circumstances shall applicants or objectors lobby members of the Sub-Committee determining the application although it is perfectly proper for the support of the Ward Councillor concerned to be sought.

At any time during the hearing, the Sub-Committee may seek advice or clarification of any procedural, technical or legal matter from the Legal and/or Policy Advisor or other relevant officer.

A report will be put before the Licensing Sub-Committee Members by the Case Officer. This report will contain any objections made by interested parties or responsible authorities, any response to the objections by the applicant and any relevant supporting evidence from either side. Any documentation for inclusion should be sent to the licensing service as soon as possible prior to the hearing. A copy of the report will be sent to the applicant and any objectors in advance of the meeting.

The report may or may not include the Case Officer's recommendation but if it does details of the recommendation and the grounds for it shall be supplied to the relevant parties as soon as possible.

Each party will be given the opportunity to present their arguments before the Licensing Sub-Committee. A party to the application may also call witnesses and will be given the opportunity to cross-examine any other party to the application. An objector may not raise any ground of objection not referred to in the written objection.

The applicant and the objector will be invited to attend the hearing in person.

If the application or objection is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall be present who is able to speak on behalf of the body corporate

In the case of the applicant, the representative must be empowered to supply any undertaking requested by the Sub-Committee or demonstrate that any conditions attached to the licence will be complied with.

All objectors and applicants are reminded that they can, if they wish, be legally represented, at their own expense, at the hearing. Alternatively they may if they wish ask a Councillor to represent them.

Where an objection has been lodged but the objector fails to attend, the Sub-Committee is required to have regard to it. In these circumstances the Sub-Committee will be prepared to hear and consider any evidence and arguments put forward by or on behalf of the applicant not only on general matters but also in relation to the objection(s) which have been received. In reaching its decision, the Sub-Committee will take into account the fact that any statements made by an objector(s) who is not present will not have been tested by questioning.

In addition to making an objection, a Councillor may either:

- (a) make a submission to the Sub-Committee; or
- (b) give evidence as a witness on behalf of any party at the hearing.

If a Councillor, who has not made an objection under the schedule, wishes to make a submission to the Sub-Committee, they may either address the Sub-Committee or may submit a written statement regardless of whether or not he/she is a witness called by any party as follows:

- (a) If the Councillor wishes to address the Sub-Committee this will normally be done after the Case Officer has introduced the report and called any evidence.
- (b) Alternatively the Councillor may, with the agreement of the Sub-Committee, address the Sub-Committee at a later stage in the proceedings. Where this happens an opportunity will be given to the other parties to comment on that submission and if necessary call fresh evidence.
- (c) Before a Councillor addresses the Sub-Committee he must first make a declaration that he has not previously discussed the application with the Members of the Sub-Committee and will take no part in the determination of the application.
- (d) Any evidence given by the Councillor in addressing the Sub-Committee will be subject to questioning by any party or by members of the Sub-Committee.
- (e) Any evidence given by the Councillor in addressing the Sub-Committee shall only relate to those matters already known to the applicant by way of the report or by reason of the notice required under paragraph (f) below.

- (f) Notice in writing of any evidence to be given by the Councillor in addressing the Sub-Committee shall be provided to the Case Officer at least 14 days before the date of the hearing, setting out in general terms the nature of the evidence.
- (g) If the submission is by way of written statement the Sub-Committee will take into account the fact that the Councillor was not available to be cross-examined in considering the weight to be attached to the submission.
- (h) A submission by way of written statement shall be provided to the Case Officer at least 14 days before the date of the hearing.
- (i) The Case Officer shall, on receipt of any notice under paragraph (f) above or a written submission under paragraph (h) above, send a copy to the applicant as soon as possible.
- (j) If a Councillor fails to comply with the time limits in paragraphs (f) or (h) above and there is an objection to the Councillor's submission being heard or admitted, the Sub-Committee may hear argument and may hear or admit the submission if it feels in all the circumstances it would be reasonable to do so.
- (k) Involvement by the Councillor under this rule is limited to making a submission. There is no right to question the parties or witnesses, to call witnesses or to make a closing address.

Note: For the avoidance of doubt this rule does not preclude a Councillor from representing and presenting the case on behalf of his constituents if they are persons who have objected in accordance with Schedule 3 paragraph 10(15) of the Act.

23. Decision

At the end of a hearing the Chairman may invite the Committee to pass a resolution under Section 12A of the Local Government Act 1972 to exclude the press and public so as to enable the Sub-Committee to deliberate in private. If the resolution is passed the Chairman will announce that the Sub-Committee will retire to another room and will return as soon as possible to announce its decision (which can be reached by majority decision). The Sub-Committee will normally be accompanied by the Committee Officer and the Legal and Policy advisers but the decision shall be arrived at by Members of the Sub-Committee only.

The Sub-Committee may decide to grant the application in whole or in part, to refuse the application, or to revoke a licence and if granting or varying a licence, may attach any conditions they consider appropriate.

Where the Sub-Committee decide to refuse the application, they may do so on any of the following grounds:

- (a) that the applicant for a new, renewal or transfer application is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

- (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- (c) for new or renewal applications, that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) for new or renewal applications, that the grant of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

24. Notification of the decision

All Licensing Sub-Committee decisions will be communicated in writing to the parties as soon as possible after the hearing.

If the licence is granted, the applicant will also receive a copy of the standard conditions relating to sex establishments (Annex 2) with their licence. These conditions apply to all issued licences.

Annex 1 – Number of sex establishments

Ward	Sex Shops	Sex Cinemas	Sexual Entertainment Venues
Collage Park and Old Oak	0	0	0
Wormholt and White City	0	0	0
Shepherd's Bush Green	0	0	0
Askew	0	0	0
Ravenscourt Park	0	0	0
Hammersmith Broadway	0	0	1
Addison	0	0	0
Avonmore and Brook Green	1		1 (Olympia)
Fulham Reach	0	0	0
North End	0	0	0
Fulham Broadway	0	0	0
Munster	0	0	0
Palace Riverside	0	0	0
Town Ward	0	0	0
Parsons Green and Walham	0	0	0
Sands End	0	0	0

Annex 2 - Schedule of standard conditions

Condition	Applicable to:
A copy of the Sex Establishment Licence and the standard conditions made by the authority must be kept exhibited in the public area of the premises.	All Sex Establishment premises
No person under 18 years of age to enter the premises.	All Sex Establishment premises
All customers appearing to be under the age of 21 to be required to provide proof of their age before being allowed access to the premises.	All Sex Establishment premises
No person under 18 years of age is to be employed in the business of the establishment.	All Sex Establishment premises
At all entrances there shall be prominently displayed, so as to be visible at all times to persons approaching the premises, a notice prohibiting entry to all persons under 18 years of age.	All Sex Establishment premises
The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and displays on business vehicles is strictly prohibited.	All Sex Establishment premises
The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.	All Sex Establishment premises
All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.	All Sex Establishment premises
The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc.	All Sex Establishment premises
The Licensee or a responsible person nominated by him in writing for the purpose and approved by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.	All Sex Establishment premises
No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.	Sexual entertainment venues

The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.	Sexual entertainment venues
The external appearance of the premises must be as approved by the Council and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.	All Sex Establishment premises
No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises.	All Sex Establishment premises
A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.	All Sex Establishment premises
The Licensee shall immediately notify the Council if he intends to cease trading from the premises.	All Sex Establishment premises
The Licensee shall inform the Council if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.	All Sex Establishment premises
The Licensee shall not in the conduct of the business employ any person:- Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority; Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority; The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the store in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises.	All Sex Establishment premises
The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under: <ul style="list-style-type: none"> ▪ The Obscene Publications Act, 1959, ▪ The Protection of Children Act, 1978, or ▪ The Customs and Excise Management Act, 1979 	All Sex Establishment premises
The windows of the premises must be such that there is no view from outside into the interior of the premises and no window display is to be permitted.	All Sex Establishment premises
A lobby area is to be installed with double doors so restricting the view into the premises when patrons are entering and leaving	All Sex Establishment premises
The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours	Sex Shop

CCTV is to be installed, operated and maintained to a standard agreed with by the Police and the Licensing Authority. The system is to include 31 day imaging storage and be available for inspection in accordance with the Police's requirement.	All Sex Establishment premises
All goods to be discreetly wrapped before leaving the premises.	Sex Shop
No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures.	Sex Shop
Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.	All Sex Establishment premises
There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.	Sexual Entertainment Venues
Any striptease entertainment must only be provided on a designated stage area, adjacent to tables where customers are seated and adjacent to the bar.	Sexual Entertainment Venues
Performances of striptease / lap dancing shall be undertaken only by the performers/entertainers, and the audience shall not be permitted to participate.	Sexual Entertainment Venues
No performer shall make physical contact with the breasts and / or genitalia of any other performer during a performance nor shall there be performances or demonstrations of simulated sex or related activities.	Sexual Entertainment Venues
When striptease entertainment takes place on the designated stage, it must be ensured that the performer has direct and clear access to the dressing room at the end of their performance. The access shall be maintained available without passing through or in close proximity to the audience.	Sexual Entertainment Venues
Nudity shall only be permitted by performers and not by customers	Sexual Entertainment Venues
It must be ensured that no performances of striptease, lap dancing or any other form of nudity can be seen from the street.	Sexual Entertainment Venues
The only physical contact permitted between customers and performers is <ul style="list-style-type: none"> ▪ the placing of money in a garter worn by a female performer or in the performer's hand at the conclusion of a performance. ▪ a brief handshake at the beginning or end of a performance. ▪ a kiss by the performer on the customer's cheek after the performer has replaced her clothing at the end of a performance. ▪ A notice repeating the precise wording of the above conditions shall be displayed at the entrance of the premises, at each table and in each bar area. 	Sexual Entertainment Venues

The only external advertising of the agreed activity at or in the immediate vicinity of the premises shall be one showcase measuring no more than 60cm by 45cm. No such advertising shall be sexually explicit or be likely to cause offence to a reasonable person.	Sexual Entertainment Venues
No payment may be made or offered to any person in any public place to encourage or persuade them to enter the premises	Sexual Entertainment Venues & Sex cinema
The licensee shall ensure that no music played in connection with the licensed activity is audible at or within the site boundary of any residential premises.	Sexual Entertainment Venues

LONDON BOROUGH OF HAMMERSMITH AND FULHAM

SEX ESTABLISHMENT REGULATIONS 2010

PRESCRIBING STANDARD CONDITIONS APPLICABLE TO LICENCES FOR SEX ESTABLISHMENTS

These Regulations are made under paragraph 13, Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

1. These Regulations shall be known as the “London Borough of Hammersmith and Fulham Sex Establishment Regulations 2010”.

Interpretation

2. “Sex establishment”, “sexual entertainment venue”, “sex shop” and “sex cinema” shall have the same meaning as that given to them in schedule 3 (as amended) to the Local Government (Miscellaneous Provisions) Act 1982.

Standard conditions

3. The conditions set out in column 1 of schedule 1 of these Regulations shall apply to licences granted for those types of sex establishments listed in column 2 of schedule 1.

SCHEDULE 1	
Condition	Applicable to:
A copy of the Sex Establishment Licence and the standard conditions made by the authority must be kept exhibited in the public area of the premises.	All Sex Establishment premises
No person under 18 years of age to enter the premises.	All Sex Establishment premises
All customers appearing to be under the age of 21 to be required to provide proof of their age before being allowed access to the premises.	All Sex Establishment premises
No person under 18 years of age is to be employed in the business of the establishment.	All Sex Establishment premises
At all entrances there shall be prominently displayed, so as to be visible at all times to persons approaching the premises, a notice prohibiting entry to all persons under 18 years of age.	All Sex Establishment premises
The Licensee shall not display outside, near to, or within the premises any advertising material, sign or pictorial display referring to the licensed premises or the goods, articles or services provided at the premises, in such a position or manner that it is visible to any person using adjacent highways, streets, footpaths or forecourts except any notice displaying the name or trading title of the Licensee, any Notice indicating the times of opening of the premises for business, any Notice required by any statute, regulation or bylaw applicable to the premises or business carried thereon or any notice prescribed by these conditions. The use of loudspeakers and	All Sex Establishment premises

displays on business vehicles is strictly prohibited.	
The licensed premises shall be so arranged by screening or obscuring windows, doors and other openings so that the interior of the licensed premises and the displays of articles sold at the premises shall not be visible at any time to persons outside the building. The external doors shall be fitted with automatic closing devices which shall be maintained in good working order.	All Sex Establishment premises
All refuse produced on the premises and materials, goods or articles discarded for any reason shall be securely stored within the premises and delivered in sealed containers to the refuse collection service.	All Sex Establishment premises
The Licensee shall make such provision for the reception of goods and articles for sale, hire, exchange, loan, demonstration or display on the premises so that they are received directly into the premises and not subject to storage for any period of time on any pavement, footpath, forecourt or yard nor in any vessel or vehicle, etc.	All Sex Establishment premises
The Licensee or a responsible person nominated by him in writing for the purpose and approved by the Council shall be in charge of and upon the licensed premises during the whole time they are open to the public. Such written nominations shall be continuously available for inspection by authorised officers of the Council or the Police.	All Sex Establishment premises
No part of the premises shall be used by prostitutes (male or female) for the purpose of solicitation or of otherwise exercising their calling or profession.	Sexual entertainment venues
The Licensee shall ensure that no employee or other person shall seek to obtain custom for the premises by means of personal solicitation outside or in the vicinity of the premises.	Sexual entertainment venues
The external appearance of the premises must be as approved by the Council and neither the interior nor the exterior of the premises shall be altered without the approval of the Council.	All Sex Establishment premises
No advertisements, other than advertisements relating to other licensed sex establishments or relating to goods sold from the premises, shall be displayed in the premises.	All Sex Establishment premises
A record shall be kept of all mail order transactions (if any) in such form as agreed by the Council.	All Sex Establishment premises
The Licensee shall immediately notify the Council if he intends to cease trading from the premises.	All Sex Establishment premises

<p>The Licensee shall inform the Council if he is convicted under the Obscene Publications Act, 1959, the Protection of Children Act, 1978, or the Customs and Excise Management Act, 1979 or if an order for forfeiture is made under the Obscene Publications Act, 1959 following the service of a summons on the Licensee. The Council will take into consideration any such conviction or orders for possible revocation or non-renewal of the licence.</p>	<p>All Sex Establishment premises</p>
<p>The Licensee shall not in the conduct of the business employ any person:-</p> <p>Whose application for a licence to carry on a sex establishment, or renewal thereof, has been refused by the Council or any other licensing authority;</p> <p>Whose licence to carry on the business of a sex establishment has been revoked by the Council or any other licensing authority;</p> <p>The name, address, date of birth and details of any criminal convictions of all individuals who will have responsibility for the operation or management of the store in the absence of the licence holder are to be provided to the Licensing Authority prior to such persons commencing their role at the premises.</p>	<p>All Sex Establishment premises</p>
<p>The Licensee shall not, in the conduct of the business, employ any person who has a criminal conviction or simple caution under:</p> <ul style="list-style-type: none"> ▪ The Obscene Publications Act, 1959, ▪ The Protection of Children Act, 1978, or ▪ The Customs and Excise Management Act, 1979 	<p>All Sex Establishment premises</p>
<p>The windows of the premises must be such that there is no view from outside into the interior of the premises and no window display is to be permitted.</p>	<p>All Sex Establishment premises</p>
<p>A lobby area is to be installed with double doors so restricting the view into the premises when patrons are entering and leaving</p>	<p>All Sex Establishment premises</p>
<p>The premises shall not, for any purpose of the licence, be opened before 0900 hours and shall not be kept open beyond 2300 hours</p>	<p>Sex Shop</p>
<p>CCTV is to be installed, operated and maintained to a standard agreed with by the Police and the Licensing Authority. The system is to include 31 day imaging storage and be available for inspection in accordance with the Police's requirement.</p>	<p>All Sex Establishment premises</p>
<p>All goods to be discreetly wrapped before leaving the premises.</p>	<p>Sex Shop</p>
<p>No part of the premises is to be used for the showing of recorded videos, DVDs or other moving pictures.</p>	<p>Sex Shop</p>
<p>Any breach of or failure to comply with the Conditions attached to this Licence may result in the revocation of the Licence.</p>	<p>All Sex Establishment premises</p>
<p>There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.</p>	<p>Sexual Entertainment Venues</p>

Any striptease entertainment must only be provided on a designated stage area, adjacent to tables where customers are seated and adjacent to the bar.	Sexual Entertainment Venues
Performances of striptease / lap dancing shall be undertaken only by the performers/entertainers, and the audience shall not be permitted to participate.	Sexual Entertainment Venues
No performer shall make physical contact with the breasts and / or genitalia of any other performer during a performance nor shall there be performance or demonstrations of simulated sex or related activities.	Sexual Entertainment Venues
When striptease entertainment takes place on the designated stage, it must be ensured that the performer has direct and clear access to the dressing room at the end of their performance. The access shall be maintained available without passing through or in close proximity to the audience.	Sexual Entertainment Venues
Nudity shall only be permitted by performers and not by customers	Sexual Entertainment Venues
It must be ensured that no performances of striptease, lap dancing or any other form of nudity can be seen from the street.	Sexual Entertainment Venues
The only physical contact permitted between customers and performers is: <ul style="list-style-type: none"> ▪ the placing of money in a garter worn by a female performer or in the performer's hand at the conclusion of a performance. ▪ a brief handshake at the beginning or end of a performance. ▪ a kiss by the performer on the customer's cheek after the performer has replaced her clothing at the end of a performance. ▪ A notice repeating the precise wording of the above conditions shall be displayed at the entrance of the premises, at each table and in each bar area. 	Sexual Entertainment Venues
The only external advertising of the agreed activity at or in the immediate vicinity of the premises shall be one showcase measuring no more than 60cm by 45cm. No such advertising shall be sexually explicit or be likely to cause offence to a reasonable person.	Sexual Entertainment Venues
No payment may be made or offered to any person in any public place to encourage or persuade them to enter the premises	Sexual Entertainment Venues & Sex cinema
The licensee shall ensure that no music played in connection with the licensed activity is audible at or within the site boundary of any residential premises.	Sexual Entertainment Venues

The above Regulations were made by the London Borough of Hammersmith and Fulham on 27th October 2010

Sealed by the council

8th June 2010

Trading Name:

Address:

When telephoning please ask
for the **Licensing Section**

E-mail: licensing@lbhf.gov.uk

Dear Sir/Madam

Consultation on the revised Statement of Licensing Policy 2010

**Consultation on the draft Sex Establishment Licensing Policy and adoption of
Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982**

The Licensing Act 2003 requires all Licensing Authorities to review and re-publish its licensing policy every three years. As part of this process Hammersmith & Fulham Council is now consulting on the future of our licensing policy.

The last three years have seen major changes in licensing laws and in order to maintain an open, fair and transparent licensing process we would like you to let us know any issues or comments that you may have on our proposed amendments and also your views on anything you would like to see amended or any improvements you think could be made.

Our current Statement of Licensing Policy can be found at the following link:

http://www.lbhf.gov.uk/Images/FINAL_PRINT_VERSION_OF_POLICY_2007_tcm21-95011.pdf

In April 2010, section 27 of the Policing and Crime Act 2009, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, by introducing a new type of sex establishment called 'sexual entertainment venues', giving local authorities more powers to control the number and location of lap dancing clubs and similar venues in their local area.

Previously a sex establishment licence was not usually required for striptease or lap dancing venues, as the relevant permissions for adult entertainment would have been included on a Premises Licence issued under the Licensing Act 2003.

These new powers are not mandatory and will only apply where they are adopted by the Council. Where adopted, these provisions will allow the council to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 and will give local people a greater say over the regulation of lap dancing and similar venues in the borough.

Please turnover

Director of Environment
Nigel Pallace

The Council would like to make a resolution to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the provisions introduced by section 27 and would like to seek the views of anyone who lives or works in the London Borough of Hammersmith & Fulham.

Both consultation questionnaires are now available on the website for you to view and provide your feedback. You can access the consultation documents by going to the council website at www.lbhf.gov.uk, selecting "Say it" from the top right hand side and clicking "Consultations". Alternatively you can go to any of the links below:

http://www.citizenspace.com/local/lbhf/Licensing_Act_Review_2010

http://www.citizenspace.com/local/lbhf/Sex_Entertainment_Licensing_Policy

Questionnaires must be completed by: **5 pm on the 30th August 2010**

Thank you for taking the time to participate in this consultation process and I look forward to receiving your comments. Please remember to provide paragraph numbers when commenting on individual sections where possible.

If you do not have access to the internet you can request a hard copy of the consultation documents.

To request a hard copy of the consultation documents for the consultation on the Revised Statement of Licensing Policy 2010, please contact me on 020 8753 3392.

To request a hard copy of the consultation documents for the consultation on the draft Sex Establishment Licensing Policy and adoption of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, please contact Stephanie Needham, Commercial Services Manager on 020 8753 4932.

It is important we get our local licensing policy right to ensure businesses have every opportunity to prosper, whilst local residents are protected.

Thank you for taking the time to share your views.

Yours faithfully



Sanju Manji
Trading Standards & Licensing Manager

Sex Entertainment Venues & Sex Establishment Licensing Policy - Consultation

In April 2010, section 27 of the Policing and Crime Act 2009, amended Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, by introducing a new type of sex establishment called 'sexual entertainment venues', giving local authorities more powers to control the number and location of lap dancing clubs and similar venues in their local area.

Similar venues would include venues providing 'any live performance or live display of nudity which is of such a nature that, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means) and includes: Lap dancing, Pole dancing, Table dancing, Strip shows, Peep shows and Live sex shows.

Previously a sex establishment licence was not normally required for striptease or lap dancing venues, where the relevant permissions for adult entertainment would have been included on a Premises Licence issued under the Licensing Act 2003.

These new powers are not mandatory and will only apply where they are adopted by the Council. Where adopted, these provisions will allow the council to refuse an application on potentially wider grounds than is permitted under the Licensing Act 2003 and will give local people a greater say over the regulation of lap dancing and similar venues in the borough.

The Council is considering making a resolution to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the provisions introduced by section 27 and would like to seek the views of anyone who lives or works in the London Borough of Hammersmith & Fulham.

We value your views and should you wish to make any comments about our draft Sex Establishment Licensing Policy or the decision to adopt the new provisions, please use the questionnaire below to submit them. We ask when making comments you specifically refer to the paragraph numbers in our policy so that we can identify what aspect of the policy your comments relate to. In order to be considered all comments must be received by:

5 pm on the 30th August 2010

The Sex Establishment Licensing Policy can be accessed by clicking here

The consultation response questionnaire can be accessed by clicking here

If you have any queries relating to the above please contact:

Stephanie Needham
Commercial Services Manager

Email: stephanie.needham@lbhf.gov.uk
Tel: 0208 753 4992

or you can send a query to our inbox licensing@lbhf.gov.uk

This questionnaire is aimed at all residents, the licensed trade, other local businesses and any other representative bodies with an interest in sexual entertainment venues.

Some questions may be of greater relevance to licence holders and authorities such as the Metropolitan Police.

Please state whether you are a:

Resident

Councillor

A business in the borough providing licensable activities

A business in the borough NOT providing licensable activities

Responsible authority

Representative body

Other

ADOPTION OF SCHEDULE 3, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

1. Do you agree that it is a good idea for the Council to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the provisions introduced by s.27 of the Policing and Crime Act 2009?

Yes No Not Sure

GENERAL

2. Do you feel that the draft Sex Establishment Licensing Policy is clearly written and easy to understand?

Yes No Not Sure

3. Do you think that the length of the draft Sex Establishment Licensing Policy is:

Too long Too short About right

DEFINITIONS

4. Do you think that it is useful to include definitions of sex establishments in the main body of the draft Sex Establishment Licensing Policy?

Yes No Not Sure

RELEVANT LOCALITY

5. Do you think that it is a good idea for the council to operate a “relevant locations” policy which limits the number and type of sex establishments permitted within the borough?

Yes No Not Sure

6. Do you think that it would be useful to include a map, indicating the different wards, in the draft Sex Establishment Licensing Policy?

Yes No Not Sure

7. Do you agree that it is inappropriate to issue a licence for a sex establishment licence, within the relevant locality of the following:

a) Near purely or primarily residential accommodation?

Yes No Not Sure

b) Near schools, play areas, nurseries, youth clubs, children’s centres or similar places?

Yes No Not Sure

c) Near access routes to and from schools, play areas, nurseries, children’s centres or similar premises?

Yes No Not Sure

d) Near places of worship?

Yes No Not Sure

e) Near community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing?

Yes No Not Sure

f) Near historic buildings or tourist attractions?

Yes No Not Sure

SUITABILITY OF PREMISES

8. Do you think that the council should consider the following factors, when deciding if an application is appropriate?

a) Cumulative (collective) adverse impact of existing sex related licensed activities in the vicinity of the proposed premises?

Yes No Not Sure

b) Proximity to areas with the highest levels of recorded crime?

Yes No Not Sure

c) Whether the premises has met the relevant planning requirements?

Yes No Not Sure

d) Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant, and/or any reports received about the applicant from the Police or other sources.

Yes No Not Sure

FIT AND PROPER APPLICANTS

9. Each local authority has individual requirements that they will consider when deciding whether or not an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, do you think that it would be useful to provide information in the draft Sex Establishment Licensing Policy about what this council will require?

Yes No Not Sure

POOL OF CONDITIONS

10. We have included a "Schedule of a pool of conditions". Do you think that it is useful to include this information in the draft Sex Establishment Licensing Policy?

Yes No Not Sure

CONSULTEES AND RESPONSIBLE AUTHORITIES

11. Do you think that it would be useful to include details of the consultees and responsible authorities used for this type of application in the draft Sex Establishment Licensing Policy?

Yes No Not Sure

APPLICATIONS

12. Do you think that it would be useful to include details of the application process for new, renewal transfer and variation applications in this draft Sex Establishment Licensing Policy?

Yes No Not Sure

OBJECTIONS

13. Do you think that it would be useful to include details of how to make objections in this draft Sex Establishment Licensing Policy?

Yes No Not Sure

HEARINGS

14. Do you think that it would be useful to include details of the hearings process for new, renewal transfer and variation applications in this draft Sex Establishment Licensing Policy?

Yes No Not Sure

FEES

15. We currently charge £16,688 to licence sex establishments. Do you think this is reasonable?

Yes No Not Sure

MISCELLANEOUS

16. If you would like to make any other comments around this consultation on this draft Sex Establishment Licensing Policy please detail them below.

Comments:

Sex Entertainment Venues and Sex Establishment Licensing Policy Consultation

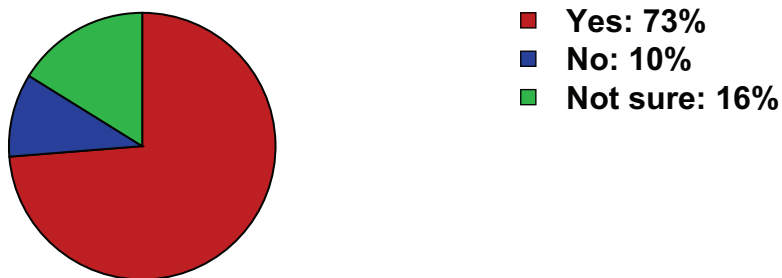
Sex establishment licensing policy consultation

Overview

From **09/06/2010** to **30/08/2010**, London Borough of Hammersmith & Fulham ran a consultation entitled '*Sex Entertainment Venues and Sex Establishment Licensing Policy Consultation*'. This report covers the online element of the consultation process, which was run from http://www.citizenspace.com/local/lbhf/Sex_Entertainment_Licensing_Policy

Topic 1: ADOPTION OF SCHEDULE 3, LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

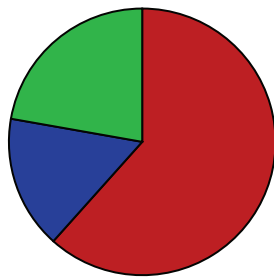
Q1: Do you agree that it is a good idea for the Council to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the provisions introduced by s.27 of the Policing and Crime Act 2009?



Option	Value	Percentage
Yes	55	73%
No	8	10%
Not sure	12	16%
Total	75	

Topic 2: GENERAL

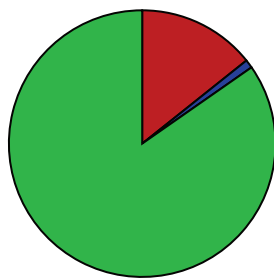
Q1: Do you feel that the draft Sex Establishment Licensing Policy is clearly written and easy to understand?



- **Yes: 61%**
- **No: 16%**
- **Not sure: 22%**

Option	Value	Percentage
Yes	38	61%
No	10	16%
Not sure	14	22%
Total	62	

Q2: Do you think that the length of the draft Sex Establishment Licensing Policy is:

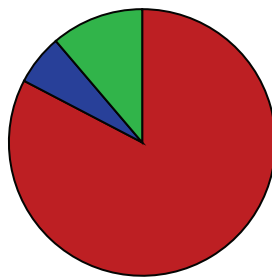


- **Too long: 14%**
- **Too short: 1%**
- **About right: 83%**

Option	Value	Percentage
Too long	9	14%
Too short	1	1%
About right	51	83%
Total	61	

Topic 3: DEFINITIONS

Q1: Do you think that it is useful to include definitions of sex establishments in the main body of the draft Sex Establishment Licensing Policy?

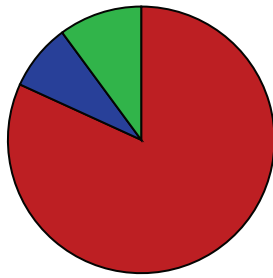


■ **Yes: 81%**
■ **No: 6%**
■ **Not sure: 11%**

Option	Value	Percentage
Yes	50	81%
No	4	6%
Not sure	7	11%
Total	61	

Topic 4: RELEVANT LOCALITY

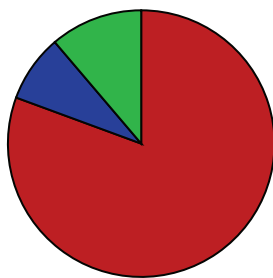
Q1: Do you think that it is a good idea for the council to operate a “relevant locations” policy which limits the number and type of sex establishments permitted within the borough?



■ **Yes: 81%**
■ **No: 8%**
■ **Not sure: 10%**

Option	Value	Percentage
Yes	48	81%
No	5	8%
Not sure	6	10%
Total	59	

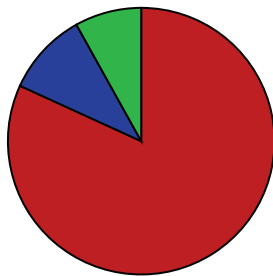
Q2: Do you think that it would be useful to include a map, indicating the different wards, in the draft Sex Establishment Licensing Policy?



■ **Yes: 79%**
■ **No: 8%**
■ **Not sure: 11%**

Option	Value	Percentage
Yes	47	79%
No	5	8%
Not sure	7	11%
Total	59	

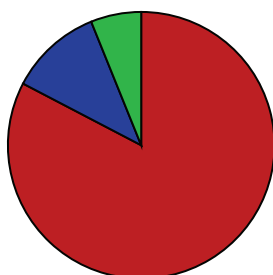
Q3: Do you agree that it is inappropriate to issue a licence for a sex establishment licence, near purely or primarily residential accommodation?



■ **Yes: 81%**
■ **No: 10%**
■ **Not sure: 8%**

Option	Value	Percentage
Yes	48	81%
No	6	10%
Not sure	5	8%
Total	59	

Q4: Do you agree that it is inappropriate to issue a licence for a sex establishment licence, near schools, play areas, nurseries, youth clubs, children’s centres or similar places?

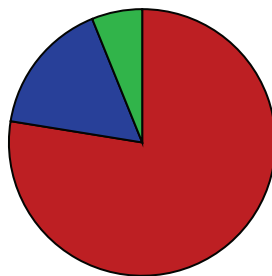


■ **Yes: 81%**
■ **No: 11%**
■ **Not sure: 6%**

Option	Value	Percentage
Yes	48	81%
No	7	11%

Not sure	4	6%
Total	59	

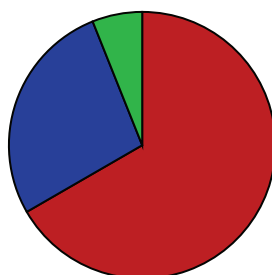
Q5: Do you agree that it is inappropriate to issue a licence for a sex establishment licence, near access routes to and from schools, play areas, nurseries, children’s centres or similar premises?



■ **Yes: 76%**
■ **No: 16%**
■ **Not sure: 6%**

Option	Value	Percentage
Yes	45	76%
No	10	16%
Not sure	4	6%
Total	59	

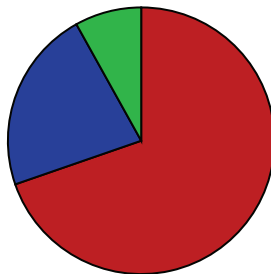
Q6: Do you agree that it is inappropriate to issue a licence for a sex establishment licence, near places of worship?



■ **Yes: 66%**
■ **No: 27%**
■ **Not sure: 6%**

Option	Value	Percentage
Yes	39	66%
No	16	27%
Not sure	4	6%
Total	59	

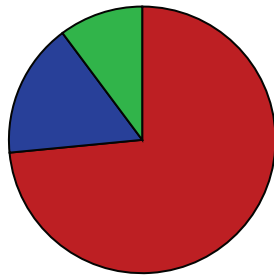
Q7: Do you agree that it is inappropriate to issue a licence for a sex establishment licence, near community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing?



■ **Yes: 69%**
■ **No: 22%**
■ **Not sure: 8%**

Option	Value	Percentage
Yes	41	69%
No	13	22%
Not sure	5	8%
Total	59	

Q8: Do you agree that it is inappropriate to issue a licence for a sex establishment licence, near historic buildings or tourist attractions?

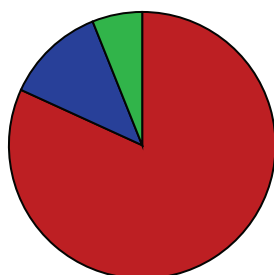


- **Yes: 72%**
- **No: 16%**
- **Not sure: 10%**

Option	Value	Percentage
Yes	43	72%
No	10	16%
Not sure	6	10%
Total	59	

Topic 5: SUITABILITY OF PREMISES

Q1: Cumulative (collective) adverse impact of existing sex related licensed activities in the vicinity of the proposed premises?

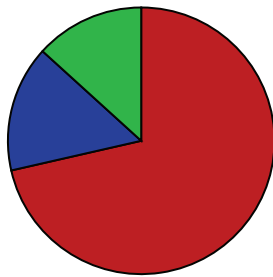


- **Yes: 81%**
- **No: 12%**
- **Not sure: 6%**

Option	Value	Percentage
Yes	47	81%
No	7	12%

Not sure	4	6%
Total	58	

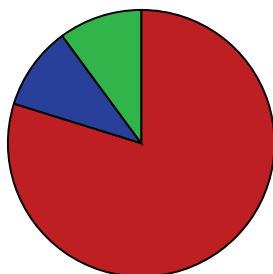
Q2: Proximity to areas with the highest levels of recorded crime?



- **Yes: 70%**
- **No: 15%**
- **Not sure: 13%**

Option	Value	Percentage
Yes	41	70%
No	9	15%
Not sure	8	13%
Total	58	

Q3: Whether the premises have met the relevant planning requirements?

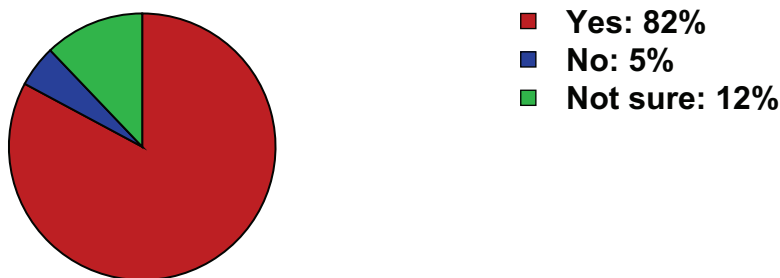


- **Yes: 79%**
- **No: 10%**
- **Not sure: 10%**

Option	Value	Percentage
Yes	46	79%

No	6	10%
Not sure	6	10%
Total	58	

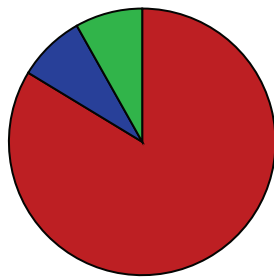
Q4: Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant, and/or any reports received about the applicant from the Police or other sources.



Option	Value	Percentage
Yes	48	82%
No	3	5%
Not sure	7	12%
Total	58	

Topic 6: FIT AND PROPER APPLICANTS

Q1: Each local authority has individual requirements that they will consider when deciding whether or not an applicant is fit and proper to hold a licence. Whilst the Act allows objections to be made on any grounds, do you think that it would be useful to provide information in the draft Sex Establishment Licensing Policy about what this council will require?

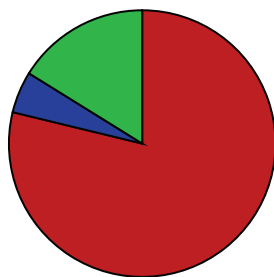


■ **Yes: 82%**
■ **No: 8%**
■ **Not sure: 8%**

Option	Value	Percentage
Yes	46	82%
No	5	8%
Not sure	5	8%
Total	56	

Topic 7: STANDARD CONDITIONS

Q1: We have included a “Schedule of standard conditions”. Do you think that it is useful to include this information in the draft Sex Establishment Licensing Policy?



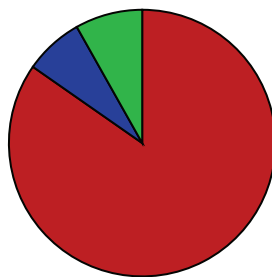
■ **Yes: 78%**
■ **No: 5%**
■ **Not sure: 16%**

Option	Value	Percentage
Yes	44	78%
No	3	5%

Not sure	9	16%
Total	56	

Topic 8: CONSULTEES AND RESPONSIBLE AUTHORITIES

Q1: Do you think that it would be useful to include details of the consultees and responsible authorities used for this type of application in the draft Sex Establishment Licensing Policy?

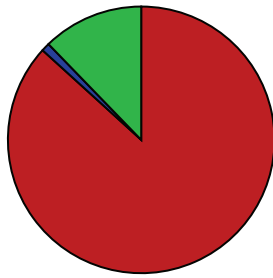


- Yes: 83%
- No: 7%
- Not sure: 8%

Option	Value	Percentage
Yes	47	83%
No	4	7%
Not sure	5	8%
Total	56	

Topic 9: APPLICATIONS

Q1: Do you think that it would be useful to include details of the application process for new, renewal transfer and variation applications in this draft Sex Establishment Licensing Policy?

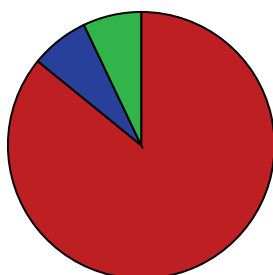


- **Yes: 85%**
- **No: 1%**
- **Not sure: 12%**

Option	Value	Percentage
Yes	48	85%
No	1	1%
Not sure	7	12%
Total	56	

Topic 10: OBJECTIONS

Q1: Do you think that it would be useful to include details of how to make objections in this draft Sex Establishment Licensing Policy?



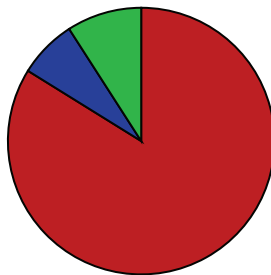
- **Yes: 85%**
- **No: 7%**
- **Not sure: 7%**

Option	Value	Percentage
Yes	47	85%
No	4	7%

Not sure	4	7%
Total	55	

Topic 11: HEARINGS

Q1: Do you think that it would be useful to include details of the hearings process for new, renewal transfer and variation applications in this draft Sex Establishment Licensing Policy?

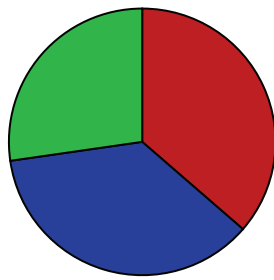


- **Yes: 83%**
- **No: 7%**
- **Not sure: 9%**

Option	Value	Percentage
Yes	46	83%
No	4	7%
Not sure	5	9%
Total	55	

Topic 12: FEES

Q1: We currently charge £16,688 to licence sex establishments. Do you think this is reasonable?



- **Yes: 36%**
- **No: 36%**
- **Not sure: 27%**

Option	Value	Percentage
Yes	20	36%
No	20	36%
Not sure	15	27%
Total	55	

Topic 13: MISCELLANEOUS

Q1: If you would like to make any other comments around this consultation on this draft Sex Establishment Licensing Policy please detail them below.

There are 50 responses to this question. Please see Appendix A for the text of these responses.

Appendix A

If you would like to make any other comments around this consultation on this draft Sex Establishment Licensing Policy please detail them below.

1. I frankly think they lead to sexual frustration and hate of women because the men feel teased. Sexual attacks will increase so I actually would like them banned, or at least their activities forced to be ultra tame and 60 percent of their profits given to rape crisis and entry fee at least 200 pounds. This may all sound extreme but we really should not have sex establishments in residential boroughs, it will also bring prostitution. They will endanger women in the borough.

2. Should be more expensive to buy licence.

3. Most of what has been suggested seems to be common sense and should be implemented in the Licensing Policy document. Strict controls on what goes on inside these establishments should be observed by the Police on an irregular basis, even undercover if deemed necessary. Any infringement of the rules should be stamped on immediately, with the appropriate penalties meted out with a clear understanding that this will end in licence revocation if repeated, with no appeal.

4. These establishments are primarily about sexual exploitation of both men and women and should have the most stringent licensing condition particularly in the residential districts of this borough. They also have a history of attracting serious antisocial behaviour in terms of late night noise & disturbance, and in some cases drug distribution and prostitution.

5. We need to change perceived attitudes about these types of establishments which denigrate women. Generally, permission should not be given and never near a residential area, church, school or other establishments mentioned in your list.

6. I think that Hammersmith and Fulham Council should adopt the Sex Establishment Licensing Policy and impose more control. I accept there may be a demand for these clubs but then enforce the regulations more strictly. Not in residential areas, avoid proximity to religious and child-activity buildings and mainly increase the licence charge. £16,688 is far too low - that works out at £46 a night: the price of a lap dance?

7. The Licence fee for Sex Establishments should be higher.

8. Fees could be a lot higher. In general these establishments should be severely restricted, particularly around residential areas.

9. I have lived in Carthew Road since 1986. Since 'Secrets' opened - I have noticed fewer incidents of fights and scuffles in the street, vomit and blood on the pavement and noise in the later hours. The pubs which were on the site previously were rough pubs, with no doormen and much more hassling of women who passed by. I am much happier to pass Secrets, late at night, as it is well run (as far as I can see from the outside), the doormen are vigilant and the customers arrive and leave quietly (almost surreptitiously) getting into their waiting taxis or cars with drivers and leaving with no trouble. I have never been hassled as I pass by. When I have met the girls working there on the way to the tube (my occasional very early morning on the way to work - their late night, on the way home from work) I have found them to be sober, educated and

probably good citizens. In fact a few have been students paying their way through medicine or legal degree courses. Perhaps we should look at this in a practical light before we rush into a 'not in my back yard' response. I am not troubled by Secrets - and if we can keep the same respect for the neighbours (signs asking for quiet leaving, no litter or vomit on the pavement, doormen who encourage quiet arrival and leaving etc) then I would not mind similar establishments in my area. Not too many, mind, but they have to go somewhere.

10. the main reason i am interested in this issue is that i live on edith road where the crescent club (has been renamed roots & kultured) exists right across the road. i am apalled that such a venue exists in this neighbourhood which is primarily residential. it brings the tone of the area right down. for such a centrally located place the license should be given to a gastro-pub (i saw a very good example of "the jam tree" not that far away) or a decent restaurant/coffee shop.

11. Hammersmith and Fulham Council must adopt the Sex Establishment Licensing Policy. Lap dancing clubs are degrading and objectify women. There is already one lap dancing club in the borough and this is one too many. Residents successfully fought against the last lap dancing application made in the borough and this shows that the people of Hammersmith & Fulham do not want this kind of venue in our area. I speak as a male resident and urge the council to join with the residents in opposing these establishments and keeping Hammersmith & Fulham a pleasant, family friendly area to live in and socialise in.

12. The licensing fee should be significantly higher than proposed, at least 40% of gross annual profits. If men wish to go to this sort of place, they can visit the Netherlands, where just about anything is tolerated, including really sick pornography. As for the Carthew Road resident's experience, probably ANY sort of business would have been a great improvement on the "rough pubs" that magnetised the scufflers and vomiters. There is no logic in saying that these sorts of places HAVE to go somewhere. Says who? The people who stand to make huge profits? Sex venues don't have a "right" to open just anywhere, and if ordinary people don't stand up for keeping their borough free from such businesses, then the atmosphere of our neighbourhoods will be determined not by decent families and businesses but by an ever-growing sleaze factor.

13. The license charge for sex establishments should be higher than the current £16,688.

14. the council should charge more than the current tariff to sex establishments

15. See hard-copy response to consultation.

16. Sexual entertainment businesses are NEVER of benefit to the local community and simply draw undesirable characters from other areas. The number of sexual entertainment establishments should be strictly limited. Their location should be restricted to city centres only. The establishments make huge profits: they should pay much higher council rates and should be subject to strict employment codes - as it is, the "girls" often have to pay to perform and are "self-employed".

17. The charge for an annual licence should be higher than £16,688. This type of entertainment has no place in or near residential areas, schools, parks or young people hang out. What influenced the recent case of two eleven year old

boys who attempted to rape a child of eight. True or false? But where did they even get the idea of trying in the first place? There is too much overt exposure of sex generally, and which also nenigrates the female section in our society.

18. The Sex Establishment Licensing Policy is unnecessary. It is further bureaucracy and will achieve nothing. Lap dancing clubs, or striptease venues are extremely rare. Where they do exist, then they provide entertainment. If a venue is not being run properly then its licence may be revoked. The power to do this already exists.

19. These establishments are degrading and exploitative to everyone involved, the council should not collude with this traffic. We should make the licence fee prohibative and let Westminster keep this trade

20. Annual Licence fee for Sex Establishments should be much higher.

21. I can't understand that in today's modern Britain, we are still having to make law abiding decisions on the sex industry. These venues will have to go somewhere if not in H&F or at least in selective areas of the borough because as a modern society, everyone should have a choice of entertainment and sex being a natural thing shouldn't be chastised or singled out simply because we Brits don't want that kind of thing. Others such as the single lad, should not be deprived of such entertainment, it's a lucrative business and one of a few that continues to flourish in a recession. The girls that work in this industry often have hefty university loans to pay back and this short career takes the burden away. The industry has worked well in the Netherlands and so long as they comply within the laws and pay their way in taxes, we should embrace it and not go down the route of draconian measures.

22. This is a complete 'overkill' in terms of controlling this activity. It is a sad reflection of our society today that there cannot be a broad acceptance of a limited number of establishments, where they are well-run and do not conflict with good behaviour and social responsibility generally in our residential neighbourhoods. Rowdy pubs and drunken behaviour has far more 'cost' to our police service, NHS and society at large than any problems stemming from such so-called sex establishments. Please keep things in perspective.

23. Looking at the cost of a license for an 'establishment' and the funds taken, the fee should be a lot higher, almost to the point of crippling. I think the fees could be upped to at least £250k per annum and still they would not be enough. Hammersmith and Fulham does not need to support this industry, Campem and Westminster can keep their monopoly on the Establishments.

24. Licence Fees should be increased in proportion to the social impact of these venues.

25. I believe that the fees for Sexual Establishments should be much higher. I do not think these establishments should exist in residential areas and their activities should be closely monitored by the relevant licensing authority and the police. If the rules set down by the relevant authorities are found to be abused then the licence should be removed from the establishment with no recourse to appeal.

26. We have held a sex establishment license in Hammersmith for a number of years under the name of simply Pleasure. We have asked for a reduction of fees on numerous occasions and asked for a breakdown of how the money is spent as it is supposed to be a not profit making fee !! The fee of over 16K is unacceptable and outrageous, we would like a reply to our inquiries and will be taking the matter further. The council should note that a great number of councils have reduced their fees. We would welcome the opportunity to put our

case to the licensing board , best regards T Hemming

27. Sexual activities must not be commercialised. It demoralise the public and encourage contempt, then crimes. The charge of £16K/year is far too low for a business to think that they can "buy" the license. Services are already commonly available in Soho and privately advertised in the media. It is not in the in interest of the general public to be served on sex locally.

28. I think the fees should be different for different types of establishment. Perhaps based on m2 size of the establishment, whether it is a sex shop or venue. I think that sex shops should be allowed to display the same items in it's windows as a lingerie / clothes shop would. This is believe s far better than having blacked out windows in our small community shops. For example the windows of the sex shop on Hammersmith Road is 99.9% of the time tastefully done. Or Anne Summers on Kensington High Street. I feel that these shops, although Anne Summers is out of our jurisdiction, would look far seedier if their windows had to be blacked out. Also the double electric door entry of smaller sex shops seems over the top to me too tho I appreciate that it is based on the good judgement of the proprietor as to what they place on the other side of the door. Perhaps sex toys, videos etc could not be allowed to be visible from outside the shop when the door is open? I would also like to ask about newsagents that display pornographic magazines. These are titillating and in my area regularly on the lower shelves, at the eye level of small children, displaying almost naked women in a range of poses on their front covers. I believe this practice should also be covered by this policy.

Guidance on how the EC Services Directive impacts councils setting and administering fees within the service sector

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Guidance on the impact of the EC Services Directive upon local fees charged by councils to service sector businesses

1. Background

1.1 What is the European Services Directive?

The European Services Directive¹ aims to break down barriers for cross border trade in services. It will make it easier for service providers, particularly small and medium sized enterprises, to set up or offer their services anywhere in the EEA.

Most service sectors are covered by the Directive, including accountants, builders, food services and leisure services. Certain core public services, such as education and social services relating to social housing, childcare and the support of families do not fall within the scope of the Directive. There are also exclusions for transport services, including taxi services, healthcare services and gambling activities. The Directive does not apply to requirements such as town and country planning rules because they do not specifically regulate or specifically impact on the service activity, but rather have to be observed by everyone.

The Services Directive does not relate to procurement.

1.2 Why does the Services Directive impact on fees charged by councils?

The Services Directive aims to ensure that any licence applications, authorisations or administrative procedures that must be followed in order to establish a business in a relevant service sector are transparent and keep any burden on the business to a minimum.

This basic concept also applies to the fees charged by local councils for approving licence applications, authorisations or other administrative processes.

1.3 Guidance for councils on setting and administering local fees

This guidance has been produced to help councils ensure the **fees set at a local level** and charged to businesses meet the requirements of the Services Directive. It has been produced by LACORS in consultation with Department for Business, Innovation & Skills (BIS) and the Services Directive Champions' Group. It has also been circulated to councils for their comments. The guidance has been produced in timescales that will ensure the implications of the Directive can be considered by councils during the 2010/11 budget planning cycle.

¹ Directive 2006/123/EC on services in the internal market - http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_376/l_37620061227en00360068.pdf

2. Requirements under the EC Services Directive that impact on fees charged by councils to carry out services

Where local councils charge businesses a fee for granting them permission to carry out a service within their area, then the amount charged and the process for charging fees must comply with the requirements of the EC Services Directive.

The principle behind the EC Services Directive is to ensure that any processes for registrations consents, permits or licences that must be obtained in order to provide a service are **non-discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible**. These principles also apply to the setting and charging of fees for relevant service areas.

The Directive also includes specific requirements that apply to the charging of fees. Regulation 18(4) of the domestic legislation² states, *'Any charges provided for by a competent authority, which the applicants may incur under an authorisation scheme must be reasonable and proportionate to the cost of the authorisation procedures and formalities under the scheme and must not exceed the cost of those procedures and formalities.'*

The EC Services Directive also includes requirements relating to the online processing of applications, licences and administrative processes. These requirements also apply to the processing of fees and further information is provided in section 7.1 on this specific area.

3. Practical implications of the EC Services Directive on setting and charging fees

3.1 Non-discriminatory, justified, proportionate, clear, objective, made public in advance, transparent and accessible

The general principles of the Services Directive apply to all processes, applications and administrative procedures that are required in order to establish a service, including establishing, charging and processing of fees. Many of the requirements within the Services Directive in relation to setting licence fees are already practiced by a large number of councils with the aim of ensuring a fair and transparent approach for local businesses and communities.

In accordance with the EU Services Directive councils will need to ensure that full details of any fees and payment processes for the fees are easily accessible online for those considering establishing a service in their area. Details of fees need to be made available online, either by utilising the Point of Single Contact (PSC) website established by BIS or on a council's own website. BIS have produced guidance on the PSC.³

3.2 Economic deterrent

The principles of Article 13(2) of EC Directive 123/2006 mean that any fees charged for establishing a service that falls within the scope of the Directive can only be based on cost

² Domestic legislation can be found at <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/legislation/page51283.html>

³ Guidance from BIS on the Point of Single Contact (PSC) is available at <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/page9583.html>

recovery and cannot be set at an artificially high level to deter specific service sectors from an area.

In the past some licensing authorities have set fee levels extremely high in order to deter certain service sectors from setting up within their local area. For example, there are cases of councils setting extremely high fees for sex shops licences. Where this has occurred it is likely to be as a result of public opinion and / or aimed at protecting the local community. The Services Directive does mean that councils will have to review such fees and potentially reduce them if they are not reasonable and proportionate to the cost of the procedure.

Although the Services Directive prevents the use of fees as a tool to deter specific service sectors from a local area, it is still possible to apply acceptance criteria for the authorisation schemes provided that they meet the requirements set out by the Directive.

Regulation 15(1) of the domestic legislation states, '*An authorisation scheme (provided for by a competent authority) must be based on criteria which preclude a competent authority from exercising its power of assessment in an arbitrary manner.*' According to regulation 15(2) the criteria referenced in regulation 15(1) must be, among other things, justified by an overriding reason relating to the public interest (ORRPI)⁴, proportionate to that public interest objective and made public in advance. This means that councils can set criteria for authorisation schemes as long as the criteria comply with regulation 15(2). For example, if a council proposed authorisation criteria for sex shops to specify that such services could only be within a set geographic area or further than set distance from schools, it must ensure that these requirements satisfy the test set out by the Directive, which is that they must be non-discriminatory, justified by an ORRPI and proportionate. This could also be used to restrict the number of services operating within an area.

If local councils strict criteria for certain authorisation schemes, it is vital that the decision-making process for such criteria is transparent and clear to the public.

3.3 Setting fees – what can be included

Individual councils may choose to review the fees they charged to the service sector for authorisation schemes in consideration of regulation 18(4) of the Services Directive. This process may be undertaken to check that fees do not exceed the cost of the authorisation process, as highlighted in section 3.2, or to ensure that fees charged do actually cover the costs incurred by the council during the authorisation process, or simply because the fees set have not been reviewed recently.

Councils may want to consider the following elements when setting licence fees for the service sector. It should be noted that this list is for **consideration only**, as councils may choose not to charge for all the elements listed or there may be additional areas of work carried out during the licensing process that were not highlighted during the development of this guidance.

⁴ ORRPI 'overriding reasons relating to the public interest' as defined by Article 4(8) means reasons recognised in the case law of the Court of Justice, including the following grounds: public policy, public security, public safety, public health, preserving the financial equilibrium of the social security system, the protection of consumers, recipients of services and workers; fairness of trade transactions, combating fraud, the protection of the environment, the health of animals, intellectual property, the conservation of the national and historic and artistic heritage, social policy objectives and cultural policy objectives.

Initial application costs could include -

- **Administration** – This could cover basic office administration to process the licence application, such as resource, photocopying, postage or the cost of handling fees through the accounts department.
- **Initial visit / s** – This could cover the average cost of officer time if a premises visit is required as part of the authorisation process. Councils will need to consider whether the officer time includes travel. It would also be normal to include 'on-costs' in this calculation. Councils will need to consider whether 'on-costs' include travel costs and management time.
- **Third party costs** – Some licensing processes will require third party input from experts, such as veterinary attendance during licensing inspections at animal related premises.
- **Management costs** – Councils may want to consider charging an average management fee where it is a standard process for the application to be reviewed by a management board or licensing committee. However, some councils will include management charges within the 'on-costs' attached to officer time already referenced above.
- **Local democracy costs** – Councils may want to recover any necessary expenditure in arranging committee meetings or hearings to consider applications.

Councils should understand that it is unlikely that any money will have been provided through the Revenue Support Grant (RSG) to support the enforcement of the licensing regime. As such, some councils choose to include further costs within the licence fee to cover additional visits and / or general enforcement costs for the regime. Where councils choose to include costs for these elements within the licence fee it is important that they read section 3.4 of this guidance in addition to the points below.

Further enforcement costs could include -

- **Additional monitoring and inspection visits** – Councils may wish to include a charge for routine risk based visits to premises in between licensing inspections where this is standard for all premises. As with the initial licensing visit, councils can consider basing this figure on average officer time, travel and management costs as suggested above.
- **Enforcement costs** – Councils may want to consider how enforcement costs associated with complaints and working with non-compliant businesses are funded. The majority of enforcement activity will be aimed at ensuring compliance with the licensing regime to protect both the public from rogue service providers and the trade from unregulated competition and as such can be considered a valid licence fee expense. Enforcement costs can include advice provided to businesses. Any calculations for ongoing enforcement action will need to consider that some cases may result in prosecution as a last result and an element of these costs can be recovered through the court processes. However, this decision ultimately should be taken at a local level in consideration of council policies and financial procedures.

3.4 Administering payment of fees

The Department for Business, Innovation & Skills (BIS) has advised that where a council includes costs for the ongoing regulation of a licensing regime within the licence fee, such as

costs of additional visits or enforcement costs, then these specific elements of the licence fee cannot be charged to unsuccessful licence fee applicants. This may pose practical issues for councils that would normally request payment of the full fee from the outset of the application.

Where councils do include ongoing enforcement costs within the licence fee and require payment of an application fee in advance of the licence being awarded, two possible payment approaches could be as follows -

(i) Councils could charge the full costs as an application fee for all applicants and then refund the elements relating to ongoing enforcement if the applicant is unsuccessful. Councils could consider deducting any administrative charges for the refund process from the amount refunded to the applicant.

(ii) Alternatively councils may choose not to include the charges for ongoing enforcement in the initial application fee and only request these from successful applicants as a further licence fee once their licence has been approved. Councils should consider that charging additional fees at later date may create additional work and costs associated with chasing late payments, which would also have a detrimental impact on relations with businesses. Councils could opt to include payment of the second fee as condition of the licence.

The process adopted should be simple and cost effective for both the council and business.

3.5 Political considerations

The Directive does not prevent councils from choosing not to pass all costs onto the business. Councils may subsidise fees charged to attract businesses to a local area in the current economic climate, encourage certain service sectors to a local area or because licence fees may not have been reviewed for a while and it would not be appropriate to pass a sudden increase in charges onto businesses. Where councils do make such decisions they may want to consider whether / how this information is shared with their local community. Any subsidy of this nature could not however be financed by licence fees levied against other licence holders.

3.6 Ongoing review of fees

Councils should schedule regular reviews of fees charged to the service sector and any overriding reasons relating to the public interest (ORRPI) that are established.

4. Further information

4.1 Guidance on online payment processes

Regulation 32 states, 'A competent authority must ensure that (a) all procedures and formalities relating to access to, or the exercise of, a service activity and to the exercise thereof may easily be completed, at a distance and by electronic means (through the electronic assistance facility referred to in regulation 38 or otherwise), and (b) its website affords access to that electronic assistance facility.'

This means that each council will need to ensure that any fees charged to set up a service within their area can be paid online. Further guidance has been produced by BIS on this area

and is available at <http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/local%20authority/page50021.html>

4.2 Tacit authorisation

All licence applications, authorisations and administrative procedures applicable to service providers must be processed as quickly as possible and, in any event, within a reasonable time period, which is fixed and made public in advance. When a response to an application does not occur within the time period set (or following an extension), the authorisation will be deemed to have been granted tacitly (Regulation 19(5) and (3), unless different arrangements are in place that are justified by an ORRPI).

LACORS and BIS have worked with the Services Directive Champions Group to add a spreadsheet to the Services Directive Community of Practice that aims to share information amongst councils about the timescales they intend to apply for the processing of licences. The spreadsheet lists licences administered by councils and provides the opportunity for members of the Community of Practice to add the timescales they will be publishing for approval under each licensing regime.

4.3 Learning from other councils

Communities of Practice are a tool developed by the IDeA to provide an online facility aimed generating communication across local government and the wider public sector on specific issues. Each individual Community of Practice includes an online discussion forum, a library for sharing documents and guidance, an events planner and an online tool to develop documentation in a collaborative manner.

LACORS and BIS have established the EU Services Directive Community of Practice to support the implementation of the Directive by 28th December 2009. **We already have more than 300 members.**

We hope councils and central competent authorities will use the facility to share their experiences and promote best practice. Our aim is to generate ongoing communication about the practical implementation of the Services Directive through discussion, sharing documents and developing ideas.

By becoming a member of this Community you will be able to review and contribute to all current discussions, tools and guidance supporting implementation of the Directive in the UK.

To join the EU Services Directive Community of Practice you will need to –

- Visit the website at www.communities.idea.gov.uk
- Click on 'register' and agree to the terms and conditions.
- Complete your details with as much information as possible so that others may find you.
- An activation email will have been sent to your inbox.
- Log on by entering your email address and password.
- Search for the community entitled 'EU Services Directive' and register.
- You can also search for other communities and register for these too.

4.4 Best practice

Councils should also consider consulting with appropriate businesses, community groups and individuals when setting licence fees.

Councils could make information available from the outset as to how the licence fee has been calculated and how a business can appeal against the fee that has been set.

Councils may also want to consider discussing licence fees at local liaison / regional groups to share experiences and best practice.

4.5 Further guidance

BIS have produced a range of guidance specifically for local government about the wider implications of the EC Services Directive. The guidance available is regularly being updated and expanded in consideration of feedback from councils.

Further guidance is available at

<http://www.berr.gov.uk/whatwedo/europeandtrade/europe/services-directive/local%20authority/page50021.html>



Report to Council

27 OCTOBER 2010

LEADER
*Councillor Stephen
Greenhalgh*

Shepherds Bush Market Area Planning Brief - Market and Theatre led Regeneration - **WARDS**
**Shepherds Bush
Green**

SYNOPSIS

This report seeks a resolution to adopt the Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010 as a Supplementary Planning Document (SPD) to the Council’s Unitary Development Plan 2007 (as amended).

Attached to the report is a summary of representations received during the statutory public consultation period that took place between 10 September 2010 and 11 October 2010. As a result of the consultation exercise a revised version of the planning brief is attached highlighting changes made to the brief in response to the comments received.

CONTRIBUTORS

ENVD

RECOMMENDATION

- 1. That Full Council resolve to adopt the Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010 as a Supplementary Planning Document to the Council’s Unitary Development Plan 2007 (as amended).**
- 2. That the Director of Environment in conjunction with the Cabinet Member for Environment is authorised to approve any technical and other minor amendments to the submission documents before adoption.**

1 BACKGROUND

- 1.1 The purpose of the Shepherd's Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010 is to provide guidance on the way in which the area should be regenerated and developed in the future. There is a site specific policy SBTC 3 in the Council's adopted Unitary Development Plan 2007 (as amended) which expresses the Council's support for the retention and improvement of the market.
- 1.2 The wider market regeneration area is included within the White City Opportunity Area and identified in the Council's Local Development Framework proposed submission Core Strategy where the policy is for: *“Regeneration of the market and other adjacent land to create a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and possibly offices; in accordance with the Shepherd's Bush Market Supplementary Planning Document. Development should encourage small independent retailers and accommodate existing market traders”*
- 1.3 In December 2009 - January 2010 the Council carried out public consultation on the brief. The document was made available on the Council's website and a leaflet drop undertaken in the vicinity of the market. The consultation events undertaken were meetings with Shepherd's Bush Market Tenant's Association on 5 January and 28 January 2010, meetings with Lime Grove Residents on 8 December 2009 and 25 January 2010, and an exhibition linked to the draft planning brief took place on the site in the former Shepherd's Bush library building during December 2009 and January 2010. In addition, M&N Communications were commissioned to door knock and talk to market traders and visitors in the market to canvass their opinions regarding the regeneration proposals. A total of 171 questionnaires were completed. The planning brief was then updated to incorporate a number of revisions as a result of the comments received.
- 1.4 A statutory four week public consultation took place from 10 September until 11 October 2010 on the amended version of the planning brief (Revised September 2010 Consultation Version). All representations received during this consultation period have been summarised in a schedule (attached at Appendix 2) and some revisions changes have been made to the brief to respond appropriately to the comments received.
- 1.5 The next stage in the process is the formal adoption of the planning brief as a Supplementary Planning Document (SPD) to the Council's Unitary Development Plan 2007. It is intended in the future that the brief will be retained as SPD to the Local Development Framework Core Strategy when it is formally adopted (expected towards the end of 2011).

2 SHEPHERDS BUSH MARKET AREA PLANNING BRIEF – MARKET AND THEATRE LED REGENERATION

- 2.1 The preparation of the SPD has been carried out in accordance with Town and Country Planning Regulations, and the policies, whilst taking into account issues and opportunities facing the borough. It is also in conformity with national and London wide policy.
- 2.2 The planning brief sets out the vision for the regeneration of the Shepherds Bush Market Area and the objectives towards achieving this. In outline, the objectives are as follows:
- To renovate and enhance the existing market and complement with new retail, residential and leisure uses while seeking to sustain the traditional role of the market and improve its vitality and viability.
 - Integrate with significant cultural, arts and entertainment attraction including a new theatre in the former library.
 - Achieve exceptional design quality and secure public realm which protects adjoining residential amenity.
 - Provide appropriate parking arrangements, vehicular access and servicing and overall good management of the market.
- 2.3 The brief describes the need for the inclusion of sites adjoining the market to allow for a more comprehensive and beneficial regeneration. It goes on to present what it considers are the main constraints and opportunities facing the regeneration area and from this a number of development guidelines and principles are recommended. The new title of the brief identifies that the impetus of the regeneration should stem from the market and a new theatre use for the former Shepherds Bush Library.

3. CONSULTATION

- 3.1 The first stage of public consultation on the planning brief (December – January 2010) primarily consisted of a leaflet drop, questionnaires and stakeholder meetings. Revisions were carried out to the brief following this consultation and these revisions are shown in **red** text in the version in Appendix 1.
- 3.2 The statutory consultation period for further representations to be made on the draft brief ran from 10 September 2010 until 11 October 2010 in line with the regulations that require a minimum of four weeks and a maximum of six weeks consultation period. Revisions to the brief following this consultation are shown in **blue** text in Appendix 1.
- 3.3 The consultation events undertaken for the statutory consultation included the following;
- The consultation was announced by a notice included in local newspapers the Gazette and Chronicle as well as in H&F news
 - The draft brief was made available on the Council's website.
 - Letters were sent to landowners and amenity groups affected by the proposals and statutory bodies.
 - A leaflet drop was undertaken in the vicinity of the market and surrounding streets.

- Meetings were held with Shepherd's Bush Market Tenant's Association on 14 September and 6th October 2010, with Lime Grove residents on 22 September 2010 and Pennard Road residents on 28 September 2010.
- 3.4 All representations received during the statutory consultation period have been included in the attached SPD Representations with Responses and Associated Action (Appendix 2). The schedule summarises the issues raised and how these have been addressed in the planning brief.
- 3.5 Two public 'drop-in' sessions were also organised on 15 and 16 October in the former Shepherds Bush Library. A summary of the comments received during these sessions are presented in Appendix 3.
- 3.6 Approximately 153 responses were received during the statutory consultation period from a variety of individuals and amenity groups/organisations. While a number of these supported the principle of regeneration of the Shepherds Bush Market Area, the vast majority expressed objections. Similar responses were received during the 'drop-in' sessions and up until this report went to print.
- 3.7 The main issues raised during the consultation are listed below:
- Lack of information and public consultation.
 - Insufficient protection for existing market stalls and units. Will lose the traditional market.
 - 30-52 Goldhawk Road retail units and residential units should be protected, some of historical importance.
 - Modern and upmarket shops will dominant and force out existing market traders.
 - Rents and services charges will increase and force traders out.
 - Support the principles of regeneration
 - Support the promotion of a theatre and other cultural facilities, including entertainment and leisure uses.
 - The history and traditional market should be protected and enhanced
 - No need for more restaurants and cafes.
 - Goldhawk Road Victorian frontage should be retained for architectural and historical reasons, the scale of these buildings is not inappropriate
 - Parking provision for customers to the market should be provided.
 - Concern over phasing and the displacement of retailers
 - Harmful impact on neighbouring residential amenity.
 - Disturbance to Lime Grove residents if the hostel is relocated.
- 3.8 Some of the main revisions to the planning brief following the consultation exercises are listed below:
- Emphasis and clarification on the preferred use of the former library as a theatre to help drive regeneration.
 - Emphasis placed on retaining the unique essence and history of the market and its role in the local community.
 - Strengthen the objective that as a minimum we would expect the equivalent floor area of the current market stalls and units in a revitalised market.

- Further emphasis regarding the desire to retain the existing businesses at 30-52 Goldhawk Road by relocating them within new frontage to the market acknowledging some of them have historical significance.
- Identified the policy support to provide appropriate on-site parking provision for retail customers and residential occupiers while protecting against traffic generation and parking on surrounding streets.
- Emphasis placed on protection of the residential amenity of Pennard Road, Pennard Mansions and Lime Grove properties.
- Emphasised the importance of securing a more suitable access to the Lime Grove Hostel to replace the Lime Grove entrance.
- Clarification on the rationale to including adjoining land and buildings

3.9 It is proposed that any minor or technical changes to the SPD that is required after consultation or for other reasons is made by the Director of Environment in conjunction with the Cabinet Member for Environment. However, the Council cannot make further substantive changes to the Planning and Regeneration Brief without a further period of consultation.

3.10 Once adopted, the SPD must be made available during normal office hours, together with an adoption statement (The adoption statement is a document that specifies the date of adoption and that anyone with sufficient interest in the decision to adopt the SPD may apply, not later than three months after adoption, to the High Court for permission to apply for a judicial review of the decision to adopt the SPD). The Council must ensure the SPD is available at its offices and publish it on the Council's website and send the adoption statement to anyone who requested to be notified and everyone who has taken part in the consultation.

3.11 Representations received from the consultation, discussions with stakeholders and demographic data formed the evidence base for the Council's equalities impact assessment. The Council has concluded that the SPD will not have any negative impacts on equality. The EIA is attached at Appendix 4.

4. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

4.1 Finance has examined the recommendations within this report and concludes that there are no financial implications arising from accepting them.

5. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

5.1 The consultation, pre-and post adoption procedure are set out in the body of the report. In preparing the SPD, the Council must have regard to national and regional policies. The SPD must be in general conformity with the London Plan and in conformity with the UDP. Before adopting the SPD, the Council must consider the representations received.

6. List of Appendices

Appendix 1: Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010

Appendix 2: Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010. Representations with Responses and Associated Action, prepared in accordance with Regulation 18(4) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004

Appendix 3: Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010. Responses from public ‘drop-in’ sessions arranged on 15 and 16 October 2010 at the former Shepherds Bush Library

Appendix 4: Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010. Equality Impact Assessment

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010	Matt Butler ext 3493	EnvD
2.	Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010. Representations with responses and associated action prepared in accordance with Regulation 18(4) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004	Matt Butler ext 3493	EnvD
3.	Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010. Responses from public ‘drop-in’ sessions arranged on 15 and 16 October 2010 at the former Shepherds Bush Library	Matt Butler ext 3493	EnvD
4.	Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration, October 2010 Equality Impact Assessment	Matt Butler ext 3493	EnvD
CONTACT OFFICER:		NAME: Matt Butler EXT. 3493	

London Borough of Hammersmith & Fulham
Supplementary Planning Document

**SHEPHERDS BUSH MARKET AREA
PLANNING BRIEF**
Market and Theatre led Regeneration



Adopted 27th October 2010

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Red text Revisions made following December - January 2010 Public Consultation

Blue text Revisions made following September - October 2010 Public Consultation

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Somali
Haddii aad jeclaan laheyd in qeyb dukumentigan ka mid ah luqaddaada ama afkaaga laguugu turjumo, fadlan teleefoon u soo dir 020 8753 4040.

Polish
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જો તમને આ દસ્તાવેજનાં કોઈપણ ભાગનું કંઈક ભાષાંતર તમારી પોતાની ભાષામાં જોઈએ છે તો, મહારાષ્ટ્રની ફોન નંબર 020 8753 4040.

Spanish
Si desea alguna parte de este documento en su propio idioma, llame al 020 8753 4040.

Hindi
यदि आपको इस दस्तावेज़ के किसी भी हिस्से का किया हुआ अनुवाद अपनी भाषा में चाहिए, तो कृपया टैलफोन करें 020 8753 4040.

Albanian
Nese do deshironi ndonje pjese te ketij dokumenti te perkthyer ne gjuhen tuaj, telefononi 020 8753 4040.

Urdu
اگر اس دستاویز کے کسی بھی حصہ کا ترجمہ آپ کو اپنی زبان میں چاہئے تو براہ مہربانی ٹیلی فون کریں: 020 8753 4040

Amharic
የዚህ ደብዳቤን ግንኛውም ክፍል በራሱም ቋንቋ እንዲተረጎምልዎት ከፈለጉ ለዚህ ቁጥር 020 8753 4040 ይደውሉልን።

Farsi
اگر شما میخواهید هر بخشی از این سند به زبان شما برایتان ترجمه شفاهی بشود لطفاً با شماره تلفن 020 8753 4040 تماس بگیرید.

Portuguese
Se desejar qualquer parte deste documento interpretada no seu idioma, telefone por favor para 020 8753 4040.

Arabic
إذا كنت ترغب بالحصول على ترجمة فورية لأي جزء من هذه الوثيقة، فيرجى الاتصال بـ: 020 8753 4040.

1 INTRODUCTION

Background

1.1 Shepherds Bush Market is a well known attraction offering a wide range of goods and services, drawing people from all over west London and beyond. The name Shepherds Bush is thought to have originated from the use of the common land here as a resting point for Shepherds on their way to Smithfield Market in the City of London. The market was established in 1916 and is historically famed for its stalls, shops and arches selling an assortment of customary and exotic produce, dress fabric and furnishings with its own distinctive identity. Today, however, parts of the market are run down, there is evidence of falling footfall in recent years, a reduction in the variety of the retail offer and a lack of investment. The whole area needs upgrading and renovating if the market is to continue to perform its role in the future. There is an opportunity to do this now, in conjunction with the development of adjacent land, in a way that will regenerate and make a major difference to this part of the town centre.



1.2 The market is identified in the Council's Unitary Development Plan 2007 (as amended) in policy SBTC3 which says that the Council will support the retention and improvement of the market, acknowledging it is an important feature of the town centre. In more recent emerging policy a wider market regeneration area is included within the White City Opportunity Area identified in the Borough's Local Development Framework Proposed Submission Core Strategy (October 2010). That document sets out the proposed policy as: "Regeneration of the market and other adjacent land to create a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and possibly offices; in accordance with the Shepherds Bush Market Supplementary Planning Document. Development should encourage small independent retailers and accommodate existing market traders".



1.3 The Shepherds Bush Market Planning Brief provides detailed guidance on how the area should be regenerated and is adopted as a supplementary planning document to the Council's Unitary Development Plan policy SBTC3. Before considering the adoption of the brief, the Council carried out an extensive public consultation exercise with local people, market traders and businesses and other interested parties. There was a first stage of consultation in December 2009 - January 2010 and a second stage in September - October 2010. Revisions were made to the brief following both consultations exercises. Details of the comments made and the Council's responses can be found in the Shepherds Bush Market Planning Brief for Market and Theatre Led Regeneration SPD, Representations with Responses and Associated Action.

Vision

1.4 The Shepherds Bush Market regeneration area will be a vibrant mixed use destination providing a new focus in the



western part of the town centre; bringing greater and long term economic vitality to the surrounding area, attracting visitors to the area and upgrading facilities for local residents. **The unique character and diversity of the famous existing market should be at the core of regeneration along with the impetus that would come from a new cultural facility in the form of a theatre, but be** enhanced and complemented by new shops, **residential and** leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive. There will be a high quality, distinctive, well managed and safe environment; retaining the unique essence of the market. The area will complement the town centre's long standing role for public entertainment by providing new destinations for small scale arts and cultural performance. The regeneration will have been implemented in a way that complements the local community and respects the interests and amenity of residents, particularly in the Pennard Road and Lime Grove areas.

Objectives

- To renovate and enhance the existing markets in terms of the physical fabric of the trading units and stalls, the public realm and railway arches, servicing arrangements and security and safety; to increase footfall; and, to support a mix of trading opportunities **while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community**, its long term viability and its vibrant diversity.
- To complement and integrate the markets renovation with a retail and leisure led mixed use scheme that will provide a vibrant ground floor mix of small shops **with an element of cafes** and restaurants **and** opportunities for independent businesses and for the re-provision of businesses **in the Goldhawk Road frontage within high quality new retail accommodation along the frontage, accompanied by** a mix of residential, and offices, on upper floors **essential to the urban mix.**
- To ensure that there are new significant leisure, public arts or cultural facilities to act as a focus and public attraction; and that the former Shepherds Bush library maintains a cultural role in the community as a publicly accessible **theatre**, that will help anchor and complement the overall market area regeneration.
- To create a well managed development of exceptional design that complements the best of the local architectural and historical character and respects the local context, in particular the environmental amenity of adjacent residential properties on Pennard Road, **Pennard Mansions and Lime Grove.**
- To ensure there is a site layout that successfully integrates the market within the new development producing a

permeable, accessible and secure public realm with enhanced circulation space; and, with entrances from Goldhawk and Uxbridge Road that provide a presence to the market and draw people into the area.

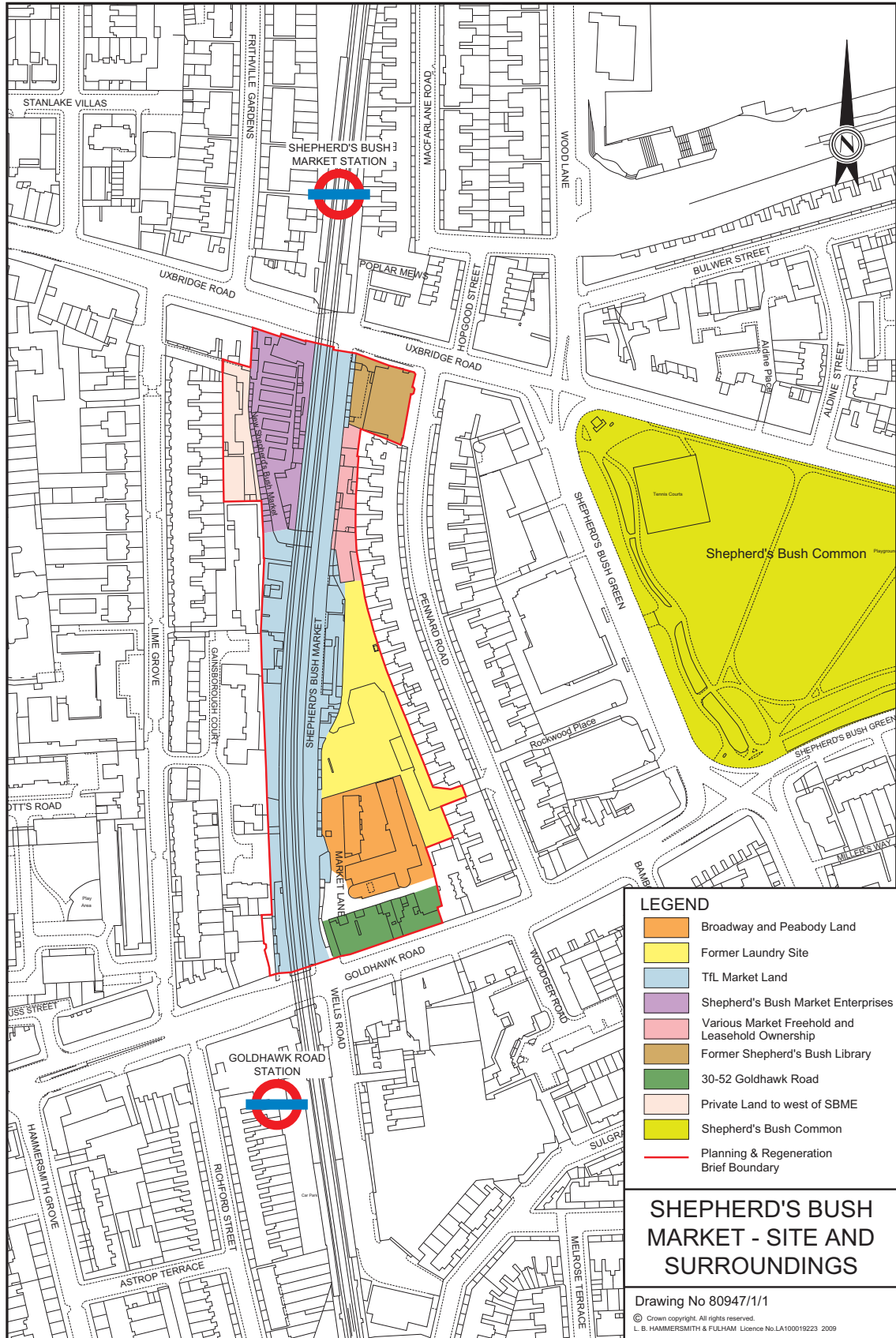
- To ensure that vehicular access and servicing is dealt with in a way that does not compromise the other objectives or cause congestion, danger, or unacceptable disturbance on surrounding roads or to local residents.
- To ensure there is a comprehensive scheme for at least the area east of and including the railway viaduct, which is capable of integration with any scheme for the market west of, and including, the viaduct; and to ensure that there is a phased approach so that the market can operate throughout the development period.
- To encourage the upgrading and renovation of the privately owned market west of the railway viaduct, and ensure this happens in a way that supports the overall objectives and maximises connectivity with the Transport for London market and eastern side of the regeneration area.
- To ensure that all waste is managed and containerised to maximise recycling and reduce impact on the public realm.

2 SITE AND SURROUNDINGS

2.1 **Given the relatively constrained nature of the current market site, the Council consider the most practical and beneficial way to achieve regeneration is to include adjoining land and buildings. Where appropriate the Council will support initiatives to assemble sites for a comprehensive regeneration.**

The area that forms the planning and regeneration area is highlighted on the site plan below (site area 2.34 hectares). It includes:

- the market owned by Transport for London in the railway arches and on land to the east; this stretches alongside and underneath the Hammersmith and City line viaduct. It has two frontages at Goldhawk Road and Uxbridge Road;
- various market stalls in freehold and leasehold ownership;
- the market owned by Shepherd's Bush Market Enterprises and land to the west;
- the former laundry site **(this site has been acquired by the Council);**
- land to be vacated by the Broadway Day Centre and Peabody flats at Market Lane;
- property at 30-52 Goldhawk Road;
- the former Shepherds Bush library building.



LEGEND

- Broadway and Peabody Land
- Former Laundry Site
- TfL Market Land
- Shepherd's Bush Market Enterprises
- Various Market Freehold and Leasehold Ownership
- Former Shepherd's Bush Library
- 30-52 Goldhawk Road
- Private Land to west of SBME
- Shepherd's Bush Common
- Planning & Regeneration Brief Boundary

SHEPHERD'S BUSH MARKET - SITE AND SURROUNDINGS

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2.2 The former library is currently being operated as a public Script library and local history museum/archive. This building is to be retained, as its future cultural use is integral to, and will help anchor, the market regeneration proposals. Subject to necessary approvals, it is currently being considered for conversion into a cultural and arts venue and could become a new home to the local BUSH theatre group.

2.3 Supported accommodation at Market Lane currently provides 15 hostel rooms and 12 one bed flats for single homeless people. The Peabody Trust is the freeholder of the supported housing site and Broadway (a homelessness charity) owns the freehold of the day centre building which sits alongside. Broadway provides management for both sites. It is proposed that the existing Lime Grove hostel and resource centre to the west of the regeneration area (currently used to house 40 single homeless people) be refurbished. The less intensive accommodation that Broadway provides (about 27 units), along with its training and health services, would be relocated there. In order to respect its immediate surroundings, there would be no 'drop in' service at Lime Grove as it would operate on an appointment only basis.



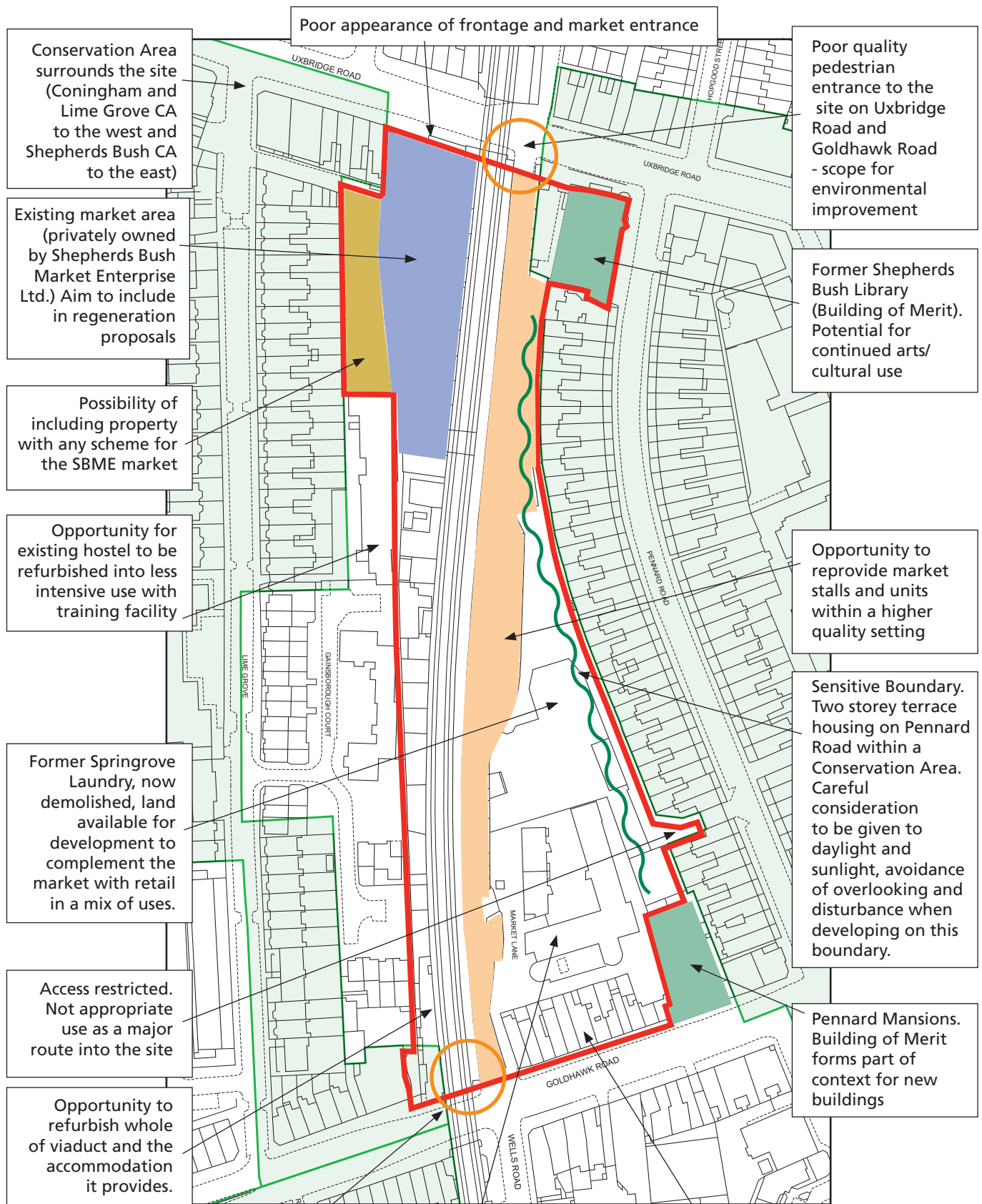
2.4 It is proposed that properties at 30-52 Goldhawk Road should be included in the development area. These [properties have lost much of their architectural quality and are now of poor visual quality and of a scale that is no longer appropriate for this part of the Goldhawk Road townscape](#). It is also important to include the frontage so that better access to the market and central part of the site can be provided, better connecting the regeneration area with Goldhawk Road.

2.5 There should be opportunities to re-[provide the Goldhawk Road businesses within new high quality retail premises along this frontage](#). It is recognised that some of these [businesses have an important historical place in the heart of the local community](#).

2.6 The area is ringed by conservation areas and two buildings of merit, the former Shepherds Bush Library and Pennard Mansions.

2.7 The site has excellent public transport accessibility (level PTAL6a) with easy access to tube stations and bus stops at the northern and southern entrances to the market on Uxbridge Road and Goldhawk Road which are part of the strategic road network. Existing vehicle access to the former laundry site is via Pennard Road through an arch in the housing terrace. The markets have entrances for servicing from Lime Grove, Goldhawk Road and Uxbridge Road.

Constraints and Opportunities



An opportunity to provide a better entrance to the market. Arches currently present a blank facade to this pedestrian access

Broadway accommodation and training to be relocated to Lime Grove hostel (without drop in service)

Two storey terrace of shops, 30 - 52 Goldhawk Road, is of poor visual quality and inappropriate scale. Opportunity for redevelopment and reversion of shops within the new development to provide a new frontage and gateway to the regeneration area

2.8 The area forms the western boundary of Shepherd's Bush town centre which the draft new London Plan proposes to upgrade to a metropolitan centre. The new Westfield Shopping centre is located to the north east of the site. To the north west of the site, Uxbridge Road is designated in the Unitary Development Plan as a key local shopping area and to the south west there is a protected shopping parade on Goldhawk Road.

3 SITE CONSTRAINTS AND OPPORTUNITIES

3.1 The constraints and opportunities affecting the area are shown on the plan. Any proposals for the area must have full regard to the context of the site in terms of the local townscape, neighbouring uses and highway network. These factors will have important implications for layout, massing, design and appearance, height, arrangement and location of different activities and land-uses. The following section on development guidelines and principles explains how the constraints and opportunities should be taken into account.

3.2 The principal opportunity is the assembly of a site that will enable regeneration in accordance with the vision for the area.

The more particular opportunities in developing proposals are:

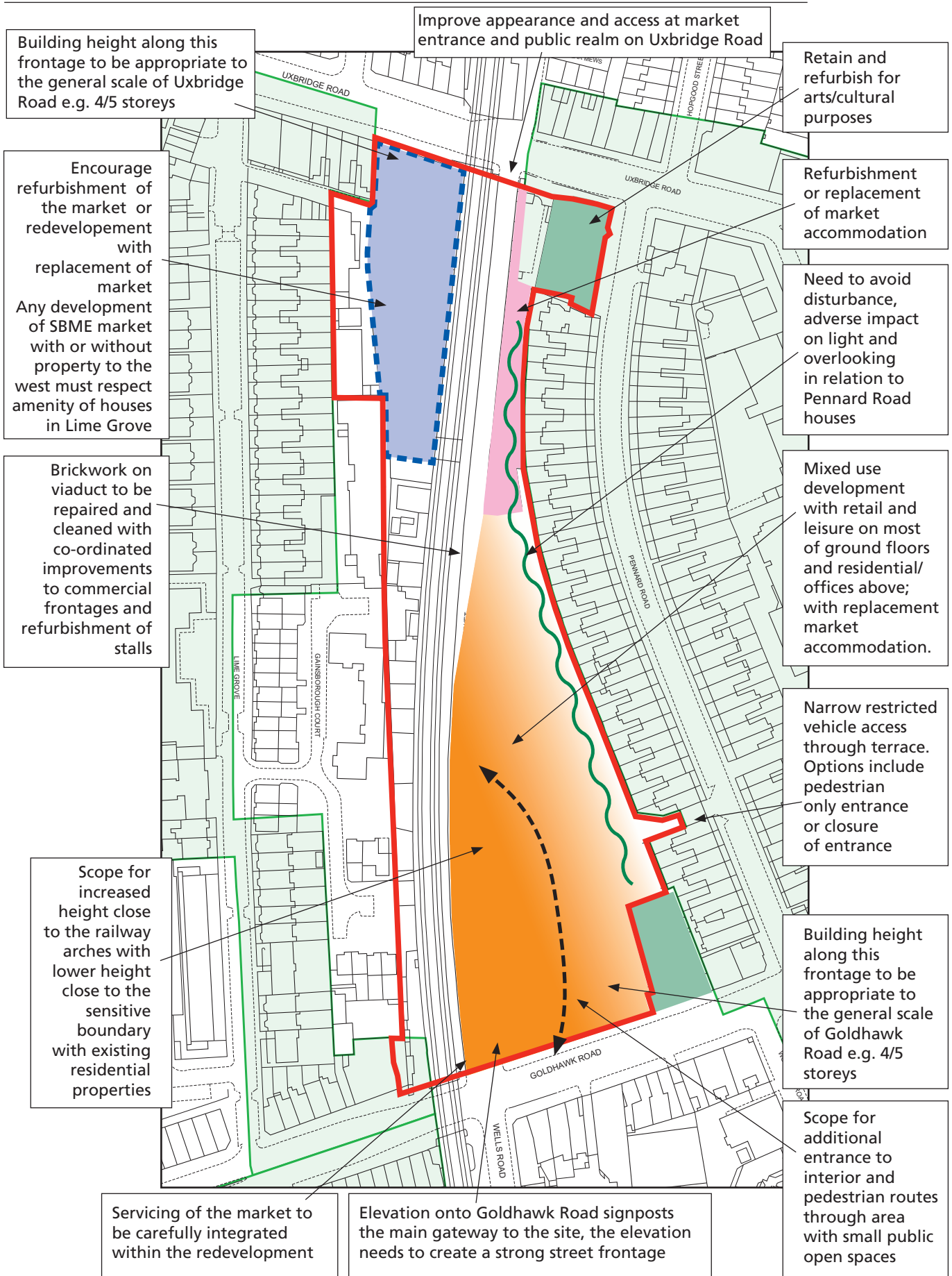
- to remodel parts of the market to replace rundown buildings and stalls, especially those on the eastern boundary of the market;
- to integrate the former Shepherds Bush library building in physical and land-use terms with the overall scheme;
- to replace the poor frontage buildings and market entrances with a high quality distinctive design of buildings and public realm that will enhance the town centre;
- to upgrade the appearance of the railway viaduct and the market premises it contains.



3.3 The principal constraints on development are:

- the residential accommodation along the eastern boundary of the area in Pennard Road and at Pennard Road mansions which will require consideration in terms of design and layout of new buildings, and the avoidance of disturbance, such as from overlooking, noise or light pollution;
- the surrounding conservation areas, building heights, and buildings of merit (including Shepherds Bush library) which must be considered in detailed design;
- vehicular access is severely limited;
- the need to retain access to the railway viaduct for maintenance **and ensure the safety and security of the railway.**

Development Guidelines



4 DEVELOPMENT GUIDELINES AND PRINCIPLES

A. A comprehensive approach and phasing

4.1 The whole of the area should be considered in a comprehensive way to ensure that the renovation of the markets and development of adjacent land is complementary, especially in terms of the arrangement of land-uses, design and layout of buildings and public realm, pedestrian access and routes, vehicular servicing, connectivity between the western and eastern parts of the area, and the relationship with surrounding property.

4.2 The whole of the area east of and including the railway viaduct must have a comprehensive scheme. The Council would expect any developer for the land east of the market and Transport for London to seek to reach agreement on a comprehensive approach. It would also be preferable for any scheme to include the private market west of the viaduct. However, if the western area is not included, the plan for the eastern part must be designed to allow for future development to the west in a complementary fashion. Similarly, proposals for the western area must be designed so as not to compromise the overall objectives and to complement proposals for the eastern part of the area.

4.3 Proposals for the former Shepherds Bush library building (see below) may be brought forward separately. In that case the plan for the eastern area must have regard to those proposals and integrate the library and its use in the overall approach; making provision for any future extension of the building that is necessary.

4.4 Proposals must be phased to minimise disruption to the operation of the market, where possible, having regard to the amenity of adjoining residents. Phasing should also enable the [temporary](#) relocation of businesses on Goldhawk Road to new premises within the scheme [during construction, particularly given the importance to the local community of some of the well-established businesses within this parade.](#)

B. The markets

4.5 The Transport for London market area must be renovated to a high standard in accordance with the following principles:

- The aim is to accommodate the [trading area of the existing market stalls and units currently operating in the market](#) within the regeneration proposals [and maintain its traditional role in the community while](#) enhancing its offer with a more diverse mix, complemented by new retail, café and restaurant uses.
- The railway viaduct is the main architectural feature unifying and defining the market. It is visually important to the market. There must be a comprehensive scheme of renovation of the accommodation, and the facade of the viaduct, and the adjoining bridges. New standardised shop fronts and



signage must be provided, possibly of an attractive fully glazed uncluttered design.

- The visual quality of the viaduct would continue to be a major element in determining the character of the regenerated market and development area to the east.

Access to the arches for maintenance must be maintained.

- An appropriate mix of high quality redesigned stalls or new permanent accommodation for market trading must be provided within the overall scheme, in consultation with the traders and market's management. The market outside the viaduct to the east must be re-provided to a much higher quality design and appearance.
- There must be a clear scheme for providing satisfactory access for servicing, waste containerisation and removal. The market should continue to have pedestrian access from Goldhawk and Uxbridge Roads.

4.6 The privately owned market, north west of the railway viaduct, owned by Shepherds Bush Market Enterprises (SBME) should be included in the overall proposals, if possible. Any developer for the eastern part of the regeneration area and SBME will be expected to negotiate to seek a comprehensive approach. This private market must be retained as a physical integral part of the market offer with a good range of market accommodation. In any redevelopment scheme, residential and/or small office accommodation or other appropriate town centre uses could be included on the upper floors. The possible inclusion of workshop properties lying between the market and the rear of residential properties in Lime Grove should be considered but any proposals will need to be considered carefully in relation to the amenity of those homes.



C. New development east of the railway viaduct

4.7 Development east of the railway should integrate with and provide for renovation of the market and replacement of its accommodation. **It should complement the market and help sustain its role.** The following principles apply:

Land use mix

4.8 The land-uses within the scheme should provide a vibrant mix that will encourage activity throughout the day and evening. The principles for land use are listed below; other uses appropriate to a town centre location could be included provided they are compatible with the brief.

4.9 Ground floor uses must provide active frontages: mostly retail with an **element of** cafes and restaurants and these can extend to upper floors. There should be a mix of mostly small units and a strategy of encouraging independent and specialist

shops. New accommodation suitable for the relocation of the businesses at 30-52 Goldhawk Road should be provided, subject to viability and to agreement with any developer on reasonable and appropriate terms.

4.10 The development must include a significant public leisure, arts, entertainment or cultural use to help anchor the scheme, and be complementary to the future use of the former Shepherds Bush library building. The Council wishes to see the former library converted to a theatre to provide a public arts and entertainment facility. This together with similar additional new accommodation within the scheme as a whole will help anchor the regeneration scheme, extending its attractions into the evening, and developing the town centre's traditional role. All such activity is to be of a type that is compatible with achieving a safe and secure environment, and respecting surrounding residential amenity.

4.11 Residential accommodation should be included on upper floors. The opportunity should be explored to include some ground floor family accommodation with private gardens along the boundary with existing housing in Pennard Road. However, it is recognised that this may be difficult to achieve given the principal objectives for the area. If family sized dwellings are not feasible this area should still be primarily residential with amenity space to provide an appropriate relationship with Pennard Road properties. Internal space standards should generally conform to the Mayor of London's draft guidance with appropriately sized balconies and terraces to provide amenity space on upper floors.

4.12 Affordable housing should be provided to the maximum reasonable extent, provided this is possible within an acceptable viable scheme that achieves the main objectives of the brief.

4.13 Office accommodation for small or medium sized businesses can be provided.

Scale, massing, layout and design and appearance of new buildings

4.14 The whole scheme must demonstrate high quality urban design in its appearance and arrangement of different land uses, buildings and spaces that respect its surroundings and provide a distinctive sense of place.

4.15 The opportunity exists to review the layout of the Transport for London market area when considering the design of new development in the eastern part of the regeneration area. The new built form should integrate with and respect key characteristics of the market, particularly in terms of scale, grain and permeability. The design should feel like a place with a distinctive character with well-integrated secure pedestrian routes which connect well with, and increase the footfall in, the market. There should be a well thought out circulation network

throughout the scheme, and opportunities for people to sit and enjoy the atmosphere. A new, intimate, public space could be provided as a focus for the interior of the scheme, especially in conjunction with a public entertainment activity.

4.16 The arrangement of land-uses must have regard to surrounding residential accommodation in order to avoid causing undue disturbance.

4.17 The scale and height of the new development would need to respond to the context provided by the differing townscape in the surrounding area:

- The bulk of the new buildings must be set back from the rear gardens of the houses in Pennard Road, to address issues of privacy, overlooking and daylight and sunlight.

- On Goldhawk Road, the adjoining mansion building, Pennard Mansions (a Building of Merit) is five storeys, but the general height along this part of the street is four storeys. This general height should be respected in any new frontage building. A frontage height of four to five storeys would be appropriate in this townscape context but exceptional design may enable greater height in part. The frontage should be in the form of a largely continuous façade providing a well defined edge to the street. It would be important that the new Goldhawk Road elevation signposts the entrance to the site in an attractive and distinctive manner, with a design and scale appropriate to the townscape. The frontage is long and it will be important that in providing the setting and access, the new design does not 'over-expose' the market area to the street, thereby affecting its intimate character. It would need to be a piece of high quality architecture which respects the rhythm and scale of the adjoining buildings and terraces.



- Behind the Goldhawk Road frontage to the western side of the area, there is potential for higher buildings but the impact on the residential properties in Pennard Mansions and those in Pennard Road **and to the west of the area** must be considered carefully. The redevelopment of this frontage would provide access into the enlarged area, and would provide a focus and a way of drawing people into the site with the opportunity to create a sense of place.

4.18 The development would need to be mindful of the setting of the adjoining Shepherd's Bush Conservation Area and Buildings of Merit (the former Shepherd's Bush library and Pennard Mansions). The surrounding area is predominantly brick and this or complementary materials should be the predominant choice for new buildings.

4.19 The new development should seek to optimise, rather than maximise density in line with the **draft Revised London Plan** taking into account the high public transport accessibility of the site, the setting and urban context.

D. Public realm design and management

4.20 There must be a high quality and inclusive public realm and street scene which must be designed comprehensively and consistently across the whole area in terms of quality of materials, permeability and access for all, safety and security, signage, lighting and ease of management and maintenance. The public realm design must encompass the footways and both railway bridges on and adjacent to the main road frontages. Reference should be made to the Council's Streetsmart guide which must be applied to the design of improvements on the footways of Uxbridge and Goldhawk Roads.

4.21 The public realm design and management will need to allow for maintenance of necessary public access should the markets be closed for the day.

4.22 The design of the entrances to the markets and other parts of the scheme off Goldhawk and Uxbridge Roads requires particular care, to mark these gateways and give them presence while avoiding clutter and inappropriate signage. The market entrances sit alongside the railway bridges, which provide part of the setting and backdrop, and which should be cleaned and improved as part of the proposals for the public realm of the scheme as a whole. This should include measures to deter fly posting and graffiti.

4.23 The area immediately east of the Uxbridge Road entrance to the TfL market entrance is occupied by a single storey building which appears to house an electrical substation. The building should be relocated or repaired and refurbished and an appropriate landscaping scheme developed for its surroundings.

4.24 Lighting can enhance the character of the market and add to the quality of the space. A consistent approach to the lighting of both the existing market area and new development should be explored, avoiding local light pollution but providing sufficient light for CCTV cameras to operate effectively. CCTV coverage must be provided in discussion with the Council and Police Crime Prevention Design Advisor.

4.25 Proposals for managing waste collection will need to accompany a scheme particular for the market. Areas for ancillary facilities such as waste compactors and toilets would need to be successfully integrated into the new layout.

4.26 In developing proposals, early discussion must take place with Police Crime Prevention Advisors in the context of achieving secured by design principles.

4.27 There should be a scheme for appropriate tree planting and landscaping, especially on the boundary with Pennard Road. The scope for introducing green roofs should be considered.



E. Access, parking and servicing

4.28 The site has excellent public transport accessibility (PTAL 6a). The right level of parking provision for retail land uses is an important issue and the right balance should be achieved between meeting the potential needs of the development, while limiting the impact on the congested road network, which has many competing and conflicting functions and demands. Regeneration of the market should provide the opportunity for off street parking at an appropriate level that balances the needs of the retail land uses while not compromising the performance and efficiency of the local and strategic road network. Maximum parking standards exist under current local, regional and national planning guidance which will influence the final quantum of off street parking, including the white city opportunity area planning framework. There are specific parking standards for the provision of off street parking for residential and occupants will not be permitted to purchase on-street parking permits. There is a requirement for a minimum provision of parking for disabled people depending on the overall parking provision.

4.29 A transport assessment in accordance with TfL 2010 'Transport assessment best practice, guidance document', will be required and this should consider, in particular, the implications on surrounding streets, including the main roads, Pennard Road and Lime Grove; and, streets in the vicinity north of Uxbridge Road (e.g. Frithville Gardens and Hopgood Street) and south of Goldhawk Road (such as Richford Street). A key part of this guidance is that the scope of the study should be agreed with relevant parties at an early stage. A travel plan will be required covering the residential and commercial uses to provide a mechanism for delivering sustainable travel behaviour.



4.30 Currently facilities for servicing for the market stall holders are severely restricted; therefore, a servicing management plan will be required. This will need to look, in particular, at the appropriate hours for servicing, taking into account the need to minimise disruption and disturbance to surrounding commercial and residential properties, the operation of the market, and congestion on Uxbridge and Goldhawk Roads. There is a need to clearly define routes for pedestrians and vehicles to avoid conflict between the two. Servicing should be on site, accessed through a segregated route and of a size and layout suitable for the new commercial floor space.

4.31 The vehicle access to the former laundry site from Pennard Road through an archway in the terrace has a restricted width and consideration should be given to either closing this entrance completely or maintaining it as a limited pedestrian and cyclist entrance only.

4.32 Pedestrian access is the primary route into the site hence the need to clearly identify and signpost the entrances and routes through to the development. Safe attractive walking

routes should be provided to nearby bus stops and train stations. A developer should consider whether it is necessary to extend the Legible London signage strategy being installed in Shepherd's Bush to the site. There will be a requirement to comply with the Council's 'Access for All' SPD. The arrangement of pedestrian access must take account of the need to provide safe and secure access for occupants and customers when the market areas are closed.

4.33 The Borough's walking and cycle guide indicates Goldhawk Road, Uxbridge Road and on the western side of the Open Space of Shepherd's Bush Green as recommended cycle routes. Consideration should be given to the provision of safe secure cycle parking in line with TFL cycle parking standards.

4.34 A major Borough transport study is being carried out along the Goldhawk Road corridor and any proposals for the market area should reference this work.

4.35 In connection with the regeneration of the market and the proposed relocation of some of the existing services from Broadway Centre into the Lime Grove hostel, all options for improved access, design and management of the hostel would need to be looked at to minimise the concerns of local residents. The Council would expect a developer to negotiate to provide more suitable access to the hostel that could replace the existing sole access from Lime Grove, including options for access via the railway viaduct.

F. Former Shepherds Bush library



4.36 The former Shepherds Bush Library on Uxbridge Road by the architect Maurice Adams has a fine, highly detailed façade of red brick and stone dressings which has a landmark quality in Uxbridge Road. The building is included on the Council's register of Buildings of Merit due to its local importance. It dates from 1895 as identified on the foundation stone which was laid by John Passmore Edwards. The modelled asymmetric façade with attached columns around the main entrance is capped by a bold cornice and symmetrical gable which includes the date. The building has a later single storey extension in Pennard Road which is of limited architectural interest.

4.37 The opportunity exists to enhance the buildings landmark qualities and provide a high quality refurbishment for theatre use at this key location adjacent to the market. The main part of the building should be retained, whilst the rear extension could be re-worked. The main building has an interior of some interest but one which is capable of adaptation to accommodate appropriate arts and cultural use which would provide an anchor to, and complement other cultural uses in the market regeneration and the town centre generally.

G. Environmental issues

4.38 The southern end of the site is located within Flood Risk Zones 2 and 3. Within the London Plan, policy 4A.13 Flood Risk Management and PPS 25 'Development and Flood Risk' are therefore relevant. A Flood Risk Assessment is required to demonstrate that the site can be developed and occupied safely throughout its proposed lifetime.

4.39 In terms of energy efficiency London Plan policies 4A.4 Energy Assessments and 4A.7 Renewable Energy are relevant. Policy 4A.7 requires that developments achieve a reduction in carbon dioxide emissions of 20% from on site renewable energy generation. An energy assessment would be required to demonstrate how energy efficiency measures have been designed into the scheme and how renewable energy has been considered and integrated. In addition the Council has an adopted Energy Supplementary Planning Document (SPD).

4.40 Particular concern must be given to avoiding unacceptable adverse impact from development on the interests and amenity of surrounding residents, especially in the Pennard Road, **Pennard Mansions** and Lime Grove areas, in relation to matters such as overlooking, daylight and sunlight, noise, light pollution and other disturbance. This will require careful consideration of the design, layout and massing of new buildings, and the arrangement of land uses; and, servicing and access.

4.41 An assessment of how past land contamination will be mitigated will be required as part of any proposals.

4.42 A comprehensive waste management plan must be prepared and agreed with the Council.

H. Employment, training and business support

4.43 The development should contain business and employment space of sufficient scale that a full range of size and type can be provided. This could include space for small and business start up users. A percentage of the space should be targeted to the creative and media industries. Employment space should be designed to encourage the growth of business clusters. It should also be of the highest quality, with a future proofed design and equipped to the highest level of connectivity.

4.44 The development should make a contribution to skills training and employment support to an appropriate extent to be determined.

I. Expectations of a Developer

4.45 Any developer must demonstrate the following:

- adequate experience and capacity to design, finance, build and operate such a project;
- the overall viability of the scheme
- a viable and sustainable ownership and management structure for the Transport for London market that would be implemented on completion of the project; with terms and conditions that are satisfactory to market lessees and Transport for London who own and operate the market.

APPENDIX A

RELEVANT PLANNING POLICY GUIDANCE

Unitary Development Plan (2007)

Reference must be made to policies, including in the environment and transportation chapters of the UDP, and to the detailed standards that apply to design. Particular policies of the Unitary Development Plan (UDP) that directly apply are:

SBTC3 Shepherds Bush Market - "The council will support the retention and improvement of the existing market in Shepherd's Bush". The continuation of the market is considered important for the sustainability of the town centre in the context of the White City Centre development.

Policy G9A The council will seek to regenerate town centres including Shepherds Bush Town Centre by 'enhancing their vitality and viability as places for a wide range of shopping services, entertainment and other facilities, together with employment and residential uses'.

The UDP is supplemented by existing Supplementary Planning Guidance and Supplementary Planning Documents which provide further guidance on a number of policy matters. The key documents in this respect of this planning brief are Access for All, Energy, Storage of refuse and recyclables; and Sustainable construction and recycling of building materials.

Local Development Framework

The replacement plan for the UDP will be the Local Development Framework (LDF). The LDF will contain a number of planning documents, including those setting out policies for the Borough, against which planning applications will be considered. The Council has published [its Proposed Submission Core Strategy \(October 2010\) having already consulted on Core Strategy Options \(June 2009\)](#). The Council consulted on its Generic Development Management Policy Options in November 2009.

In December 2010 the Council and the GLA aim to consult on the **Draft White City Opportunity Area Planning Framework** and anticipate its adoption as SPD in June 2011. The regeneration of the Shepherds Bush Market Area should reference this planning framework, particularly in relation to waste and energy.

The London Plan

The London Plan (February 2008) is also a statutory plan for this borough, against which planning applications for this site will be considered. There is currently a draft replacement London Plan undergoing an Examination in Public which is expected to be adopted in late 2011. There are also a number of London Plan Supplementary Planning Guidance documents and Mayor's Strategies in adopted or draft form which will also be of relevance.

National Policy

Planning Policy guidance notes and Planning Policy set out the government's policies on different aspects of spatial planning.

Extract from Proposed Submission Core Strategy (October 2010)

Strategic Site 3 - WCOA

Shepherds Bush Market and adjacent land

Owner: Transport for London, Shepherds Bush Market Enterprises, Council, Peabody Trust, Broadway and private.

Regeneration of the market and other adjacent land to create a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and possibly offices; in accordance with the Shepherds Bush Market Supplementary Planning Document. Development should encourage small independent retailers and accommodate existing market traders.

The core site will be the TfL market, former Pennard Road laundry site, Peabody Trust housing land and Broadway centre. Shop properties on Goldhawk Road should be included provided there are opportunities for relocation of the shopkeepers to new premises within the scheme. The scope for including land to the west of the market off Lime Grove, together with the privately owned market must also be considered.

The former Shepherds Bush library should be used for cultural purposes.

Any development should take place in accordance with the guidance set out in the Shepherds Bush Market Supplementary Planning Document.

Justification

8.47 The market is an important and distinctive part of the town centre's offer. It attracts trade from a wide area. Nearly a quarter of shoppers in Shepherds Bush visit the centre to buy specialist ethnic food products and 8% to specifically visit the market. The Council considers that if the market is to continue as an important feature it requires improvement. This will not only ensure long term viability of the market, but also contribute to the regeneration of Shepherds Bush town centre.

APPENDIX 2

SHEPHERDS BUSH MARKET AREA PLANNING BRIEF – MARKET AND THEATRE LED REGENERATION SUPPLEMENTARY PLANNING DOCUMENT (SPD) REPRESENTATIONS WITH RESPONSES AND ASSOCIATED ACTION London Borough of Hammersmith & Fulham Local Development Framework

Shepherds Bush Market Area Planning Brief – Market and Theatre led Regeneration Supplementary Planning Document: Statement prepared in accordance with Regulation 18(4) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004

In accordance with the Town and Country Planning (Local Development) (England) Regulations 2004, this schedule includes:

- (i) a summary of the main issues raised in representations on the council's draft Shepherds Bush Market Regeneration Area Supplementary Planning Document (SPD):
- (ii) how these main issues have been addressed in the SPD which the council intends to adopt.

The Shepherds Bush Market Area Planning Brief SPD was subject to public consultation from 10th September 2010 until 11th October 2010.

This schedule identifies the individuals and organisations that commented on the document. It includes summaries of the representations that were made, together with the council's responses to these representations and details of any amendments to the SPD that were considered necessary.

The Shepherds Bush Market Area Planning Brief SPD provides further guidance regarding the way in which the area should be regenerated and developed in the future. The Market regeneration area is included within the wider White City Opportunity Area identified in the Borough's Local Development Framework Core Strategy Options (consultation June/July 2009) where the preferred option is "to regenerate and provide

an enhanced focus and destination in the western part of the town centre by refurbishing the market and other land as a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and offices” It attracted a variety of comments.

In the responses received there was support in principle for the regeneration of the market and especially the retention of the former Shepherd’s Bush Library as a cultural facility. There were many people opposed to the demolition of 30 – 52 Goldhawk Road due to the loss of the Victorian terrace as well as the shops although the brief allows for their re-provision within the regenerated market. Some were concerned regarding the height of replacement buildings on Goldhawk Road. Market traders expressed concern specifically regarding rents and service charges (these issues will be dealt with at a later stage with the chosen developer) and disruption during the redevelopment process however the brief already says the development should be phased to minimise disruption to the traders. Traders wanted a guarantee that the market would not be diminished in size that has been amended in the brief and parking to serve the market . Lime Grove residents were not supportive of the retention of the Lime Grove hostel to accommodate the relocation of residents from the Broadway scheme.

As a consequence of the representations, a number of changes have been made that clarify the text. However it has not been considered necessary to agree to all of the changes requested in the representations.

Full copies of the representations are available at the Environment Services Department, Hammersmith Town Hall, King Street, Hammersmith, W6 9JU.

NAME / ORGANISATION	NATURE OF REPRESENTATION	SUMMARY OF REPRESENTATION	RESPONSE
<p>N0 1 Andrew Jones,</p> <p>General</p> <p>Bicycle Parking</p>	<p>Support with Suggestions</p>	<p>Very much in favour of the redevelopment of the Market and look forward to seeing the final plans and eventually the finished result.</p> <p>Urge the Council to ensure that sufficient high quality, highly visible, cycle parking is provided during the redevelopment and that cycle access is given suitable priority when considering the details of</p>	<p>Response - Support noted Action - No action</p> <p>Response – 4.33 of the brief highlights that “consideration should be given to the</p>

		<p>implementation (pavement treatments etc). The redevelopment would be an excellent opportunity to promote cycling in the Shepherds Bush area. However, the potential will only be fully realised if the idea of “cycling to market” is considered an integral part of the redevelopment plan. Encouraging cycling to the Market should be part of its promotion once the development is underway / complete.</p>	<p>provision of safe secure cycle parking in line with TfL cycle parking standards”. This issue will be considered in more detail as part of any application for re-development in line with the Council’s and GLA’s cycling policies. Action - No action</p>
<p>NO 2 Louisa Mousley,</p> <p>General Facilities for Children</p>	<p>Support with Suggestions</p>	<p>The whole plan to regenerate is great news.</p> <p>We as a family feel that in terms of facilities for children under 5 in winter, the area currently has very little to offer. For example, there are no covered play centres and it would be brilliant if the development could contain something along these lines. Such a facility needn’t be Council funded as we are happy to pay a reasonable fee to attend.</p>	<p>Response - Support noted Action - No action</p> <p>Response - The brief’s key aim is to deliver the regeneration of the market but be enhanced and complemented by new shops, residential, leisure and cultural activities, on a very restricted site. When the developer is on board more detail will be developed regarding the specific proposed uses in response to the brief. Action - No action</p>

Farmers Market		It would be amazing if we could attract a farmer's market area within the Market.	<p>Response – This would need to be considered in the future by the developer who comes forward to develop the site.</p> <p>Action - No action</p>
<p>NO 3 Simon Arscott</p> <p>Open Air Market</p> <p>Page 419</p> <p>Rents</p>	Suggestions	<p>The Council should stipulate that the Market remain open air.</p> <p>The Council should ensure that the rents to be charged for stalls are kept at rock bottom. If they are raised to reflect the enhanced nature of the Market the stalls will dwindle and the Market's character will be lost.</p>	<p>Response – The development guidelines are not specific regarding the market being covered or open this will be considered with the developer when a scheme is being developed. The development guidelines however are clear regarding the requirements for the quality of the public realm and urban design of the proposed layout.</p> <p>Action - No action</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are</p>

			<p>outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Action - No action</p>
<p>NO 4 Collette Moran</p> <p>General</p> <p>Page 420</p> <p>Large Empty Building on Shepherds Bush Green</p>	<p>Support with Suggestions</p>	<p>Very pleased for Shepherds Bush Market and the area. The Market is a vibrant place full of character and diversity. The idea of a new public piazza, cafes, shops and restaurants would be excellent for families. An art centre would be welcome as well as it would give something to do for young people and avoid the big mistakes and problems of the big buildings of White Centre that offer nothing to do.</p> <p>What about the big empty building on the Green next to the theatres that should and could be a nice centre for arts, fashions and exhibitions. It is a great pity to leave a building empty in London.</p>	<p>Response - 4.10 and 4.36 provides the development guidelines for public leisure arts, entertainment and cultural use. A key element of this is the re-provision of the Shepherd's Bush library building as a public arts or entertainment facility at the north end of the site.</p> <p>Action - No action</p> <p>Response - This building is located outside of the Brief area and its use can not be influenced in this process. However, the comments have been noted.</p> <p>Action - No action</p>

<p>NO 5 Marca Wosoba,</p> <p>General</p>	<p>Support</p>	<p>Sounds like it could be great news, the plan looks great and I hope that it progresses, is approved and is implemented. The proposal all sounds very positive and could be a substantial improvement, particularly if it could be undertaken in a similar way that has regenerated Spitalfields Market and the surrounding area in East London.</p>	<p>Response - Support noted Action - No action</p>
<p>NO 6 Coli McDonnell,</p> <p>General</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Agree that the market does need attention and investment.</p> <p>I'm very strongly opposed to the demolition of 30-52 Goldhawk Rd. It would be a crime to demolish these buildings; this terrace was built in the early to mid nineteenth century and contains good examples of Victorian shops. They have fallen on hard times, but this is no reason to have them demolished. This should be an opportunity to have them restored to their former charm.</p>	<p>Response - Support noted Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years</p>

<p>Loss of Shops within 30-52 Goldhawk Rd</p> <p>Page 422</p>		<p>The terrace of shops provides useful services to the area; they bring atmosphere and community to Goldhawk Rd. Not one of these shops is part of a chain, many are family firms, and the pie and mash shop has been in that location since 1899. It would not be the same to simply locate these shops within the Market. There is a danger that we will be turning what is a vibrant and interesting (if somewhat rundown) part of Shepherds Bush into something bland and average.</p>	<p>and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response - It is stressed in 4.17 that the “scale and height of the new development would need to</p>
<p>Height</p>		<p>The Planning Brief describes 30-53 Goldhawk Rd as being of a scale that is no longer appropriate for this part of the Goldhawk Rd townscape, but the height of this terrace is very much part of its</p>	

<p>Architecture Page 423</p> <p>Retention of façade at 30-52 Goldhawk Rd</p>		<p>charm.</p> <p>In recent years much good architecture in the area has been lost, such as Shepherds Bush station. Please let's nurture the remaining good buildings. Just because buildings are in poor condition does not mean one has the right to destroy them. Rather we should be working to have this lovely terrace restored.</p> <p>Would it be possible to retain the façade of the terrace and build the new structure behind it?</p>	<p>respond to the context" and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions are 5 storeys therefore 4/5 storeys is felt to be appropriate in this location. Action - No action</p> <p>Response – While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – As stated in 2.4 of the brief it is also important to include the frontage so that better</p>
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			<p>access to the market and central part of the site can be provided, better connecting the regeneration area with Goldhawk Road.</p> <p>Action - No action</p>
<p>NO 7 Tania Fullerton</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 424</p>	Object	<p>It would be extremely short sighted to demolish these buildings, which are examples of Victorian terrace shops. It would be a real discredit to current and future residents, who will at this rate, have an even more tenuous connection to the history of the area in which they live. If we are to expect people to value, look after and respect their environment, shouldn't it at the very least be protected, valued and respected by those whose job it is to do so? Please reconsider.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
NO 8	Object		

Hannah Bellamy

Demolition of 30-52 Goldhawk Rd

Page 425

Loss of Shops within 30-52 Goldhawk Rd

The current owners should be supported in restoring these buildings to their former glory rather than tearing them down and building again.

We love the chain free nature of Shepherds Bush and want it to stay that way.

Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

Response – Objective 2 deals with this point and states “To complement and integrate the markets renovation with a retail and leisure led mixed use scheme that will provide a vibrant ground floor mix of small shops with an element of cafes and restaurants and

			opportunities for independent businesses.” Action - No action
NO 9 Hector McDonnell Demolition of 30-52 Goldhawk Rd Page 426	Object	<p>There is horror at the proposal to demolish this row of buildings. The charm and character of Goldhawk Road has great potential for the future of the area and it would be a very poor decision to demolish these buildings which add a great deal to the appearance of the neighbourhood. They should be refurbished and would then become a much needed draw for small businesses. If they are demolished the street will lose much of its delightful character.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
NO 10	Object		

<p>Jill Rosenlund</p> <p>Loss of Shops within 30-52 Goldhawk Rd</p>		<p>I pass these shops every day and although they are a bit run down they are individual and not just more of the same chain stores that appear in every High Street. Please don't let them disappear. With a little TLC they could help preserve what is left of the character of Shepherds Bush.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>Page 42/73</p> <p>O 11 S Crowle</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Funds should instead be used for restoration of these buildings.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate</p>

			<p>alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 12 Ameet Marwaha, General Page 428</p>	<p>Object</p>	<p>While we agree that the market will benefit from extra car parking, atm machines, toilets, security and better drainage, we don't agree that our site needs to be demolished to include flats, offices and other shops. Our concern is what happens to us? We run a family business that is our livelihood; it supports all 5 members of our family. We sell ladies lingerie and nightwear, what happens to us if we are moved? What happens to our stock? Our forward orders? Or customer base? If the market is regenerated taking in all these new developments of shops, offices, etc, where will we be moved to? Space is still at a premium. Is every market trader guaranteed their place back in the Market? All these are questions we have not received a proper answer for.</p>	<p>Response – The brief includes plans for the phasing of the redevelopment to ensure for minimum disruption to stallholders under Objective 7. In response to traders comments a new commitment has been inserted under objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long</p>

			<p>term viability and its vibrant diversity”..</p> <p>Action – Objective 1 revised as detailed above.</p>
<p>NO 13 Susanna Swallow</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 429</p>	Object	<p>Please do not destroy the character and history of the area by pulling down old buildings. I object in the strongest possible terms. Please restore these buildings and incorporate them in the new market.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
NO 14	Object		

<p>Charles Shallow</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 430</p>		<p>It would be a terrible loss to Shepherds Bush to demolish any more old shops and houses it would result in lost atmosphere to the area. We now have a modern area with Westfield; please can we preserve the rest of the area by restoring the old buildings.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 15 Mary Turner,</p> <p>Loss of Shops within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Please save this parade of shops, which add character to the area?</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the</p>

			<p>comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 16 Shepherds Bush Market Tenants' Association</p> <p>PETITION</p> <p>Deadline for the Brief</p>	<p>Object</p>	<p>The deadline set by the Council for this Brief of the 11th of October is too early. The Council seem to forcing the pace of this Brief and we are concerned as to why more time is not being given to discuss and consider these important issues. Many matters in the Brief are not to the Tenants satisfaction. It is requested that the deadline be extended to at least the beginning of November.</p>	<p>Response – The market traders have been consulted regarding the future of the market at a meeting held in June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. It is considered that a</p>

<p>Figures</p> <p>Page 43</p> <p>Car Parking</p>		<p>It seems that the interpretations of the Council's consultation have been manipulated to accommodate the Council's own preference.</p> <p>Due to recent decisions by the Council regarding parking in the local area there is now a lack of trust and confidence from Market traders. The parking regulations (reducing max. stay in a bay from 8 hours to 1 hour) have damaged the Market's footfall severely and the Council's actions have revealed that perhaps the Market's welfare is not their priority. Parking for businesses and customers must be provided.</p>	<p>full and adequate consultation has taken place in line with the regulations. Action - No action</p> <p>Response – These figures come from a survey undertaken by M&N Communications. The survey was undertaken in December 09/ January 10 and focussed around the first draft of the planning and regeneration brief. Action - No action</p> <p>Response – As stated in the revised brief at 4.28 "Regeneration of the market should provide the opportunity for off street parking at an appropriate level that balances the needs of the retail land uses while not compromising the performance and efficiency of the local and strategic road network. Maximum parking standards exist under current local, regional and national planning</p>
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<p>Market Tenants' Livelihoods'</p>		<p>The Market Tenants' Livelihoods' must be protected. Although the concept of the regeneration of the Market is in theory beneficial to the traders, there is concern and unrest that the Council wishes to push the present tenants out of the Market and replace the old tenants with new tenants.</p>	<p>guidance which will influence the final quantum of off street parking, including the white city opportunity area planning framework". Action – Changes have been made to the brief to emphasise maximum parking standards under current local, regional and national planning that a developer will need to comply with.</p> <p>Response – The Vision for the market expresses the aspiration of "retaining the unique essence of the market" In response to traders comments a new commitment has been inserted under objective 1 "while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant</p>
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<p>Rents and Service Charges</p> <p>Market Size</p> <p>Page 43</p>		<p>The increase in business rates is breaking the fragile businesses of the Market. The Market Tenants' wish the Brief to include some guarantees and stipulations that will reassure the future of the present Tenants. All tenants' leases must be protected under the 1954 landlord and tenant act. Rents must be capped. Service charges must be capped</p> <p>The present square footage of the Market should not be diminished.</p>	<p>diversity"..</p> <p>Action – Objective 1 revised as detailed above.</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Action - No action</p> <p>Response - In response to traders comments a new commitment has been inserted under objective 1 "while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity"..</p>
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<p>Compensation During Development</p> <p>Meeting</p> <p>Page 435</p>		<p>There is concern that minimal compensation will be given to tenants when they are decanted from the site during the build out of the development.</p> <p>Request that all Tenants be invited to a meeting to discuss the Brief.</p>	<p>Action – Objective 1 revised as detailed above.</p> <p>Action – Objective 8 confirms that the redevelopment should be phased so the market can operate throughout, more details will be known when a developer is on board</p> <p>Action – No action</p> <p>Response – There have been numerous meetings and drop in sessions with the market traders. The market traders have been consulted regarding the future of the market at a meeting held in June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. In order to provide an opportunity for market traders to find out more regarding the brief drop in sessions have been arranged for 15th and 16th</p>
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<p>Cabinet Meeting</p> <p>Page 436</p> <p>Developer Tender</p>		<p>There is concern as to why the Council is holding a Cabinet meeting on the 14th of October 2010 when the deadline of the Brief is after this date on the 18th of October 2010. Does this mean that decisions will be made by the Council before all the opinions and views of the various parties have been collected?</p> <p>The Council's tendering process in attracting interesting developers is unclear and raises questions as to whether the tendering process could have been more thorough and extensive.</p>	<p>October in the former Shepherd's Bush Library. Action – Two drop in sessions arranged for 15th and 16th October in the former Shepherd's Bush Library.</p> <p>Response – The deadline for commenting on the brief is 11 October 2010. We will however still be considering comments made after this date. A summary of comments made and responses will be submitted to full council on 27th July 2010. Action – No action</p> <p>Response - The brief has been promoted on a wider basis as well as the Council's aspirations for regeneration but Orion is currently the only interested developer. The site is complex to develop with significant land assembly required with risks</p>
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The Tenants
Wish for the
Following to be
Included in the
Brief

Page 437

The current floor space of the Market shall not be diminished.

Car parking for the businesses and customers of the Market must be provided to avoid additional strain on parking in surrounding streets.

associated with this which may explain the lack of interest.

Action – No action

Response - In response to traders comments a new commitment has been inserted under objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity”..

Action – Objective 1 revised as detailed above.

Response – As stated in the revised brief at 4.28 “Regeneration of the market should provide the opportunity for off street parking at an appropriate level that balances the needs of the retail land uses while not compromising the

		<p>The future management of the Market should include representatives of the Market to ensure the economical and efficient running of the Market.</p> <p>Diversity of businesses must be ensured within the Market. Any additional businesses introduced into the Market must not compromise the current businesses of the Market.</p>	<p>performance and efficiency of the local and strategic road network. Maximum parking standards exist under current local, regional and national planning guidance which will influence the final quantum of off street parking, including the white city opportunity area planning framework”.</p> <p>Action – Changes have been made to the brief to emphasise maximum parking standards under current local, regional and national planning that a developer will need to comply with.</p> <p>Response – This matter is outside the remit of a planning brief and will need to be considered by the chosen developer.</p> <p>Action – No action</p> <p>Response – The Vision for the market expresses the aspiration of “retaining the</p>
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		<p>All tenants' leases must be protected under the 1954 Landlord and Tenant Act.</p> <p>Rents must be capped. Service charges must be capped.</p>	<p>unique essence of the market” In response to traders comments a new commitment has been inserted under objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity”.. Action – Objective 1 revised as detailed above.</p> <p>Response – This matter is outside the remit of a planning brief and will need to be considered by the chosen developer. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure. Action – No action</p> <p>Response Rent levels and</p>
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			<p>service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Action - No action</p>
<p>NO 17 21 Mrs Jo Loxley Demolition of 30-52 Goldhawk Rd and Loss of Shops Within</p>	<p>Object</p>	<p>One of the great attractions of this area is that it still retains its architectural variety and diversity, which enhances the local culture. These shops are a part of our vibrant heritage and as such it would improve all that we embrace in our area if they were to be restored, rather than demolished. They are entirely appropriate to their location and remain a treasured part of the community.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which</p>

			<p>once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 18 Charlotte Lawrie,</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 441</p>	<p>Object</p>	<p>Disturbed to hear of the plans to demolish this historic terrace, which would destroy the area's innate local charm. Surely it is preferable to restore them to their original Victorian state and to retain the architectural integrity of the neighbourhood. Don't want to see bland modern buildings of no architectural interest.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>

Loss of Shops
within 30-52
Goldhawk Rd

Page 442

Relocating the shops would destroy the Shepherds Bush Market area of much of its innate local charm. If the existing shops were to be relocated within the redeveloped Market, what would take their place? Presumably more big chains. The existing shops give a sense of continuity and community to the area – surely this is something to be retained and encouraged. City centres are becoming depressing places with no individuality. Surely there's enough modern retail space at Westfield? The terrace is renowned among fashion students for its great textile shops and the historic pie and mash shop. There are numerous comments on the internet about the pie and mash shop and textile shops that demonstrate the affection people have for the restaurant that forms part of the history and fabric of the local area.

Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. The intention of the brief is to ensure “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”.

Action - Emphasised shop relocation at 2.4 and 4.4

<p>NO 19 Susan Jaine,</p> <p>Loss of Shops within 30-52 Goldhawk Rd</p> <p>Page 443</p> <p>Demolition of 30- 52 Goldhawk Rd</p>	<p>Object</p>	<p>The shops could benefit from refurbishment, they are historic buildings and fully in keeping with the character of the area.</p> <p>It is completely untrue to say that they are of a scale which is no longer appropriate for this part of the Goldhawk Road townscape. The shops are in character with the surrounding buildings, unless it is the Council's intention to demolish buildings much further along the</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response – It is stressed in 4.17 that the “scale and height of the new development would need to</p>

		<p>road, and thus turn this part of Goldhawk Road into an anonymous and characterless wedge of high rise buildings.</p>	<p>respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions are 5 storeys therefore 4/5 storeys is felt to be appropriate in this location. Action - No action</p>
<p>NO 20 Michael Cosgrave, Pg 444 Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>These are historic shops with an interesting architectural heritage that add value and a sense of history to the area. The area is rundown and needs radical improving and development, but demolishing some of the few worthwhile buildings on the road to make way for more of the same generic buildings and shop fronts overtaking the area will further detract from the street. Rather than demolish historical buildings why not start with some of the monstrosities built along the road in the 1970s and 80s.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance;</p>

			they are also in a state of disrepair. Action - No action
<p>NO 21 Ratt Khurana</p> <p>Rent Charged to Market Traders</p> <p>Page 445</p>	Queries	In your consultation document it states that the rents for the market traders will not go through the roof. Can you please let me know what percentage of rent increase you consider as not going through the roof? Who takes responsibility for the decision to raise the rent, is it the Council?	<p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Action - No action</p>
<p>NO 22 Susan Joahill,</p> <p>Loss of housing</p>	Query	If a development goes ahead, does that mean I will be homeless? I am a private tenant.	<p>Response – Discussions with individuals affected by the development proposals outlined in the brief will need to take place when a developer is on board</p> <p>Action – No action</p>

<p>NO 23 Arnie J</p> <p>Poor consultation</p> <p>Incorrect Figures</p> <p>Page 446</p>	<p>Queries and Observations</p>	<p>The leaflets provided to occupiers were not sufficient in providing detailed information regarding the proposed plans towards Shepherds Bush Market. It was at times misleading in that the extent of the development was only thought to concern the Market place and not the surrounding areas.</p> <p>The figures produced in the Brief that indicated that 69%-75% of residents favour this development are false.</p>	<p>Response – The market traders have been consulted regarding the future of the market at a meeting held in June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. The leaflet aimed to advise regarding the broad parameters and copies of the full brief were available for people who wanted to consider in more detail.</p> <p>Action – No action</p> <p>Response – These figures come from a survey undertaken by M&N Communications. The survey was undertaken in December 09/ January 10 and focussed around the first draft of the planning and regeneration brief.</p>
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<p>Loss of Housing</p> <p>Relocation of Businesses</p> <p>Page 447</p>		<p>What will happen to the residents above 32-50 Goldhawk Rd?</p> <p>The details say that businesses can be relocated if viable in the redevelopment area, but the draft plans show no spare or empty areas to house the businesses of 32-50 Goldhawk Rd or its residents.</p>	<p>Action – No action</p> <p>Response – Discussions with individuals affected by the development proposals outlined in the brief will need to take place when a developer is on board</p> <p>Action – No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. The redevelopment site will include additional land from the former laundry site and Broadway/Peabody sites.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 24 Philippa Turner</p>	<p>Queries and Observations</p>		

<p>Increase in Rent</p> <p>Parking Page 448</p> <p>Paragraph 1 of Revised Consultation Document</p>		<p>Concern that any upgrading will throw the baby out with the bathwater by increasing the costs of the stalls. To retain a variety of traders, particularly those selling fresh produce, the rents must be kept at an economic level so that they can offer a reasonably priced alternative enabling them to compete with the overwhelming financial muscle of the supermarkets. The Council does not have a good record in this respect. Similarly, if the row of shops in Goldhawk Rd are to be demolished, any alternative accommodation offered the occupants should charge no more than existing rents. I'm particularly concerned that the pie shop, one of the few traditional businesses surviving in the area, should be safeguarded.</p> <p>Consideration should also be given to provide some preferential treatment for traders in respect of parking since at present they have to pay the full £1.80 ph which makes deliveries etc. prohibitively expensive and difficult.</p> <p>Southfield" in paragraph 1 should read "Smithfield".</p>	<p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure. Action - No action</p> <p>Response – Point 4.30 in the brief refers to the requirement for A Servicing Management Plan to fully address the issue of servicing. Action – No action.</p> <p>Response – Noted Action – Change made to replace "Southfield" with "Smithfield".</p>
<p>NO 25 Tom Weldon,</p> <p>Demolition of 30-</p>	<p>Object</p>	<p>Very strongly opposed to the possible demolition of the terrace of</p>	<p>Response – The inclusion</p>

52 Goldhawk Rd

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Height

shops. These shops bring atmosphere and community to Shepherds Bush, it would not be the same to simply relocate them. There is a serious danger that we are turning a lively and interesting part of our neighbourhood into something boring and average. The terrace is a good example of Victorian shops and a fascinating piece of architectural history, which should be restored to their former charm.

The Planning Brief describes 30-53 Goldhawk Rd as being of a scale that is no longer appropriate for this part of the Goldhawk Rd townscape. I strongly disagree – the height of this terrace is a part of their appeal.

of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

Response – It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions is 5 storeys therefore 4/5 storeys is felt to be

			appropriate in this location Action – No action
<p>NO 26 Xavier St Clair</p> <p>Loss of Textile Shops at 30-52 Goldhawk Rd</p> <p>Page 450</p> <p>Alternative Approach</p>	Object	<p>This is very upsetting, Goldhawk Rd and its many fabric stores are vital part of London, which adds character and charm to the community. Many of the other stores benefit from our travels into the community and by removing these stores the Council is doing a great injustice to the community and the many hard working store owners, who rely on customers to make ends meet. Many customers depend on the great value and close proximity many of the stores provide.</p> <p>Instead the Council can revitalise the area by putting in plants and doing a little renovation of the surrounding streets.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – Noted Action – No action</p>
NO 27 Lisa Redman	Object		

<p>Loss of Textile Shops at 30-52 Goldhawk Rd</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 451</p>		<p>Issue with the proposed 'improvements' to Goldhawk Rd. This terrace contains shops that I use daily and are of great convenience and importance to my business.</p> <p>These shops are in need of architectural help, they are beautiful Victorian buildings and should be restored to their former glory not demolished and replaced with generic bland architecture. This is another example of taking away the charm that Shepherds Bush has and these individual businesses, which are the heart of the area, should be supported and helped to make a success of the area. When developing an area the heart should be retained, not blown up.</p>	<p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p>
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			Action - No action
<p>NO 28 Greater London Authority</p> <p>Relationship of the Market Development With the Wider Metropolitan Town Centre</p> <p>Page 452</p>	<p>Observations and Suggestions</p>	<p>Concerned that the brief does not tackle the challenge of positioning the market development within the wider Metropolitan Town Centre, and particularly how development of the market must be undertaken with a view to complementing the other key anchors of the town centre. The GLA have been quite conscious of this need in drafting the White City Opportunity Area Planning Framework (OAPF), and it would be essential to take a consistent approach in the Brief for this site within the OAPF.</p> <p>There is a risk that overly aggressive development on the market will compromise the aspirations for the strengthening and reinvigorating the wider town centre, particularly when referring to new shops, leisure activities, office space, independent and specialist small businesses within the market, as this could be seen as competing with the West 12 centre and the shop fronts along the north of</p>	<p>Response – The Council have explicitly cited in the SPD that the role of the Shepherd’s Bush Market would be seen as complementary to the Town Centre. Paragraph 4.9 states that there should be a mix of mostly small units, and a strategy of encouraging independent and specialist shops. Such mix and type of uses are not seen as being able or capable of competing with the range of uses within Westfield, W12 or the High Street shops in Shepherd’s Bush Green.</p> <p>Action - No action</p> <p>Response- The main aspiration of the SPD is to rejuvenate the ailing market place with a newer, improved facility which gives the market stall traders a</p>

Shepherds Bush Common.

The brief should address how this development will not compromise the improvement and strengthening of these other parts of the town centre, particularly the 'night time economy', retail and leisure sectors.

safer and more attractive environment conducive to increased trading. Importantly, the Council wish to seek increase footfall in the Market and to reinstate its previous historic importance within the town centre. The Council consider that the proposed development will bring about significant economic benefits to existing traders which will in turn, increase expenditure in the Shepherd's Bush Town Centre.

Action - No action

Response - With regards to the impact on parts of the town centre, the brief includes provision for additional cultural facilities (such as a theatre at the former Shepherd's Bush Library) which increases the mix of uses within the area and another attraction and focus for the town centre. The additional cafes and restaurants coupled with the

The OAPF also will be proposing several approaches to waste that might involve the market, including using organic waste from the market and other sources to create waste derived biogas for a Gas CHP, and increasing the presence of refuse facilities, which often use spaces like railway arches for furniture and electrical refurbishment and sale.

creation of a new public square would be seen to complement the market making it a more attractive and safer environment for visitors and traders. The scale and nature of the uses are seen as being small and independent, and are considered to complement and add to the qualitative retailing on offer within the Town Centre. A management plan is recommended to ensure that the market is secure at night time. The brief does not envisage any additional late-night bars or clubs. Therefore, the contribution to the night time economy will be limited.

Action - No action

Response - The Council would be concerned about any loss of retailing within the arches, as proposed in the possible incorporation within any waste management scheme which

Similarly the OAPF is exploring the potential for a district energy network – there may be opportunities for the Market to connect to such a network, and proposals should explore those opportunities. The Brief should note that any development on the Market will be subject to the supplementary planning guidance from the OAPF, particularly on waste and energy, when it is published (anticipated June 2011).

would result in the loss of retail within Shepherd's Bush Town Centre. The loss of such retail (which contributes to the qualitative range) would seem to undermine the status of the Metropolitan Town Centre.
Action - No action

Response - The Council would expect all major planning applications to be accompanied by an energy statement and sustainability report which would confirm the details of how the development will reduce carbon emissions and maximise energy consumption from renewable energy sources. LBHF will assess applications based on the relevant London Plan policies at the time of submission. The developer will be advised by the Council of the OAPF and will be encouraged to connect to the wider district energy network, if feasible.

			Action - No action
NO 29 Ingrid Kazior	Support and Suggestion		
New Market		Fully support the plans to regenerated Shepherds Bush Market. It desperately needs serious regeneration and investment to make it a much more appealing and engaging space with a better mix of shops that maintain its multicultural and unique features.	Response - Support noted Action - No action
Shepherds Bush Library Building		The restoration of the Shepherds Bush Library building is supported. The Bush theatre is a national treasure and the library would be a perfect building to host cultural events.	Response - Support noted Action - No action
Broadway Centre and Lime Grove Hostel		The Council needs to listen to Lime Grove residents' concerns about the move from the Broadway Centre to Lime Grove Hostel. This move could lead to additional anti-social behavioural problems in an area that already has a lot of antisocial and security issues outstanding.	Response - Consultations have taken place with Lime Grove residents during Dec09/Jan 10 and Sept/Oct 10 regarding the draft brief. Following consultation with Lime Grove residents the brief was changed at 4.34 "all options for improved access, design and management of the hostel would need to be looked at to minimise the concerns of local residents. The Council would expect a developer to negotiate to provide more

<p>Page 45</p>			<p>suitable access to the hostel that could replace the existing sole access from Lime Grove, including options for access via the railway viaduct taking place with Lime Grove residents.”</p> <p>In addition Supporting People will be working with St Christopher’s and local residents to ensure the hostel users do not disrupt the local community.</p> <p>Action – Brief was previously amended as above at 4.34</p>
<p>NO 30 Sean Percival General</p>	<p>Object</p>	<p>It is understood that the Market area needs to be ‘improved’, but is it really necessary to tear it all down and start again? Can we not merely restore what is already an area that is full of character and individuality? Isn’t it enough that practically every High Street in this country looks the same without creating yet another one.</p>	<p>Response – The intention of the brief is to ensure “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”.</p>

			Action – No action
<p>NO 31 Dehra Mitchell</p> <p>Demolition of Buildings and Shops at 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 458</p>	Object	<p>It would be a great pity to lose what little individuality is left in the area. The fabric stores in particular are used by locals and students and one can always be assured of receiving care and attention. Moving the shops into the market would mean the possibility of them no longer being in existence, which would be a pity.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 32 Charlotte Crosbie</p> <p>Loss of Textile Shops</p>	Object	<p>I use the fabric shops along Goldhawk Road for my work in the film industry. It would be a great shame if they were to disappear as there is nothing else like them in London.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration</p>

			<p>of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 33 Eva Onsrud P Demolition of 30- 2 Goldhawk Rd 459</p> <p>Loss of Textile</p>	Object	<p>Turning this area into a parking lot would be an incredible waste.</p> <p>The textile shops are extremely beneficial for those that work in the</p>	<p>Response – This is not the intention of the brief. The intention of the brief is to ensure “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”.</p> <p>Action - No action</p> <p>Response – The inclusion</p>

<p>Shops</p> <p>Page 460</p> <p>Car Parking</p>		<p>decorating and fashion industries in that they offer reasonably priced fabric.</p> <p>There are plenty of free spaces nearby and the parking lot is not needed. Furthermore, it would encourage more people to travel by car and the traffic around Shepherds Bush is already terrible.</p>	<p>of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – The regeneration of the market is the key aim of the brief.</p> <p>Action – No action.</p>
<p>NO 34 Alison Harvey</p> <p>Loss of Shops within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>These shops are integral to the character of the area and would be greatly missed by myself and others in the local and wider 'prop buying' community.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise</p>

			<p>the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 35 Kerry Estick Pass of Pie and Mash shop within 30-52 Goldhawk Rd</p>	Object	<p>Can't understand why the Council would like to change everything, the pie and mash shop is a London tradition that has been around for a long time, moving them would mean there will be no traditional London restaurant in the West London area. I've attended this restaurant for 29 years and couldn't imagine not being able to have pie and mash on a regular basis. It is understood that the Council is trying to improve the area, but getting rid of tradition is not the right way of improvement.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>

<p>NO 36 Lisa Fuller</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd</p> <p>Page 462</p>	<p>Object</p>	<p>Do not close this shop it is part of the local community and one of the last places of tradition standing.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 37 Milly Burns</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>There is little enough period architecture left in the area and a regeneration of the market seems a perfect opportunity to restore this row of shops to their former charm. If the terrace were to be restored the building would considerably enhance the area.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we</p>

Loss of Shops		Totally disagree that the buildings are of a scale that is no longer appropriate for this part of the Goldhawk Rd townscape. Object to losing these shops that are regularly used and in many	<p>understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response - It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions are 5 storeys therefore 4/5 storeys is felt to be appropriate in this location. Action - No action</p> <p>Response - We recognise</p>
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<p>Within 30-52 Goldhawk Rd</p>		<p>cases family owned – not part of a chain. They contribute a lot to the atmosphere of the area e.g. the pie and mash shop, which has been there since 1899, giving a sense of history that would be destroyed by relocating it.</p>	<p>the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 38 Robbie Marwaha, Page 454 General</p>	<p>Object</p>	<p>Worried and concerned about the short and long term future of the area. Most of the traders in the Market have been there for decades and their livelihoods depend on it.</p>	<p>Response – The brief's vision clearly states the Council's future commitment to the market. "The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive".</p>

<p>Questions</p>		<p>The senior members of the Shepherds Bush Market Tenants Association are pro development and are our direct competitors and want us gone, with us gone their business will flourish.</p> <p>We all agree that the market needs improving, we need the following: customer toilets; increased customer parking; atm machines; security; new drainage, pathways and a roof.</p>	<p>Action – No action</p> <p>Response – Noted Action - The brief has been amended to give comfort to the traders in Objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity.”</p> <p>Response – Issues regarding toilets are dealt with at 4.25, parking at section E. (Access, parking and servicing), security and pathways at D. (Public realm design and management). These and other details will be dealt with when the developer of the site lodges a planning application. Before this application is lodged the Council will be encouraging the developer to undertake an extensive consultation with all of the</p>
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		<p>The following is what we don't need: flats and apartments; offices; coffee shops (there are tens of them on Uxbridge and Goldhawk Rd); and more retails shops.</p> <p>The statistics saying that 75% of the traders are in favour of redevelopment is ridiculous, we carried out a questionnaire of the stallholders to be affected by the plans and 95% were against it.</p>	<p>existing businesses to determine their needs and requirements. Action – No action</p> <p>Response – The area is identified in the Borough's Local Development Framework Proposed Submission Core Strategy (October 2010). That document sets out the proposed policy as: "Regeneration of the market and other adjacent land to create a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and possibly offices; Action – No action</p> <p>Response – These figures come from a survey undertaken by M&N Communications. The survey was undertaken in December 09/ January 10 and focussed around the first draft of the planning and</p>
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		<p>What would happen to us if the plans go ahead?</p> <p>What will happen when works are complete?</p> <p>Are we guaranteed our spots back in the market?</p>	<p>regeneration brief. Action – No action</p> <p>Response – The developer would undertake significant consultation with local residents, groups and traders when developing the scheme in line with the parameters within the brief. Action - No action</p> <p>Response – Details regarding phasing and the eventual layout of the market will be further developed when a developer is on board. Management arrangements will also be discussed when the developer is on board. Action – No action</p> <p>Response – In response to traders comments a new commitment has been inserted under objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market</p>
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		<p>What rents would we be paying when the works are complete?</p>	<p>stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity". Details regarding phasing and the eventual layout of the market will be further developed when a developer is on board. Action – Objective 1 revised as detailed above.</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure. The Vision for the market Action - No action</p>
<p>NO 39 Julie Bennett</p>	<p>Object</p>	<p>Will the Peabody Trust and Broadway Centre get a market rate for their properties that were recently built? The Brief gives the</p>	<p>Response – It is anticipated that a developer would</p>

<p>General</p>		<p>impression that if they do not agree they could have an order placed on them. If paid a going market rate they may have better uses for it. Homeless people do not appear to be wanted in this Borough.</p>	<p>undertake the land assembly required to deliver the project and enter into negotiations with the various landowners. Action – No action</p>
<p>NO 40 Catherine McDonald</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 469</p>	<p>Object</p>	<p>Would like the shops kept and refurbished.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As</p>

			<p>mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 41 Mr Solomon-Sampson,</p> <p>General</p> <p>Page 470</p>	<p>Object</p>	<p>Would like to limit the number of bars and shops selling liquor, there are already enough in the surrounding areas. Would like to see more well maintained public lavatories and better lighting for the entry and exit areas of the Market to increase security.</p>	<p>Response – Comments noted. At 4.25 in the brief it states “Toilets would need to be successfully integrated into the new layout”. Proposals for lighting in the regenerated market are covered at 4.24 “Lighting can enhance the character of the market and add to the quality of the space. A consistent approach to the lighting of both the existing market area and new development should be explored, avoiding local light pollution but providing sufficient light for CCTV cameras to operate</p>

			effectively. “ Action – No action
NO 42 Bennett,	Observations and Suggestions		
Paragraph 1.1		I am pleased with the additional information in red especially that on the Market background history.	Response – Support Noted Action – No action
Paragraph 2.3		Can we assume that both Broadway and Peabody Trust will get a realistic price if they do not wish to relocate to Lime Grove? It appears that Lime Grove residents are not happy for Broadway to extend their premises there to accommodate part of their activities, excluding the day care provisions. As homeless people are not welcome in this Borough, both organisations may prefer, in view of the current financial situation, to use the money on another site outside the Borough, although this would be very sad for all their clients.	Response – The existing hostel at Lime Grove has been decommissioned and discussions are taking place with Broadway to relocate their residents into Lime Grove hostel as detailed in the brief. Action – No action
Paragraph 4.25		There is no mention of disabled toilets or the needs of wheelchair users to be taken into account by any future developers.	Response - 4.32 in the brief confirms that any scheme would need to comply with the Council’s Access for All SPD Action – No action
Paragraph 4.28		It is accepted that parking is a problem. Developers should consider	Response – As stated in the

Paragraph 4.31

creating a 2 or 3 storey car park with a discount for those spending a certain amount in the Market. The entrance could be on Market Lane and connected to the development on the Laundry site recently bought by the Council. It would bring in regular income, attract more customers to the market and be an attraction when the Bush Theatre moves to Shepherds Bush Library. It could also improve the pedestrian access to the Market on the Laundry site.

The Borough signage strategy is not good (Fulham Palace & Bishops Park) so this is a very important point.

revised brief at 4.28
 “Regeneration of the market should provide the opportunity for off street parking at an appropriate level that balances the needs of the retail land uses while not compromising the performance and efficiency of the local and strategic road network. Maximum parking standards exist under current local, regional and national planning guidance which will influence the final quantum of off street parking, including the white city opportunity area planning framework”.
Action – Changes have been made to the brief to emphasise maximum parking standards under current local, regional and national planning that a developer will need to comply with.

Response – Already covered in 4.32 of the brief “Pedestrian access is the primary route into the site

			hence the need to clearly identify and signpost the entrances and routes through to the development". Action – No action
NO 43 Edward Lawrence Demolition of 30-52 Goldhawk Rd Page 473	Object	Object to the proposed demolition of this terrace.	Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action – No action
NO 44	Object		

<p>Vivienne Jones</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 474</p>		<p>I work in the film industry as a costume designer and regularly use the fabric shops in this area, many of which have contributed greatly to British films such as Harry Potter, Bridget Jones, Gladiator, Troy etc. I would be very disappointed if these shops were to go and end up in a faceless market with none of the space, daylight or convenience that this terrace of shops provides.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market.</p> <p>As stated in the brief’s vision “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”.</p> <p>Action – No action</p>
<p>NO 45 Tim Healy,</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Concerned for the preservation of the best of the ‘Quirky’ character of the area and this terrace in particular is of some value. I am amazed and shocked that a demolition of this nature is being considered. Once demolished the character of the streetscape will no longer have historic local ‘anchors’ on which to build the future. Giving the terrace some much needed tender love and care should be the goal.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we</p>

			<p>understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action – No action</p>
<p>P NO 46 Annie 475 Loss of Textile Shops and Building at 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Impressed by the charm and quality of the shops and are upset to learn the plans to demolish them. Although we are aware that provision would be made for these businesses to continue, it would not be the same. Goldhawk Rd would lose some of its charm and originality.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops</p>

			<p>within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 47 Fanoula Ziouzia,</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 476</p>	<p>Object</p>	<p>The properties are run down, but there is more value to having them restored and letting people maintain their family business than a demolition, or even relocation.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. We recognise the importance of the shops on Goldhawk Road and the service they provide to the</p>

<p>Loss of Traditional Market</p> <p>Page 477</p>		<p>This part of Shepherds Bush is full of history and has a unique character. It is really important for the Market to co-exist with the modern end of Shepherds Bush that is Westfield.</p>	<p>local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – As stated in the brief’s vision “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”.</p> <p>Action – No action</p>
<p>NO 48 Lindsay Kirby,</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>These premises should be preserved for aesthetic and historical reasons as well as for the community.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential</p>

Viability of the Additional Commercial Units Proposed

No Need for Additional Housing

The community will not gain much if the existing commercial units are replaced considering we already have a number of commercial units empty.

If the Goldhawk Industrial Estate goes ahead then we will have plenty of housing in the surrounding area including The Vale and Emlyn Rd.

to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action – No action

Response – The majority of shops and stalls within the Brief are occupied. The Council envisages that a regenerated Market will encourage a greater footfall in the locality, which will provide a more viable market.

Action – No action

Response – As well as meeting housing need the inclusion of housing above

			<p>ground floor levels adds vitality and supervision to the market through providing a mix of uses including housing.</p> <p>Action - No action</p>
<p>NO 49 Susan Kulkarni,</p> <p>Loss of Textile Shops Within 30-40m of 2 Goldhawk Rd</p>	<p>Object</p>	<p>My team and I always shop there for our fabric needs and its demolition would be a great loss to all designers and people who sew. Fabric shops in London are few and far between and it would be a terrible blow to lose all of the best shops.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>

<p>NO 50 Giacomo Barisone,</p> <p>New Market</p> <p>Shepherds Bush Library Building</p> <p>Broadway Centre and Lime Grove</p>	<p>Support with Suggestions</p>	<p>Welcome the proposed new plan of Shepherds Bush Market, the current market has deteriorated over many years into a very depressed, run down and unappealing place. It is currently a magnet for the drug dealing community of the area and would benefit tremendously from an improved cultural and commercial layout.</p> <p>Fully support the use of the old Shepherds Bush library building as the new Bush theatre premises and hope that the commercial profile of the shops will maintain its unique multicultural appeal that characterises the area and won't become a bland impersonal setting for the usual shop chains that inhabit the nearby Westfield.</p> <p>Fully support the Lime Grove residents who've voiced concerns about proposals to move some services from the Broadway Centre to the nearby Lime Grove hostel. I would expect the Council to carefully address the issues raised by the residents.</p>	<p>Response – Support noted Action – No action</p> <p>Response – As stated in the brief's vision "The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive". Action – No action</p> <p>Response - Consultations have and are taking place with Lime Grove residents during Dec09/Jan 10 and Sept/Oct 10 regarding the</p>
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			<p>draft brief. Following consultation with Lime Grove residents the brief was changed at 4.34 "all options for improved access, design and management of the hostel would need to be looked at to minimise the concerns of local residents. The Council would expect a developer to negotiate to provide more suitable access to the hostel that could replace the existing sole access from Lime Grove, including options for access via the railway viaduct taking place with Lime Grove residents."</p> <p>In addition Supporting People will be working with St Christopher's and local residents to ensure the hostel users do not disrupt the local community.</p> <p>Action – Brief was previously amended as above at 4.34</p>
<p>NO 51 Arcadia Fletcher,</p>	<p>Object</p>		

<p>Demolition of 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 482</p>		<p>Please do not allow the demolition of this terrace, these are Victorian buildings and in destroying them we will destroy the true character and history of the area. Anywhere can be modern, but it is impossible to create old buildings. Once removed the area loses its link with history and hence loses the richly layered character that only time can give it.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action – No action</p>
<p>NO 52 Shirley Dines</p> <p>Loss of Pie and Mash Shop within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Please do not close this shop it has been there for years and I enjoy my meal there twice a week.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops</p>

			<p>on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 53 Astellla Mullen,</p> <p>Loss of Shops</p> <p>Page 483</p>	<p>Object</p>	<p>The stretch of road with pie and mash shop, fabric shops and the old Irish pubs, not to mention the Market is fabulous. They are family businesses that have been there for years and must remain for many years to come. The area should not be regenerated to provide for yet more Starbucks, Café Rouge or other bland chains.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – Objective 4 in</p>

<p>Design</p> <p>Page 484</p> <p>Demolition of 30-52 Goldhawk Rd</p>		<p>Would not like to see a vacuous steel building with glass panels such as at Westfield and Shepherds Bush Station.</p> <p>Currently Shepherds Bush has character with its independent shops, traders and solid attractive buildings. It was a travesty to demolish the station as what we have now offers no further gain to anyone and there are never enough people shopping at Westfield to justify its existence.</p>	<p>the brief states “To create a well managed development of exceptional design that complements the best of the local architectural and historical character and respects the local context”. When a developer is on board the scheme will be developed and eventually a planning application submitted. The developer will consult with the local community and request comments on the evolving design.</p> <p>Action – No action</p> <p>Response – As stated in the brief’s vision “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”.</p> <p>Action – No action</p>
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<p>NO 54 Christopher MacKerness</p> <p>General</p>	<p>Object</p>	<p>Been using this area since the early 40s and it would break my heart to see it all disappear.</p>	<p>Response – Objection noted Action – No action</p>
<p>NO 55 Fadi Kabbani</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 485</p>	<p>Object</p>	<p>Concerned about the loss of quality English textile retailers.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 56 Toby Belshaw</p> <p>Demolition of 30-</p>	<p>Object</p>	<p>The area is steeped in local history and this terrace helps make the area as vibrant and robust as it currently is. Should they go the</p>	<p>Response – The inclusion of the land vacated by the</p>

52 Goldhawk Rd		replacement modern buildings will not only spoil the aesthetics, but also drive local businesses out.	demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4
NO 57 Rikki Clark	Object	Against the planned demolition of this site.	Response – The inclusion

Demolition of 30-52 Goldhawk Rd

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Loss of Pie and Mash shop within 30-52 Goldhawk Rd

Cookes pie and mash shop is a veritable institution and this should be taken into account when reviewing these plans.

of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.

Action - Emphasised shop relocation at 2.4 and 4.4

<p>NO 58 John Spinks</p> <p>General</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 488</p> <p>Loss of Pie and Mash shop within 30-52 Goldhawk</p>	<p>Object</p>	<p>The proposed development of Shepherds Bush Market is welcomed.</p> <p>Strongly object to the demolition of this terrace.</p> <p>The terrace contains one of the few remaining pie and mash shops in London. Cooke's is an institution, a landmark, an icon and should remain exactly where it is. Most High Streets are full of bland chain stores, however places like Cooke's have genuine individuality and</p>	<p>Response – Support noted Action – No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the</p>

Rd		quality.	local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4
NO 59 William Wall Loss of Pie and Mash shop within 30-52 Goldhawk Road Page 489	Object	This area of London is unique with many shops having been there over a hundred years, this business is part of local people's lives with many meeting here before the football at Loftus Road. To move it to a soulless shop somewhere in the vicinity would destroy it.	Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4
NO 60 Nicola Hardy	Object	The shop has been here for years and is a little part of history that is	Response – The inclusion

<p>Pie and Mash shop within 30-52 Goldhawk Rd</p>		<p>left in this country with all the high rise buildings and new developments. It's a big part of many family's lives and creates a lot of happiness, people look forward to their weekly pie mash and liquor.</p>	<p>of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 61 Sam Slattery</p> <p>Loss of Pie and Mash shop within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>This establishment has been a happy part of our lives for many years and we have had some good times there, we do not want it closed.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the</p>

			<p>aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 62 Zandra Rhodes</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 491</p> <p>Loss of Textile</p>	<p>Object</p>	<p>Plans to knock down these shops is madness.</p> <p>I have been using these shops for over 20 years and do not want them to close down. Every fashion house that manufactures or at</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – We recognise the importance of the shops</p>

<p>Shops within 30-52 Goldhawk Rd</p> <p>Increase in rents</p> <p>Page 492</p>		<p>least samples in London goes there. The reason we use these shops is because their prices are much lower than in the west end.</p> <p>If the site is developed rents will go up, as will the prices the textile shops charge.</p>	<p>on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4.</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Action - No action</p>
<p>NO 63 Beth Tilley</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Concerned about the proposed demolition of the terraces.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we</p>

<p>Loss of Textile shops within 30-52 Goldhawk Rd</p>		<p>The removal of these shops will affect my work at Rose Burford College. The competitive prices created by such a number of shops in one location would be lost, having a huge knock on effect on what I am able to produce greatly affecting my learning and future work.</p>	<p>understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 64 Maya Jani Loss of Shepherds Bush</p>	<p>Object</p>	<p>Concerned about plans to eradicate these businesses to make way for car parking. The loss of these businesses would be a great loss to the community.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52</p>

Market			<p>Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>FOI NO 65 Brenda Murphy Loss of Textile Shops within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Concerned about the closure of the fabric shops on Goldhawk Rd.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p>

			Action - Emphasised shop relocation at 2.4 and 4.4.
<p>NO 66 Andy Newman</p> <p>Loss of Shops within 30-52 Goldhawk Rd</p> <p>Page 495</p>	Object	Concerned about the knocking down of these shops to make way for a car park.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 67 Steve Russell</p> <p>Demolition of 30-52 Goldhawk Rd</p>	Object	Appalled at the plans to knock down these wonderful Victorian buildings, which should be protected.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration</p>

			<p>of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 68 Martin Precival Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Disappointed to hear the planned demolition of these buildings, Victorian buildings such as these should be preserved and refurbished, they are valuable local heritage.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the</p>

<p>Loss of Shops within 30-52 Goldhawk Rd</p> <p>Page 497</p>		<p>Cooke's pie and mash shop has been trading from this terrace since 1899. This is a well loved eatery amongst the local community, especially the elderly. To lose this along with the other shops within the terrace would be a travesty. It is appreciated that the Council would like to support Shepherds Bush Market, but this should not be at the cost of losing these retail premises.</p>	<p>architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 69 Leila Wallis</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Like many long term residents of Shepherds Bush I have greatly appreciated the new additions to our neighbourhood, like Westfield, with its many amenities. However, it would be heartbreaking if, in an attempt to modernise this part of the Borough, we destroyed the</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential</p>

<p>Page 498</p> <p>Loss of Pie and Mash Shop within 30-52 Goldhawk Rd</p>		<p>people and businesses that made this area so special. It is understood that Shepherds Bush Market needs modernising, however the destruction of the terrace would be a tragedy.</p> <p>The loss of this shop would be a great tragedy – my family and I have been going for over thirty years. This shop can not be replaced by some American multinational fast food outlet – Cooke’s is a living tradition of genuine London food.</p>	<p>to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 70 Larry May</p>	<p>Object</p>		

<p>Demolition of 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 499</p>		<p>Object to the disgraceful consideration of destroying a landmark area of Goldhawk Rd. This Victorian example of architecture should be embraced and protected for future generations.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 71 Linda Favell</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Feel strongly that some parts of the local area’s identity need to be preserved. Over the years the Market has changed significantly as a result of changing pitch holders and customers. However to lose the identity of the Market by demolishing the Victorian fabric of the area is unacceptable. We have been forced to accept Westfield in Shepherds Bush, however the Market can not be accepted in the same vein. The terrace buildings mark the approach to the Market and their facades are in keeping with the very ethos and feel of the</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic</p>

		<p>Market. It will be a travesty to allow the identity of the area to change beyond all recognition. The Market doesn't need updating.</p>	<p>importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 72 Brian and Simon Paterson Loss of Pie and Mash Shop within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>The proposed development is not needed, not required and is ill thought out. If the pie and mash shop has to close down or move it will do untold damage to the local community, which will never be repaired.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p>

			Action - Emphasised shop relocation at 2.4 and 4.4.
<p>NO 73 Scott Hampton</p> <p>Loss of Pie and Mash Shop within 30-52 Goldhawk Rd</p> <p>Page 501</p>	Object	Please reconsider as this would be a great loss to the community and many QPR fans.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 74 Flora McLean</p> <p>Loss of Shops Within 30-52 Goldhawk Rd</p>	Object	Horrified about the loss of the important textile shops that are used by many designers and producers. This is a vibrant part of London with a heady cultural mix that works for so many people of all ages and ethnicities which should not be destroyed. Do not understand the constant desire local Council's have to make generic	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the</p>

		<p>homogenised high streets with no character. This is very short sighted as in a few years time they will be trying to create exactly what was taken away.</p>	<p>comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 75 Michael Raeburn 502 Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Strongly object to the proposed demolition of these fine buildings, the description of them as of poor quality and inappropriate scale is false and tendentious. Shepherds Bush remains a vital area with a strong local character, thanks in part to exactly the businesses that the Council is planning to kick out. We don't want more Westfield's and sanitised pedestrian areas that are more appropriate for Basingstoke or Luton. The only way the proposals can possibly make financial sense at the present time will be by getting rid of small shops and businesses in favour of profiteering large businesses.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years</p>

			<p>and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 76 John Terry</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 503</p>	<p>Object</p>	<p>Surely it is better to keep and regenerate this terrace rather than keep bulldozing heritage.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 77</p>	<p>Object</p>		

Dave Robinson

Demolition of 30-52 Goldhawk Rd

Page 504

Loss of Pie and Mash Shop within 30-52 Goldhawk Rd

Will bring an end to a historical terrace.

This shop has been operating from these premises for over 100 years and is a vital part of working class Londoners upbringing. It is also very important for the QPR fans on match days. Give us this over McDonalds any day. Far too often decisions are made through the lure of money and not for the benefit of the local community and the feel good factor it brings.

Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the

			<p>local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 78 Neil Wassell,</p> <p>Height</p> <p>Page 505</p>	Object	<p>In favour of a redevelopment that will benefit Shepherds Bush and the Market traders, as a resident I must object to the southern aspect that will demolish this terrace. I'm on the second floor of Goldhawk Rd, and enjoy a view across the market skyline that benefits from good light, great sunsets and even views of the Wembley arch. All these benefits will be lost if the proposed development were to rise above the present 2 storey height. Do not object to the demolition of 30-52 Goldhawk Rd, but strongly object to the prospect of the new development rising above the present 2 storey height.</p>	<p>Response – It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions is 5 storeys therefore 4/5 storeys is felt to be appropriate in this location.</p> <p>Action – No action</p>
<p>NO 79 Dawn Wise</p> <p>Loss of Pie and</p>	Object	<p>Please do not demolish this shop, there are so few original shops left</p>	<p>Response – The inclusion</p>

Mash Shop
within 30-52
Goldhawk Rd

Page 506

Demolition of 30-
52 Goldhawk Rd

and people travel from far and wide just to experience the tremendous atmosphere in this shop.

Would be a total travesty if this row of lovely Victorian shops was pulled down to make way for modernisation of the market. The market is absolutely fine as it is.

of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.

Action - Emphasised shop relocation at 2.4 and 4.4.

Response – While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

<p>NO 80 Ron</p> <p>Loss of Pie and Mash Shop within 30-52 Goldhawk Rd</p> <p>Page 507</p>	<p>Object</p>	<p>This establishment is part of the character and history of Shepherds Bush which needs to be retained.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 81 Pat & Bob</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>The terrace should remain as is.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. Action - No action</p>

<p>NO 82 Mary Forestier-Walker</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 508</p>	<p>Object</p>	<p>The textile shops on Goldhawk Rd are a valuable contributor to British fashion and up and coming designers, with accessible rates on cloth. If they are re-housed in the new scheme they won't be able to afford the rents and will have to charge more for their fabric. To demolish such an established reputation would be a disaster and a huge loss to this area. There is no way a new covered market will bring in many crowds considering that Westfield is always pretty empty and it's much closer to transport link than the Market.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4.</p>
<p>NO 83 Aniza Meghani,</p> <p>PETITION</p> <p>Loss of Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Would like Goldhawk Rd to be preserved and the shops in this terrace to be retained. Don't want these businesses or the Market Traders to leave.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52</p>

Incorrect Figures

The Market
Traders Will Not

In the Brief the Council claims that 69% of people support the proposals – perhaps you misled them and never gave a clear vision and are now trying to rapidly move plans forward. You have all lost the plot.

We will not be moving into large enough space. What guarantee is

Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

Response – These figures come from a survey undertaken by M&N Communications. The survey was undertaken in December 09/ January 10 and focussed around the first draft of the planning and regeneration brief

Action - No action

Response - We recognise

<p>Have Sufficient Space to Move Into</p> <p>Page 510</p> <p>Rents</p>		<p>there that this development will be successful and that we will be offered Market space in the new development?</p> <p>What guarantee is there that we will not be charged over the top rates, rent and service fees?</p>	<p>the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4 Regarding market traders the brief has been revised under the first objective to state "while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units " .</p> <p>Response – Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p>
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<p>Impact on Market During Construction</p> <p>Bankrupt Developer</p> <p>Page 54</p> <p>Demolition of 30-52 Goldhawk Rd</p>		<p>What will happen to the market during the years it will take to construct this development?</p> <p>What will be the impact on the Market if the developers go bankrupt halfway through construction?</p> <p>This historical terrace should be retained; it does not have a poor appearance.</p>	<p>Action - No action</p> <p>Response – One of the Brief objectives is for the development will be phased so that the Market can operate throughout the construction period.</p> <p>Action - No action</p> <p>Response – These considerations are outside the scope of a planning brief.</p> <p>Action – No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which</p>
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<p>Loss of Shops Within 30-52 Goldhawk Rd</p> <p>Page 512</p> <p>Community Consultation</p>		<p>This is the only pie and mash shop in central London and is over 100 years old, this piece of British history should not be lost.</p> <p>Inadequate community consultation has taken place.</p>	<p>once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response - We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – Last December 2009/January 2010 extensive consultation took place regarding the draft planning and regeneration brief. Drop in sessions were held at the former Shepherds Bush Library throughout December and January, M&N Communications undertook a survey, there were meetings with residents groups and the market</p>
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Car Park, Youth Centre, Culture Centre

If the Market is to be developed why not make it into a youth centre, a culture centre or a car park?

traders. All responses and comments on the draft brief were recorded and considered.

During September/October 2010 another similar round of consultation has taken place.

Action - No action

Response – The library will be retained and maintain its cultural role in the community. The Councils preferred option for the Shepherd’s Bush Market that it has consulted on under the LDF Core Strategy Options 2009 is “to regenerate and provide an enhanced focus and destination in the western part of the town centre by refurbishing the market and other land as a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and offices”.

Action - No action

<p>Car Parking</p>		<p>After Westfield was opened last year the Council reduced the parking area time limit. This was done to reduce passing trade to the businesses around Shepherds Bush.</p>	<p>Response –The parking controls in the surrounding streets are outside the scope of the area covered by the planning and regeneration brief. Action - No action</p>
<p>NO 84 Louisa Young,</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 514</p>	<p>Object</p>	<p>Very concerned to hear that part of the renovation of the Market may involve the demolishing of the terrace. These buildings have lovely Victorian character, and should be retained and refurbished. Their removal will have a negative impact on the character of the neighbourhood. The area does not need more modern buildings.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p>

<p>Loss of Pie and Mash Shop within 30-52 Goldhawk Rd</p> <p>Page 15</p> <p>Height</p>		<p>This shop has been a London tradition for over 100 years and should be retained.</p> <p>The existing 2 storey buildings at 30-52 Goldhawk Rd have a height that reflects the character of the area.</p>	<p>Action - No action</p> <p>Response We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions is 5 storeys therefore 4/5 storeys is felt to be appropriate in this location.</p> <p>Action – No action</p>
<p>NO 85 Jane Makower</p>	<p>Object</p>		

<p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 516</p>		<p>These businesses will be destroyed to make an indoor market – how will this help these shops? Classic Textiles is our customer, only a few years ago the owner of this business invested considerable sums in refurbishing his shop, now the owner is really worried.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 86 W. Searle,</p> <p>Loss of Textile</p>	<p>Object</p>	<p>Concerned about the demolition of these shops. I shop at these</p>	<p>Response – The inclusion</p>

<p>Shops Within 30-52 Goldhawk Rd</p> <p style="text-align: center;">Page 517</p> <p>Demolition of 30-52 Goldhawk Rd</p>		<p>stores whenever I'm in London and it would be disappointing if they were lost.</p> <p>The terrace should be retained and restored. Their demolition and replacement with modern buildings would change the character of this area and would be disappointing and could change this from a busy textile quarter to something else.</p>	<p>of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
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<p>NO 87 Sophie Hale</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>This terrace should be retained and restored to the way they were in 1900 before the cornicing was removed.</p> <p>I work as a dress designer and buy all of my fabrics from these shops, which I go to twice weekly. They are a vibrant part of the local community, it would be a tragedy to destroy such a bustling part of local life and commerce.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development</p>
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			on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4
<p>NO 88 Carl Dixon</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 519</p>	Object	<p>Concern that this historic parade, which gives London its character is being jeopardised by developers. It would be better if the Council gave the owners a grant to refurbish and retain these wonderful buildings.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 87 Nicholas Immaculate</p>	Object		

<p>Demolition of 30-52 Goldhawk Rd</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 520</p>		<p>Shocked to hear about the proposals to destroy a major part of Goldhawk Rd.</p> <p>Shocked to hear about the loss of several fabric shops which have been in the area many years. I visit these shops weekly and they are a big draw for my industry. When we come we also spend our money at other local shops, restaurants and within the Market. A small amount of money could restore these buildings without destroying these long standing businesses and business they bring to the area.</p>	<p>Response – Noted Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 88 Susan Joahill,</p> <p>Loss of Housing</p>	<p>Object</p>	<p>We've been living in this terrace for 7 years with 2 children, we</p>	<p>Response - ?</p>

<p>in Demolition of 30-52 Goldhawk Rd</p>		<p>are very worried about what will happen to us and the shops along the road if the proposal to demolish goes ahead. I'm concerned that we will be made homeless, if the development was cancelled we could live here for many years to come. What will happen to us?</p>	<p>Action - ?</p>
<p>NO 89 Bernard Lambert</p> <p>Demolition of 30- 52 Goldhawk Rd</p> <p>Page 521</p>	<p>Object</p>	<p>Understand the need for progress and the modernisation of the Market area, but the demolition of these Victorian buildings seems such a shame. This would remove local history and heritage – surely there must be an alternative.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 90</p>	<p>Object</p>		

<p>Claire Summers,</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 522</p>		<p>The loss of these shops would be a great shame to the small time workers such as myself and others across London who travel here. This is a great place for quality fabrics within a reasonable budget.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 91 Katherine Chiswell Jones</p> <p>Demolition of Market</p>	<p>Object</p>	<p>The Market is the only charming element of Shepherds Bush, instead it should be retained and refurbished.</p>	<p>Response – The aim of the brief is that the railway arches are retained and refurbished. The redevelopment of the wider market provides an opportunity to vastly improve</p>

<p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 523</p>		<p>Retaining the history of buildings and regenerating and refurbishing the existing building fabric will stop the soul and character of the area being demolished along with it.</p>	<p>the environment for traders, residents and visitors. Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 92 Mrs R Brown and Mrs P Chield,</p>	<p>Object</p>		

<p>Demolition of 30-52 Goldhawk Rd</p> <p style="text-align: center;">Page 524</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd</p>		<p>Object to the demolition of this terrace.</p> <p>This place is a heritage part of Shepherds Bush and to replace it would be a crime.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. . As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p>
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			Action - Emphasised shop relocation at 2.4 and 4.4
<p>NO 93 Jasper Garvida,</p> <p>General</p> <p>Page 525</p>	Object	Devastated with the current plans that would see people's livelihoods being demolished.	<p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 94 Mick Kavanagh</p> <p>General</p>	Object	Please think about a unique chance to keep a piece of historic west London.	<p>Response – Objection noted</p> <p>Action – No action</p>
<p>NO 95 Oliver Tuck</p> <p>Demolition of 30-52 Goldhawk Rd</p>	Object	Agree that the Market is badly in need of improvement and regeneration, but see no reason whatsoever why any plans should impinge onto destroying the frontage of Goldhawk Rd.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the</p>

			<p>comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p>
<p>FR NO 96 Graham Smith 52 Demolition of 30- 52 Goldhawk Rd</p>	<p>Object</p>	<p>The terrace is an important part of history.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which</p>

			<p>once contributed to their character and appearance; they are also in a state of disrepair.</p>
<p>NO 97 Peter Bready</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 527</p> <p>Loss of Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>To replace this Victorian terrace with faceless characterless blocks of masonry in an effort to preserve the historical heritage of the area is plain daft.</p> <p>The shops contained within this parade are a part of Shepherds Bush folklore.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the</p>

			<p>local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 98 Gary Pickett</p> <p>Demolition of 30-52 Goldhawk Rd</p>	Object	<p>Can see no advantage to the local community of this area to redevelop a very colourful and authentic part of old Victorian London into another faceless, characterless block of concrete such as Westfield.</p>	<p>Response – Noted Action - No action</p>
<p>NO 99 Rob Laf</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd</p>	Object	<p>Please do not demolish this shop.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p>

			Action - Emphasised shop relocation at 2.4 and 4.4
<p>NO 100 Alex Al Bader</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 529</p> <p>Demolition of 30-52 Goldhawk Rd</p>	Object	<p>Precious businesses that people depend on.</p> <p>Against the demolition.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we</p>

			<p>understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>Page 53 NO 101 Paul Kirby Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Against the demolition.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which</p>

			<p>once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 102 Bob Jelley</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd</p> <p>Page 531</p>	Object	<p>These establishments are irreplaceable, they are part of old London, we are losing our heritage.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 103 Tom North</p>	Object	<p>A Market such as this depends on a certain amount of confusion and</p>	<p>Response – Noted</p>

<p>Market Vibrancy</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 532</p> <p>Rents</p>		<p>clutter to provide the bustling atmosphere which together with tradition and continuity keep customers coming and the market in existence. There are numerous examples around London and elsewhere of markets where the premises have been enhanced in recent years. In most cases the market has dwindled – it simply doesn't work. The Market is currently successful and doesn't need to change.</p> <p>These shops are nationally famous and people come from all over the country to patronise them. The disruption of moving will probably kill them off.</p> <p>The rents of the new shops will kill off the textile shops.</p>	<p>Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Rent levels and service charges are not matters for a planning guidance document to advise on, such matters</p>
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			<p>are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Action - No action</p>
<p>NO 104 Rachel Crookes</p> <p>General Page 598 Cross of Pie and Mash Shop Within 30-52 Goldhawk Rd</p> <p>Demolition of 30-</p>	<p>Object</p>	<p>Very excited about the plan to develop and improve the market.</p> <p>It is one of the last remaining shops of its kind; the shop front is quaint and adds so much character to the row of shops.</p> <p>Concerned about the demolition of this terrace, it has character and</p>	<p>Response – Support noted Action - No action</p> <p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – The inclusion of the land vacated by the</p>

<p>52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 534</p>		<p>there are far worse buildings along the street.</p>	<p>demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>Disruption During Development</p>		<p>There will be a huge amount of inevitable disruption when the Market is rebuilt.</p>	<p>Response – One of the Brief objectives is for the development to be phased so that the Market can operate throughout the construction period Action - No action</p>
<p>Library</p>		<p>It would be disappointing if the old library on Uxbridge Rd were to be demolished.</p>	<p>Response – The brief specifies that the former Shepherds Bush Library should be retained and</p>

			maintain its cultural role in the community. Action – No action
<p>NO 105 William Rowe</p> <p>Broadway Centre and Lime Grove Hostel</p> <p>Page 535</p>	Object	The updated Brief has made progress, but the issue of transferring the services from the Broadway Centre to the Lime Grove Hostel is very bad for both the clients of the Centre and Lime Grove residents.	<p>Response – Following consultation with Lime Grove residents the brief was changed at 4.34 “all options for improved access, design and management of the hostel would need to be looked at to minimise the concerns of local residents. The Council would expect a developer to negotiate to provide more suitable access to the hostel that could replace the existing sole access from Lime Grove, including options for access via the railway viaduct taking place with Lime Grove residents.”</p> <p>In addition Supporting People will be working with St Christopher’s and local residents to ensure the hostel users do not disrupt the local community.</p>

			Action – Brief was previously amended as above at 4.34
<p>NO 106 Diana Boydell</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 536</p> <p>Demolition of 30-52 Goldhawk Rd</p>	Object	<p>Deeply concerned at the loss of these shops, which provide my livelihood.</p> <p>The loss would significantly disrupt and spoil the rich fabric of this area. The buildings should be restored.</p>	<p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the</p>

			<p>architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 107 Laura McCullagh</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 537</p>	Object	<p>The shops attract a diverse customer base, add character to the area and are an important reminder of its heritage. The loss of these shops will have a negative impact on the community and the local economy.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
NO 108	Object		

<p>Tiia Ylosmaki</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 538</p>		<p>These shops are an extremely valuable resource for all students and professionals who work in the creative field.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 109 Sara Hall</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Please don't demolish these shops, there is no other place in London which can provide the goods they do.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the</p>

			<p>local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 110 Rachel Robertson</p> <p>General</p>	Object	The proposals will damage the area.	<p>Response – Objection noted</p> <p>Action - No action</p>
<p>NO 111 Annabel Luton</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p>	Object	<p>Fashion students need the cheap shops in the terrace to remain. Please do not remove the character of this charming and useful part of London and turn it into something modernised expensive and useless to students.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development</p>

			on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4
<p>NO 112 Amy North and Hugo Sintes Pons</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 540</p> <p>Loss of Shops</p>	Object	<p>It is essential that the Market is nurtured and protected. While the Brief states that the unique character and diversity of the existing Market should be at the core of regeneration, the proposed changes set out in the Brief do not suggest that this will be the case. The suggestion that the terrace should be replaced is extremely worrying, these Victorian properties are some of the earliest in Shepherds Bush and have historical significance for the area. The terrace should be retained and restored.</p> <p>The terrace houses independent family businesses, many of which</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p> <p>Response – We recognise</p>

<p>Within 30-52 Goldhawk Rd</p> <p>Promotion of standardised shop fronts in the Brief</p> <p>Rents</p>		<p>have been operating in the same location for decades. Moving these businesses would not be acceptable and they would probably not survive the relocation process.</p> <p>Concern with the promotion in the Brief of standardised shop fronts that promote uniformity. Much of the charm and character of the current Market is precisely this lack of uniformity and the individuality of the different shops and stalls, reflecting their unique histories and heritages.</p> <p>The result of similar regeneration efforts tend to be a loss of existing stall holders, as they can not afford rises in rents or find that their businesses can not survive the adverse effects of long periods of building work</p>	<p>the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – The shops within the railway viaduct are where it is intended to see new standardised shop fronts of an attractive fully glazed uncluttered design to greatly improve on the current poor quality façade. The detail of the remainder of the scheme will be further developed when a developer is on board.</p> <p>Action – No action</p> <p>Response – Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of</p>
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			<p>a developer at Point I where we refer to an appropriate management structure.</p> <p>At 4.4 in the brief there is an emphasis on phasing of the development to minimise disruption to the operation of the market.</p> <p>Action - No action</p>
<p>NO 113 Lee Eldred</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd W3 9LQ 020 542</p>	<p>Object</p>	<p>It seems crazy to remove something that could quite easily be renovated.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>

<p>NO 114 Hannah Bilcliffe</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 543</p> <p>Loss of Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Would be a shame to replace a unique and historic part of London with something modern and generic.</p> <p>These privately run businesses are essential to the whole community.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response –We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development</p>
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			on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4
<p>NO 115 Julie Taylor</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 544</p>	Object	Historic buildings in the area are rare.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 116 April Carter,</p> <p>Demolition of 30-</p>	Object	Love the character and history of the old shop fronts.	Response – The inclusion

<p>52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 545</p>			<p>of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 117 Mark Delvin</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Agree that the Market could do with a facelift, but this part of London is full of history that we should all be proud of - the terrace should be retained and refurbished.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor</p>

			<p>appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p>
<p>NO 118 Hannah Cooper,</p> <p>Demolition of 30-52 Goldhawk Rd Page 546</p>	Object	<p>These buildings are part of the unique character of Shepherds Bush and provide much needed balance to the modern Westfield development. The replacement of the historic terrace with modern buildings would be a travesty.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of</p>

			disrepair. Action - No action
<p>NO 119 Mike Wendling</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 547</p>	Object	<p>Generally in favour of a sympathetic revamp to the Market, however object to the fact that the Council plans to demolish the terrace. The terrace contains characterful and distinctive buildings which should be retained and not replaced with modern buildings.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 120 Pat Harman</p> <p>Demolition of 30-52 Goldhawk Rd</p>	Object	<p>Sad to see wonderful old buildings oozing with character and history, replaced with featureless box like structures, which lack any craftsmanship and constructed by people who have little or no pride in their work.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential</p>

<p>Page</p>			<p>to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 121 Piz Donker Curtius Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Don't knock the terrace down</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate</p>

<p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p> <p>Page 549</p>		<p>The textile shops are the main source of material for most consumers and fashion students in London.</p>	<p>alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 122 Helena Brown,</p>	<p>Object</p>		

<p>Demolition of the Pie and Mash Shop front</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 550</p>		<p>Please don't destroy this shop front.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>NO 123 Donna Salter</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>There is no place like this in London, these shops wouldn't be the same experience if they were moved into the Market</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops</p>

			<p>on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 124 Vicki Morley</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd</p>	Object	<p>Opposed to the redevelopment of the Market, specifically the loss of the pie and mash shop.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
NO 125	Object		

Damian Rafferty

Demolition of 30-52 Goldhawk Rd

Page 552

Loss of Shops
Within 30-52
Goldhawk Rd

Would like to protest about the plans to replace the historic, charming and unique shops with another modern development. The terrace should be retained and renovated.

The pie and mash shop is a treasure and the other shops give Goldhawk Rd its charm.

Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

Action - No action

Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops

			<p>within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 126 Christopher McCoy</p> <p>Loss of Shops Within 30-52 Goldhawk Rd</p> <p>Page 553</p>	Object	<p>Please consider refurbishing these shops instead of relocating them. We should be celebrating this part of the area's history. My family have been using the pie and mash shop for generations and I would like to continue this tradition.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 127 Alison Simmons</p>	Object	<p>Please do not demolish this terrace.</p>	<p>Response – The inclusion</p>

<p>Demolition of 30-52 Goldhawk Rd</p>			<p>of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. Action - No action</p>
<p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p>		<p>These shops are a magnet for anyone seeking fabrics and haberdashery.</p>	<p>Response – We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>Rents</p>		<p>Many of the shops at 30-52 Goldhawk Rd would not be able to afford the rents in the new development.</p>	<p>Response – Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p>

			Action - No action
<p>NO 128 Transport for London (comments from Corporate Finance Property Development, as landowner).</p> <p>General</p> <p>Page 555</p> <p>General</p> <p>Section 3 – Site Constraints and Opportunities, 3.3</p> <p>General</p>	<p>Support with suggestions</p>	<p>Supportive overall of the ambitions to redevelop the Market.</p> <p>Provided that the commercial viability of the market to TfL is not diminished in any way.</p> <p>The operational safety, security and integrity of the railway must not be compromised.</p> <p>The brief lacks any reference to how the project will be delivered which is especially important as it is in mixed ownership.</p>	<p>Response - Support noted Action - No action</p> <p>Response - This will be the subject of negotiations with TfL and the developer. Action - No action</p> <p>Response – Access for maintenance is mentioned at 3.3. Action – No action</p> <p>Response – Section 2 Sites and Surroundings refers to the different sites and their ownership, however land assembly is ongoing hence it</p>

			has not been possible to be prescriptive regarding delivery. Action – No Action
<p>NO 129 Kelly Kemp</p> <p>Loss of Pie and Mash Shop Within 30-52 Goldhawk Rd</p> <p>Page 556</p>	Object	The shop has been frequented by 6 generations of my family and should not be removed.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 130 Rhiana Nelson</p> <p>Loss of Textile Shops Within 30-</p>	Object	Please do not force these stores to close, they are too valuable and a part of London's history.	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52</p>

52 Goldhawk Rd			<p>Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 131 Tracey Scoffield General Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>The Market deserves a facelift, but not at the expense of the surrounding area.</p> <p>This area is primarily residential and this row of Victorian shops really adds to the character and domestic scale of the area. This part of the road with the railway bridge going over the top, has incredible charm and should be sensitively restored rather than allowed to decay and be replaced with a modern building.</p>	<p>Response – Noted Action - No action</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have</p>

			<p>suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions are 5 storeys therefore 4/5 storeys is felt to be appropriate in this location. Action - No action</p>
<p>NO 132 Mr Allbuit</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>This historic terrace should be retained and refurbished not demolished.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration</p>

			<p>of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance , they are also in a state of disrepair</p> <p>Action - No action</p>
<p>NO 133 Gynette Southall</p> <p>General</p>	<p>Suggestions</p>	<p>The regeneration of the Market should focus on less of what exists and move more towards upgrading the area towards a rich, cultural bohemian mix. Think of future retail environments and the needs of a changing society.</p>	<p>Response – The vision already expresses this aim “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the</p>

<p>Private Enterprise</p>		<p>Private enterprise should be encouraged, there are no such facilities currently in the area.</p>	<p>creative arts can thrive. Action - No action</p>
<p>Leisure Facilities</p>		<p>A health and fitness club, alternative health centre, dance studio and a creative arts centre should be provided.</p>	<p>Response - Comments noted Action - No action</p>
<p>New Market</p>		<p>There should be a plant or garden centre, farmers market provided, and shops that sell innovative products. There should be a section of the market that changes frequently e.g. market stalls whose use varies twice a week.</p>	<p>Response – The details regarding the market redevelopment will be further developed at planning application stage. Action - No action</p>
<p>Resident Concerns</p>		<p>Privacy to the rear of the houses in Pennard Rd.</p>	<p>Response – Objective 4 in the brief refers to development respecting the local context, in particular the environmental amenity of adjacent residential properties on Pennard Road, Pennard Mansions and Lime Grove.</p>

<p>Security</p> <p>Noise</p> <p>Housing</p>		<p>The Market should have gated access with CCTV and security.</p> <p>Noise should not prove to be an issue.</p> <p>New residential accommodation should be kept to a minimum and should only be available to key workers. The area is already densely populated.</p>	<p>Action - No action</p> <p>Response – Point 4.24 in the brief refers to CCTV</p> <p>Action - No action</p> <p>Response - Comments noted</p> <p>Action - No action</p> <p>Response - Comments noted</p> <p>Action - No action</p>
<p>Page 19</p> <p>NO 134</p> <p>Peter May</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>It would be devastating to lose these shops as they provide my business with all its fabrics.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops</p>

			<p>within the main development on suitable terms. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 135 Peter Dooley</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 562</p>	<p>Object</p>	<p>This is unnecessary, the buildings are good examples of their type and add to the unique character and diversity of the area. Restoration not demolition is preferable.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>

<p>Height</p>		<p>A 5 storey building is too tall.</p>	<p>Response – It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions is 5 storeys therefore 4/5 storeys is felt to be appropriate in this location. Action – No action</p>
<p>NO 136 Oliver Hinton, Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Sorry to see these terrace buildings go, they may be down at heel, but they have character and suitable scale and house individual businesses rather than chains. The terrace should be preserved.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops</p>

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<p>Page 5</p>			<p>within the main development on suitable terms. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 137 Mr and Mrs Coningsby</p> <p>Loss of Textile Shops Within 30- 52 Goldhawk Rd</p>	<p>Object</p>	<p>Please save these shops, which are a breath of fresh air in the area.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the</p>

			<p>local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action – Emphasised shop relocation at 2.4 and 4.4</p>
<p>NO 138 Beryl Clark</p> <p>Demolition of 30-52 Goldhawk Rd</p> <p>Page 565</p>	<p>Object</p>	<p>The money would be better spent on refurbishing the existing premises.</p>	<p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the</p>

			<p>architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action - No action</p>
<p>No 139 Sunil Kapoor New Shepherds Bush Market Traders Association</p> <p>General Page 56 New Market</p>	<p>Object</p>	<p>The markets do indeed need a new lease of life.</p> <p>Concern that the Traders will not benefit and that new Traders will come to the Market to replace many of the current Traders.</p>	<p>Response – Noted Action – No action</p> <p>Response – The vision already expresses this aim “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive. Action - No action</p>

<p>Car Parking</p>		<p>The recent parking restrictions have added to the grief of Traders. Want a more relaxed parking regulation for potential customers.</p>	<p>Response – As stated in the revised brief at 4.28 “Regeneration of the market should provide the opportunity for off street parking at an appropriate level that balances the needs of the retail land uses while not compromising the performance and efficiency of the local and strategic road network. Maximum parking standards exist under current local, regional and national planning guidance which will influence the final quantum of off street parking, including the white city opportunity area planning framework”. Action – Changes have been made to the brief to emphasise maximum parking standards under current local, regional and national planning that a developer will need to comply with.</p>
<p>Construction</p>		<p>Many Traders will not be able to survive the construction period.</p>	<p>Response – At objective 7</p>

<p>Meeting</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 569</p>		<p>More open consultations carried out with the tenants and their representatives at the planning level as well as in the future. Request that all Tenants be invited to a meeting to discuss the Brief</p>	<p>Action – No action</p> <p>Response – The market traders have been consulted regarding the future of the market at a meeting held in June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. It is considered that a full and adequate consultation has taken place in line with the regulations.</p> <p>Action - No action</p>
<p>No 140 The Hammersmith Society</p> <p>General</p> <p>Demolition of 30-52 Goldhawk Rd</p>	<p>Object</p>	<p>Welcome the Brief's references to the Market's historic identity and the planned use of the old Shepherds Bush Library as a public arts facility and theatre.</p> <p>Brief contains the subjective claim that these properties are of poor visual quality and of a scale no longer appropriate for this part of Goldhawk Road. Terrace has intrinsic value to the local townscape</p>	<p>Response – Support Noted</p> <p>Action – No action</p> <p>Response – While we understand the historic importance of this row of</p>

Loss of Shops
Within 30-52
Goldhawk Rd

and any development should retain the terrace's façade.

Alternative premises would be more expensive and not benefit from the Goldhawk Road exposure which the current premises have.

shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.

It is stressed in 4.17 that the "scale and height of the new development would need to respond to the context" and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions are 5 storeys therefore 4/5 storeys is felt to be appropriate in this location.

Action – No action

Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation.

<p>Paragraph 4.17 of the Brief</p> <p>Hostel Accommodation</p> <p>Page 571</p>		<p>The reference that exceptional design may enable greater height in part is an invitation to a developer to increase the height here to an unacceptable and inappropriate degree and we object very strongly to this reference.</p> <p>The proposal simply shifts the problems associated with the hostel in the Market to Lime Grove, freeing the developer of the east side of the Market from the difficulties associated with the hostel. The present site within the Market is the best solution to this difficult problem.</p>	<p>When the developer is on board he will further develop the options regarding the future layout of the scheme. Action – No action</p> <p>Response - Noted see response above regarding height. Action – No action</p> <p>Response - The land east of the railway viaduct including the Broadway/Peabody sites are important to the redevelopment of the market. The existing hostel at Lime Grove has been recently decommissioned hence the decision to move the existing Broadway clients into Lime Grove. Supporting People will be working with St Christopher's and local residents to ensure the hostel users do not disrupt the local community. Action – No action</p>
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<p>Market Traders Accommodation</p>		<p>Will they be guaranteed their place in the Market after the redevelopment works?</p>	<p>Response – In response to traders comments a new commitment has been inserted under objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity”. Further details regarding the proposed layout of the new market will be further developed when the developer is on board. Action – Objective 1 revised as detailed above.</p>
<p>Construction Period</p>		<p>Where will the Traders go during the construction period?</p>	<p>Response – The brief includes plans for the phasing of the redevelopment to ensure for minimum disruption to stallholders under Objective 7. Action – No action</p> <p>Response - Rent levels and</p>

Rents		What will the future rents be? A gentrified Market would not be likely to include the present stall holders could afford.	service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure. Action – No action
<p>NO 141 Hammersmith and Fulham Historic Buildings Group</p> <p>Character of Market</p> <p>Paragraph 1.2 of</p>	Object	<p>Welcome the reference to the market’s history and character, but do not think its particular quality has been captured. We support a degree of upgrading but continue to be concerned that improvement will overwhelm the spirit of the market and destroy its character and undermine its role as a low cost feeder for incoming traders.</p> <p>Para 1.2 should include the sentence from the UDP Policy: ‘The</p>	<p>Response – The vision has already been amended to “The unique character and diversity of the famous existing market should be at the core of regeneration”. which is felt to adequately emphasise this issue? Action – No action</p> <p>Response – This issue is already adequately covered</p>

<p>the Brief</p> <p>Construction Period</p>		<p>continuation of the market as a vibrant facility is very important to the sustainability of the town centre.'</p> <p>We understand that traders are concerned that the proposed development may damage their businesses and possibly put some of them out of business. If necessary acceptable alternative sites should be made available for them during the work to enable continuity of trading.</p>	<p>in the vision. Action – No action</p> <p>Response – The brief includes plans for the phasing of the redevelopment to ensure for minimum disruption to stallholders under Objective 7. Action – No action</p>
<p>Remolition of 30-32 Goldhawk Rd</p> <p>Loss of Shops</p>		<p>Opportunity should be taken to restore the façade of this terrace which would be a link with the past and retain the character and sense of place of this part of Goldhawk Rd. A set-back additional floor might be an acceptable possibility.</p> <p>These historic uses, which add to the vibrancy of the market area,</p>	<p>Response – While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action – No action</p> <p>Response - The inclusion of the land vacated by the</p>

<p>Within 30-52 Goldhawk Rd</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 57</p> <p>Gateways to Market</p> <p>General</p>		<p>are important. Relocating them away from the Goldhawk Road frontage will be risking their future and the vibrancy of the area.</p> <p>Do not accept the argument for modern gateways to the Market. We support the concept of heritage led regeneration.</p> <p>We concur with the reference on page 14 that it is important not <i>'to over-expose the market area to the street thereby affecting its intimate character'</i>.</p>	<p>demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action – Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – Noted Action – No action</p> <p>Response – Support Noted Action – No action</p>
<p>NO 142 Thames Water</p> <p>Water and Waste Water</p>	<p>Suggestions</p>	<p>Increases in the level of development will have the potential to impact on the water and wastewater infrastructure. As such it should</p>	<p>Response – Compliance with policy in this area will be</p>

<p>Overloading of Existing Water and Sewerage Networks</p>		<p>be stated within the document that developers will need to demonstrate that adequate capacity exists within the water and wastewater networks, both on and off site, to serve the development and that it would not lead to problems for existing users.</p> <p>In some circumstances this may make it necessary for developers to carry out appropriate studies to ascertain whether the proposed developments will lead to overloading of the existing water and sewerage networks. Where a capacity problem is identified and no improvements are programmed by the water company, the developer needs to contact the water authority to agree what improvements are required and how they will be funded prior to any occupation of the development.</p>	<p>dealt with at planning application stage. Action – No action</p> <p>Response – Compliance with policy in this area will be dealt with at planning application stage. Action – No action</p>
<p>No 143 Amara Kovnay, Page 576 Design of Development</p> <p>Market Diversity</p>	<p>Suggestions</p>	<p>The Market should mix the old and new, so it enhances its historical heritage, rather than a modern development similar to Westfield.</p> <p>The new Market needs to maintain its diversity of shops, cafes and restaurants that reflect the multicultural diversity of the area. It should have a unified appearance similar to French markets. It should have a diversity of shops similar to Portobello Market.</p>	<p>Response – The detail regarding the design will be further developed when a developer is on board. The developer will undertake consultation with the local community. Action – No action</p> <p>Response – the vision already stresses the qualities to retain and enhance regarding the future</p>

<p>Loss of Shops Within 30-52 Goldhawk Rd</p> <p>Office Accommodation</p>		<p>These shops attract a lot of customers from the fashion industry and should be retained.</p> <p>Office accommodation should be provided in a similar vein to that available at Westbourne Studios or Worlds End Studios in Chelsea, which are great examples of a funky and vibrant office environment.</p>	<p>market. Action – No action</p> <p>Response - The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action – Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – Office accommodation is mentioned in the brief but the location of the space and design will be further developed when a developer is on board. Action – No action</p>
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Market Promotion		Promotion is very important; there should be a dedicated website that features the shops available.	Response – Noted Action – no action
No 144 Helen Matthes	Support and Suggestions		
General		The Market desperately needs investment and redevelopment. Many of the facilities are outdated, but this and the culture of the area could be usefully reviewed.	Response – Noted Action – no action
Camden Market		A public/private partnership aiming to create an artisan market similar to Camden Market would be preferable.	Response – Noted Action – no action
Current Marke		The current Market is tatty, tacky, outdated and probably in contravention of H&S and Trading Standard legislation. The basic structure of the railway arches would be ideal as workshop or retail space - a new market could act as an effective hub for economic growth both for the area and individuals.	Response – noted Action – no action
No 145 Rhys Jones	Object		
General		Happy for the market to be redeveloped, but strongly oppose the demolition of the terrace at 30-52 Goldhawk Rd. The terrace should be retained and restored. The Council contributed to the appearance of these shops by removing the cornicing	Response – While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years and have lost most of the

<p>Height</p> <p>Page 579</p> <p>Loss of Shops Within 30-52 Goldhawk Rd</p>		<p>The prevailing height of the adjoining buildings is 2 storeys, don't want buildings any taller.</p> <p>The proposal will destroy these businesses, some of which have are very popular.</p>	<p>architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair. Action – No action</p> <p>Response - It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and it is felt that buildings of 4/5 storeys are appropriate in this location and possibly higher with exceptional design. Pennard Mansions are 5 storeys therefore 4/5 storeys is felt to be appropriate in this location. Action – No action</p> <p>Response - The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops</p>
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			<p>on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action – Emphasised shop relocation at 2.4 and 4.4</p>
<p>No 146 Delyth Smith</p> <p>Loss of Textile Shops Within 30-52 Goldhawk Rd Phone 580</p>	<p>Object</p>	<p>Without these facilities I would be travelling great distances to purchase textiles.</p>	<p>Response - The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms.</p> <p>Action – Emphasised shop relocation at 2.4 and 4.4</p>

<p>NO 147 Colin Vine</p>	<p>Object</p>	<p>I would like to register my objection to the demolition of 30-52 Goldhawk Road.</p> <p>The buildings concerned should not be demolished as they are the base of many businesses that that are now part of the local culture. One business in particular Cooke's Pie and Mash shop is a part of the history of the area and attracts many people such as myself to return to our roots.</p> <p>Shepherds Bush had changed dramatically from my childhood days but this is a change that must not happen. There are many examples of Victorian buildings that have been incorporated into modern developments and there is no reason why this should not happen in this case.</p>	<p>Response – Noted Action – No action</p> <p>Response - The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action – Emphasised shop relocation at 2.4 and 4.4</p> <p>Response – While we understand the historic importance of this row of shops, they are now of poor appearance. They have suffered from inappropriate alterations over many years</p>
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			<p>and have lost most of the architectural detailing which once contributed to their character and appearance; they are also in a state of disrepair.</p> <p>Action – No action</p>
<p>No 148 Mercy Umeh</p> <p>Page 582</p>	<p>Suggestion</p>	<p>It is vital that the Shepherds Bush Market retains its authenticity and characteristic.</p>	<p>Response – The Vision states that “The unique character and diversity of the famous existing market should be at the core of regeneration”</p> <p>Action – No action</p>
<p>NO 149 Environment Agency</p>	<p>Suggestions</p>	<p>Flood Risk Issues – take into account surface water flooding.</p>	<p>Response – 4.38 in the brief refers to flood risk. Detailed assessments regarding flood risk will take place at the time of the planning application.</p> <p>Action – No action</p>

		<p>Green Roofs - should be encouraged</p> <p>Water efficiency</p> <p>Groundwater and Contaminated Land</p>	<p>Response – to be dealt with at planning application stage Action – No action</p> <p>Response – to be dealt with at planning application stage Action – No action</p> <p>Response – to be dealt with at planning application stage Action – No action</p>
<p>No 150 Pennard Road Residents Meeting – 28 Sep '10</p>		<p>Desire to see the access into the former laundry site from Pennard Road blocked off.</p> <p>Concerned about the potential scale of residential development on the former laundry site and overlooking/privacy</p>	<p>Response – 4.30 already states that consideration should be given to either closing this entrance completely or maintaining it as a limited pedestrian and cyclist entrance only Action - No action</p> <p>Response - It is stressed in 4.17 that the “scale and height of the new development would need to respond to the context” and “the bulk of the new buildings must be set back from the rear gardens of the houses in Pennard Road, to</p>

		<p>The market offer is not diverse enough and needs to be better reflective of the locality</p> <p>Concerned about drug dealing and ASB in the market area. Also worried about noise from the Walkabout bar.</p> <p>Concerned about the construction work and potential noise/disturbance from future development.</p>	<p>address issues of privacy, overlooking and daylight/sunlight”. Action - No action</p> <p>Response – The intention of the brief is to ensure “The unique character and diversity of the famous existing market should be at the core of regeneration, but be enhanced and complemented by new shops, residential, leisure and cultural activities, where independent and specialist small businesses and the creative arts can thrive”. Action – No action</p> <p>Response – This would need to be considered in the future by the developer who comes forward to develop the site. Action - No action</p>
<p>NO 151 Lime Grove Residents Meeting – 22 Sep ‘10</p>		<p>Concerns about the current management of the flats at 47 Lime Grove and temporary use of the Hostel</p>	<p>Supporting People will be working with Broadway to address the immediate issues Action - No action</p>

Questioned the rationale for proposing to regenerate the market at all. Some residents prefer to keep it as is.

June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. In order to provide an opportunity for market traders/residents to find out more regarding the brief drop in sessions have been arranged for 15th and 16th October in the former Shepherd's Bush Library.
Action – Two drop in sessions arranged for 15th and 16th October in the former Shepherd's Bush Library.

Response - The brief's key aim is to deliver the regeneration of the market but be enhanced and complemented by new shops, residential, leisure and cultural activities, on a very restricted site. In 1.4 further emphases has been added "the unique character and diversity of the famous existing market should be at

		<p>Some comments suggested that regeneration will push out existing traders and there will be rent increases.</p>	<p>the core of regeneration”. Action - No action</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure. Action - No action</p>
<p>Bo 152 Traders Association Meeting on 6 October 2010</p>		<p>Want greater assurances about the future of the market and protection of the existing market footprint</p> <p>Concerned over the potential scale of the regeneration proposed. Claimed that previous consultation suggested refurbishment rather than redevelopment</p>	<p>Response – The Vision for the market expresses the aspiration of “retaining the unique essence of the market”. In response to traders comments a new commitment has been inserted under objective 1 “while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long</p>

		<p>Requested that the controlled parking arrangements be reconsidered</p> <p>Request to extend the consultation period and asked for a public meeting</p>	<p>term viability and its vibrant diversity”.. Action – Objective 1 revised as detailed above.</p> <p>Response – Controlled parking arrangements outside the area of the brief would need to be considered separately. Action – No action</p> <p>Response – There have been numerous meetings and drop in sessions with the market traders, businesses and residents. The market traders have been consulted regarding the future of the market at a meeting held in June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. In order to provide an opportunity for market traders, businesses, residents to find out more</p>
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		<p>Owners of the Goldhawk Road Shops questioned the consultation process with them and objected to the demolition of shops and the proposed relocation within the market area</p> <p>The process of selecting Orion as the preferred developer was questioned</p>	<p>regarding the brief drop in sessions have been arranged for 15th and 16th October in the former Shepherd's Bush Library. Action – Two drop in sessions arranged for 15th and 16th October in the former Shepherd's Bush Library.</p> <p>Response – The inclusion of the land vacated by the demolition of 30 – 52 Goldhawk Road is essential to achieve the comprehensive regeneration of the market. We recognise the importance of the shops on Goldhawk Road and the service they provide to the local community. As mentioned in 2.4 and 4.4 the aim is to relocate the shops within the main development on suitable terms. Action - Emphasised shop relocation at 1.4, 2.4 and 4.4</p> <p>Response - The brief has been promoted on a wider basis as well as the</p>
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		<p>Concerns about future rent/rates and protection of existing traders</p> <p>Lime Grove residents did not support the proposal to knock down the Market Lane hostel and relocating some services to Lime Grove hostel</p>	<p>Council's aspirations for regeneration but Orion is currently the only interested developer. The site is complex to develop with significant land assembly required with risks associated with this which may explain the lack of interest.</p> <p>Action – No action</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure.</p> <p>Response – Additional guidance added in 4.34 in connection with the proposed relocation of some of the existing services from Broadway Centre into the Lime Grove hostel “all</p>
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			<p>options for improved access, design and management of the hostel would need to be looked at to minimise the concerns of local residents. The Council would expect a developer to negotiate to provide more suitable access to the hostel that could replace the existing sole access from Lime Grove, including options for access via the railway viaduct”.</p>
<p> <small>P 2010 C 1</small> NO 153 Meeting with SBMTA and SBMTA to 13th September 2010 </p>		<p>A query was raised regarding the inclusion of the private market in the draft brief,</p>	<p>Response – The desire for the private market to be regenerated is already included in the brief. Objective 8 in the brief states that the private market will be encouraged to join the overall market regeneration process. Action – No Action</p>

		<p>Queried Orion's interest in the site and how they identified the opportunity.</p> <p>The traders confirmed they have strong views only some of which have been changed in the brief. They are very concerned regarding the future management of the market and guarantees regarding rent and service charge levels. They want to see guarantees to the traders strengthened.</p> <p>Concern that businesses were suffering and trade diminished substantially since parking controls in the surrounding streets had</p>	<p>Response - The brief has been promoted on a wider basis as well as the Council's aspirations for regeneration but Orion is currently the only interested developer. The site is complex to develop with significant land assembly required with risks associated with this. Action – No action</p> <p>Response - Rent levels and service charges are not matters for a planning guidance document to advise on, such matters are outside the remit of planning legislation. We have identified our expectations of a developer at Point I where we refer to an appropriate management structure. Action - No action</p> <p>Response – Controlled parking arrangements outside the area of the brief</p>
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		<p>been changed from 8 hours to 1 hour. Traders are concerned that businesses will not survive long enough to see the regeneration.</p> <p>Requests for an extension to the deadline for comments on the brief.</p>	<p>would need to be considered separately. Action – No action</p> <p>Response - There have been numerous meetings and drop in sessions with the market traders, businesses and residents. The market traders have been consulted regarding the future of the market at a meeting held in June 2009 as part of the LDF consultation and during the consultation of this draft SPD in December 2009/January 2010 and September 2010/October 2010. Action – No action</p>
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**Appendix 3:
Shepherds Bush Market Area Planning Brief – Market and Theatre led
Regeneration, October 2010. Responses from public ‘drop-in’ sessions
arranged on 15 and 16 October 2010 at the former Shepherds Bush
Library**

<p>Hope James</p> <p>General</p> <p>Consultation</p>	<p>Object</p>	<p>Support the retention of the market, support the diversification of the market, and encourage further publicity of the market.</p> <p>Concern that Council are not listening to residents.</p>
<p>Tapio Ankrh</p> <p>Loss of Market</p> <p>Food Stalls</p> <p>Regeneration</p> <p>Textile Shops</p> <p>Range of Shops</p> <p>Hostels</p>	<p>Object</p>	<p>The proposal will result in the destruction of the Market. There will be a loss of history if the market is destroyed. All the antique shops, vintage clothing stalls will go.</p> <p>There is currently a lack of food stalls and hot food take away outlets.</p> <p>The owners are not passionate about regeneration</p> <p>Why cant more be done to link with London School of Fashion</p> <p>A range of higher end products should be on offer</p> <p>Too many hostels</p>
<p>Laura Sakstein</p> <p>General</p> <p>Size of Market</p> <p>Residential Uses</p> <p>Draw Card for Customers</p>	<p>Support with Suggestions</p>	<p>Overall in support.</p> <p>The Market should be smaller with less stalls, at the moment a lot of the Traders sell the same thing – there is no diversity of goods for sale, which is desperately needed.</p> <p>The proposed residential uses are supported.</p> <p>The Market proposal scheme needs a crèche / health centre / or something along these lines to draw people to the area and in particular the Market.</p>
<p>Theresa Newcombe</p> <p>Discrimination</p> <p>Pennard Rd</p> <p>Market</p>	<p>Support with Suggestions</p>	<p>The Market does not cater for everybody or for all ages.</p> <p>Concerned about works on Pennard Road.</p> <p>There should be more variety and diversity of stalls in</p>

Cleaner		the Market.
Antiques Market		The area in general needs to be cleaner.
Old Library		Use of Shepherds Bush Library as an indoor antiques market?
		Support the use of the old library as theatre.
Local Resident	Object	
Car Parking		Parking should be provided for traders.
Local Resident	Object	
Land Ownership		Concern about the TfL owners not participating in the development proposals.
Allotment Gardens		Site should be used as allotment gardens.
Rent		Concerned about the impact that redevelopment will have on rents charged.
Market		Does not want any change to market.
Character of Market		The Market's character should be retained. Do not want to have another Westfield complex.
Tony Rogers	Support	
General		I'm a part owner (freehold) of 11 SBM. Would like to see proposals to include this site.
Demolition of 30-52 Goldhawk Rd		This damaged building is in need of redevelopment.
Market		Would like to see Market retained and improved.
Barry Mills	Support	
Opening Hours		The Market should have proper opening hours.
Car Parking		The Market should have more car parking.
Market Diversity		Range of products sold in current market is poor. Increased range needed.
Policing		The Market is not currently policed properly, improved security is needed.
Restaurants		There is currently a poor range of hot food/take-out facilities. The new Market should provide more variety.
Management of Market		The new market requires proper market management for

		stall holders.
Mr M Allbutt Demolition of 30-52 Goldhawk Rd General Car Parking	Object	Concerned about demolition of Goldhawk Road properties but has submitted written representations. Keen to see improvements to market area and refurbishment of the street frontages. Does not support increased parking in the area.
Anoop Singh General Rent and Service Charges Car Parking Market Traders Leases New Shops	Support with Suggestions	Would like to see better market facilities and an improved market for traders and visitors. Rent/service charges should stay the same. Additional parking facilities are needed. Market Stall Leases should be protected. Support the variety and diversity that new shops bring.
Helen Parker Market Demolition of 30-52 Goldhawk Rd General General	Object	Concerned that the Market's character will be lost. Object to loss of Goldhawk Road buildings Support investment in market Should not be another Westfield.
Peter Coffey Better Market	Support	Would like a new and better market that has more variety of goods.
Marjut Sallinen Construction Process Rents	Sitting on the Fence	Concerned about the livelihood of the Market Traders during the construction process. Concerned that the Market Traders will not be able to afford the rents in the new Market.
Annabel General	Supporting	Necessary to regenerate Market to maintain its competition with Westfield.

Diverse Market		Want a more diverse market that attracts younger people. Want a stall for "Churches Together", to raise money for this group.
Coll McDonell Demolition of 30-52 Goldhawk Rd Loss of Shops Within 30-52 Goldhawk Rd	Object	Wants the terrace retained and refurbished, does not want them to be demolished. Just because something is in decline, doesn't mean it should be demolished. Does not want these shops to be removed, would like them to be retained.
Gill Curry Demolition of 30-52 Goldhawk Rd Future Market Stalls Road in the Market	Object	Would prefer them to be retained if at all possible, however concerned that it would be too costly to do so. If it is demolished then would desire a like for like replacement in the traditional style. Want them to be uniform in style and character. Do not like the current tatty look. Would like the diversity of the Market to be retained. Surface should be upgraded to improve the appearance and accessibility.
Franzen Traffic	Object	Not keen on the proposed residential or offices based on the fact that it will generate more traffic.
Laith Alkargooli General	Object	Don't agree with proposal and do not want it to take place.
Elaine Shepherd Consultation	Object	Everyone would like a proper consultation, which acknowledges the points they have made. We would like a public meeting.
Ravi Groven General	Object	No regeneration should take place
Ravi Groven General	Object	No regeneration should take place
Mandric Donagh	Object	

Public Meeting		We want a public meeting of all interested parties.
Ranjit Singh General	Object	We do not want this regeneration, we are happy as is.
Minesh Kotak General	Object	We do not want this regeneration, we are happy as is.
Harinder Singh Arora General	Object	We do not want this regeneration, we are happy as is.
Robbie Maphuant General General Rents General General General	Object	What is our future, will we go back to the same locations, and will our tenancy be secured? What does business continuation fund mean? What will the new rents be? What happens if I go out of business, because my new location is not as profitable as my current location? I carry £10k worth of stock, making big commitments to manufacturers, what happens if I'm relocated during this process? 95% of Traders do not want this.
Tom Kotak General Rent / Rates General	Object	The majority want refurbishment, not redevelopment. Want rents and rates clarified, will they be affected? What is meant by the business community fund?
Kimikaloa De Castillo Consultation General General	Object	Poor public consultation has taken place. There is no clear plan for what exactly is taking place. Would like the following: public toilets, fix the chains, fix the utilities, fix the walkways, fix the signage.
Ravinder Singh General	Object	Completely disagree, we don't need this and are happy as is.

Susan Joanhill	Object	
General		Approve the Market development, but don't want my flat knocked down.
V Gojhan	Support	
General		Proposal should make the area safer like it used to be.
General		The Market should not be extended.
Additional Market Businesses		Additional businesses should not be brought into the Market.
Public toilets		Would like new public toilets.
Car Parking		Do not want a new car park, but would like pay and display street parking increased from 1 hour to 2 hours in Zone G.
Market Road and Path		Do not want a new Market road or path.
Landlord		Does not want a new landlord.
Rents, Rates Service Charges		Do not want higher rents, rates or service charges.
Temporary Re-Allocation		Do not want to be temporarily re-allocated.
Permanent Re-Allocation		Do not want to be permanently re-allocated.
Shape of Market		Do not want the shape of the Market to alter.
Market Advertising		Do not want advertising of the Market on the bridges.
General		Prefer for the Market to be refurbished instead of regenerated.
Ms Lopez	Object	
Consultation		Not a democratic process.
Lime Grove		Lime Grove resident has had lots of problems.
Market		Market could be improved but not regenerated.
Keith Gould	Object	
General		This does not represent the wishes of residents or traders. Do not want the Market to be redeveloped.

Demolition of 30-52 Goldhawk Rd Hostel in Lime Grove Car Parking Market Improvements		Want the terrace to be retained Lime Grove residents do not want a hostel here. Would like a car park in the Market. Would like to see improved toilets, lighting and drainage.
Ainhoa Acosta Shops Within 30-52 Goldhawk Rd Market Development General	Object	Don't want these shops taken away. Don't want a redeveloped Market. A lot of the information produced has been confusing. The residents and Traders interest should be put first.
David Wilson Consultation	Object	The Council is not listening to what people are saying. There should be a public meeting.
Liviu Tipurita Consultation	Object	Our views have not been taken into account, there should be a public meeting.
Mauseet Kaur Vizlic General	Object	Don't want regeneration.
Farzana Tejani Consultation Lime Grove Hostel	Object	Poor consultation has taken place, the views of the consultees are being ignored. There should be a public meeting. The Market Lane hostel should not be moved to the Lime Grove hostel.
Tapio Ankrh General Hostels	Object	Want the historic character of the Market retained, there should be vintage clothes and antiques. There are too many hostels
Ibrar Dar General	Object	The Market's vibrancy should be preserved. Concerned that with regeneration this would be lost and we would

<p>General</p> <p>Rent</p>		<p>have a development similar to Westfield.</p> <p>The Council needs to do something to attract people to the Market instead of Westfield. Create a brand for the Market, more squares, places to site, perhaps an annual festival.</p> <p>Concern that a new Market would price some Traders out the area.</p>
<p>Marie Wynter General</p> <p>Market Diversity</p> <p>Market's Street</p>	<p>Object</p>	<p>The regeneration of the Market is fine in theory, however the plans at the moment are too vague to comment upon.</p> <p>Would like the Diversity to be retained, don't want it replaced with a bland farmers market that most of the local population could not afford to buy produce from. The Market should be for local people not Westfield shoppers. The Market's unique qualities should not be destroyed in favour of bland consumerism.</p> <p>Would like to see this street widened, to make it easier for pedestrians to navigate their way around it. The covered walkway could do with an upgrade and possibly a new roof.</p>
<p>Amaua Lopez Consultation</p> <p>Hostels</p>	<p>Object</p>	<p>A proper consultation should take place, our views are not being listened to.</p> <p>Do not want the Broadway hostels to move to the Lime Grove hostel.</p>
<p>Richard Temple</p> <p>General</p> <p>New Design</p> <p>Creative Industries</p>	<p>Support with Suggestions</p>	<p>The regeneration proposal is excellent news and exactly what residents and Traders have been waiting for. The Market needs to be visibly attractive, busy, vibrant and brightly coloured rather than the scruff, cluttered hotch-potch at the moment</p> <p>There should be design rules for stalls and shops that allows creative freedom, but at the same time keeps a recognisable theme and character to everything.</p> <p>Would like to see small fashion design stalls, jewellery designers, book stalls and artists. This would bring a complementary alternative to Westfield. Why not encourage students at the nearby fashion college to start new business in the Market? The theatre would bring the right kind of customers for these trades.</p>

APPENDIX 4
LB Hammersmith and Fulham Shepherds Bush Market Area Planning Brief for Market and Theatre led Regeneration -
Equality Impact Assessment Section 1 – Details of Full Equality Impact Assessment

Overall Information	Details of Full Equality Impact Assessment (Note: the Equality impact Assessment contained herein is referred to as EQIA, and not EIA for the purposes of this report. This is to avoid confusion with Environmental Impact Assessments, which are known as EIA in planning terms.)
Financial Year	2010-2011
Name and details of policy, strategy, function, project, activity, or programme	The Shepherds Bush Market Area Planning Brief for Market and Theatre-led Regeneration constitutes a Draft Supplementary Planning Document (SPD) which sets out detailed planning guidance on how the area (shown within the red line site plan) should be regenerated. The SPD is intended to be adopted as Supplementary Planning Guidance to the Adopted Unitary Development Plan (2007) Policy SBTC3.
Name of Service Department	Name: Jackie Simkins Position: Special Projects (Regeneration) Email: jackie.simkins@lbhf.bov.uk Telephone No: 0208 753 3460
Date of completion of final EIA	Date for start of EQIA: December 2009 Completion date for finalised EQIA: 11 th October 2010

Section 2 – Scoping of Full EQIA

Section 02	Scoping of Full EQIA
<p>Plan for completion</p>	<p>The Shepherds Bush Market Area Planning Brief for Market and Theatre-led Regeneration is of high public interest, therefore a full EQIA is necessary.</p> <p>Timing: The EQIA will support the consultation of the Supplementary Planning Document (SPD), which started in December 2009 and has been an ongoing process.</p> <p>Resources: Officer time only</p> <p>Lead Officer: Jackie Simkins (Special Projects Officers)</p>
<p>What is the policy, strategy, function, project, activity, or programme looking to achieve?</p>	<p>The Draft SPD sets out detailed planning guidance on how Shepherds Bush Market including the Theatre and its surrounding land should be regenerated, and in doing so provide an enhanced focus and destination in the western part of the town centre by refurbishing the market and other land as a vibrant mixed use town centre development of small shops, market stalls, leisure uses, residential and offices. The objectives of the SPD are:</p> <ul style="list-style-type: none"> • To renovate and enhance the existing markets in terms of the physical fabric of the trading units and stalls; the public realm and railway arches; servicing arrangements; security and safety; to increase footfall; and, to provide a mix of trading opportunities capable of sustaining long term viability and a vibrant diversity in the markets opportunities while seeking to maintain as a minimum an equivalent trading area attributed to the current operational market stalls and units to sustain the traditional role of the market in the community, its long term viability and its vibrant diversity to support existing traders. • To complement and integrate the market's renovation with a retail and leisure led mixed use scheme that will provide a vibrant ground floor mix of small shops, cafes and restaurants (providing opportunities for independent businesses and for the relocation of businesses from the Goldhawk Road frontage); with a mix of residential, and offices, on upper floors essential to the urban mix. • To ensure that there are new significant leisure, public arts or cultural facilities to act as a focus and public attraction; and that the former Shepherds Bush library maintains a cultural role in the community as a publicly accessible facility, such as a theatre, that will help anchor and complement the overall market area regeneration.

- To create a well managed development of exceptional design that complements the best of the local architectural and historical character and respects the local context, in particular the environmental amenity of adjacent residential properties on Pennard Road, Pennard Mansions and Lime Grove.
- To ensure there is a site layout that successfully integrates the market within the new development producing a permeable, accessible and secure public realm with enhanced circulation space; and, with entrances from Goldhawk and Uxbridge Road that provide a presence to the market and draw people into the area.
- To ensure that vehicular access and servicing is dealt with in a way that does not compromise the other objectives or cause congestion, danger, or unacceptable disturbance on surrounding roads or to local residents.
- To ensure there is a comprehensive scheme for at least the area east of and including the railway viaduct, which is capable of integration with any scheme for the market west of, and including, the viaduct; and to ensure that there is a phased approach so that the market can operate throughout the development period.
- To encourage the upgrading and renovation of the privately owned market west of the railway viaduct, and ensure this happens in a way that supports the overall objectives and maximises connectivity with the Transport for London market and eastern side of the regeneration area.
- To ensure that all waste is managed and containerised to maximise recycling and reduce impact on the public realm.

Section 3: Assessment of relevant data and/or undertake research

<p>Section 03 Documents and data reviewed</p>	<p>Assessment of relevant data and/or undertake research</p> <p>The following documents and data have been used to help inform this Equality Impact assessment:</p> <p>Single Equality Scheme</p> <p>The Single Equality Scheme contains our statutory and non-statutory equality schemes and simplifies how we meet our requirements for all, including groups protected by discrimination law. Officers have given careful consideration to the statutory codes in relation to race, gender, ethnicity, socio-economics and disability in preparing the scheme, as well as to the duties that were expected to arise from the Equality Act 2010, which received Royal Assent in April 2010, and most of the provisions of which came into force on 01 October 2010 (see below).</p> <p>The Single Equality Scheme objectives are based on the same Community Strategy objectives as the Spatial vision of the Core Strategy in terms of creating a borough of opportunity for all, including promoting home ownership and regenerating the most deprived parts of the borough. This SPD works to those same objectives.</p> <p>Equalities Duties</p> <p>Assessing planning policy guidance such as this SPD across equality strands helps us discharge our equality duty. The public sector equality duty requires the Council to:</p> <ul style="list-style-type: none"> a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>The provisions from the Equality Act 2010 that came into force on 01 October 2010 provide a framework of protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations; and transport. The Equality Act</p>
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2010 supersedes the previous Equality Act 2006 which was relevant at the time of the commencement of the drafting of the SPD. This EqlA has been prepared with due consideration of the Equality Act 2010, which is the relevant statutory Act at the time of consideration of the SPD.

Community Strategy

The Community Strategy was produced in 2007 and sets the framework of objectives used for both the Core Strategy and the Single Equality scheme. The Strategy was developed with our local partners from across the public, private, voluntary and community sectors and was subject to public consultation. As partners in delivering local services the aim of the Council through the community strategy is to combine opportunity, with social responsibility and social justice to assist the vast majority of people in the borough to help themselves while supporting the most vulnerable in the community. The community strategy is therefore considered to be consistent with the statutory codes in relation to race, gender, disability etc.

The Council have had regard for the following equality groups with regards to the preparation of the Shepherds Bush Market Area Planning Brief for Market and Theatre led Regeneration. The Brief takes into account the needs of all equality groups with regards to the future regeneration of the area.

Demographics of Equality Target Groups (Source: Borough profile 2010 and Census 2001)

A summary of the current position in relation to each of the equality groups is given below. This provides a starting point for the analysis of likely impacts of the Draft SPD on these groups.

Age: Number and Percentage:

	Shepherds Bush Market Area		Shepherds Bush Ward		Hammersmith and Fulham	
	number	percentage	percentage	percentage	percentage	percentage
Aged 0-17	123	19.5%	17.3%	18.3%		
Aged 18-64	476	75.4%	73.4%	71.2%		
Aged 65+	32	5.1%	9.4%	10.5%		
Total	631	100%	100%	100%		

The above 2001 census data shows that the percentages of people within the various age ranges within the Shepherds Bush Market Area is broadly similar to the Ward and Borough. There is a marginally higher percentage of 0-17 years olds in the Market Area than the borough-wide percentage. While there is a marginally lower percentage of people aged 65+ within the Market Area, than the borough-wide percentage.

Gender:

The census data shows that there is a marginally lower proportion of males in the Shepherd's Bush Ward, then the borough-wide proportion. The statistics demonstrate that there is a marginally higher proportion of females in the ward, than males.

	Ward (2001)	LBHF	London	England
All males, count	5,035	83,700	3,802,700	30,153,800
All males, %	49.13%	49.6%	49.6%	49.1%
All females, count	5,214	84,900	3,865,700	31,244,400
All females, %	50.87%	50.4%	50.4%	50.9%

Data source: Ward data - Census, 2001. Table UV03. All comparative data – Revised Mid Year Estimates 2008

Ethnicity: Number and Percentage

The 2001 census data references the ethnic mix within the Shepherds Bush Market Area, in contrast with the Ward, and Borough as a whole. It is noted that the Asian proportion is greater within the Market Area, in contrast to the Shepherd's Bush Ward and Borough as a whole. It is also noted that there is a marginally higher proportion of Black Caribbean and Black Africans in the Market Area in contrast to the Borough-wide percentages. As a result, the proportion of White British is significantly lower than the Borough-wide percentage.

	Shepherds Bush Market Area		Shepherds Bush Ward		Hammersmith and Fulham	
	number	percentage	percentage	percentage	percentage	percentage
White British	287	45.1%	50.3%	58.0%		
White Irish	47	7.4%	6.1%	4.8%		
White Other	98	15.4%	14.1%	15.0%		
Black Caribbean	34	5.3%	7.7%	5.2%		
Black African	45	7.1%	6.2%	4.9%		

Black Other	9	1.4%	1.9%	1.1%
Mixed	32	5.0%	4.9%	3.8%
Asian	70	11.0%	6.3%	4.4%
Chinese and other	15	2.4%	2.5%	2.8%
Total	637	100%	100%	100%

Religion: Percentage:

The 2001 Census data reveals that there is a marginally greater percentage of people of Hindu and Muslim religions within the Shepherds Bush Ward, than the borough percentages. Additionally, it is noted that there is a greater percentage of people with no religion than the borough percentage. Christianity is the most common religion within the Ward, and the Borough, although the percentage is lower than the Borough level. The Census reveals a diverse range of religions within the Shepherd's Bush Ward with Christianity and Islam being the most common.

	Ward	LBHF	London	England
Christian	59.11%	63.65%	58.23%	71.74%
Buddhist	0.92%	0.77%	0.76%	0.28%
Hindu	1.48%	1.09%	4.07%	1.11%
Jewish	0.65%	0.79%	2.09%	0.52%
Muslim	8.49%	6.85%	8.46%	3.10%
Sikh	0.26%	0.19%	1.45%	0.67%
Any other religion	0.55%	0.43%	0.51%	0.29%
No religion	19.51%	17.64%	15.76%	14.59%
Religion not stated	9.03%	8.59%	8.66%	7.69%

Data source: Census, 2001. Table KS07

Data may not be representative as responding to the Census question relating to religion was voluntary

Sexual Orientation

There is no census data available with regards to sexual orientation within London Borough of Hammersmith and Fulham. The Council have considered the implications of the Planning Brief on this equality group.

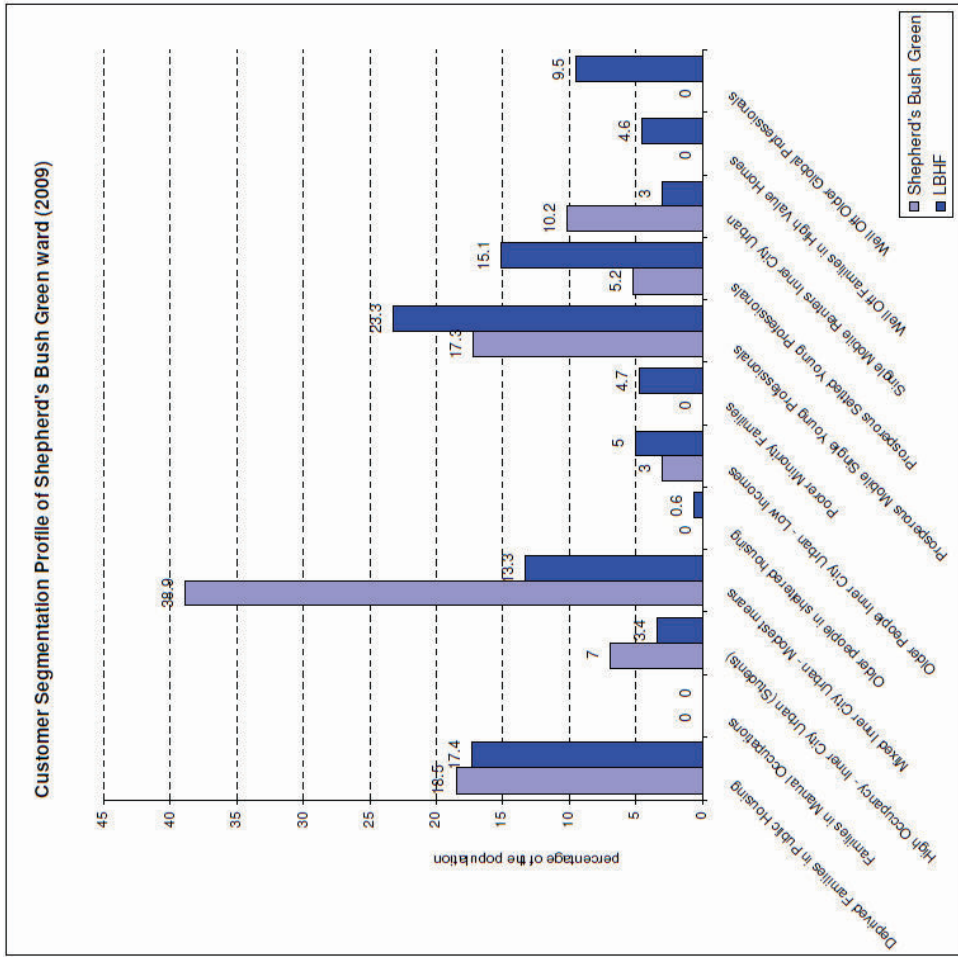
Disability

It is estimated that there are more than 10million disabled people in the UK (Source: LBHF Access for All 2006) and more than 800,000 disabled people in London (Source: London Plan SPD: Planning for Equality 2007). This presents a significant challenge to ensure that new development makes provision for people with disabilities.

There are no up-to-date statistics in LBHF which identify the disability levels of the local population. Due consideration of the London Plan policies 3A.14 (Protecting London's Diverse Population) and 4B.5: Inclusive Design and LBHF's SPD: Access for All are key documents which set out the Borough's requirements to ensure appropriate provision is made for people with disabilities.

The Council have had due regard for the need to make the environment accessible for all disabled people, as required by the London Plan and Unitary Development Plan Policies. Specific Design Guidance for new development is set out in the Supplementary Planning Documents produced by the Greater London Authority (GLA) and LBHF. The Planning Brief for the Market Area would ensure compliance with these detailed standards at the detailed design stage.

Socio-Economic



Hammersmith and Fulham is ranked as the 38th most deprived local authority in England, out of 342 local authorities. There is a high degree of polarisation within the Borough with increasing numbers of high earners with a static proportion of low earners. The socio-economic statistics show that Shepherds Bush Ward is one of the more deprived parts of the borough and that the Shepherds Bush Market Area is one of the more deprived parts of the ward given the statistics show a marginally lower proportion of median household incomes, a lower proportion of people with no academic qualifications and a higher proportion of people who are economically inactive (e.g.: unemployed).

The Council are aware of the importance of retaining and improving the existing market facilities and enhancing the social and economic opportunities for traders. The Council view the Market as having greater potential to generate greater revenues for the existing traders and increase the qualitative range of retailing on offer within the wider Shepherd's Bush area.

Median Household Income (Source: CACI Paycheck 2009)

	Shepherds Bush Market Area	Shepherds Bush Ward	Hammersmith and Fulham
Median Household Income	£29,383	£30,769	£32,996

Qualifications: (Number and Percentage: Sources 2001 Census)

	Shepherds Bush Market Area		Shepherds Bush Ward		Hammersmith and Fulham	
	number	percentage	number	percentage	number	percentage
No qualifications	98	19.4%	18.8%	17.9%		
Level 1 qualifications	36	7.1%	8.9%	7.8%		
Level 2 qualifications	59	11.7%	13.1%	13.2%		
Level 3 qualifications	63	12.5%	11.1%	12.0%		
Level 4 / 5 qualifications	227	45.0%	43.1%	45.1%		
Other : Level unknown	22	4.4%	5.0%	4.1%		

Economic Activity: (Number and Rate: Sources 2001 Census)

	Shepherds Bush Market Area	Shepherds Bush Ward	Hammersmith and Fulham

	number	rate	rate	rate
Economically Active	336	67.9%	69.3%	69.4%
Employee	261	52.7%	51.2%	51.9%
Self-employed	44	8.9%	10.0%	10.3%
Unemployed	25	5.1%	5.8%	5.0%
Full-time Student	6	1.2%	2.4%	2.2%
Economically Inactive	159	32.1%	30.7%	30.6%
Retired	23	4.6%	7.3%	7.7%
Student	37	7.5%	6.6%	7.2%
Looking after home/family	33	6.7%	5.3%	6.3%
Permanently sick or disabled	34	6.9%	6.4%	4.7%
Other	32	6.5%	5.2%	4.6%

Human Rights

Will it affect human rights, as defined by the Human Rights Act 1998? No.

Section 4: Assess or undertake consultation

Section 04	Assess or undertake consultation
Consultation	<p>Draft SPD Consultation</p> <p>A Public Consultation exercise for the first Draft SPD took place in December 2009. Local residents, land owners, market traders, shop owners, local businesses, residents associations, internal Council consultees, external statutory consultees were all notified of the Draft SPD along with the SPD Statutory Consultation document. Following this, the draft SPD has been amended to take into account of the issues that were raised in the initial consultation exercise</p> <p>In September 2010, a further Public Consultation exercise has taken place on the revised draft SPD.</p> <p>Planning legislation requires that consultation takes place with appropriate stakeholders in the course of the preparation of the SPD, in order to enable the Council to make an informed decision as part of the planning process.</p> <p>The EQIA is an assessment that makes sure the Council takes its equalities duties into account during the consultation stages and prior to and at the time of a decision to adopt the SPD. The aim of the consultation was to gain the perspectives of appropriate stakeholders including minority and other such groups on the SPD. Their responses were used to inform and assist in the evolution of the SPD. Equally, their responses, and the sources of those responses, provided the council with evidence in order to make an assessment of the impact of the draft SPD against its equalities duties.</p> <p>In addition to this evidence base, the Council consulted the Hammersmith & Fulham Action on Disability Forum (HAFAD) on the SPD and were directly engaged in the impact assessment process. The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.</p> <p>The Council has had a succession of meetings with the Market Traders and local residents. The demographic of the people present at the meetings was considered to represent a fair reflection of the equality groups defined in section 3 of this assessment. In particular, many of the market traders included ethnic minorities whose stall represented the main source of their household income..</p> <p>The Council has also extensively consulted the local residents, occupiers and community groups surrounding the site. Particular concern was expressed with regards to the loss of existing market stalls and the loss of retail units on Goldhawk Road. The SPD has been amended to take into account the</p>

needs of these traders who are considered to have a vital role to play in the future regeneration of the area. Hence, the wording has been amended to confirm that it is the Council's aim to accommodate the trading area of the existing market stalls and units currently operating in the market within the regeneration proposals and maintain the Market's traditional role in the community while enhancing its offer with a more diverse mix, complemented by new retail, café and restaurant uses. The Council would encourage the relocation of the existing Goldhawk Road ground floor uses within any reinstated frontage, should the proposals result in redevelopment of these buildings.

The Council has ensured that consultation on the Draft SPD is in line with the Council's Consultation Guidelines.

Section 5: Assessment of impact and outcomes

Section 05 Assessment		Assessment of impact and outcomes	
<p>This section assesses the key SPD Policy Guidelines against the 7 key equality strands. Each SPD Guideline has been given a score which indicates whether it has a positive (+) or negative (-) impact on the 7 equality strands and also whether this impact is low, medium or high. Where no impact has been identified it has been marked with a dash (-).</p>			
Key Equality Strands		Development Guidelines and Principles	
A. A Comprehensive Approach and Phasing			
Race	+	H	<p>The guidance promotes comprehensiveness in terms of securing development without prejudice towards adjoining land. This approach seeks to avoid piecemeal development, and requires development to be complementary in terms of layout, arrangement of uses, design, access, routes, servicing, and relationships with surrounding properties.</p> <p>Whole site to the east of and including the railway must have a comprehensive scheme. Preferable for east and west side of railway to be developed together. Neither side must prejudice each other.</p> <p>The comprehensive approach, through a phased delivery, would involve more joined up processes, minimising displacement and enabling any displaced users to be accommodated and their requirements met. Although a phasing plan does not form part of the Brief, it is considered that enabling comprehensive redevelopment would limit potential disruption to traders and local residents during construction, by allowing traders to continue trading on temporary stalls elsewhere on the site.</p>
Disability	+	H	
Gender	+	H	
Age	+	L	
Sexual Orientation	+	L	
Religion/belief (including non-belief)	+	M	
Socio-Economic	+	M	
B. The Markets			
Race	+	M	<p>Development should accommodate the refurbishment and improvement of the market within the regeneration proposal, enhance the market offer and sustain the long term viability. As a result of the consultation the Brief was changed to include the aim</p>
Disability	+	M	
Gender	+	M	
Age	+	M	

				to accommodate the trading area of the existing market stalls and units currently operating in the market within the regeneration proposals and maintain its traditional role in the community while enhancing the Market's offer with a more diverse mix, complemented by new retail, café and restaurant uses.
				Renovation and enhancement of the railway viaduct and adjoining bridges. Opportunity to improve access to the markets on both sides of the railway. Access from Uxbridge Road and Goldhawk Road should be retained.
				Proposals should include new or redesigned stalls or permanent accommodation for market trading. A clear scheme for providing access for servicing, waste storage and removal should be provided.
				Private Market should form an integral part of the market offer, but could contain other office, residential or town centre uses on upper floors. Possible inclusion of workshops between rear of market and Lime Grove properties.
				One of the Council's key aspirations driving the regeneration is to increase foot-flow within the market area and create a thriving trading environment which would provide a boost to the local economy and existing local businesses (including market traders). The Council consider that by creating a vibrant and diverse market experience for both trader and visitor, this can be achieved. It is considered that by refurbishing the existing market and up-grading the quality of the environment to attract additional customers, increased expenditure in the area would provide direct economic benefits to market traders. This objective is central to the Brief.
				Although this may result in increased competition for trading in the area, it is considered a healthy Market environment would act as a further stimulus to enhance the vitality and viability of Shepherd's Bush Town Centre, in accordance with Policy SBTC3.
Sexual Orientation	+	M		
Religion/belief (including non-belief)	+	M		
Socio-Economic	+	M		

<p>The Council are aware that increased competition may result in greater desirability for stalls/retail units. Small units, independent traders and specialist shops are cited in the brief as being suitable uses. The Council envisage that the typical footprint, size and type of these units would be best suited to market traders and small businesses who have these particular requirements to operate their businesses. In this respect, the development would be expected to provide for the needs of the existing traders and retailers within the Market area, within the scope of the Brief.</p> <p>The control of market rents does not form part of the Brief and falls outside the influence of planning control. The Council will endeavour to ensure that development proposals comply with the specific design guidelines and development principles set out in the Brief, which are intended to promote greater economic benefits for existing traders and businesses and deter inappropriate users, which are deemed unsuitable for the area, and not be in the local interest.</p>				
<p>C. Development East of Railway Line</p> <p>Land uses within the scheme should provide a vibrant mix that will encourage activity throughout the day and evening, whilst respecting the neighbouring land uses. Ground floor uses to comprise retail, cafes, restaurants including limited use of upper floors. Presumption in favour of attracting independent and specialist shops to increase the qualitative range retail on offer. It is the Council's intention that the redevelopment proposals include the relocation of businesses on 30-52 Goldhawk Road to be reinstated within the primary retail frontage within the new building. This is designed to retain the character and specialised businesses in the area to serve a diverse range of customers within the main development on suitable terms and conditions, subject to viability and agreement with developer.</p> <p>In recognition of the rich ethnic and cultural mix of people in the area, development must include a significant public leisure, arts, entertainment or cultural use to help anchor the scheme, and be</p>	<p>M</p> <p>M</p> <p>M</p> <p>L</p> <p>L</p> <p>M</p> <p>M</p>	<p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>+</p>	<p>Race</p> <p>Disability</p> <p>Gender</p> <p>Age</p> <p>Sexual Orientation</p> <p>Religion/belief (including non-belief)</p> <p>Socio-Economic</p>	

				obtain car parking permits.
Sexual Orientation	+	L		<p>A Transport Assessment will be required with any planning application to consider best practice guidance. Travel Plans will be required for residential and commercial uses. Servicing Management Plan required to clearly define routes for pedestrians and vehicles. Servicing to be on-site, and segregated.</p> <p>Potential to close or retain access to Pennard Road as limited cycle/pedestrian entrance.</p> <p>Legible London signage could be extended to the site and all signage and routes to comply with Council's Access for All SPD.</p>
Religion/belief (including non-belief)	+	M		
Socio-Economic	+	H		
F. Former Shepherd's Bush Library				
Race	+	M		<p>SPD promotes the refurbishment of Shepherd's Bush Library building, adjacent to the market to comprise an arts/cultural facility. The use is envisaged to provide an anchor to and complement other cultural uses in the market and town centre, and support the wider regeneration of the area. It is considered that there is the requirement for such a facility given the rich and diverse ethnic and cultural mix of residents within the locality. A cultural/arts facility has the potential to provide significant recreational benefit to a range of user groups.</p>
Disability	+	H		
Gender	+	M		
Age	+	M		
Sexual Orientation	+	L		
Religion/belief (including non-belief)	+	M		
Socio-Economic	+	H		
G. Environmental Issues				
Race	+	/		<p>The equality standards for Environmental Issues have been scored neutral at this point in time, because this information (Flood Risk Assessment, Sustainability Details, etc.) can only be provided and determined when a developer lodges a planning application for a development of the site and has a finalised design for the development of the site. However, it is expected that there will be a positive impact across all equality strands once this information is provided with an application.</p>
Disability	+	/		
Gender	+	/		
Age	+	/		
Sexual Orientation	+	/		
Religion/belief (including non-belief)	+	/		

Socio-Economic	+	/	<p>A Flood Risk Assessment is required with any planning application to demonstrate that the site can be developed and occupied safely in its proposed lifetime.</p> <p>London Plan policies require the development to reduce carbon emissions by 20%, from on site renewable energy generation. An energy assessment would be required with a planning application to demonstrate how energy efficiency measures have been designed into the scheme.</p> <p>Development should minimise the environmental impact upon adjoining properties, in terms of overlooking, daylight and sunlight, noise, light pollution and other disturbance. Ground contamination may also be investigated. A Waste Management plan must also be prepared with any planning application.</p>
H. Employment, Training and Business Support			
Race	+	M	When this was raised in consultation this was covered under section B of this table was mainly raised by businesses in relation to floor space.
Disability	+	M	
Gender	+	M	
Age	+	M	
Sexual Orientation	+	M	Development should contain business and employment spaces of sufficient scales so that a full range of size and types can be provided. Small start-up business space should be provided, in addition to the provision of space targeted at creative and media industries.
Religion/belief (including non-belief)	+	M	
Socio-Economic	+	M	Development should make a contribution to skills training and employment support.
Overall Conclusion			
The comments and conclusions of these assessment are based on quantified demographic data, responses to the consultations and the various meetings held with stakeholders.			
The Equality Impact Assessment of the key Development Guidelines and Principles of the draft SPD, informed by the responses to the consultations and discussions that took place did identify equalities			

impacts on businesses and market stall owners who include ethnic minorities groups. This led to the inclusion of the aim to accommodate the trading area of the existing market stalls and units currently operating in the market within the regeneration proposals and maintain its traditional role in the community while enhancing its offer with a more diverse mix, complemented by new retail, café and restaurant uses.

Further improving access in and to the area will, in the council's view, positively impact disabled people, various age groups, those with caring responsibilities.

In addition, the Council will endeavour to ensure that development proposals comply with the guidelines and development principles set out in the Brief with regards to the type of use/retail/business to be promoted. The revitalised market and theatre area is intended to promote greater economic benefits for existing market traders and businesses.

The policy guidelines put forward in the draft SPD are not considered to have any negative impacts on equality. When assessed against the seven equality strands, most of the guidelines would have a positive impact. The range of proposed land uses are considered to increase the mix of use in the area which is economically and socially diverse and where people of different ethnicity, faith and socio-economic background will benefit from proposals for more housing, job opportunities and the re-provision of the existing Market's floorspace.

Section 6: Reducing any adverse impacts

Section 06	Reducing any adverse impacts
<p>Outcome of Assessment</p>	<p>Actions</p> <p>In light of the council's assessment that the SPD will not have any adverse impacts on equality, it does not anticipate that any specific actions will be needed to remove or mitigate against the risk of unlawful discrimination in the delivery and implementation of the SPD. The potential impacts that have been identified in the draft SPD have been subsequently amended.</p> <p>In order to make sure this remains the case, equality issues will continue to be monitored once the SPD is adopted, and as part of the ongoing Local Development Scheme. Where potential equality issues are identified, LBHF officers will consider whether it is necessary to adjust or amend the development principles and guidelines; eg. those to do with disability and other comments received. Furthermore, any proposal that comes forward will itself be the subject of an equality impact assessment as part of the planning application process.</p> <p>An example of where the Brief changed to reflect the Market Traders concerns was where they raised concerns that they would not be accommodated within the new market. The Brief was amended to include the aim to accommodate the trading area of the existing market stalls and units currently operating in the market within the regeneration proposals and maintain the Market's traditional role in the community while enhancing its offer with a more diverse mix, complemented by new retail, café and restaurant uses. Therefore, no negative impact on the Traders in this regard is envisaged.</p> <p>Consultation</p> <p>The opportunity to take part in consultation on the Draft SPD was made available to all community groups within a reasonable distance of Shepherds Bush Market. The Council sought to reach the hard to reach groups in the Borough through advertisements, online information, leaflets and hard copy documents. The database of consultees that was compiled for consultation on the Draft SPD included a number of local business, conservation groups, residents associations, the Greater London Authority, Historic Buildings Society, Hammersmith Society and other groups. They were made aware of the Draft SPD and were invited to make representations. Translations of the text were made available on request to those people in the Borough whose first language was not English.</p> <p>Disability</p> <p>As well as having an obligation not to indirectly discriminate against disabled people, from October 2010, the duties under the Equality Act 2010 mean that service providers have an anticipatory duty to</p>

make reasonable adjustments for disabled people. The council have consulted the Hammersmith and Fulham Disability Forum (HAFAD) throughout the SPD process.

Section 7: Action Plan

Action Plan		Action (s) to be taken	Who will be responsible	Targets and milestones
Section 07 Action Plan	Issue identified	Action (s) to be taken	Who will be responsible	Targets and milestones
	Need to communicate in different languages to take account of the multicultural nature of the area	Ensure that the Brief is available to read in the languages that are used in the locality.	Special Projects Team	On-going
	Difficulty in raising awareness and interest in the Draft SPD amongst equality groups in the borough.	Continue to target hard to reach groups in future consultation on the Draft SPD.	Special Projects Team	On-going
	Need to ensure that the existing Market Traders and Shops take up floorspace in the proposed development	Liaise with the developer before and after construction to ensure these groups are catered for and the requirements of the Brief are met.	The Environment and Regeneration Departments	On-going
Need for further consideration of equality and social justice in the Draft SPD.	Increase consideration of objectives on equality in the Draft SPD.	Special Projects Team	On-going	

Section 8: Agreement, publication and monitoring

<p>Section 08</p>	<p>Agreement, publication and monitoring</p>
<p>Chief Officer sign-off for consultation</p>	<p>Name: Nigel Pallace Position: Director of Environment Email: nigel.pallace@lbhf.gov.uk Telephone No: 020 8753 3000</p>
<p>Key Decision Report</p>	<p>Date of report to Council: 27/10/10 Confirmation that key equalities issues found here have been included: Yes</p>



REPORT TO COUNCIL

27 OCTOBER 2010

LEADER

Councillor Stephen Greenhalgh

CABINET MEMBER FOR STRATEGY

Councillor Mark Loveday

ANNUAL REPORT OF THE AUDIT COMMITTEE 2009/10

This report details the work of the Audit Committee during 2009/10, outlining the key developments in:

- Governance
- Internal Control;
- Risk management;
- Internal Audit;
- Anti-fraud;
- External Audit;

It also sets out our plans for the future, built on the lessons we have learnt. The report provides an opportunity for all members to review the Committee and to review its performance.

WARDS

All

CONTRIBUTORS

FCS and all Departments

RECOMMENDATIONS:

That the Council approves the annual report.

Audit Committee

Annual Report 2009/10

Introduction

- 1 This report relates to the period 1 April 2009 to 31 March 2010. The Audit Committee (the Committee) has a wide ranging brief that underpins the Council's governance processes by providing independent challenge and assurance of the adequacy of governance, risk management, and internal control. This includes audit, anti-fraud and the financial reporting frameworks; the Committee is also the council's Approval of Accounts Committee. The Terms of Reference for the Committee for 2009/10 are reproduced at Appendix 1 for information.
- 2 Table 1 details last year's Committee members. I would like to thank all members for their positive contributions throughout the year. The members have a wide range of skills and bring both technical and professional experience to the role. Within the membership there are qualified accountants and all members have some experience or have received development training in relation to the governance processes they challenge. This provides a solid foundation from which to develop the Committee's role.

Table 1: Members of the Audit Committee

Member	Role
Councillor Robert Iggulden	Chairman
Councillor Michael Cartwright	Vice Chairman
Councillor Mike Adam	Member
Councillor Will Bethell	Member

- 3 To further support the committee members, officers have provided development training on the function, responsibilities and role of the Audit Committee process. This was further supplemented by additional training during the year in relation to local government accounts.
- 4 This report details the key successes and work of the Committee in 2009/10. The Committee has overseen transformation in all areas of its responsibilities and has actively contributed to leading and shaping those changes. Key achievements include:
 - Moving risk management reporting from compliance with the process to identifying issues arising from the risk register contents;
 - Continued performance improvements in responding to internal audit reports and recommendations across the Council, and delivery of the Internal Audit plans;
 - Developments in the Council's anti-fraud culture with continued improvements in the performance of the Corporate Anti-Fraud Service (CAFS);

- Delivering through CAFS the National Fraud Initiative;
- Approval of the 2008/09 year annual accounts.

Governance

- 5 The Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions which includes arrangements for the management of risk. The governance framework comprises the systems, processes, culture, and values by which the authority is directed and controlled and it engages with and leads the community. It enables the Council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate, cost effective services.
- 6 The Council has an approved and adopted code of corporate governance with embedded Financial Regulations, which is consistent with the principles of the CIPFA/SOLACE *Framework Delivering Good Governance in Local Government*. A copy of the code and Financial Regulations is contained in the Council's constitution and is available on the Council website.
- 7 The Audit Committee has a responsibility to assess the adequacy and effectiveness of the corporate governance arrangements that have been put in place. This is achieved in a number of ways. The Committee reviews in detail the Annual Governance Statement (AGS) that forms part of the annual accounts, to ensure it properly identifies the Council's governance arrangements, and that it accurately identifies significant control weaknesses. The process for producing the statement is outlined at Appendix 2, showing the range of supporting evidence considered by the Committee as part of its deliberations. The statement in the 2009/10 draft accounts demonstrates a clear improvement with only three extant significant control weaknesses. The Committee also considers the work of Internal Audit and risk management in identifying and evaluating risks and ensuring arrangements are put in place to manage them. The Audit Committee's view of governance is reflected in the Annual Governance Statement. The supporting review of governance states that the Council is compliant with the new CIPFA/SOLACE governance guidance issued in 2007.

Internal Control

- 8 A pivotal role of the Committee is its work in developing the Council's internal control and assurances processes culminating in the Annual Governance Statement (AGS). Regulation 4 of the Accounts and Audit (A&A) Regulations 2003, and amending A&A Regulations 2006 require the Council to review the effectiveness of its governance arrangements including the system of internal control and to publish an AGS each year with the financial statements. The information for the AGS is generated through the Council's Assurance framework which is outlined in Appendix 2, encompassing:
 - Risk management;
 - Internal Audit;

- Anti-Fraud programme;
- External Audit;
- Third party assurances such as other inspection and review agencies;
- Directors' annual assurance statements.

The Committee leads this review by receiving reports at every meeting from most of these areas.

Risk Management

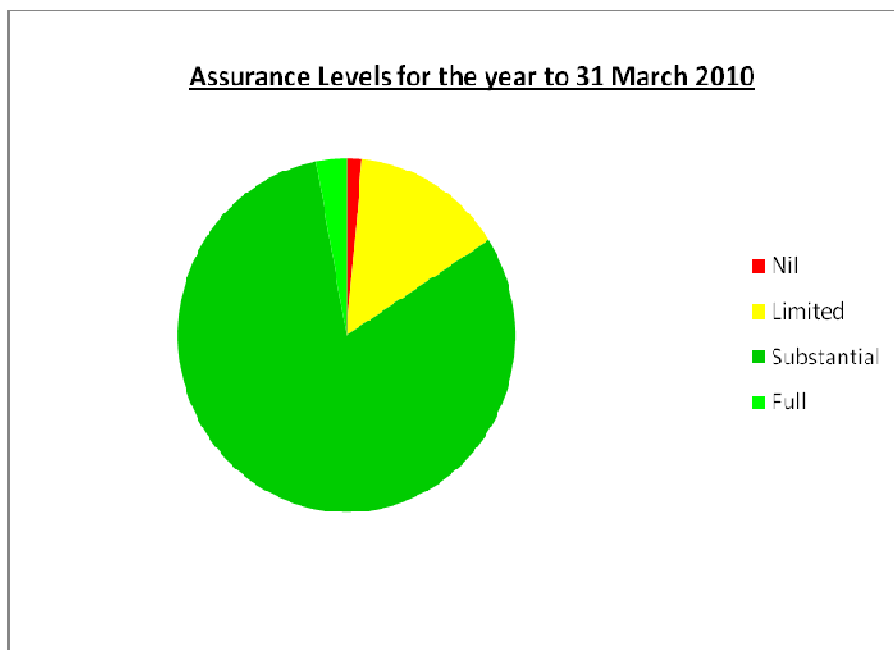
- 9 Risk Management is a business discipline that public and private sector organisations use to maximise the potential for successful delivery of business opportunities and at the same time control costs and mitigate against potential threats that may impact on the achievement of corporate objectives. It also forms a key part of the Council's corporate governance arrangements, strategic management, project, financial and performance management process and aids the scrutiny process by providing transparency of decision making of officers plus policy and agenda setting of Members.
- 10 The Audit Committee received training on the operational and strategic risk management arrangements of the Council together with an overview of the key corporate risks provided through the corporate risk register reviewed at each Committee meeting.
- 11 Operationally the engagement, ownership, management and delivery of risk management as part of daily business practice has been maintained culminating in attainment of Substantial Assurance from the annual audit of the risk management framework. The process has been particularly effective in raising Members' and officers' awareness of both the risk and opportunities associated with major projects and programmes of work such as in Market Testing.
- 12 There has been consistency in business risk assessment; risks have either decreased as a result of being managed and mitigated, or in some cases increased due to the continuing economic fragility. These risks have been monitored throughout the year and the Executive Management Team have focussed on key areas of risks through the ongoing review and maintenance of the Corporate Risk Register.
- 13 It is notable that risk continues to be used as a natural part of the Council's business processes and is no longer seen as an add-on or separate bureaucratic process. There will always be an element of process in terms of risk registers, framework and policy but there has been a fundamental change in the way risks are more routinely identified and managed and a pragmatic approach has been adopted. All risk registers submitted as part of the business planning round were relied on to inform the audit plan and the year end Assurance Statement produced in the Annual Accounts.
- 14 This has been delivered through very testing economic times and the comprehensive scrutiny of risk undertaken quarterly by the Audit Committee has been robust and effective. Benefits from the process include improved

organisational resilience and improved performance in service delivery to the community.

Internal Audit

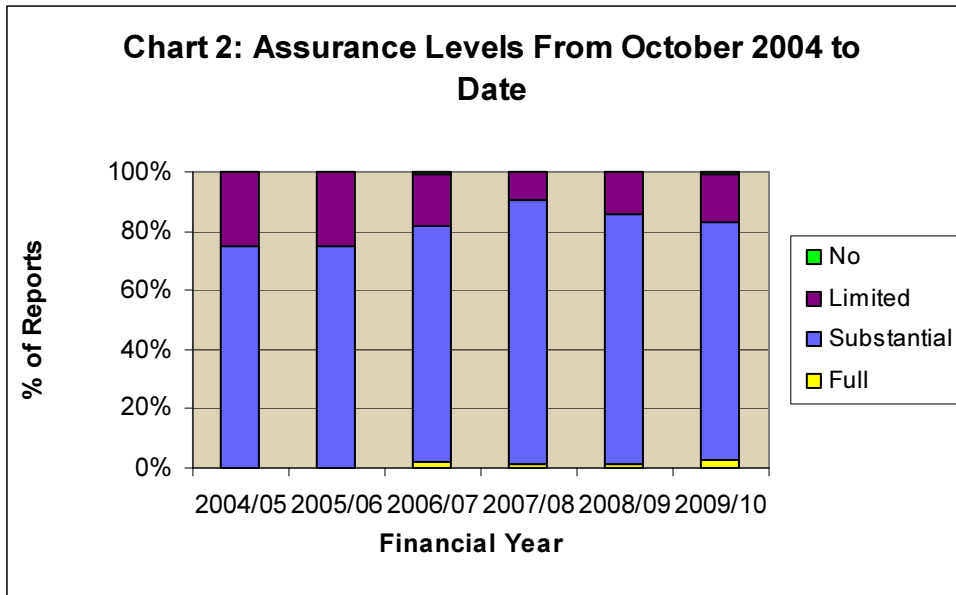
- 15 The Council's internal audit service is outsourced to Deloitte & Touche Public Sector Internal Audit Ltd, who began delivering the service on 1 October 2004 and won the contract re-tender starting from 1 April 2008.
- 16 The Internal Audit plans for the 2009/10 year were based on the departmental and the corporate risk registers supported by the production of an Assurance Framework. The draft plans were then reviewed and updated with departments through annual planning meetings with their Department Management Teams.
- 17 The audit work that was completed for the year to 31 March 2010 involved 89 separate reviews of which 70 received an audit assurance. The levels of audit assurance achieved on the systems audited by year end are depicted in **Chart 1** below. This shows that 83% of the systems audited achieved an assurance level of substantial or higher, while 17% received an assurance level of limited or lower.

Chart 1: - Assurance Levels for the year to 31 March 2010



- 18 There were two audits where FULL assurance opinion was issued. NIL assurance was provided for two audits, and a further 10 reports had limited assurances reported at year end.
- 19 To provide a wider perspective, **Chart 2** below shows the levels of assurance provided for all systems audited from the 2004/05 year onward. This indicates that the trend of the overall system of internal control had been improving. For the 2009/10 year the figure has reduced slightly, this is believed to be due

to the audit plan now being risk based and therefore more focussed on areas of greater risk or known issues.



Internal Audit Performance 2009/10

20 The table below shows that delivery of the 2009/10 year Internal Audit plans was the most successful since the Deloitte contracts began. The target for delivery in year of 95% was achieved, which was a significant improvement on that delivered in the previous year. This level of performance is expected to continue in future years. The results of satisfaction surveys indicate that 83% of auditees are either satisfied or very satisfied with the service provided by internal audit.

Key Performance Indicators 2009/2010

	Performance Indicators	Annual Target	Performance	Variance
1	% of deliverables completed	95	95	nil
2	% of planned audit days delivered	95	93	-2
3	% of Satisfaction survey at least satisfactory	95	83	-12
4	% of 2009/10 year audit recommendations past their implementation date that have been implemented	N/A	39	N/A
5	% of 2008/09 year audit recommendations past their implementation date that have been implemented	N/A	92	N/A

6	% of 2007/08 year audit recommendations past their implementation date that have been implemented.	N/A	98	N/A
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- 21 Indicators to evaluate the success of Internal Audit in effecting change are those measuring the implementing of audit recommendations by their due date. By the 31 March 2010 a total of 98% of those for the 2007/08 year and 92% of those for the 2008/09 year had been implemented. This shows that the steps taken to improve implementation have been effective.

Anti-Fraud

- 22 During the 2009/10 year CAFS (Corporate Anti-Fraud Service) delivered 278 successful outcomes, a significant 46% year on year improvement and an increase of approximately 300% over the performance results achieved by the Council's disparate fraud teams the year before CAFS was formed in 2006. This figure excludes a further 33 removals from the Housing Register that were requested late in the 2009/10 year and as a consequence were not included. The year end figures include 17 successful prosecutions, the remaining cases include administrative penalties, recovered properties, and removals from the Housing Register. As a consequence of its counter fraud work the unit identified total fraud to the value of £4.3 million, plus recoverable income to the Council of £1.7 million; approximately £605k was recovered during the year.
- 23 Where possible a financial value to the Council has been placed on the counter fraud work that CAFS undertakes on tenancies. The Audit Commission has calculated that each recovered property is worth £75k to councils. Therefore the 28 recovered tenancies and 9 Housing Register removals have been valued at £2.775 million. These figures and the total of £4.3 million do not account for any additional value such as the deterrent effect achieved from successful casework and the publicity gained from the results, plus the fraud awareness activity and the proactive work undertaken to prevent fraud occurring in the first place.
- 24 The CAFS working relationship with the police continues to be mutually beneficial to both parties and has been strengthened with a CAFS officer becoming a dedicated single point of contact between the services, with their time split between Council and police offices. The benefits of this arrangement are demonstrated from an example joint case where drugs to the value of £750k were seized and seven persons charged with offences.
- 25 To develop the service further and help maximise the realisable benefits from investigations, two CAFS officers have commenced training to qualify as accredited Financial Investigation officers. This gives the service future options to apply to courts to make restraints ourselves rather than being dependent on the police, which would also mean that any benefits arising from this work would be shared with fewer other organisations, helping to maximise the benefits to the Council.

Annual Accounts and Financial Reporting

- 26 Following training/education provided to the Committee on local government accounts, the Committee reviewed the 2008/09 year annual accounts in its meeting in June 2009 in undertaking its role as the Approval of Accounts Committee. The training helped ensure that the Committee interpreted the accounts effectively and raised informed questions.

Future developments

- 27 This year the Audit Committee was combined with the Pensions Committee to form the Audit and Pensions Committee. New Terms of Reference have been introduced along with new membership including a new Committee Chairman.
- 28 The Internal Audit contract is due to be re-tendered in the 2010/11 year as the current contract is due to expire on 31 March 2011. This work is already in progress.
- 29 Some of the more significant areas of risk are considered to include:
- a. The pressures being applied to councils through the new financial realities for public finances;
 - b. The expected transfer of some responsibilities from PCTs to local authorities;
 - c. Contracts and Procurement, with the increasing programme of contracting out and tendering services and the need to maximise value for money from contracts;
 - d. Shared services being developed, the biggest current example being the development of a shared education service with Westminster Council.

Resources will continue to be directed towards these areas in the coming years.

**AUDIT COMMITTEE
TERMS OF REFERENCE
2009/10**

(Now replaced by Audit and Pensions Committee)

1. MEMBERSHIP

- 1.1 The membership of the Audit Committee shall consist of 4 Councillors (3 Administration, 1 Opposition, all non-Cabinet Members).**
- 1.2 The Chairman will be drawn from one of the Administration Councillors, the Vice-Chairman will be the Opposition Councillor.**
- 1.3 The Committee may co-opt non-voting independent members as appropriate.**

2. QUORUM

- 2.1 The quorum for a meeting shall be 2 members.**

3. VOTING

- 3.1 All Councillors on the Committee shall have voting rights. In the event of an equality of votes, the Chairman of the Committee shall have a second or casting vote. Where the Chairman is not in attendance, the Vice-Chairman will take the casting vote.**

4. PROCEDURES

- 4.1 Council procedure rules (as applicable to Committees) shall apply at all meetings of the Committee.**
- 4.2 Meetings of the Committee shall be held in public, subject to the provisions for considering exempt items in accordance with sections 100A-D of the Local Government Act 1972 (as amended).**

5. MEETINGS

- 5.1 The Audit Committee will meet at least four times a year. Meetings will generally take place in the spring, summer, autumn, and winter. The Chairman of the Committee may convene additional meetings as necessary.**
- 5.2 Audit Committee meetings will normally be attended by the Director of Finance and Corporate Services, the Head of Internal Audit, a representative of External Audit, and the Risk Management Consultant. The Committee may ask any other officials of the organisation to attend to assist it with its discussions on any particular matter.**

5.3 The Chief Executive may ask the Audit Committee to convene further meetings to discuss particular issues on which the Committee's advice is sought.

6. REPORTING

6.1 The Audit Committee will formally report back in writing to the full Council at least annually.

7. RESPONSIBILITIES

7.1 The Audit Committee will advise the Executive on:

- the strategic processes for risk, control and governance and the Statement on Internal Control;
- the accounting policies and the annual accounts of the organisation, including the process for review of the accounts prior to submission for audit, levels of error identified, and management's letter of representation to the external auditors;
- the planned activity and results of both internal and external audit;
- the adequacy of management responses to issues identified by audit activity, including the external auditor's annual letter;
- assurances relating to the corporate governance requirements for the organisation;
- (where appropriate) proposals for tendering for either Internal or External Audit services or for purchase of non-audit services from contractors who provide audit services.

7.2 The Committee's responsibilities in relation to the annual accounts will include:

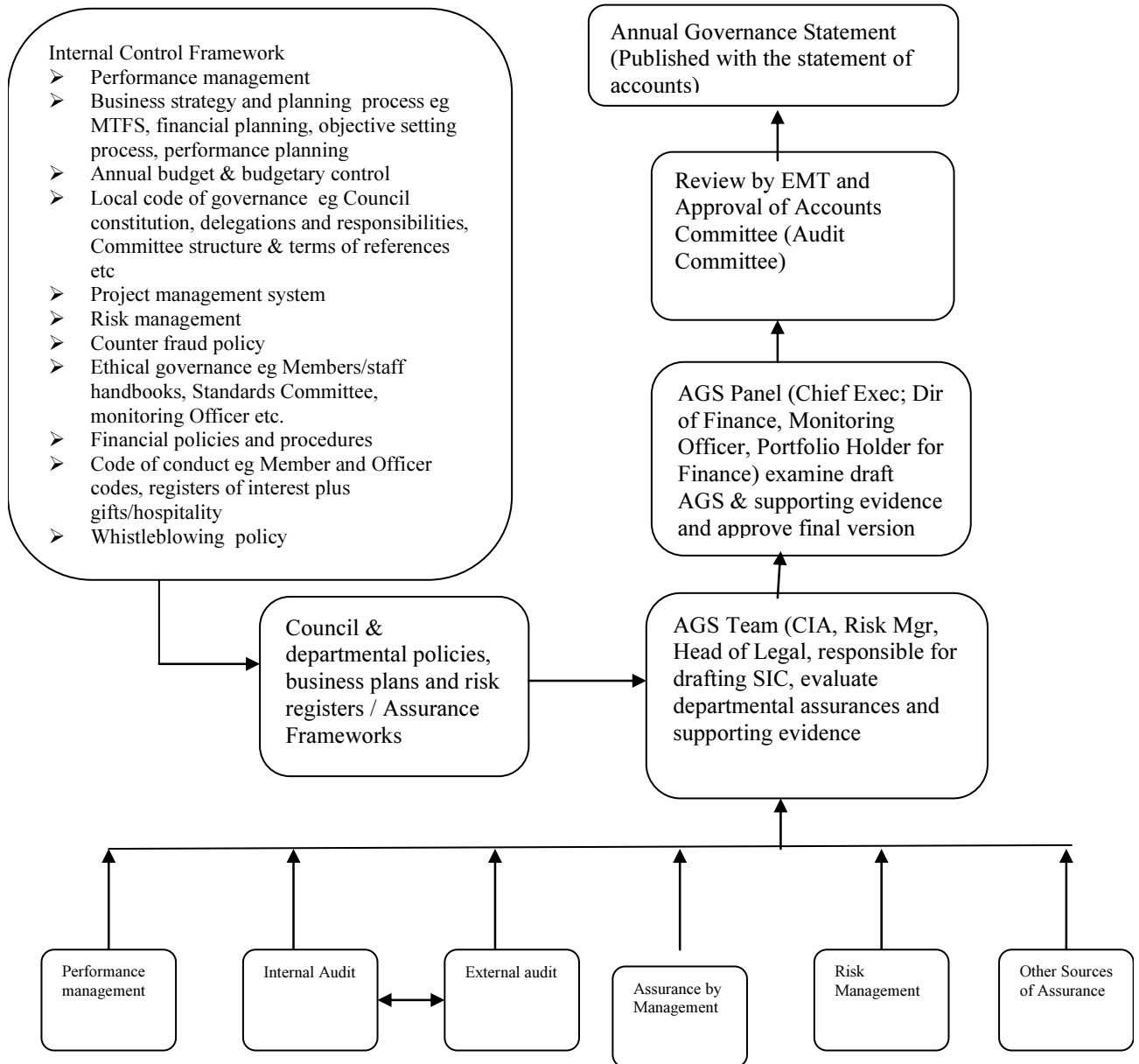
- to approve the Council's Statement of Accounts, in accordance with the deadlines set out in the Accounts & Audit Regulations 2003;
- to consider any report as necessary from the external auditor under Statement of Auditing Standard 610;
- to re-approve the Council's Statement of Accounts following any amendments arising from the external audit, in accordance with the deadlines set out in the Accounts & Audit Regulations 2003.

7.3 The Committee's responsibilities in relation to risk management will encompass the oversight of all risk analysis and risk assessment, risk response, and risk monitoring. This includes:

- the establishment of risk management across the organisation, including partnerships;
- awareness of the Council's risk appetite and tolerance;
- reviewing of the risk portfolio (including IT risks);
- being appraised of the most significant risks;

- determining whether management's response to risk and changes in risk are appropriate.

Council Framework for the Statement on Internal Control



LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext. of Holder of File/Copy	Department/ Location
1.	CIPFA publication 'Audit Committees – practical guidance for local authorities	Geoff Drake Ext. 2529	Finance and Corporate Services department 6 th Floor Town Hall Extension

SPECIAL MOTION NO. 1 – THRESHOLD HOUSING ADVICE

Standing in the names of:

- (i) Councillor Stephen Cowan
- (ii) Councillor Andrew Jones

"This Council regrets the likely closure of Threshold Housing Advice following the cancelation of its funding and notes that it has been helping homeless people in this Borough since 1978.

The Council recognizes the public service Threshold accomplished when it challenged the treatment of Ms. K and caused the Ombudsman to find the London Borough of Hammersmith and Fulham to have been in Maladministration. The Council notes that Threshold was also challenging the Council on two further cases while the organizations funding was under review.

This Council believes that it would be detrimental to homeless people for Threshold Housing Advice to disappear from Hammersmith and Fulham and agrees to immediately reinstate Council funding."

Agenda Item 8.2

SPECIAL MOTION NO. 2 – RESOLUTION BUILDING SCHOOLS FOR THE FUTURE URGENT

Standing in the names of:

- (i) Councillor Caroline Needham
- (ii) Councillor Elaine Chumnerly

“Labour Councillors note the devastating impact to Hammersmith and Fulham of the withdrawal of Building Schools for the Future Funding and calls on the Administration to use its influence with Central Government to restore money to implement a comprehensive building programme to enable schools to provide accommodation fit for purpose to enhance the life chances of all children at school within our Borough.”

SPECIAL MOTION NO. 3 – WHITE CITY HEALTH CENTRE

Standing in the names of:

- (i) Councillor Rory Vaughan
- (ii) Councillor Colin Aherne

"This Council calls on the government to confirm funding for the White City Health Centre and agrees to do all it can to speed up the completion of this important service for the people of Shepherds Bush and White City."

Agenda Item 8.4

SPECIAL MOTION NO. 4 – CHANGE OF COMMITTEE MEMBERSHIP

Standing in the names of:

- (i) Councillor Mark Loveday
- (ii) Councillor Victoria Brocklebank-Fowler

"This Council agrees the following appointment under its Constitution for the rest of the Municipal Year 2010/11, effective from the day after the Council meeting:

Councillor Georgie Cooney to be replaced by Councillor Thomas Crofts on the Licensing Committee and Licensing Sub Committee.

SPECIAL MOTION NO. 5 – THE MAYOR, HAMMERSMITH AND FULHAM

Standing in the names of:

- (i) Councillor Colin Aherne
- (ii) Councillor Michael Cartwright

“The Council notes that at the Extraordinary Meeting of the Council on the 16th September 2010 the Mayor allowed Administration members to use their majority to stop public debates on the three Opposition Special Motions. This is the first time ever that this has happened in this borough. These motions had been legitimately placed onto the agenda for that meeting and were representing matters of concern brought to the Opposition by members of the public.

The Council notes that this unprecedented measure was proposed by the Conservative Chief Whip and agreed by all of the majority Conservative Members present. This happened despite the presence of over sixty homeless people, charity workers and other members of the public who had attended to witness these special motions being debated and voted upon.

This Council agrees that it is important that all Mayors must use the powers vested in that office to ensure that the ruling group do not abuse their powers to disregard the legitimate rights of the Opposition.

The failure of the Mayor to use these powers on the 16th September 2010 has had the consequence of Opposition Members being unable to maintain any confidence that the Mayor will act in a non-partisan manner to safeguard the democratic process at council meetings

Finally, it is with deep regret that the Council is asked to note that the Opposition members of the authority have no confidence in the impartiality of the current Mayor as she has endangered the non-political nature of her office.”