

# Community Safety and Environment Policy and Accountability Committee

## Agenda

Monday 19 July 2021 at 6.30 pm

This is being held as an informal remote meeting

You can watch live on YouTube: [youtu.be/mbfVOeTcJws](https://youtu.be/mbfVOeTcJws)

### MEMBERSHIP

Administration	Opposition
Councillor Bora Kwon (Chair) Councillor Iain Cassidy Councillor Ann Rosenberg Councillor Fiona Smith	Councillor Victoria Brocklebank-Fowler

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Date Issued: 09 July 2021

# Community Safety and Environment Policy and Accountability Committee Agenda

19 July 2021

<u>Item</u>	<u>Pages</u>
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATIONS OF INTEREST</b> <p>If a Councillor has a disclosable pecuniary interest in a particular item, whether or not it is entered in the Authority's register of interests, or any other significant interest which they consider should be declared in the public interest, they should declare the existence and, unless it is a sensitive interest as defined in the Member Code of Conduct, the nature of the interest at the commencement of the consideration of that item or as soon as it becomes apparent.</p> <p>At meetings where members of the public are allowed to be in attendance and speak, any Councillor with a disclosable pecuniary interest or other significant 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.</p> <p>Where Members of the public are not allowed to be in attendance and speak, then the Councillor with a disclosable pecuniary interest should withdraw from the meeting whilst the matter is under consideration. Councillors who have declared other significant interests should also withdraw from the meeting if they consider their continued participation in the matter would not be reasonable in the circumstances and may give rise to a perception of a conflict of interest.</p> <p>Councillors are not obliged to withdraw from the meeting where a dispensation to that effect has been obtained from the Audit, Pensions and Standards Committee.</p>	
<b>3. MINUTES</b> <p>To note the minutes of the previous meeting and any outstanding actions.</p>	4 - 12
<b>4. PUBLIC PARTICIPATION</b> <p>This meeting is being held remotely on Zoom and will be live streamed to YouTube: <a href="https://youtu.be/mbfVOeTcJws">youtu.be/mbfVOeTcJws</a></p> <p>If you would like to ask a question at the meeting about any of the items on the agenda please send your question to <a href="mailto:governance@lbhf.gov.uk">governance@lbhf.gov.uk</a> by 5pm on Thursday, 15 July.</p>	

- 5. LAW ENFORCEMENT TEAM UPDATE** 13 - 21
- This presentation provides an update on the Law Enforcement Team.
- 6. IMPROVING PRIVATE SECTOR HOUSING THROUGH DISCRETIONARY PROPERTY LICENSING** 22 - 40
- This report sets out the steps taken to improve Private Sector Housing through discretionary property licensing.
- 7. LICENSING POLICY CONSULTATIONS** 41 - 141
- This item covers two consultations:
1. Review of the Statement of Gambling Policy - This report outlines the changes made to the revised policy and the timetable for consultation, prior to submission to Full Council for adoption. – Pages 41 - 90
  2. Removal of Cumulative Impact Policies in Fulham and Shepherd's Bush - The Council currently has two cumulative impact policies (CIPs) in Fulham and Shepherd's Bush. This report explains that as the evidence for both of these policies has now expired, the Licensing Authority must carry out a public consultation on the removal of the policies from our overall Statement of Licensing Policy. – Pages 91 – 141
- 8. DATE OF NEXT MEETING**
- The next meeting will be held on 8 November 2021.

London Borough of Hammersmith & Fulham

## Community Safety and Environment Policy and Accountability Committee Minutes



Tuesday 16 March 2021

**NOTE:** This meeting was held remotely. A recording of the meeting can be found at:  
<https://youtu.be/9MUzcR-nfVY>

### **PRESENT**

**Committee members:** Councillors Bora Kwon (Chair), Iain Cassidy, Councillor Ann Rosenberg, Victoria Brocklebank-Fowler

**Other Councillors:** Councillors Sue Fennimore (Deputy Leader) and Wesley Harcourt (Cabinet Member for the Environment)

**Officers:** Sharon Lea (Strategic Director of Environment), Bram Kainth (Chief Officer - Public Realm), Hinesh Mehta (Strategic Lead – Climate Emergency), Jim Cunningham (Climate Change Strategy and Policy Lead), Richard Shwe (Assistant Director Street Environment Recovery)

### **Members of the Climate and Ecological Emergency Commission (CEEC):**

Paul Beaty-Pownall (Chair)

Sian Alexander

Artin Amjady

Morag Carmichael

Helen Dell

Stephen Farrant

Yvonne Insh

Scarlett Knowles

Holly Larrett

Cecilia Tacoli

Pat Tookey

### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Fiona Smith.

## **2. ROLL CALL AND DECLARATIONS OF INTEREST**

The Chair carried out a roll call to confirm attendance. There were no declarations of interest.

## **3. MINUTES OF THE PREVIOUS MEETING**

### **RESOLVED:**

That the minutes of the meeting held on 11<sup>th</sup> November 2020 and 25<sup>th</sup> January 2021 were approved.

## **4. PUBLIC PARTICIPATION**

The Chair noted that the Committee had received questions and comments on both of the items on the agenda. The questions and answers can be found under Item 5, Climate and Ecological Emergency Commission and Item 6, Prototype Containerisation and Food Waste Collection Service.

## **5. CLIMATE AND ECOLOGICAL EMERGENCY COMMISSION RECOMMENDATIONS**

The Chair explained that the Committee had received some written questions/ comments from members of the public in advance of the meeting and officers would be invited to answer the questions or make a comment to address the main areas of concerns raised as follows:

*1: A resident commented that keeping Hammersmith Bridge traffic free would send a positive message about the Council's commitment towards climate change.*

Bram Kainth (Chief Officer - Public Realm) explained that there were many ways that the Council sent positive messages about its commitment towards climate change. Hammersmith Bridge was a key transport arteria for the borough carrying public transport and it was important to reinstate this, and this objective was aligned with the terms of reference of the Department of Transport Taskforce. The Council continued to work with the government, Mayor of London and Transport for London (TfL) to deliver transport related polices and drivers like Ultra Low Emission Zone that would help make great progress towards the Council's net zero carbon by 2030.

*2: A resident suggested increasing the number and quality of cycling lanes and encouraging more people to walk and cycle more. They highlighted the physical and mental health benefits of walking and cycling.*

Bram Kainth (Chief Officer - Public Realm) noted that the Council aimed to increase cycling and walking from 43% of journeys to 60% by 2030. The Council was building on a good foundation, with 72% of journeys by walking, cycling or public transport compared to 64% for London as a whole. Extensive temporary cycle routes had been in place since the beginning of the pandemic. New cycle hangars had been introduced to enable people in flats to keep bikes and added over 100 new Sheffield cycle stands at key locations across the borough to add to the Council's on street parking provision. The

Council was working with TfL on a number of new cycle routes in the borough from north to south along key strategic routes, these would be re-visited when new funding became available. Cycle training was also offered to all adults across the whole borough.

*3: A resident applauded the ambition of the Council's 2030 zero carbon pledge, and of the excellent report from the Commission. But they felt that the Council was behind other boroughs in relation to cycle lanes and recycling rates and asked when would we see the kind of urgency and radical policies that the commission was encouraging?*

In response Bram Kainth (Chief Officer - Public Realm) noted that recently the Council had seen very encouraging increases in the recycling rate in the food waste pilot areas. Collecting an average of 1.6Kgs of food waste per household, which was extremely good performance, with 6,000 kg per week waste reduction in the pilot areas. However, the ultimate aim was to minimise waste, which the Council had been very successful with to date by producing particularly low residual household waste. Various initiatives were being developed to help residents reduce waste, including the food waste pilot but also sharing initiatives such as 'Library of Things' and supporting local groups and businesses to use sharing platforms.

*4: A resident commented that people should move towards a plant-based diet because of the climate and health impacts of animal products.*

Bram Kainth (Chief Officer - Public Realm) explained that the Council agreed that diets and food were central- representing 10% of Londoners' household emissions, and 25% of global emissions. One study of canteen food found beef represented 3% of food but half of emissions. There was broad agreement about this, and the UK's Committee on Climate Change included it within their pathway for the UK to achieve net zero by 2050. The Council would look to increase plant-based options within its own food procurement and encourage others to do the same. This included opportunities to teach about the climate and health benefits of low-waste, sustainable diets, including at the Nourish Hub, due to open 2021. The Council would support residents to share food, preventing it from going to waste and ensuring everyone had access to good quality, sustainable food.

Paul Beaty-Pownall (Chair of CEEC) thanked the Council for the generous support and welcome the Commission had received in their work towards assisting the Climate Change Unit in developing the Council's draft climate and ecology strategy. He gave a presentation of the findings and recommendations of the resident led CEEC highlighting the following key points:

- The Council's reasons for setting up the CEEC were explained.
- The Council appointed thirteen local resident commissioners. The Commission conducted extensive research and engagement, within the Council and externally, to produce its findings.
- The following four principles and a summary of the proposed actions for achieving a net zero borough by 2030 were explained in detail:
  - o *Defining a vision* that encouraged change to a zero-carbon society

- *Communication and engagement* with the local community
- *Building knowledge* at a local level
- *Creating a road map* to net zero
- The CEEC would also recommend that the Council launched a series of “Demonstrator Projects” in key areas as examples of positive changes that could deliver zero-carbon ways of living.
- The Council had committed to setting up a community map that would provide everyone with the opportunity to share information about the great things that were already taking place in the borough.

The Chair thanked all Commission members and Council officers for their hard work towards the findings and recommendations on the CEEC report.

Councillor Victoria Brocklebank-Fowler also thanked all Commission members for the detailed and well thought out report, noting that it was aspirational, and the vision encompassed within the report was very important. She asked Councillor Wesley Harcourt (Cabinet Member for the Environment) for his views on the report.

Councillor Wesley Harcourt (Cabinet Member for the Environment) explained that he worked with the Commission on a day to day basis to support the work that had been carried out to date. The Leader of the Council, Councillor Stephen Cowan was responsible for leading and driving the agenda for change to meet the borough’s carbon net zero objectives. In a motion passed by the Council 2019, the Council announced the commissioning of a new Climate Emergency Unit to urgently tackle the environment impact of all aspects of the Council’s work. Therefore, the Council was fully committed to the issues surrounding climate change.

Councillor Wesley Harcourt (Cabinet Member for the Environment) felt that the work executed by the Council to take urgent action was both interesting and vital to tackle climate change and to protect the environment for the future generations. It was essential for the Council to define and implement a positive vision and embed a culture of change across the borough to achieve the Council’s net zero target by 2030.

Councillor Ann Rosenberg said that the Council needed to target the younger generation in schools and consumers to tackle the climate change crisis. She felt that offering the appropriate education to young people around the climate and ecological crisis played a key role in achieving this.

Scarlett Knowles (Member of the CEEC) noted that she was pleased to be given the opportunity to contribute towards the work of the CEEC as a young person. She felt that majority of the young people were passionate about this issue as it had an impact on the future of the younger generation. One of the main issues for young people was that they felt a disconnect around their involvement in the decision-making process. Therefore, a recommendation had been made to the Council to increase engagement with young people, listen to their views and consult them before making key decisions that would affect them.

Councillor Victoria Brocklebank-Fowler commented that she was impressed by the vision set out in the report. However, she raised some concerns about the viability of several of the recommendations due to the Council's ability to implement some of the actions.

Pat Tookey (Member of the CEEC), said that Scarlett's involvement on the work of the Commission had been beneficial and her participation was essential in gathering a fresh outlook on the issues relating to climate change. She felt that although young people were keen and invested in this matter, it was critical for the Council to embed a culture of change against carbon emissions with the Cabinet and Senior Leadership Team to ensure that the appropriate actions were being implemented as a matter of urgency.

Stephen Farrant (Member of the CEEC) commented that the Council needed to engage with local residents and communicate the changes that were required to tackle the climate crisis. Residents must be given a greater opportunity to their share ideas about how to reduce the emissions and increase opportunities for nature to thrive.

Councillor Iain Cassidy commended the work of the Commission and felt that this was a very ambitious report which included clear and aspiring recommendations. He asked how the Council could enable as well as encourage residents to shift towards a sustainable future. In response Paul Beaty-Pownall (Chair of CEEC) explained that the task of the Council was to change the culture of the entire borough through an effective and sophisticated communications strategy to help deliver the recommendations in the report.

Will Reynolds (Member of the CEEC) commented that there was a need for immediate action to meet the carbon net zero by 2030.

Pat Tookey (Member of the CEEC) concurred with Councillor Iain Cassidy's suggestion about establishing a plan to enable residents to change their behaviour and in doing so, reduce carbon emissions across the borough. She felt that the Council also needed to prepare a robust communications plan which explained the actions the Authority needed to take so that residents understood the climate change implications.

Paul Beaty-Pownall (Chair of CEEC) noted that imagine2030 was a collaborative website that was seeking partnership with CEEC, community and charitable groups, residents and the public sector across the borough. It had been set up by local residents and was seen as an engaging platform on which views and ideas could be posted to envisage and inform a vision of a carbon free world.

The Chair asked for further clarification to be provided on the immediate actions the Council would take from this report and to carry the recommendations forward. Councillor Wesley Harcourt explained that the

Council had a responsibility to ensure that some of the key recommendations were implemented as a matter of urgency.

Hinesh Mehta (Strategic Lead – Climate Emergency), provided a summary of the next steps, noting that the Council needed to adopt the Commission's recommendations. A number of working groups had been convened to help integrate the actions set out by the CEEC into the Council's road map. The Committee noted that the road map would be shared with the Senior Leadership Team and published on the Council's website when it was finalised.

**RESOLVED:**

That, the Committee noted and commented on this item.

**6. PROTOTYPE CONTAINERISATION AND FOOD WASTE COLLECTION SERVICE**

The Chair explained that the Committee had received some written questions/ comments from members of the public in advance of the meeting and officers would be invited to answer the questions or make a comment to address the main areas of concerns raised as follows:

*1. A resident commented that there was no food waste collection system in place at Latymer Court.*

Richard Shwe (Assistant Director Street Environment Services) explained that food waste collections from flats required a different approach to those living in street level properties. To ensure effective service delivery, careful consideration needed to be given to the siting of food waste bins and intensive engagement with residents and other key stakeholders was required. These activities were resource intensive and a dedicated project was crucial to achieve successful outcomes. Once the prototype scheme had settled in, the Council would look to make recommendations around expanding the food waste service to other settings.

*1. A resident asked what percentage of residents used their food waste boxes in the pilot of 6000 households? And how quickly it could be rolled out to the rest of the borough?*

Richard Shwe (Assistant Director Street Environment Recovery) noted that the food waste service had been welcomed across the prototype area. The Council was currently collecting an average of 1.6Kgs of food waste per household, which was good performance. Participation in the food waste service across the borough ranged from 45%-85%. The Council thanked residents for their engagement in the service. To ensure these positive results continued, the food waste service needed to be delivered alongside other service changes, like the current prototype area. This method would assist residents to contextualise their waste outputs and increase collection of both food and mixed recycling. In addition, these service changes contributed towards waste minimisation and we had seen weekly waste reduction savings of 6000kg in the prototype area.

The Council was keen to ensure high quality service delivery. To achieve this the number of properties within the service change area must be practicable and properly resourced. Therefore, any service changes need to be managed accordingly, with a gradual launch to achieve borough wide coverage. Once the prototype scheme had settled in, officers would evaluate the service and make recommendations.

*3. A resident asked if there had been an assessment of the carbon footprint of carrying out the food waste scheme to assess how much carbon was saved?*

Richard Shwe (Assistant Director Street Environment Recover) explained that waste and recycling was collected in the same vehicle, which reduced the number of vehicles required and the associated carbon emissions.

A carbon footprint assessment had not been carried out for the food waste collection; however, this was something officers were looking to do in collaboration with the Climate Emergency Team. Reducing and minimising waste was one of the best environmental options for reducing carbon emissions. The Council had a commitment for all the waste collection vehicles to be zero carbon by 2030.

Richard Shwe (Assistant Director Street Environment Recovery) introduced the report and provided a summary of the key points. He noted that the prototype collection service for food waste and wheeled bin household waste and recycling commenced on 9<sup>th</sup> November 2020. It had been scheduled to start in September 2020 but was postponed due to Covid issues. The report sets out how the scheme areas were arrived at, the communications with residents and stakeholders prior to collections commencing, the consultation that had been ongoing throughout the roll out of the service, and the planned consultation that would take place to gauge residents' experience of the scheme.

Councillor Victoria Brocklebank-Fowler explained that she had some concerns regarding delivery, security and the safety aspects of the food and waste collection trial. She felt that had residents in the trial roll out areas been consulted at the outset; then there would have been better buy-in for the scheme. In response Richard Shwe (Assistant Director Street Environment Services) said that the bins were not congregated in one place and were emptied into the vehicles one by one and put back in an appropriate place outside the homes of residents. In addition, residents were also consulted about the size of the bins for refuse and recycling as the trial was rolled out.

The Council had worked with some residents in the borough to offer a sharing bin solution on the streets where residents had concerns relating to safety and space along the pavements.

Sharon Lea (Strategic Director of Environment) explained that this was a prototype service and itself was a consultation exercise. When the trial was completed a survey would be conducted to capture the views of all residents. In addition, the Council had received a very low level of complaints as a result of the trial.

Councillor Victoria Brocklebank-Fowler referring to page 59 of the agenda pack asked for clarification to be provided on if a decision had been made by the Council to implement the food waste pilot collection scheme across the entire borough. In response Richard Shwe explained that the pilot would usually run between 12-18 months to analyse all the data and receive feedback from residents of the services that had been undertaken before a decision could be made by the Council to extend the scheme across the borough.

The Chair said that it was pleased to hear that the Council had received a low level of complaints for this scheme. She noted that some residents in her ward had not received information regarding the roll out of the food waste collection pilot and asked for further clarification to be provided on how residents across the borough were informed of the pilot, prior to this being implemented. In response Richard Shwe (Assistant Director Street Environment Recovery) explained that proposals for resident engagement were noted in that report. These included a proposal for extensive door to door engagement with residents. However, due to the Covid-19 pandemic and the measures put in place nationally from March 2020 officers were unable to engage face to face with residents. As a result, communication prior to the prototype commencing was carried out more remotely, either online or by post. Officers were able to carry out much greater face to face engagement at the delivery phase of the prototype and had approximately 1000 contacts with individual households when it was appropriate and safe to do so.

Councillor Wesley Harcourt (Cabinet Member for the Environment) commented on the reasons why the Council was keen to carry out the food waste collection pilot during the Covid-19 pandemic. He also shared his views on the delivery of the consultation process, the outcome of the pilot to date and the action taken by the Council on communications with residents prior to and after service commencement.

Councillor Victoria Brocklebank-Fowler raised some concerns around the shortage and the reduction of deliveries of the clear recycling bags provided to recycle in the regions where the food waste collection pilot had not yet been implemented. She noted the potential impact that this would have on the recycling rates in these locations in comparison to where the scheme had already been introduced.

**Action: Richard Shwe to provide a formal response to Councillor Victoria Brocklebank-Fowler on this matter.**

Councillor Iain Cassidy asked if officers had any information on the impact of the levels of waste collected during the Covid-19 pandemic. In response Richard Shwe (Assistant Director Street Environment Recover), provided a summary of the recycling data gathered and analysed to date.

Councillor Iain Cassidy commented that the Council needed to ensure that the communications strategy and consultation process during the final stages of the food waste pilot needed to be robust and effective so that residents'

concerns were being heard and taken into consideration. Richard Shwe (Assistant Director Street Environment Recovery) outlined the steps that would be taken by officers in collaboration with residents and the relevant departments of the Council to develop a plan to help manage all expectations in the best way possible.

The Chair enquired if any advice relating to best practice had been shared with officers on how the food waste collection pilot could be improved in the future. In response, Richard Shwe (Assistant Director Street Environment Services) explained that officers had drawn on their experience of managing similar rollouts at other Authorities. He also confirmed that the Council had been diligent and had conducted its own research, as well as drawing on the learning from case studies to improve and enhance the service.

**RESOLVED:**

That, the Committee noted and commented on this item.

**7. FUTURE MEETINGS**

**RESOLVED:**

That, the Committee noted the future meeting dates.

Meeting started: 6:30pm  
Meeting ended: 9:00pm

Chair .....

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# H&F Law Enforcement Team

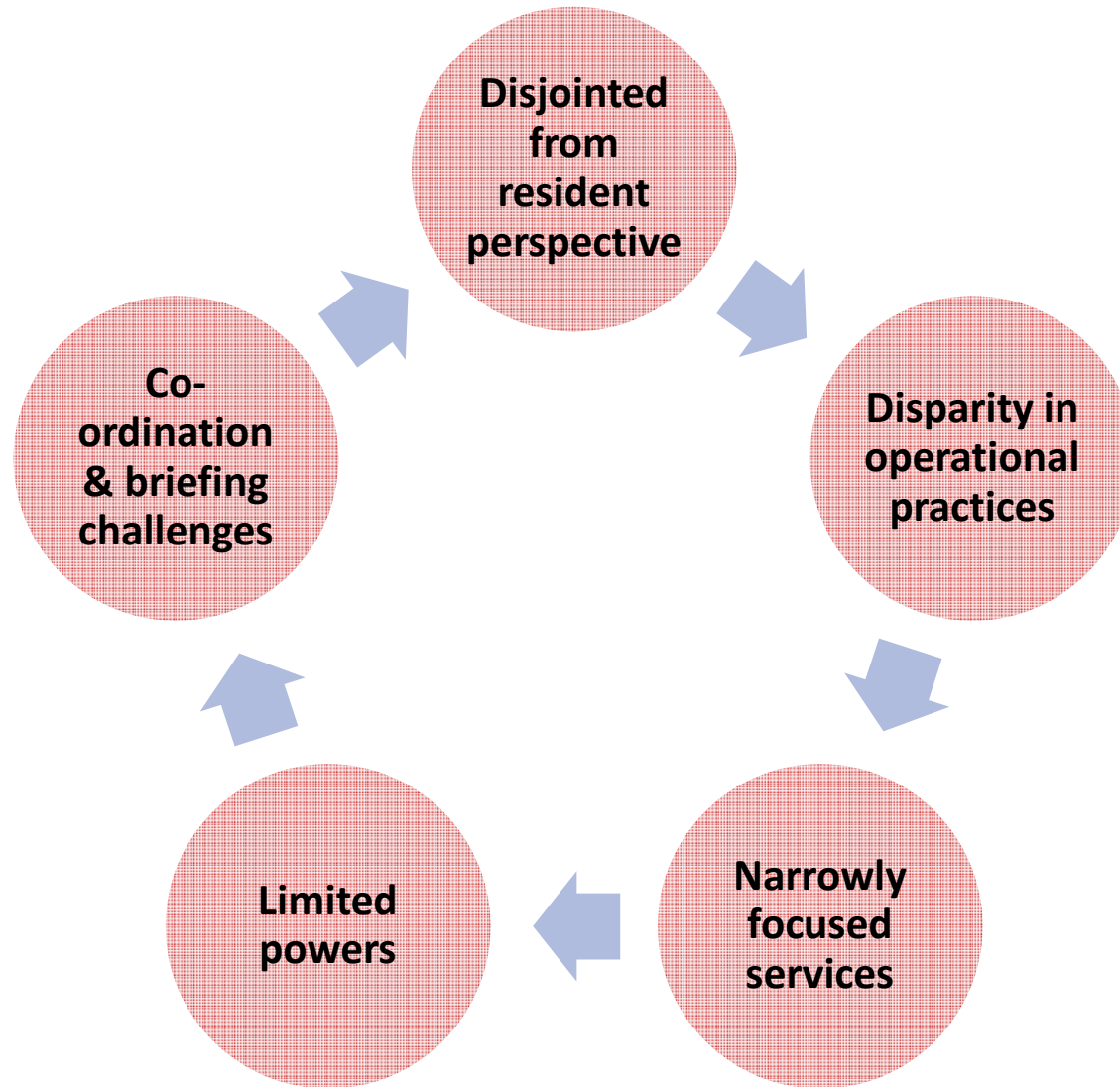
## Background

**H&F Cabinet Approved creation of the Law Enforcement Team on 7<sup>th</sup> December**

**£4.6m investment per annum**

**Largest community safety investment in the history of H&F**

## Existing Services - Case for Change



# Core Duties

## High Visibility Patrols

- 24hr coverage Weds - Sun
- Parks & Open Spaces
- Housing Estates & Blocks
- Public spaces

## Legislative Tools & Powers

- Environmental Protection Act 1990
- ASB, Crime & Policing Act 2014
- Community Safety Accreditation

## Problem Solving

- Long term solutions to local issues
- Working with all council services to find lasting resolution
- Securing funding for design changes

## Corporate & Partner Support

- Eyes & Ears referrals
- Event Support
- Assisting blue light services
- Emergency Planning Activations

# LET Teams

## North Team Senior Officer

Ahmad Rafique

[Ahmad.Rafique@lbhf.gov.uk](mailto:Ahmad.Rafique@lbhf.gov.uk)

## Central Team Senior Officer

Kristina Ashenden

[Kristina.Ashenden@lbhf.gov.uk](mailto:Kristina.Ashenden@lbhf.gov.uk)

## South Team Senior Officer

Claire Willis

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## Tasking Team Senior Officer

Neil Morrison

[Neil.Morrison@lbhf.gov.uk](mailto:Neil.Morrison@lbhf.gov.uk)

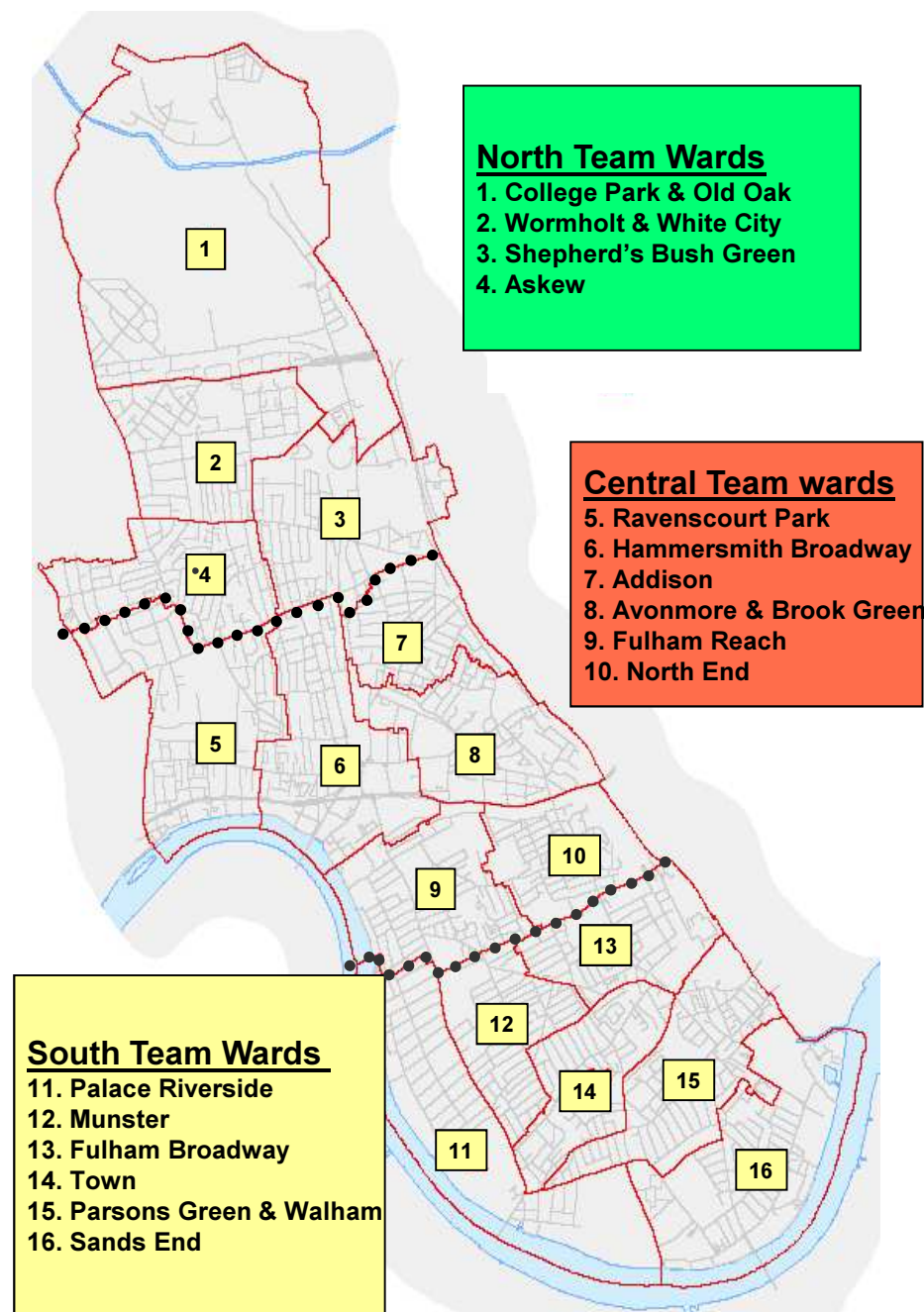
## Night Team Senior Officers

Travis Hill

[Travis.Hill@lbhf.gov.uk](mailto:Travis.Hill@lbhf.gov.uk)

Emmanuel Danso

[Emmanuel.Danso@lbhf.gov.uk](mailto:Emmanuel.Danso@lbhf.gov.uk)



## Successes

- Co-ordinated removal of protesters from Shepherd's Bush Green
- Co-ordinated successful removal of unauthorised traveller encampments – Ravenscourt Park & Townmead Road
- Racial abuse on member of staff – officers worked with CCTV to have individual arrested
- Environmental – public urination and flytipping FPNs already issued, many disused bikes removed



# Performance

- Service operational from mid-May
- 4,036 service requests responded to (1) flytipping/waste/litter (2) Anti-social behaviour (3) Park related issues
- 427 active investigations

Objectives	Outcomes	Activity
<b><u>A cleaner H&amp;F</u></b>	<ul style="list-style-type: none"> <li>• Improving the quality of the local environment</li> </ul>	<ul style="list-style-type: none"> <li>• Education activity</li> <li>• Flytipping &amp; Littering FPNs</li> <li>• Prosecutions</li> <li>• Trade waste Inspection programme</li> </ul>
<b><u>People feel safer</u></b>	<ul style="list-style-type: none"> <li>• Effective responses to crime &amp; ASB issues</li> </ul>	<ul style="list-style-type: none"> <li>• Problem solving approaches</li> <li>• Targeted operations</li> <li>• Patrol hours (HRA property; Parks &amp; Open Spaces; other Public Spaces)</li> <li>• Use of CSAS powers</li> </ul>
Enabling activity:		
<b><u>Responsive, Professional and Engaged</u></b>	<ul style="list-style-type: none"> <li>• Improved public confidence</li> </ul>	<ul style="list-style-type: none"> <li>• Response times</li> <li>• Casework timescales</li> <li>• Tasking process</li> <li>• Engagement levels</li> <li>• Performance management</li> </ul>

## Training

- Extensive training programme for **all staff** new and existing
- Team culture – **resident focused**
- **Four** core pillars of training:
  1. Corporate induction
  2. Community Safety Accreditation Scheme Training
  3. Safeguarding
  4. Partner agency briefings
- Training is ongoing to ensure we have the most **professional and well qualified** officers in London

## Law Enforcement Team Structure

### Staffing Summary

Law Enforcement Manager x 1  
Senior Law Enforcement Officers x 6  
Law Enforcement Officers x 62  
Professional Witness x 1

Head of  
Community Safety

Business  
Development  
Manager

Professional  
Witness

Law Enforcement  
Manager

Dedicated  
Business Support  
X 3

Senior LEO  
(North)

Senior LEO  
(Central)

Senior LEO  
(South)

Senior LEO  
(Tasking)

Senior LEOs x 2  
(Night Duty)

LEOs x 13

LEOs x 12

LEOs x 12

LEOs x 12

LEOs x 12

# Agenda Item 6

## London Borough of Hammersmith & Fulham

**Report to:** Community Safety and Environment / Economy, Housing and the Arts Policy & Accountability Committees

**Date:** 19 and 20 July 2021

**Subject:** **Improving private sector housing through discretionary property licensing**

**Report of:** Ed Shaylor, Private Sector Housing Manager

**Responsible Director:** Sharon Lea, Strategic Director of Environment

### Summary

The private rented sector in Hammersmith & Fulham is the sixth highest in London and eighth highest in the country and accounts for 30% of all households in the borough according to the 2011 census, a 10% increase since 2001. It is expected that the 2021 census will show a further increase in the proportion of residential addresses in the borough which are privately rented.

To help improve the private rented sector, the Council has two discretionary property licensing schemes which expire in June 2022. These schemes require landlords of privately rented houses and flats which meet the following criteria to apply to the Council for a licence for each property.

- Additional Licensing for Houses and Flats in Multiple Occupation (“HMOs”) for all HMOs which are outside the scope of Mandatory HMO Licensing
- Selective Licensing for all rented dwellings in 128 specified streets

The proposal is from June 2022 to June 2027 to

- continue Additional HMO Licensing for all HMOs not covered by Mandatory HMO Licensing, and
- substantially reduce the number of streets in the Selective Licensing scheme from 128 to 23, in order to focus on busy roads, flats above shops, and roads with a significant private rented sector. The proposed 23 streets are in a range of the borough’s districts so will provide wide coverage of the rental sector – 4 streets are in W6; 4 in W14; 9 in W12; 5 in SW6; and 1 in NW10 (**see Appendix 2 on page 10**).

HMO licensing being Borough wide will also ensure that all areas of the Borough are properly supported by the private sector housing team.

There is also a proposal to prohibit multiple occupation use of leasehold flats where the council is the freeholder, due to pressure on block infrastructure and nuisance to neighbours (**see page 9 paras 5 and 6**).

## Recommendations

For the Committee to note and comment on the report.

**Wards Affected:** All

## H&F Values

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
Building shared prosperity	The Council aims to encourage private landlords to provide accommodation for renters to live and work in the area
Creating a compassionate council	The Council supports tenants in private rented accommodation to live in safe and healthy conditions
Doing things with local residents, not to them	The Council enables tenants and landlords to provide information about living conditions in the borough, and provides advice for tenants and guidance to landlords as well as enforcement
Being ruthlessly financially efficient	Income from licensing schemes is used to improve conditions in the private rented sector through education and (where necessary) enforcement
Taking pride in H&F	The Council's aims for satisfaction with living conditions in H&F to be above the national average
Rising to the challenge of the climate and ecological emergency	Licensed properties will be required to have a minimum energy efficiency rating, and landlords can be required to make improvements where they do not.

## Contact Officer(s):

Name: Ed Shaylor  
Position: Private Sector Housing Manager  
Telephone: 07769 265756  
Email: ed.shaylor@lbhf.gov.uk

## Background Papers Used in Preparing This Report

None

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## DETAILED ANALYSIS

### Background

1. The Council's Housing Strategy 2015 set out a number of measures to improve the private rented sector, one of which was investigating the advantages and disadvantages of discretionary property licensing schemes within the Borough.
2. A [key decision](#) was made by Cabinet on 5 December 2016 to introduce discretionary property licensing schemes. The key objectives of the schemes (which started on 5 June 2017 and expire on 4 June 2022) were to introduce:
  - **Additional HMO Licensing** - improve standards of property management and living conditions in HMOs, and
  - **Selective Licensing** - reduce antisocial behaviour (ASB) in 128 selected streets in the borough where the ASB, rubbish and noise problems were above average
3. A summary of the performance of the licensing schemes is at **Appendix 1**.
4. Cabinet approved in March 2021 that officers should conduct public consultation (ending 10 August 2021) about new licensing schemes. A key decision will be made in December 2021 whether to re-designate the schemes from June 2022 for a further 5 years, with appropriate adjustments in order to focus on the streets and types of properties which cause the most significant problems.
5. The [public consultation](#) documents are on the council's website.

### Experience of licensing schemes from 2017 to date

#### Additional HMO Licensing

6. Although officers have found many HMOs to be of a good standard, inspections have uncovered significant problems which can be improved through licensing conditions, such as:
  - Lack of fire doors or inadequate fire detection systems
  - Undersized kitchen for the number of occupiers
  - Overcrowding
  - HMOs offering a bedroom which is too small
  - HMOs where the only reception room is used as a bedroom, so that there is no shared living space apart from the kitchen
  - Flats formerly owned by the Council but now in leasehold ownership, altered internally and in some cases unsuitable for multiple occupancy in terms of space, amenities and pressure on services and utilities.

## Selective Licensing

7. Issues relating to antisocial behaviour, noise nuisance, poor waste management and public health nuisance, are easier to address if specific streets are designated, so that dedicated resource can be focussed on targeted enforcement interventions in those areas.
8. Of the streets in the currently designated area, half have produced less than 10% of the total number of Selective Licences. Conversely, there are other streets and neighbourhoods with significant issues arising from the private rented sector, which could be included in a new designation. The proposed re-designated scheme revises the selection of streets in the scheme to make sure that they are the streets which require most intervention to improve conditions. The proposed Selective Licensing streets are in **Appendix 2**.
9. The new selection of streets has been calculated by multiplying
  - the number of private rented sector (PRS) properties on the street
  - the % of properties on the street which are PRS
  - the ratio of ASB reports per household in the street and
  - the % of the boroughs total ASB recorded on the street.

This provides a score to rank the borough's streets. The decision uses this score combined with intelligence derived from street level surveys and interviews with residents. The [underpinning data sheet](#) is available on the council's website.

10. With this selection, 1.95% of the borough's streets account for 19.2% of the boroughs ASB reports.

## Equality Implications

11. Data held by the Council from the landlord's survey in September 2020, shows that the majority (64%) of landlords are White British or other White background, which is similar to the borough population profile. There is strong representation among landlords of Asian ethnicity (8%) and Irish (3%) ethnicity, which are also similar to the borough profiles. Compared to the borough profile, there are very few landlords of Black British, Caribbean or African ethnicity.
12. Nearly half (45%) of landlords are in the 46-65 age group, with 16% aged 31-45 and very few under 30. 20% of landlords are aged over 65, so there are a significant number of landlords above normal retirement age.
13. Data held by the Council from the tenant's survey in November 2020, shows that 80% of tenants who completed the survey are White British or other White background, which is above the borough population profile. There is strong representation among tenants of Asian ethnicity (10%), but very few private sector tenants of Black British, Caribbean or African ethnicity (who completed the survey).

14. The housing stock of the borough is characterised by a large proportion of flats and maisonettes. They account for 73% of all dwellings compared to a London average of 52% and England average of 21%. The highest concentration of private rented sector households is in Avonmore & Brook Green and North End wards (43% of all households).
15. Some of the proposed streets fall into the 20% most deprived areas in England and most are in the top half. **Appendix 2** has more details.
16. The proposed Selective Licensing streets mainly cover these wards:
- Addison and Shepherd's Bush Green (5 streets)
  - Askew, Avonmore & Brook Green (4)
  - North End (3)
  - Ravenscourt Park, College Park & Old Oak, Fulham Reach, Parson's Green & Walham and Wormholt & White City (2)
  - Fulham Broadway, Munster and Sands End and Town (1)

Only Hammersmith Broadway and Palace Riverside have no proposed streets in the new scheme.

## Other Implications

17. The proposal to re-designate the schemes is consistent with the council's strategic aims, namely the Local Development Plan, Community Safety Strategic Assessment, the Housing Strategy and HMO Policy (in relation to leasehold houses and flats where the council is the freeholder).
18. There are a number of financial considerations relating to these schemes. It is expected that the council's proposals will continue to maintain standards in the private rented sector and the income generated will be in line with current financial plans and budgets. It is not intended that this will result in additional income to the council in the short term.

## Consultation

19. Before making a designation for Selective Licensing or Additional HMO Licensing, the authority must take reasonable steps to consult persons who are likely to be affected by the designation; and consider any representations made in accordance with the consultation and not withdrawn.
20. An online survey is being conducted between 10 May 2021 and 10 August 2021 ("the current consultation") to fulfil the statutory public consultation requirement. Preliminary findings up to 28 June 2021 are at **Appendix 3**.
21. The consultation was publicised by:
- Emails sent to 2,900 landlords and agents who had applied for a property licence between 2017 and 2021

- Emails to the following organisations representing private tenants: Flat Justice; Justice 4 Tenants; Advice for Renters; The Tenants Voice; Renters Rights London; London Tenants Federation; Generation Rent; London Renters Union
  - Emails to CAB; Hammersmith Law Centre; East European Resource Centre; Glass Door Homeless Charity; Hammersmith & Fulham Advice; Hammersmith & Fulham Foodbank; Hammersmith & Fulham MIND; Maggie's Cancer Caring Centres; Shelter; Shepherd's Bush Families Project & Children's Centre
  - West London Chambers of Commerce (Ealing, Hounslow and Hammersmith & Fulham)
  - Leaflets distributed to 13,000 addresses in the 23 roads proposed to be part of the Selective Licensing scheme, combined with a press release the same weekend (22/23 May 2021)
  - Leaflet emailed to all H&F councillors for them to forward to constituents
  - Commissioned advertising on the London Property Licensing website and newsletter; notification to neighbouring boroughs
22. A survey of licence holder landlords was conducted in September / October 2020 and received 250 responses. A summary of the findings is in **Appendix 4**. The survey found that nearly two thirds of the landlords and agents who responded believe licensing schemes make little difference in improving standards and are regarded by them as unnecessary and an unwelcome financial burden on landlords. Preliminary findings from the current consultation are that a similar number of landlords do not agree with the proposal to renew Additional HMO Licensing and three quarters do not agree with renewed Selective Licensing.
23. However, one third of landlords believe licensing schemes help to raise standards and enable Councils to deal with rogue landlords who fail to apply for licences.
24. A survey of private renting tenants in the borough from December to February 2021 received 99 responses, which are summarised in **Appendix 5**. Although the satisfaction levels among tenants were more positive than negative, it is a cause for concern that there were significant minorities of tenants who were dissatisfied with their landlords and / or stated deficiencies in safety or amenity standards in their rented property.
25. In contrast to landlords, preliminary finding from the current consultation are that privately renting tenants have a high level of support for licensing schemes (around 80%).

## **List of Appendices:**

### **Appendix 1**

Summary of improvements to the private rented sector achieved under the licensing schemes

### **Appendix 2**

Streets proposed to include in the new designated scheme

### **Appendix 3**

Preliminary responses to public consultation

### **Appendix 4**

Survey of landlords and agents about the licensing schemes

### **Appendix 5**

Survey of privately renting tenants December 2020 to February 2021

## Summary of improvements to the private rented sector achieved under the licensing schemes

1. There has been broad compliance by most landlords with the designated licensing schemes with 71% of the number of licence applications expected by June 2022 having been received by May 2021. Officers are working proactively to identify properties which should have been licensed but are not. Enforcement notices will be served where there is failure to licence without reasonable excuse.

Type of licence	Licence applications by May 2021	Number of licences issued	Applications expected by June 2022
Selective Licences	2,940	2,910	4,110
Additional HMO Licences	2,930	2,860	4,110

2. With regard to Additional HMO Licensing, it was not intended that all licensed HMOs would be inspected under the scheme (unless there is a specific complaint), as landlords are expected to take note of detailed minimum standards, fire precaution advice and conditions attached to licences which were revised and re-issued in 2020. The [new minimum standards and licence conditions](#) are clearer and easier to enforce. They can be found on the council's website.
3. A sample of 170 inspections of Additional Licensed HMOs have taken place. Officers have them to be mostly of a good standard, but key deficiencies were found as follows:
  - About 10% have a deficiency of a basic amenity, such as an under sized kitchen for the number of occupiers living in the HMO
  - About 10% are traditional 3 or 4 bedroom houses or flats where the smallest bedroom is less than 6.5 square metres - these have been required to cease to be used as a bedroom as it is too small, which in some cases results in the maximum occupancy number being reduced by one
  - More than 75% have smoke alarms on each floor, which complies with the minimum standard in the Smoke Alarm Regulations 2015 but not the LACORS Guidance "Housing Fire Safety" or the Housing Health and Safety Rating System, which calls for a higher standard of fire

detection in HMOs. Similarly, many do not have a fire door on the kitchen or a heat alarm in the kitchen

4. These inspections have resulted in action to improve fire safety in smaller HMOs, to prohibit the use of bedrooms less than 6.5 square metres by adult occupiers and to reduce overcrowding.
5. Where there is a leasehold covenant prohibiting use of a flat for multiple occupation, a policy has been implemented to limit the duration of the licence to two years (instead of the usual five) during which time the licence holder is expected to either cease using the flat as an HMO when tenants move out, or obtain a waiver from the freeholder. The same approach has been adopted where the council is the freeholder, as the council has a policy not to allow its leasehold flats to be used as HMOs.
6. A significant number of leasehold flats where the council is freeholder, have been found to have been altered internally before an HMO licence was applied for. In some cases, the alterations are unsuitable in terms of space, amenities and basic fire protection (for example bedrooms opening directly off kitchens). The licensing scheme therefore assists with challenging unauthorised alterations.
7. Approximately half of licence holders have signed up to the H&F [Landlords' Charter](#) or are a member of a recognised landlords' professional association.
8. With regard to Selective Licensing, 64 streets in the Selective Licensing scheme accounted for 8.9% of ASB reports in the whole borough in 2016, despite having only 5.3% of the total households in the borough. These 64 streets have seen a decrease in ASB reports from 8.9% in 2016 to 4.9% in 2020.
9. The other 64 streets in the Selective Licensing scheme accounted for 17% of ASB reports in the whole borough in 2016, but have a larger proportion (11.1%) of the total households in the borough. These 64 streets have seen an increase in the borough's ASB reports from 17% in 2016 to 21.8% 2020, which suggests that attention needs to re-focus on larger streets with high percentages of households in the private rented sector. A re-designated scheme would assist with this process.
10. The licensing scheme means that officers have a wealth of information about licensed properties and can isolate those properties which are not licensed and are therefore more likely to be badly managed.
11. Street level surveys have been undertaken in all the streets proposed for inclusion in the new Selective Licensing scheme. These surveys have provided valuable information about unlicensed properties and the current levels of problems with housing conditions in the private rented sector and associated antisocial behaviour, by speaking to residents and workers and assessing the general condition of properties.

12. Since 2017, the council has taken two successful prosecutions for housing offences under the licensing schemes, with fines totalling £83,000, and has issued three financial penalties totalling £25,000. There are two further prosecutions pending, where court dates have unfortunately been delayed due to Covid 19, but are due to be heard in August 2021. Further financial penalties are expected to be imposed this year as the pace increases of identifying unlicensed properties.

### Streets proposed to include in the new designated scheme

The selection of streets has been decided by street level surveys and interviews with residents, together with a score calculated by multiplying:

- the number of PRS properties on the street
- the % of properties on the street which are PRS
- the ratio of ASB per household on the street, and
- the % of the borough's total ASB recorded on the street.

With this selection, 1.95% of the borough's streets account for 19.2% of the boroughs ASB reports.

Street	Post code	Private Rented Sector Number Estimate	% of PRS on Street	Wards affected	IMD range around the street <sup>1</sup>
Greyhound Road	W6	161	40.36	Fulham Reach	60-70
Shepherd's Bush Road	W6	338	37.59	Addison; Avonmore & Brook Green	10-20 to 50-60
Dalling Road	W6	68	32.82	Ravenscourt Park	40-50 to 60-70
King Street	W6	208	33.83	Ravenscourt Park	30-40
Talgarth Road	W14	126	44.48	Avonmore & Brook Green; Fulham Reach; North End	10-20 to 60-70
Baron's Court Road	W14	174	46.44	North End	40-50
Sinclair Road	W14	332	42.84	Addison	40-50 to 70-80

<sup>1</sup> Index of Multiple Deprivation for Lower Super Output Areas – expressed in comparison to other areas in England. For example, an IMD 10-20 means the area is one of the 20% most deprived areas in England; an IMD of 70-80 means the area is one of the 80% most deprived areas (in other words one of the 30% least deprived).

Blythe Road	W14	195	35.52	Avonmore & Brook Green; Addison	30-40 to 60-70
Askew Road	W12	167	41.33	Askew	20-30
Coningham Road	W12	172	36.59	Askew	20-30
Richmond Way	W12	73	45.12	Addison	10-20 to 50-60
Goldhawk Road	W12	491	40.95	Shepherd's Bush Green; Askew; Ravenscourt Park	20-30
Woodstock Grove	W12	79	44.12	Addison	50-60
Lime Grove	W12	68	36.04	Shepherd's Bush Green	20-30
Bloemfontein Road	W12	95	26.09	Wormholt & White City; Shepherd's Bush Green	10-20 to 30-40
Wood Lane	W12	332	33.74	Shepherd's Bush Green; College Park & Old Oak	20-30 to 30-40
Uxbridge Road	W12	348	40.27	Shepherd's Bush Green; Wormholt & White City; Askew	20-30 to 30-40
Dawes Road	SW6	189	39.67	Munster; Fulham Broadway	30-40 to 60-70
New King's Road	SW6	238	38.94	Parsons Green & Walham	50-60 to 70-80
Wandsworth Bridge Road	SW6	266	36.35	Sand's End; Parson's Green & Walham	20-30 to 70-80

Fulham Road	SW6	583	36.35	Town; Parsons Green & Walham	20-30 to 70-80
North End Road	SW6	268	31.52	Avonmore & Brook Green; North End	10-20 to 60-70
Scrubs Lane	NW10	35	38.76	College Park & Old Oak	10-20 to 30-40

## Appendix 3

### Preliminary responses to public consultation from 10 May up to 28 June 2021 (consultation closes 10 August 2021)

	All respondents (395)		Landlords' and agents' responses (262)		Private tenants' responses (78)	
	Yes	No	Yes	No	Yes	No
<b>1 Do you agree that the council should renew its selective licensing scheme for five more years, from June 2022?</b>	41%	58%	26%	74%	85%	14%
	All	Just those with problems	All	Just those with problems	All	Just those with problems
<b>2 Should selective licensing apply to <u>all</u> rented properties in the borough, or just those where problems are greatest?</b>	25%	17%	10%	17%	71%	15%
	Yes	No	Yes	No	Yes	No
<b>3 Do you agree that changes should be made to the existing selective licensing scheme to focus on streets and properties in most need?</b>	34%	8%	19%	8%	73%	13%

	All respondents (395)		Landlords' and agents' responses (262)		Private tenants' responses (78)	
	Yes	No	Yes	No	Yes	No
<b>4 Do you agree that the streets in Appendix 3 should be removed from the selective licensing scheme?</b>	24%	10%	16%	3%	41%	32%
<b>5 Do you agree that streets in Appendix 4 should be included in the selective licensing scheme?</b>	31%	3%	16%	3%	71%	3%
<b>6 Should council flats be used as homes in multiple occupation?</b>	17%	16%	12%	6%	31%	41%
<b>7 Should the council extend the additional HMO licensing scheme for five years from June 2022?</b>	47%	50%	34%	63%	79%	19%
<b>8 Is extra licensing necessary in addition to regular licensing for larger HMOs with five or more occupants?</b>	35%	13%	20%	15%	74%	6%
	All	Just some	All	Just some	All	Just some
<b>9 Should all flats and houses with three or four people sharing be included, or just some?</b>	25%	24%	14%	22%	55%	26%

## Summary

So far we have received more than three times as many responses from landlords compared to tenants, so the data has been divided into all responses; just landlords; and just tenants.

There is consensus that:

- **changes should be made to the existing selective licensing scheme (question 3)**
- **some streets should be removed from selective licensing (q 4)**
- **extra licensing is necessary in addition to regular licensing for larger HMOs (q 8)**

However, views differ markedly between landlords and tenants. Landlords tended to disagree and tenants agree with the following questions:

- should the council renew its selective licensing scheme (q 1)  
(74% of landlords disagree; 85% of tenants agree)
- should selective licensing apply to all rented properties (q 2)  
(10% of landlords agree; 71% of tenants agree)
- should a new set of streets be included in the selective licensing scheme (q 5)  
(16% of landlords agree; 71% of tenants agree)
- should council flats be used as homes in multiple occupation? (q 6)  
(twice as many landlords said yes rather than no; more tenants said no than yes)
- should the council extend the additional HMO licensing scheme for five years? (q 7)  
(63% of landlords disagreed; 79% of tenants agreed)
- is Additional HMO licensing necessary in addition to Mandatory HMO licensing? (q 8)  
(20% of landlords agreed; 74% of tenants agreed)
- should all flats and houses with three or four people sharing be included, or just some? (q 9)  
(More landlords said just some rather than all; twice as many tenants said all rather than just some)

### Survey of landlords and agents about the licensing schemes

In September 2020, the Council sought feedback on its schemes to licence rented residential properties in the borough from 2,600 landlords and property managers who have at least one flat or house in a Property Licensing Scheme in Hammersmith & Fulham. About 10% (250) replied to the survey.

13. There were several positive responses received such as:

- One third of responses said licensing has made improvements to the private rented sector
- Most landlords (75%) have made improvements to rented properties
- Most responses were not concerned about antisocial behaviour by tenants or visitors (89%), or in the neighbourhood (72%)
- Most responses (74%) were not concerned about noisy neighbours
- Small majority (55%) had little concern about rubbish or litter in the neighbourhood
- Strong positives around provision of waste bins (85%), knowledge of waste collection arrangements (76%) and encouragement of tenants to keep property clear of litter and refuse (87%)

14. There were, however, some less positive responses, such as:

- Two thirds of responses said licensing has not made improvements to the private rented sector
- Three quarters (77%) said fees charged for licensing are unreasonable
- Over a quarter of responses expressed concern about antisocial behaviour in the neighbourhood and noisy neighbours
- Nearly half expressed concern about rubbish or litter in the neighbourhood
- A significant minority (15%) of responses indicated lack of awareness of the need to provide enough refuse bins and 24% expressed lack of awareness of the refuse collection arrangements including dates and times of collections

## Survey of privately renting tenants December 2020 to February 2021

General		Yes	No
Are you satisfied with your landlord?		68%	32%
At the start of tenancy, were you supplied with:		Yes	No
A Tenancy Agreement		96%	2%
An inventory of furnishings		69%	29%
A statement of the terms of the tenancy deposit scheme used (only if you paid a deposit)		84%	16%
Repairs	Sometimes	Yes	No
Are the following kept in <b>good repair and proper working order</b> :  Drain pipes and gutters; Supplies for water, gas and electricity; Sinks, baths, showers, basins and WCs; Heating and hot water	42%	49%	8%
Safety		Yes	No
Has your landlord given you a current <b>gas safety certificate</b> (if there is gas)?		73%	27%
Is there a <b>carbon monoxide detector</b> (if there is gas or open fireplace)		82%	18%
Are any <b>smoke alarms</b> provided in your property?		95%	4%
	Don't know	Yes	No
Are <b>smoke alarms</b> in working order?	23%	75%	2%
Space		Yes	No
Do you think there is <b>enough space</b> in the property for the number of people residing there?		79%	20%
Do you think the <b>size and standard of kitchen</b> is adequate?		71%	27%
Do you think the <b>size and number of bathrooms, showers and toilets</b> are adequate?		84%	16%

<b>Anti-social behaviour</b>	<b>Yes</b>	<b>No</b>
Are you concerned about <b>antisocial behaviour</b> in your street?	<b>20%</b>	<b>79%</b>
Are you concerned about <b>noisy neighbours</b> in your street?	<b>22%</b>	<b>77%</b>
Are you concerned about <b>rubbish or litter</b> in your street?	<b>37%</b>	<b>62%</b>
<b>Rubbish and refuse</b>	<b>Yes</b>	<b>No</b>
Do you have enough <b>waste bins</b> ?	<b>63%</b>	<b>37%</b>
Are you aware of the <b>refuse collection arrangements</b> including dates and times of collections?	<b>82%</b>	<b>17%</b>

## Summary

It is reassuring that for all questions the majority of responses were more positive than negative. However, it is a cause for concern that there were significant minorities of tenants who:

- Were dissatisfied with their landlord (1 in 3)
- Were not given an inventory (3 in 10)
- Were not given information about deposit protection (1 in 7)
- Were not given a gas safety certificate (1 in 4)
- Had no carbon monoxide detector (1 in 5.5)
- Had no smoke alarms (1 in 25)
- Thought the property was too small (1 in 5)
- Thought the kitchen was too small (1 in 4)
- Thought the bathrooms were insufficient (1 in 6)
- Were concerned about antisocial behaviour in the street (1 in 5)
- Were concerned about noisy neighbours (1 in 5)
- Were concerned about rubbish or litter in the street (1 in 3)
- Said they did not have enough waste bins (1 in 3)
- Said they were not aware of refuse collection arrangements (1 in 6)

## London Borough of Hammersmith & Fulham

**Report to:** Community Safety and Environment Policy & Accountability Committee

**Date:** 19/07/2021

**Subject:** Review of the Statement of Gambling Policy

**Report of:** Adrian Overton, Licensing Policy and Enforcement Manager

**Responsible Director:** Sharon Lea, Strategic Director for Environment

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### Summary

The Gambling Act 2005 requires every Council to have a 'Statement of Gambling Policy' which will include information stipulated within the Gambling Commission's statutory Guidance to Licensing Authorities in England and Wales. The Council's 'Statement of Gambling Policy' must undergo a thorough review and public consultation every three years.

It is now time for the London Borough of Hammersmith and Fulham to review its Statement of Gambling Policy (SGP) and undergo a public consultation exercise so that the latest version can be agreed by Full Council in October 2021 and published at the beginning of January 2022. This report outlines the changes made to the revised policy and the timetable for consultation, prior to submission to Full Council for adoption.

### Recommendations

1. For the Committee to note and comment on the draft revised Statement of Gambling Policy 2022 – 2025, at Appendix 1.

**Wards Affected:** All

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### H&F Values

Please state how the subject of the report relates to our values – delete those values which are not appropriate

Our Values	Summary of how this report aligns to the H&F Priorities
<ul style="list-style-type: none"><li>• Building shared prosperity</li></ul>	<i>A robust Statement of Gambling Policy will help to create a level playing field for operators in the gambling industry and transparency and clarity about guiding principles.</i>

<ul style="list-style-type: none"> <li>• Creating a compassionate council</li> </ul>	<i>The draft Statement of Gambling Policy makes specific reference to those who may be vulnerable such as children or those with a gambling addiction and seeks to reinforce certain safeguards to help protect and prevent them from harm.</i>
<ul style="list-style-type: none"> <li>• Doing things with local residents, not to them</li> </ul>	<i>The public statutory consultation will be open to residents to provide their views, which can be taken into account in any revised final policy statement.</i>
<ul style="list-style-type: none"> <li>• Being ruthlessly financially efficient</li> </ul>	<i>Fees and charges are reviewed annually and where possible set to recover the costs of application administration and management of licensed gambling premises.</i>
<ul style="list-style-type: none"> <li>• Taking pride in H&amp;F</li> </ul>	<i>The Licensing Authority's Statement of Gambling Policy helps to consistently manage gambling premises and to uphold the licensing objective related to preventing gambling being associated, supporting or being a source of crime.</i>
<ul style="list-style-type: none"> <li>• Rising to the challenge of the climate and ecological emergency</li> </ul>	<i>The consultation will mainly be carried out electronically to minimise the use of paper, when compared to using a postal process.</i>

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### Background Papers Used in Preparing This Report

NONE

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### Introduction and Background

1. Section 349 of the Gambling Act 2005 requires all licensing authorities to prepare and publish a statement of gambling policy that they propose to apply in exercising their functions under the Act during each three-year period to which the gambling policy applies.

2. The Council's Statement of Gambling Policy provides advice and guidance to local authorities when exercising their functions under the Gambling Act 2005. It also provides guidance to applicants and objectors.
3. A Statement of Gambling Policy may last for a maximum of three years and can be reviewed and revised by the authority at any time during that period.
4. The first Statement of Gambling Policy (SGP) took effect on the 3 January 2007. The Council's current Statement of Gambling Policy 2019 took effect in January 2019 and expires in January 2022.
5. The draft revised Statement of Gambling Policy 2022 - 2025 at Appendix 1 (*with tracked changes*) is the Council's sixth SGP and must be adopted by Full Council. It must then be published at least 28 days before it comes into effect at the end of January 2022.
6. The draft revised SGP 2022 - 2025 has been prepared and is currently the subject of a 10-week public consultation.

### **The Review Process**

7. In reviewing the statement of gambling policy, we have considered:
  - Changes to the gambling regime;
  - The promotion of the three licensing objectives;
  - The guidance issued under Section 25 of the Gambling Act 2005;
  - The current 2019 Statement of Gambling Policy;
  - Local crime prevention measures; and
  - The Equality Act 2010
8. The main changes reflect the latest version of the Gambling Commission's Guidance document and the Commission's Codes of Practice. We have simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates and links to various websites and updated contact details. The more significant changes are summarised in Appendix 2 - Summary of changes made to the current 2019 Statement of Gambling Policy.

### **The consultation process**

9. To ensure that these statutory timescales are met, the consultation began on the 12 July 2021 and will close on the 19 September 2021. This is so that it can be prepared and finalised for the final Full Council meeting of 2021 in October.
10. The process for revising the policy is to circulate the draft amended policy for public consultation over a 10-week period, review and amend post consultation, report on the final draft at the Cabinet Member Board Meeting and Cabinet, and then take the policy to a meeting of the Full Council for formal adoption. See Appendix 3 - Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025.

11. All responses received will be collated and analysed and the SGP will be revised where it is considered appropriate to do so. Details of all changes will be reported after the consultation concludes and the responses have been analysed.
12. The timetable for adoption is detailed in the table below.

Activity	Date(s)
Public 10-week consultation	12 July 2021 – 19 September 2021
Community Safety and Environment Policy and Accountability Committee	19 July 2021
Cabinet Meeting	11 October 2021
Full Council	20 October 2021

**Planned timetable for the review and adoption of the SGP**

13. Details have been sent to all gambling premises and residents' groups which specified the website address of the online consultation. They have been advised that paper copies of the consultation are available, if required. The online consultation address was also emailed to all responsible authorities, Councillors and Stakeholders. A copy of the draft Statement of Gambling Policy will be on the [website](#) for consultees to refer to as they make their response.
14. The Act requires the licensing authority to consult on its Statement of Gambling Policy with the Police; those who represent the interests of gambling businesses in their area; and those which represent interested persons likely to be affected (Section 349 (3)).
15. In addition to the statutory consultees, e.g. the Local Safeguarding Children Partnership (LSCP) and the Director of Public Health, the following will also be consulted:
  - The Police
  - Trade Associations
  - Residents' Associations
  - Businesses via Council and Town Centre contacts
  - Fire Authority
  - Ward councillors
  - Neighbouring authorities
  - Trading Standards
  - Environmental Health
  - Chamber of Commerce
  - Director of Public Health
  - Planning Authority
  - Safeguarding Adults Board
  - Community Safety Partnership
  - Other relevant people who could be affected by this policy

## Issues for consideration

16. The licensing authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.
17. The local area profile has been updated as part of this review and included as part of this policy, at Annex 3. Whilst there is no mandatory requirement to have a local area profile, there are a number of benefits:
  - a) it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
  - b) greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
  - c) it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge; and
  - d) it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.
18. This proposals and considerations below (*Paragraphs 18, 21, 22, 24 and 25*) have been included as specific consultation questions. (See Appendix 3 - Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025).
19. Consideration has also been given to the introduction of a policy recommendation that the terminal hour for Adult Gaming Centres should be limited to 11pm. Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff *after* 11pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these types of venues.
20. Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have investigated incidents which have occurred *before* 11pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has the potential to have knock on effects.
21. It has been proposed that pro-active measures to address lone working, staffing issues and people within gambling premises could be strengthened in the policy, for all operational hours rather than just being restricted to after 11pm.
22. A proposal has also been made to support the removal of the Council's long standing 'no casino' resolution from the policy. This would be in an effort to better reflect the Council's commitment to a vibrant night-time economy. However, it is appreciated that there are potential wider public health implications by inviting

further gambling premises to the borough. Key information about re-adopting a 'No Casino' resolution can be found at Appendix 4.

23. If the 'no casino' resolution is to be removed from the Policy, it has been proposed that the new Statement of Gambling Policy should include specific conditions for casinos not addressed in the Gambling Commission's codes of practice, e.g. Violence [staff and public] in the premises and safeguarding measures for children and vulnerable persons.
24. It has been proposed that we strengthen the underage aspects of the policy by including a section about the Council's expectations. This would include: that premises will adopt Challenge 25 when allowing customers to enter / gamble; that all staff will be trained in 'ASSESS-CHALLENGE-CHECK' and instructed to challenge young people as they enter the premises; and that door supervision may be required if the operator is found to breach this.
25. It has been proposed that a condition is added to the local pool of licence conditions about the use of technology to allow remote activation of gaming machines. Once a player reaches a machine, they can often play undetected as they have their backs to staff. If there was a requirement to activate the machine on demand, this would help to facilitate age-verification.

### **Licensing objectives**

26. Consideration must be given to the three licensing objectives below as well as the needs of businesses within the borough.
  - a) Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime;
  - b) Ensuring that gambling is conducted in a fair and open way; and
  - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

### **Number of licences issued under the Act within the borough**

27. This Authority currently has the following number of premises with gaming permits or premises licences:

<b>Type of gaming permit or premises licence</b>	<b>Number of premises</b>
Adult Gaming Centre	2
Adult Gaming Centre - Fast Track	1
Track Betting - Fast Track	3
Betting Shop - Fast Track	15
Betting Premises Licence	6
Premises Licence - Bingo	3
Unlicensed Family Entertainment Centre	2

### **Equality Implications**

28. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in s149 of the Equality Act 2010. The policy has low relevance in relation to its impact on the protected characteristics as it applies to all licensed businesses. A new section has been included in the draft revised Statement of Gambling Policy to reflect the Authority's commitment to equality and diversity.

### **Legal Implications**

29. The Legal implications are set out in the body of the report and appendices.

### **Financial and Resources Implications**

30. There are no financial implications associated with the recommendations in this report.

### **Implications for Business**

31. Local businesses within the Borough (including all those premises that are currently licensed under the Gaming Act 2005) will have an opportunity to comment on the draft policy, during the consultation period.
32. The policy has an impact on how licensed premises should operate to promote the three licensing objectives and what will be taken into consideration when licensing decisions are made. Therefore, all applicants and licensed premises should be mindful about what is included in the policy.
33. To help licence holders, officers in the Licensing Team will provide advice and guidance to help businesses to comply and will follow a "stepped approach" to any enforcement, in line with our enforcement policy.

### **Risk Management**

34. The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health Service Group's risk register. Controls in place to mitigate this risk include training, internal auditing, review of local area profiles and local risk assessments, periodic updates of the website and the business planning process.

### **List of Appendices:**

<b>Appendix 1</b>	Draft revised Statement of Gambling Policy 2022 – 2025
<b>Appendix 2</b>	Summary of changes made to the current 2019 Statement of Gambling Policy
<b>Appendix 3</b>	Consultation questions for the draft revised Statement of Gambling Policy 2022 – 2025

**Appendix 4**

## Key information about re-adopting a 'No Casino' resolution



# STATEMENT OF GAMBLING POLICY

JANUARY 20~~21~~<sup>22</sup> – JANUARY 202~~5~~<sup>2</sup>

Under the Gambling Act 2005 (the Act), the Licensing Authority (We), must publish a statement of the principles which we are going to apply in relation to gambling.

This revised Statement of Gambling Policy will take effect from the **4 January 2022**~~19~~.

We have prepared this Statement of Gambling Policy after considering the guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. We have consulted on this policy and have considered any responses to the draft statement before adopting and publishing this final document.

We will review and publish this statement at least every three years and consult again about any amended parts. If you would like more information or have any comments about this policy, please [contact us](#) directly.

If you would like to see the full list of comments made on the draft statement, please [contact us](#).

All references to specific paragraphs in the Gambling Commission Guidance relate to the 5<sup>th</sup> edition published in September 2015 (Parts 17, 18 and 19 updated in September 2016). A copy of this version is available on the Council's website. Further editions of the Guidance may be published throughout the duration of this Statement of Gambling Policy.

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# 1 Introduction

1.1 The Act introduced a unified regulator for gambling in Great Britain – the Gambling Commission – and a new licensing system for commercial gambling to be managed by the Commission or by local authorities, depending on the matter that needs to be licensed. The only exceptions are spread betting (regulated by the Financial Services Authority), remote gambling and the National Lottery (regulated by the Gambling Commission). We, the Licensing Authority, and the Gambling Commission, will share responsibility for all matters previously regulated by the Magistrates' Court.

1.2 The Gambling Commission will be responsible for granting operating and personal licences for commercial operators and personnel in the industry. The Licensing Authority will issue premises licences for:

- betting offices and racetracks;
- casinos;
- bingo clubs;
- adult gaming centres; and
- family entertainment centres.

We will also issue provisional statements, occasional –and temporary use notices; and permits for:

- gaming machines in alcohol-licensed premises, such as pubs;
- gaming machines for members' clubs;
- gaming in members' clubs; and
- family entertainment centres not licensed to sell alcohol (category-D machines only, that is, those that have the lowest level of stakes and prizes);

## Licensing Objectives

1.3 Under the Act, we must consider the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) making sure that gambling is carried out in a fair and open way; and
- c) protecting children and other vulnerable people from being harmed/exploited by gambling.

Under the Gambling Act 2005 'child' means an individual who is less than 16 years old and 'young person' means an individual who is not a child but who is less than 18 years old.

1.4 Under section 153 of the Act, when making decisions about premises licences and temporary use notices, we should allow the premises to be used for gambling if we think it is:

- in line with any relevant code of practice and guidance issued by the Gambling Commission; and
- in line with the principles set out in this policy and consistent with the licensing objectives.

## Licensing Authority Functions

1.5 Under the Act, we must **be responsible for licensing premises where gambling activities are to take place by:**

- issuing premises licences;
- **issuing** provisional statements;
- **issuing club gaming permits and/or club machine permits to** regulate members' clubs and miners' welfare institutes that want to offer certain gaming activities ~~by issuing club gaming permits or club machine permits (or both);~~
- **issuing** club machine permits to commercial clubs;
- **granting** permits for certain lower-stake gaming machines at family entertainment centres that are not licensed to sell alcohol;
- **receiving** notices from premises that are licensed to sell alcohol (under the Licensing Act 2003) that they want to use one or two gaming machines;
- **issuing** gaming machine permits for premises that are licensed to sell or supply alcohol for people to drink on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- **registering** small-society lotteries below set limits;
- **issuing** prize gaming permits;
- **receiving** and **approving** temporary-use notices;
- **receiving** occasional-use notices;
- **providing** information to the Gambling Commission about the licences we have issued (see section 10 below); and
- **maintaining** registers of the permits and licences that we issue.

## 2 The Borough

2.1 Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in the west of central London, on the transport routes between the city and Heathrow airport.

2.2 It is a long, narrow borough, running north to south with a river border at its south and south-west side. It is bordered by six London boroughs – Brent to the north, Kensington and Chelsea to the east, Wandsworth and Richmond-upon-Thames to the south, and Ealing and Hounslow to the west. Not including the City of London, it is the third smallest London borough in terms of area, covering 1,640 hectares. It has three town centres – Hammersmith, Shepherd's Bush and Fulham.

2.3 Hammersmith & Fulham is made up of 16 electoral wards. These range in size from 55 hectares to 344 hectares.

2.4 When producing this statement, we have considered:

- local crime prevention;
- the licensing policy;
- our planning, transport, tourism and cultural strategies;
- **complaints received**
- **night time economy and the industrial strategy**
- **housing strategy**
- our equal opportunities policy; and
- our public health duties **and the pandemic**.

2.5 We consulted the following people before finalising and publishing this statement.

- The Police
- Trade Associations
- Residents' Associations
- Businesses via Council and Town Centre contacts
- Fire Authority
- Ward councillors
- Neighbouring authorities
- Trading Standards
- Environmental Health
- Chamber of Commerce
- Director of Public Health
- Planning Authority
- Safeguarding Adults Board
- Community Safety Partnership
- Other relevant people who could be affected by this policy

2.6 This statement of principles will not stop any eligible person from making an application, commenting on an application, or applying for a review of a licence, as we will consider each one individually and according to the Gambling Act 2005 (except for casinos, see section 17 below).

2.7 There are a range of statutory application forms and notices that licensing authorities are required to use as part of our gambling licensing responsibilities. A summary list of these can be found in here.

### 3 General principles

3.1 The Act and any associated regulations will apply to premises licences as well as specific conditions set out in regulations. We can exclude some conditions and attach others where we consider it to be appropriate.

3.2 We are aware that the Gambling Commission's guidance for local authorities says that moral objections to gambling are not a valid reason to reject applications for premises licences, and that a licensing authority must not consider unmet demand when deciding an application. However, to meet the licensing objectives, we will have to consider whether the premises are appropriate for the intended activity.

#### Multiple licences and separation of different premises

3.3 Under the Act, 'premises' includes 'any place'. A single premises cannot have different premises licences operating at different times. However, it is possible for a single building to have more than one premises licence, as long as they are for different parts of the building and the different parts of the building can reasonably be considered as different premises. Whether different parts of a building can properly be considered as separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider areas of a building that are artificially or temporarily separate to be different premises.

3.4 If more than one application is received for premises licences in a single building, we will make a decision on whether the proposed premises are genuinely separate to the extent that they merit their own licence and are not an artificially created part of what is readily identifiable as a single and separate unit. A decision of this nature will be taken by the licensing sub-committee.

When determining whether two or more proposed premises are separate, we will take a number of factors into account. Depending on the specific circumstances of the case these may include:

- Do the premises have different postal addresses?
- Is a separate registration for business rates in place at the premises?
- Are the neighbouring premises owned by the same person or not?
- Can each set of premises be accessed by different entrances from the street or a public passageway?
- Can the premises be accessed only from another gambling premises?
- How are the premises separated? Are any partitions fixed, of full height and transparent in any part?

Where the licensing authority determines that more than one premises licence can be granted within a single building, then specific measures may be required to be included as conditions on the licences. Such measures may include:

- the supervision of entrances.
- segregation of gambling from non-gambling areas, which may include the type and position of partitions and/or the supervision of the premises and gaming machines.

3.5 We pay particular attention to the Gambling Commission's guidance for local authorities, which states the following:

**7.32** *Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular, they should be aware of the following:*

- *the third licensing objective seeks to protect children from being harmed or exploited by gambling. In practice this means not only preventing them from taking part in gambling, but also prevents them from being in close proximity to gambling. Therefore, premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.*
- *entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit*
- *customers should be able to participate in the activity named on the premises licence.*

3.6 You cannot get a full premises licence until the premises in which you are going to offer the gambling is built. The Gambling Commission has advised that 'the premises' means the premises in which gambling may now take place. So a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. The Gambling Commission emphasises that making sure the building is complete means that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

## Plans

3.7 The Licensing Authority will expect compliance with the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007 (as amended) in relation to the submission of plans with applications.

The Regulations state that plans shall contain the following information:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

3.8 In line with the Gambling Commission's guidance for local authorities, we will pay particular attention to protecting children and vulnerable people from being harmed or exploited by gambling, as well as issues of crime and disorder. This would include incidents, or suspected incidents, of **modern slavery or** child sexual exploitation. We welcomed the ABB Code for Responsible Gambling and Player Protection, and recommend ~~GambleAware and Gamcare certification~~ to gambling operators in this borough. We expect all operators of gambling premises to fully comply with the Gambling Commission's Licence Conditions and Codes of Practice (LCCP).<sup>7</sup>

3.9 ~~When determining premises licence applications and when inspecting premises we will consider the Gambling Commission's codes of practice provisions. The codes specify a number of requirements related to social responsibility issues, for example, protection of the young and vulnerable, which includes Social Responsibility Codes in relation to access for children into Gambling premises, their policies and procedures designed to prevent underage gambling, and how they monitor the effectiveness of these. The Social Responsibility Codes can be found on the Gambling Commission website.~~

### Planning Considerations

3.10 If any policy is developed which affects where gambling premises can be located, we will ~~update~~ **take** this ~~statement into consideration~~. However, any such policy will not prevent anyone from making an application and we will consider each application individually, except for an application for a casino (see section 17 below). You will have to show how any possible concerns can be overcome.

3.11 We will try to avoid repeating any work already carried out under other systems where possible, including planning. We will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. However, we will carefully consider any concerns about conditions which are not able to be met by licensees due to planning restrictions.

3.12 The Gambling Commission's Guidance to Licensing Authorities states:

*'7.58 In determining applications, the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal...'*

*'7.65 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations, and must not form part of the consideration for the premises licence.'*

*S.210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally, the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.*

~~This Licensing Authority places due regard on these extracts from the Guidance to licensing authorities – Gambling Commission Guidance (September 2015 Edition – Parts 17, 18 and 19 updated in September May 20162021). The Licensing Authority is aware that ~~in May 2015~~ the Government introduced additional planning controls in relation to betting offices, removing them from Class D2 use to a ‘sui generis’ use. This means that Betting Shops have been taken out of the planning ‘use’ classes and will need to receive planning approval. This has enabled Planning Authorities to exercise stricter controls over these uses, and this Authority would expect applicants for new Gambling Premises Licences to have been granted permission to use prospective premises for the proposed operation subject of the licence application.~~

## 4 Premises Licences

- 4.1 Any person or business that wishes to offer gambling for which an operating licence from the Gambling Commission is required, and which is premises based, must apply to the Licensing Authority for a premises licence.
- 4.2 For each premises type the Act makes it clear that the primary activity should be that described in the premises licence type. It is the Council’s opinion that all gambling premises, whether subject to an application or currently licensed, must operate primarily in the use of the licence type applied for or issued.
- 4.3 A premises licence issued by the Licensing Authority will be subject to mandatory and/or default conditions and conditions imposed by the Council. The Council may consider that conditions, other than the mandatory or default conditions, are necessary to ensure that the premises operate in a manner that is reasonably consistent with the licensing objectives, the Commission’s Codes of Practice and/or local authority guidance, and this Statement of Gambling Policy.
- 4.4 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Act authorises the provision of gambling facilities for the following types of premises licences: (For definitions of categories of gaming machines, see the glossary at section 25 of this policy)
  - casino premises
  - bingo premises
  - betting premises, including tracks and premises used by betting intermediaries
  - adult gaming centre premises (for category C and D machines)
  - family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).
- 4.5 In betting premises, the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission has provided information relating to the primary gambling activity in the Local Authority Guidance. The Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit premises to be licensed for more than one gambling activity.

- 4.6 The Council will make decisions having regard to the Commission's view on primary gambling activity and will expect applicants to operate premises in line with the [Commission's Guidance](#) and conditions on their operator's licence. The Council will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to demonstrate that the premises are intended to be used for the primary gambling activity proposed. For example, a betting premises licence application that only has 4 gaming machines, but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

## 5 Conditions

- 5.1 Any conditions attached to licences will be lawful and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

- 5.2 Certain matters which are set out in the Act may not be the subject of conditions. These are:

- conditions which make it impossible to comply with an operating licence,
- conditions as to gaming machines that contradict the provisions in the Act,
- conditions making activities, premises or parts of them, operate as a membership club,
- conditions on fees, winnings, stakes or prizes.

- 5.3 We will make decisions on individual conditions, on a case-by-case basis, although there will be a number of measures we will consider using if necessary, such as using supervisors, appropriate signs for adult-only areas and so on. We will also expect you to offer suggestions as to how you will meet the licensing objectives effectively.

- 5.4 We will also consider specific measures which may be needed for buildings which have more than one premises licence. These may include supervising entrances, separating gambling from non-gambling areas used by children, and supervising gaming machines in non-adult gambling premises to achieve the licensing objectives. Noise, nuisance and disturbance are often linked to late night licensed premises and can often be linked, or be a precursor to, disorder. Although we recognise that nuisance is not mentioned as a Licensing Objective, the fact that it can be closely related to disorder can be a cause for concern when dealing with gambling premises applications and, in particular, applications to operate gambling premises late at night.

- 5.5 In appropriate circumstances, and where representations have been received and appropriate, relevant evidence is provided, this Authority will consider the imposition of conditions such as:

### Door and Windows

- All external doors and windows shall be kept closed [at all times] [after [TIME]].
- External doors shall be fitted with a self-closing device.
- External doors fitted with a self-closing device shall not be propped open at anytime.

## Signs and Announcements

- Signs shall be prominently displayed at the exits from the premises reminding patrons there are residents living nearby and instructing them to respect the neighbours and to leave the premises promptly and quietly.
- When a microphone is available e.g. in bingo gambling premises, an announcement will be made at the end of gambling hours reminding customers that the premises are in a residential area and asking them to leave the premises promptly and quietly.

## Speakers

- There shall be no stereo / television or other audio equipment speakers mounted in the ceiling of the premises to prevent vibration transmission of sound energy to adjoining properties.
- All stereo / television, other audio equipment, or free-standing / portable speakers shall be mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties.

5.6 Such conditions will only be considered where there is evidence to suggest that the licensing objective of preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime, is not being promoted for a specific premises and the imposition of such conditions are necessary to promote this licensing objective.

5.7 **Local Area Profile** – a map of this Local Authority's area has been attached as a separate document to this policy, at Annex 3. This document may be reviewed and updated from time to time. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of anti-social behaviour (ASB), and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of ASB, hostels/homes for vulnerable people and centres for people with a gambling addiction. The Authority will also pay particular attention to areas where children, young people and families congregate, for example in the vicinity of schools. This map will be ~~regularly~~ **periodically** updated and will be publicly available on the [Hammersmith and Fulham Council website](#).

5.8 Where paragraph 5.8 applies this Authority will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity or exacerbate any ASB problems within the vicinity generally. Applicants will be expected to tailor their application and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business. This Authority fully supports ~~the any~~ 'Bet Watch' ~~or similar schemes introduced in 2018~~ within the borough. This Authority expects operators of relevant premises to actively participate in the scheme in order to demonstrate their commitment to protecting vulnerable people from gambling harm.

## Local Risk Assessments

5.9 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their Local Risk Assessment (LRA) how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people or proximity to churches, mosques, temples or any other place of worship.

Religious premises and places of worship ~~are often focal points for a percentage of~~ support vulnerable members of the local community, including the homeless community and youth population and have therefore been included in this policy, rather than for any moral or ethical reasons.

5.10 This Authority may challenge your risk assessment if we feel there is evidence that local risks have not been taken into consideration. Some publicly available sources of information to assist in operators completing a Local Risk Assessment (LRA) include:

- (a) the latest crime statistics and advice ~~Crime Mapping website~~;
- (b) Office for National Statistics for local neighborhood ~~Statistics information websites~~;
- (c) Relevant websites or publications by any of the Responsible Authorities;
- ~~(d) websites or publications by local voluntary schemes and initiatives; and~~
- ~~(e) on-line mapping tools.~~
- ~~(f)~~(d) Information leaflets and helpline numbers, from organisations such as GamCare and GambleAware, for customers who may have a gambling addiction.
- ~~(g)~~(e) The National Gambling Treatment Service who ~~The National Programme Gambling Clinic is also currently developing a patient information leaflet which will include referral criteria and key contact details work with, and alongside, the National Health Service (NHS). It provides telephone, on-line and face-to-face treatment for individuals and groups via a network of NHS trusts and voluntary sector organisations.~~

5.11 This Authority will expect applicants for the new grant of, or variation to an existing, licence to also submit their LRA to comply with the Licence Conditions and Codes of Practice (LCCP) - Social Responsibility (SR) code 10.1.1 and Ordinary code provision 10.1.2. Additional licence conditions will only be considered where there is evidence that gambling premises in a particular area will exacerbate the risk of harm to vulnerable, and young, people, and where there is evidence that they are necessary in order to promote the licensing objectives. There is no presumption that because a gambling premises is proposed to be located in a specific location that there will be a need for additional licence conditions, or that an individual application will be rejected. We strongly recommend that operators of licensed premises keep their Local Risk Assessments on the individual licensed premises and ensure that it is available for inspection.

The LCCP also states that a LRA must also be submitted when changes in the local environment or the premises warrant a LRA to be conducted again. This may be where:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels, religious places, places of worship or gambling or mental health care/ support facilities are opened in the local area).

The Authority will expect the local risk assessment to consider:

- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children and young people will congregate such as youth clubs, parks, bus stops, cafés, shops, entertainment venues such as cinemas, bowling allies and any other place where children are attracted.

- the demographics of the area in relation to vulnerable groups.
- whether the premises is in an area subject to high levels of crime and/or disorder, including areas that are prone to youths participating in antisocial behaviour, e.g. graffiti/tagging or underage drinking.
- the nighttime economy in our town centres so that it is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors.
- how women can be kept safe through support for the Women's Night Safety Charter, which the council has signed up to.
- how vulnerable people, including people with gambling dependencies are protected.
- assessing staffing levels when a local college closes and the students begin to vacate the grounds.
- age verification policies such as 'Challenge 25'.
- How joining schemes such as Bet ~~W~~watch could help reduce crime and antisocial behavior.
- line of sight from the counter to gambling machines.
- information held regarding self-exclusions and incidences of underage gambling.
- gaming trends that may mirror days for financial payments such as pay days or benefit payments.
- The impact of the covid pandemic on gaming trends and on operational risks.
- proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, religious places, places of worship, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.

#### 5.12 Appropriate licence conditions may be as follows:

- All gaming machines are in an area of the premises which is separated from the rest of the premises by a physical barrier which prevents people from entering other than through a specific entrance,
- Only adults are allowed into the area where these machines are located,
- Access to the area where the machines are located is supervised,
- The area where these machines are located must be arranged so that it can be monitored by the staff or the licence holder,
- Recognised proof-of-age schemes must be in place,
- Notices should be clearly displayed showing that people under 18s are not allowed at the entrance to, and inside any of, these areas.
- The entrance and gaming machines must be in appropriate places,
- Closed-circuit television must be provided,
- Door supervisors must be provided,
- There must be specific opening hours,
- There must be self-barring schemes. This means that problem gamblers can ask for their casual membership to be suspended and ask to be denied entry so they can deal with their addiction,
- Information leaflets and helpline numbers for organisations such as [Gamcare](#), [GambleAware](#), and the [National Gambling Treatment Service](#) ~~National Programme Gambling Clinic (once information leaflets have been finalised)~~ must be provided.

#### 5.13 The licensing authority will ensure that where category C or above machines are on offer in premises to which children are admitted the following conditions should apply:

- remainder of the premises is divided by a physical barrier which is effective to prevent any views of machines in category C or above and any access to them other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;

- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

5.14 The licensing authority expects all premises licence applications to specify opening hours. Particular attention will be paid to the opening hours for Adult Gaming Centres and Family Entertainment Centres which do not have opening hours specified as part of their mandatory conditions.

5.15 These considerations will also apply to premises where more than one premises licence is needed.

### Door Supervisors

5.16 We may consider whether door supervisors are needed to meet the licensing objectives of protecting children and vulnerable people from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. In particular, we would expect the appropriate numbers of door supervisors to be employed at premises where alcohol is ~~sold, and~~ sold or operates beyond 11pm. We may feel it necessary to add specific conditions in relation to door supervisors, particularly where the door supervisors do not have to be registered with the **Security Industry Authority (SIA)**. These conditions may include:

- the need to be easily identifiable, with the person's name badge clearly on display; and
- the need to have received specific training related to the task being performed.

5.17 This recognises the work door supervisors carry out, which includes searching individuals, dealing with potentially aggressive people, where there are concerns about **modern slavery** or child sexual exploitation and so on.

5.18 For premises other than casinos and bingo premises, operators and licensing authorities may decide that entrances and machines should be supervised in particular cases, but they will need to decide whether these supervisors need to be licensed by the SIA or not. It will not be automatically assumed that they need to be.

5.19 There is no evidence that, generally, betting offices need door supervisors to protect the public. The authority will only require a betting shop to appoint a door supervisor if there is clear evidence that the premises cannot be properly supervised from the counter.

## 6 Responsible authorities

6.1 The responsible authorities as defined by the Act are listed in the glossary under section 25 of this policy.

6.2 Contact details of all the responsible authorities under the Act can be obtained from our [website](http://www.lbhf.gov.uk). ~~at~~ [www.lbhf.gov.uk](http://www.lbhf.gov.uk)

6.3 We must set out the principles we will apply when naming an organisation which will be able to advise us on protecting children from harm. The principles are that the organisation must be:

- responsible for an area covering the whole of the licensing authority's area; and
- be answerable to elected people, rather than any group with an interest in gambling.

6.4 We appoint the [Local Safeguarding Children Partnership \(LSCP\)](#) ~~Local Safeguarding Children's Board (LSCB)~~ for this purpose.

## 7 Relevant representations and interested parties

- 7.1 Interested parties can comment on licence applications or apply for a review of an existing licence. Interested parties are defined in section 158 of the Act as follows: ‘For the purposes of this part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - has business interests that might be affected by the authorised activities; or
  - represents persons who satisfy paragraph (a) or (b).’
- 7.2 The Gambling Commission has recommended that we make it clear that interested parties include trade associations and trade unions, and residents’ and tenants’ associations ([Gambling Commission guidance for local authorities 8.16 and 8.17](#)). However, we will not generally view these organisations as interested parties unless they have a member who can be classed as an interested person under the terms of the Act (that is, lives close enough to the premises or has business interests that might be affected by the activities being applied for).
- 7.3 Interested parties can be people who are democratically elected such as Councillors and MPs. We will not need specific evidence of them being asked to represent an interested person as long as the Councillor or MP represents the ward that is likely to be affected. Other than these, however, we will generally need written evidence, e.g. a letter, that a person or organisation ‘represents’ someone who either lives close enough to the premises to be likely to be affected by the authorised activities or has business interests that might be affected by the authorised activities.
- 7.4 If people want to approach Councillors to ask them to represent their views, they should be careful that the Councillors are not part of the licensing committee dealing with the licence application. Councillors may be restricted in representing constituents under the members’ code of conduct in cases where they have a particular interest. Please [contact us](#) if there are any doubts.
- 7.5 We will decide each case individually. We will not apply a strict rule when making decisions. We will consider ~~Part 8 of the Gambling Commission’s guidance for local authorities (September 2015 Edition – Parts 17, 18 and 19 updated in September 2016)~~ should we need any clarity regarding the validity of any particular representations.
- 7.6 Representations will not be accepted if they do not relate to one or more of the three licensing objectives (as set out in section 1.3 of this policy). ‘Frivolous’ or ‘vexatious’ representations will not be accepted as valid.
- 7.7 Environmental issues such as noise or light pollution cannot be considered under the Act as they do not relate to the licensing objectives. Issues of this type can be considered under the Environmental Protection Act 1990 and should be ~~referred reported~~ to the Council’s Noise and Nuisance team [online](#), or on 0208 753 1081 or by email to: [environmentalprotection@lbhf.gov.uk](mailto:environmentalprotection@lbhf.gov.uk) [noise@lbhf.gov.uk](mailto:noise@lbhf.gov.uk).

## 8 Reviews

8.1 An interested party or a responsible authority (see the glossary at section 252 for a list of relevant **responsible** authorities) may apply to the Council to review a premises licence. Such reviews can be made in relation to, amongst other things;

- i) if there are repeated incidents of crime and disorder associated with the premises, or the gambling activity, which the premises operator has failed to adequately address,
- ii) where incidents that have adversely affected one or more licensing objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been taken account of,
- iii) if the premises is either attracting children or people likely to be involved in crime and disorder, e.g. **modern slavery or** child sexual exploitation, due to the activities being undertaken.

An application to review a premises licence may be made requesting that conditions relating to age verification policies are applied to the licence where an underage test purchase has been made.

8.2 As a review of a premises licence can lead to its revocation, the Council will consider what informal action has been undertaken by the applicant, or the licence holder, prior to the review application being made. The Council accepts that an application for review may be appropriate without informal measures first being requested by an applicant but will actively encourage appropriate alternative forms of action being considered prior to review applications being made.

8.3 Our decision will be based on whether the request for the review:

- raises an issue related to any **relevant code of practice**, any relevant **guidance issued by the Gambling Commission**, the licensing objectives or this statement;
- is frivolous or vexatious;
- could possibly lead to a decision to alter, revoke (withdraw) or suspend the licence; or
- raises grounds that are substantially the same as, or different from, grounds within an earlier request for a review or from representations made in relation to the application for the premises licence.

8.4 We can also review a licence for any reason we consider to be appropriate under the law.

## 9 Enforcement

9.1 We are committed to the Regulators' Code in terms of reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between us and those we regulate. Our commitment extends to aiming to design our service and policies in a manner that best suits the needs of business, by complying with the principles-based framework for regulatory delivery within the Regulators' Code. We will ensure that any enforcement action complies with the 'Regulators Code' and, to support or enable economic growth for compliant businesses, we will endeavor to:

- understand and minimise negative economic impacts of our regulatory activities;
- minimise the costs of compliance for those we regulate;
- improve confidence in compliance for those we regulate, by providing greater certainty; and
- choose proportionate, transparent and effective approaches to encourage and promote compliance

We will act in accordance with our Enforcement Policy. Bearing in mind the principle of transparency,

our [Enforcement Policy](#) is available on our website.

- 9.2 ~~We will also follow a risk-based inspection program.~~ In accordance with the Gambling Commission's guidance and the 'Regulators Code' we will provide the criteria we will use for this on request or provide the information on our website. In accordance with the Regulators Code only those premises identified as being 'high risk' premises will be routinely inspected. Officers will only visit premises where there is a reason to do so (e.g. as part of a complaint investigation).
- 9.3 Once premises have been licensed it is essential that they are monitored to make sure that they are run in accordance with their operating schedules and with any licence conditions. It will also be important to monitor the borough for unlicensed premises.
- 9.4 The main enforcement role for us in terms of the Act will be to make sure that premises are used in accordance with the licences and other permissions which we authorise. The Gambling Commission will be the enforcement body for operating and personal licences. The Gambling Commission will also deal with concerns about the manufacture, supply or repair of gaming machines.
- 9.5 We will investigate complaints about licensed premises in relation to the licensing objectives or offences under the Act. If it is not appropriate for you to raise the complaint directly with the licence holder or business concerned to try and find a solution, please [contact us](#) for advice or information. There may be circumstances where the premises may be operating in a way that could result in enforcement action, e.g. a complaint in relation to criminal activities or that it is being used by children. In these circumstances we would recommend that you provide us with this information directly rather than speaking with the licence holder or business concerned. We can then refer the information to the appropriate authority for further investigation or for information.
- 9.6 This Licensing Authority recognises that certain bookmakers have ~~a number of several~~ premises within its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, the Licensing Authority will contact the [Primary Authority](#) for the business. Where there is no [Primary Authority Partnership](#) in place, operators are requested to give the Authority a single named point of contact, who should be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.
- 9.7 In recognition of H&F's diverse community and to support the principles in this enforcement policy of transparency, consistency, proportionality, targeting and helpfulness, we want to:
- a) commit to **working with diverse businesses to ensure equality for all**. Along with the Health and Safety Executive (HSE) and others we need to be an organisation which *"understands the diverse society in which it operates, which is clear about the impact of its policies and operations on that diverse society, and which conducts its business with sensitivity and respect for people's different needs, vulnerabilities and perspectives on life"*;
  - b) ensure that we minimise the impact of our enforcement actions on diverse businesses, which could unintentionally lead to race and other inequalities;
  - c) improve any perceived negative perception that diverse businesses may have of local government regulators;
  - d) raise awareness about how our services can support individuals and families in diverse communities with easy access to advice and protection, to minimise any inadvertent race or other inequalities;

- e) increase the reporting of non-compliant business operations within diverse communities; so that reputable businesses can thrive and grow and to improve the safety, health and wellbeing of our residents.

We will achieve this goal by:

- improving the equalities monitoring of our enforcement actions and outcomes to enable us to have improved data to use with equality impact assessment tools;
- using our monitoring and other data to make improvements to the way in which we communicate, help, engage with and support diverse businesses;
- making better use of business intelligence and other monitoring data to improve our targeted communications when reaching out to a diverse range of people and organisations to understand and address any potential barriers to communication.
- responding positively to requests for information in alternative formats or by specific officers, where capacity and availability of resources, will allow;
- making better use of available training, information and research to provide information about race and other diversity issues, so that we can engage in a more helpful way;
- providing unconscious bias and other equalities training for all our officers; and
- improving the diversity of advisory/consultee bodies and stakeholder networking.

## **10 Exchanging information**

10.1 We will exchange information in accordance with the Act and Data Protection legislation.

10.2 We will also consider any guidance issued by the Department for Business, Energy and Industrial Strategy (BEIS), or the Gambling Commission to local authorities on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

10.3 When the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about gambling premises, to help target resources and activities and minimise duplication.

## **11 Provisional statements**

11.1 We will decide whether premises can be considered for a premises licence. The guidance issued by the Gambling Commission advises that the building should be complete so that the authority could, if necessary, carry out a full inspection.

11.2 We cannot consider any more representations from relevant authorities or interested parties after we have issued a provisional statement, unless they concern matters which could not have been dealt with at the provisional statement stage, or they reflect a change in circumstances. We may also refuse the premises licence (or grant it on terms different to those attached to the provisional statement) if the matter:

- could not have been raised by objectors at the provisional licence stage; or
- reflects a change in the operator's circumstances.

## **12 Temporary-use notices**

12.1 These allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues. A

temporary-use notice may only be granted to a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

- 12.2 The Secretary of State will list the gambling activities that may be covered by a temporary-use notice, as well as activities that may not be and activities that may not be combined with any other.

### **13 Occasional-use notices**

- 13.1 Where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an occasional-use notice without the need for a full premises licence.
- 13.2 We have limited power in relation to these notices other than making sure that betting is not allowed for more than eight days in a calendar year.

### **14 Consultation**

- 14.1 We will expect you to advertise the application in line with the regulations made under the Act. An applicant for the grant or variation of a licence, or for a provisional statement is required to advertise the application by means of:
- a notice displayed at the premises for 28 consecutive days starting on the day the application is made to the licensing authority, and
  - publication of the notice of application in a local newspaper within 10 working days of submitting the application to the licensing authority.

The notices must be in the prescribed form.

The consultation period for applications runs for 28 days starting the day the application is made to the licensing authority.

- 14.2 We will carry out a consultation process in line with the regulations made under the Act. In exceptional circumstances we may consider it appropriate to carry out a more thorough public consultation. We will publicise details of applications received.

### **15 Adult gaming centres (AGCs), family entertainment centres (FECs) licensed to sell alcohol, bingo premises, betting premises.**

- 15.1 When deciding applications for a premises licence for these premises, we will consider the need to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to satisfy us that there will be enough measures in place to meet this licensing objective. Appropriate measures could include training for staff on how to deal with suspected truanting school children on the premises or how to recognise signs of potential **modern slavery or** child sexual exploitation.

- 15.2 We will expect you to offer your own measures to meet the licensing objectives. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.

- 15.3 We will consider the [guidance issued by the Gambling Commission](#) and will take into account the size, suitability, layout of the premises and, if relevant, the number of counters available for face-to-face

transactions.

- 15.4 Providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises may provide the Licensing Authority with an opportunity to consider safeguarding concerns. The Licensing Authority continues to raise awareness in cooperation with the Metropolitan Police of **modern slavery or** child sexual exploitation, via [Operation Makesafe](#), amongst the business community. To date, efforts have been **focused** on providing awareness to hotels, taxi companies and licensed premises.
- 15.5 Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

## **16 Family Entertainment Centres (FECs) ~~not licensed to sell alcohol~~**

### **16.1 There are two types of Family Entertainment Centres:**

- a) **Licensed - providing both category C and D machines, which require a premises licence**
- b) **Unlicensed - providing category D machines only, which do not require a premises licence, but are regulated through Family Entertainment Centre Gaming Machine Permits**

**16.2** If an operator does not hold a ~~premises licence~~**licence under the Licensing Act 2003 premises licence** but wants to provide gaming machines he may apply to us, the licensing authority, for this permit. The person applying must show that the premises will be completely or mainly used for gaming machines (section 238 of the Act).

~~15.6~~**16.3** ~~Unlicensed~~**FECs not holding a licence under the Licensing Act 2003** will be able to offer only category-D machines with a gaming machine permit. There can be any number of category-D machines with such a permit (depending on other considerations such as fire regulations and health and safety, which will not be issues for the licensing authority under the Act). We cannot issue permits for vessels or vehicles.

~~15.7~~**16.4** As part of any Unlicensed Family Entertainment permit application, the Council will require applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and
- that staff are trained to have a full understanding of the maximum stakes and prizes (para 24.7 of the Act)

~~15.8~~**16.5** The Council will expect the applicant to show that there are policies and procedures in place to protect children and vulnerable people from harm ([Social Responsibility Code 3](#)). Harm in this context is not limited to harm from gambling but includes wider child protection and potential **modern slavery or** child sexual exploitation considerations. The efficiency of such policies and procedures will each be considered on their merits. However, they may include:

- measures/training for staff concerning suspected truant school children on the premises;
- measures/training covering how staff would deal with unsupervised, very young children being on the premises;
- measures/training covering how staff would deal with children causing perceived problems on or around the premises;

- measures/training covering how staff would identify the signs and symptoms of persons engaged in the illegal use, or under the influence, of controlled drugs and/or alcohol.

## **1617 Casinos**

~~16.1~~17.1 We have a 'no casino' resolution in this borough.

~~16.2~~17.2 The 'no casino' resolution came into effect on the same date as the original Statement of Gambling policy. We will review this resolution at least every three years, and can withdraw it at any time.

~~16.3~~17.3 This means that we will not consider any applications for a premises licence for a casino. We will return any applications we receive with a notice that a 'no casino' resolution is in place.

## **1718 Tracks**

~~17.1~~18.1 We are aware that tracks may need more than one premises licence and we will especially consider the effect on the third licensing objective (that is, protecting children and vulnerable people from being harmed or exploited by gambling).

~~17.2~~18.2 We would expect you to show that suitable measures are in place to make sure that children do not have access to adult-only gaming facilities. Appropriate measures and licence conditions may include the ones listed in section 5 and Annex 2 of this policy.

~~17.3~~18.3 We will expect you to have plans that explain very clearly what you want authorisation for under the track betting premises licence and which, if any, other areas need a separate application for a different type of premises licence.

## **1819 Travelling fairs**

~~18.1~~19.1 We will firstly consider whether you fall within the legal definition of a travelling fair.

~~18.2~~19.2 It will fall to this Licensing Authority to decide whether, where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs **and that**, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair, is met.

~~18.3~~19.3 Fairs cannot be held on a particular piece of land for more than 27 days per calendar year, no matter whether it is the same or a different travelling fair using the land. We will work with our neighbouring authorities to make sure that land which crosses administrative boundaries is monitored to ensure legal limits are not broken.

## **1920 Gaming machine permits for premises that sell alcohol**

~~19.1~~20.1 Premises licensed to sell alcohol for people to drink on the premises are entitled to have two gaming machines, of categories C and/or D. The licensee must provide notification, and we can remove this entitlement if:

- the machines are not provided in line with the licensing objectives;
- gambling has taken place on the premises that breaks a condition of section 282 of the Act (that is, written notice has not been provided to the licensing authority, a fee has not been paid and any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been met);
- the premises are mainly used for gambling; or
- an offence under the Act has been committed on the premises.

~~19.220.2~~ If a licensee wants to have more than two machines, they need to apply for a permit and we must consider that application based on the licensing objectives, any [guidance issued by the Gambling Commission](#) issued under section 25 of the Act, and any other relevant conditions.

~~19.320.3~~ One of the licensing objectives is to protect children and vulnerable people from harm or being exploited by gambling. We will expect you to show us that there will be enough measures to make sure that people under 18 do not have access to the adult-only gaming machines. Appropriate measures and licence conditions may include the ones listed in section 5 above and Annex 2.

~~19.420.4~~ Some alcohol-licensed premises may apply for a premises licence for areas of the premises which are not licensed for selling alcohol. Any such application would most likely need to be made and dealt with as a premises licence for an adult gaming centre.

~~19.520.5~~ We can decide to grant the application with a smaller number of machines or different category of machines than those applied for. Conditions (other than these) cannot be attached.

~~19.620.6~~ The holder of a permit must follow any [code of practice issued by the Gambling Commission](#) about where and how the machine must be used.

## **~~20.21~~ Prize gaming permits**

~~20.121.1~~ This Authority has not adopted a statement of principles on permits under Schedule 14 paragraph 8 (3) of the Act.

~~20.221.2~~ Gaming is defined as prize gaming if the nature and size of the prize does not depend on the number of people playing or the amount paid for or raised by the gaming. The operator decides the prize before anyone starts to play on the machines.

~~20.321.3~~ A prize gaming permit is a permit we issue to authorise gaming facilities with prizes on specific premises.

~~20.421.4~~ An application for a permit can only be made by a person who uses or plans to use the relevant premises. If the applicant is an individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is already in existence for the same premises. The application must be made to the authority in whose area the premises are completely or partly situated.

~~20.521.5~~ When making our decision on an application for this permit, we do not need to consider licensing objectives but must consider any [Gambling Commission guidance](#).

~~20.621.6~~ There are conditions in the Act which the permit holder must follow. These are:

- the limits on participation fees, as set out in regulations;
- all chances to take part in the gaming must be offered on the premises on which the gaming is taking place and on one day, the game must be played and completed on the day the chances are offered and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not be more than the amount set out in regulations (if a money prize), or the set value (if a non-monetary prize); and
- taking part in the gaming must not entitle the player to take part in any other gambling.

## **21.22 Club gaming and club machine permits**

**21.22.1** Members' clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club gaming machine permit.

**21.22.2** Gambling Commission guidance states: 'Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.'

**21.22.3** We may only refuse an application if:

- you do not fulfil the requirements for a members' or commercial club or miners' welfare institute and so are not entitled to receive the type of permit which you have applied for;
- your premises are used wholly or mainly by children or young people;
- you have committed an offence under the Act or have broken the conditions of a permit while providing gaming facilities;
- a permit held by you has been cancelled in the previous 10 years; or
- an objection has been lodged by the Commissioner of Police.

**21.22.4** There are conditions attached to club gaming permits that no child uses a category-B or category-C machine on the premises and that the holder follows any [relevant code of practice](#) about where and how gaming machines are used.

## **23. Small Society Lotteries**

23.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:

- licensed lotteries (requiring an operating licence from the Gambling Commission); and
- exempt lotteries (including small society lotteries registered by the Licensing Authority)

23.2 The Licensing Authority recommends those seeking to run lotteries take their own legal advice. Guidance notes on small society lotteries, limits placed on them and information setting out financial limits can be found on our [website or by contacting the Licensing Team](#). Applicants for registration of small society lotteries must apply to the Licensing Authority in the area where their principal office is located.

23.3 Lotteries will be regulated through; a licensing and registration scheme, conditions imposed on licences by the Gambling Commission, [codes of practice](#) and any [guidance issued by the Gambling Commission](#). In

exercising its functions with regard to small society and exempt lotteries, the Licensing Authority will have due regard to the [Gambling Commission's guidance](#).

The Licensing Authority will accept society lottery returns ~~either manually but preferably~~ electronically by email.

## 24 Other Information

24.1 **Annual Licence fee** – The Gambling Act 2005 requires every holder of a gambling licence to pay an annual fee to the Licensing Authority. Failure to pay the annual fee may result in the revocation of the premises licence.

~~24.2 **Public Health considerations** - Whilst there may be evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties, public health is not a licensing objective and therefore cannot be taken into account, when deciding on applications. The Licensing Authority will however continue to liaise with public health colleagues about new and variation applications within the borough, so that we can both continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.~~

24.2 Although public health is not yet formally a licensing objective there is definitely evidence that problem gamblers and their families are at risk of significant health and social problems such as mental illness, drug and alcohol misuse, relationship breakdown, criminal activity and financial difficulties. The Licensing Authority will liaise with public health colleagues about new and variation applications within the borough, so that we can continue to monitor any increase in access to gambling opportunities for those at risk of problem gambling, check for vulnerable locations nearby eg drug and alcohol clinics or homeless hostels, and work jointly to ensure that appropriate measures are put in place to minimise that risk and support those seeking help.

24.3 **Equalities** - The Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations between persons with different protected characteristics. The protected characteristics are ~~age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation~~ ~~age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation~~. Hammersmith and Fulham Council has an [Equal Opportunities Policy](#) and this revised Statement of Gambling Policy will be monitored for any adverse impact on the promotion of opportunities for all.

This Statement of Gambling Policy recognises the Race Relations Act 1976. The Licensing Authority will 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.

24.4 **Email Alerts** - If you are interested in being notified about new applications you can [register on our website](#) for licensing application email alerts and receive regular updates about applications in your area.

24.5 **The Local Plan** - The [Local Plan](#) 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 Local Plan, the [London Plan](#) and any other material considerations.

24.6 **Review of the Statement of Gambling Policy** - Under the Gambling Act 2005, the Licensing Authority must carry out a review of its Statement of Gambling Policy every three years. In accordance with the Act, the Licensing Authority intends to carry out a further full review of its policy no later than 202~~14~~<sup>14</sup> and, prior to publishing the revised version, it intends to consult fully with those groups and individuals consulted, ~~as required by law on this version~~. In addition, within the three-year period the Licensing Authority will review its Statement of Gambling Policy whenever it feels that relevant issues have arisen - for example, if any further significant amendments are made to the Gambling Act 2005, Guidance or Codes of Practice. Any website links within this document that do not work will be updated or removed. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review.

## 25 Glossary

- 25.1 **Adult gaming centre** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.
- 25.2 **Betting premises** – a premises that may have up to four gaming machines of category-B (restricted to B2, B3 and B4), C or D.
- 25.3 **Bingo premises** – a premises that may have up to four category-B machines (restricted to B3 and B4), any number of category-C machines and any number of category-D machines.
- 25.4 **Categories of gambling** – regulations will define the classes according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. These ~~are the~~ current maximum stakes and prizes are subject to change by Central Government.:

*These stakes and prizes are subject to change by Central Government*

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
<del>B1</del>	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act Casino and Regional Casinos
<del>B2</del>	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
<del>B3</del>	£2	£500	Bingo premises, Adult gaming centre and all of the above
<del>B3A</del>	£2	£500	Members' club or Miners' welfare institute only
<del>B4</del>	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
			<del>premises (with additional LA gaming machine permit) and all of the above.</del>
D money prize	10p	£5	<del>Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above</del>
D non-money prize (other than crane grab machine)	30p	£8	<del>All of the above.</del>
D non-money prize (crane grab machine)	£1	£50	<del>All of the above.</del>
D combined money and non- money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	<del>All of the above.</del>
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	<del>All of the above.</del>

- 25.5 **Club machines permit** – a premises will need this permit if it is a members’ club, a commercial club or a miners’ welfare institute, with up to three machines of category-B (restricted to B4) C or D (that is, three machines in total).
- 25.6 **Family entertainment centre** (with commission operating licence) – a premises that may have any number of category-C machines and any number of category-D machines. Category-C machines must be in a separate area to make sure that they are only played by adults.
- 25.7 **Family entertainment centre** (with gaming machine permit) – a premises that may have any number of category-D machines. There is no power for the licensing authority to set a limit on the number of machines covered by the permit.
- 25.8 **Gaming machines** – all machines on which people can gamble.
- 25.9 **Occasional-use notices** – where there is betting on a track on eight days or less in a calendar year, betting may be allowed under an ‘occasional-use notice’ without the need for a full premises licence.

- 25.10 **Primary Authority** – Where a chain of businesses and a specific Local Authority agree, that Authority becomes the 'Primary Authority' for those businesses. The authority will ensure consistent regulation, improving the professionalism of front-line regulators, and giving businesses a say in their regulation. Where another Local Authority has concerns about compliance issues, it must refer to the Primary Authority for directions.
- 25.11 **Provisional Statement** - Where an applicant can make an application to the Licensing Authority in respect of premises that he:
- Expects to be constructed
  - Expects to be altered
  - Expects to acquire a right to occupy.
- 25.12 **Regulators' code** – protects the public, the environment and groups such as consumers and workers through the 'business-friendly' enforcement of regulations. It is a procedure that can be adopted by enforcement officers to help businesses and others meet their legal responsibilities without unnecessary expense while taking firm action, including prosecution where appropriate, against those who break the law or act irresponsibly.
- 25.11 **Remote gambling** – gambling that takes place on the internet.
- 25.13 **Responsible authorities** – these are public organisations that must be told about applications and that are entitled to make representations to the licensing authority in relation to applications for, and in relation to, a premises licence. They are:
- a licensing authority in whose area the premises is completely or partly situated;
  - the Gambling Commission;
  - the chief officer of police or chief constable for the area in which the premises is completely or partly situated;
  - the fire and rescue authority for the same area;
  - the local planning authority;
  - the noise and nuisance team;
  - the Local Safeguarding Children's ~~Board~~ Partnership (LSCP); and
  - Her Majesty's Commissioners of Customs and Excise.
  - any other person prescribed for the purposes of this section by regulations made by the Secretary of State
- 25.14 **Reviews** - Applications for a review of a premises licence can be made by interested parties or responsible authorities. However, it is for the Licensing Authority to decide whether the review application is valid and/or whether it is appropriate to carry out the review, given the circumstances.
- 25.15 **Spread betting** – allows an investor to bet on whether they believe that the price quoted is likely to strengthen (go up in value) or weaken (go down in value). The profit or loss for a spread bet depends on the difference in the buy and sell price.
- 25.16 **Small Society Lottery** - A lottery promoted on behalf of a non-commercial society, i.e. lotteries intended to raise funds for good causes.

- 25.17 **Temporary-use notices** – these allow premises to be used for gambling where there is no premises licence but where a gambling operator wants to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary-use notice would include hotels, conference centres and sporting venues.
- 25.18 **Travelling fair** – completely or mainly providing amusements on a site that has been used for fairs for no more than 27 days in each calendar year. Any number of category-D machines can be made available but the facilities for gambling must not be the main amusements at the fair.

## Annex 1 Mandatory Conditions

### Gambling Act 2005 Mandatory and Default Conditions by premises type

All Premises		
All	Summary of the terms and conditions of the premises licence shall be displayed in a prominent place with the premises.	Mandatory
All	The layout of the premises shall be maintained in accordance with the plan.	Mandatory
All	The premises shall not be used for the sale of tickets in a private lottery or customer lottery or the sale of tickets in any other lottery in respect of which the sale of tickets on the premises is otherwise prohibited.	Mandatory

Betting Premises		
Betting Premises	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	Access to the premises shall be from a street or from other premises with a betting premises licence. Apart from this there must be no direct access between the premises and other premises which are used for the retail sale of merchandise or services.	Mandatory
Betting Premises	The premises shall not be used for any purpose other than for providing facilities for betting apart from anything permitted under the Gambling Act 2005 and having an ATM, permitted visual/sound apparatus and permitted publications.	Mandatory
Betting Premises	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.	Mandatory
Betting Premises	No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes: a) Communicating information about, or coverage of, sporting events, including- (i) information relating to betting on such an event; and (ii) any other matter of information, including an advertisement, which is incidental to such an event; b) Communicating information relating to betting on any event (including the result of an event) in connection with which betting transactions may be or have been effected on the premises.	Mandatory
Betting Premises	No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.	Mandatory
Betting Premises	No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided via the sound/visual apparatus referred to above.	Mandatory
Betting Premises	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice explaining this shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Betting Premises	A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.	Mandatory
Betting Premises	<b>HOURS:</b> No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.	Default

<b>Betting Tracks only</b>		
Tracks(all)	No customer shall be able to access the premises directly from another premises which has a casino premises licence or an adult gaming centre premises licence.	Mandatory
Tracks (all)	A notice stating that no person under the age of 18 is permitted to bet on the premises shall be displayed in a prominent place at every public entrance to the premises.	Mandatory
Tracks(all)	The terms on which a bet may be placed must be displayed in a prominent place within the premises to which customers wishing to use facilities for betting have unrestricted access.	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that betting operators who are admitted to the premises for the purpose of accepting bets (a) will be operating under a valid operating licence; and (b) are enabled to accept such bets in accordance with- (i) the conditions imposed under sections 92 (general betting operating licence) or 93 (pool betting operating licence) of the 2005 Act, or (ii) an authorisation under section 94 (horse-race pool betting operating licence) of that Act	Mandatory
Tracks(all)	The premises licence holder shall make arrangements to ensure that reasonable steps are taken to remove from the premises any person who is found to be accepting bets on the premises otherwise than in accordance with the 2005 Act.	Mandatory
Tracks(all)	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Horseracing Tracks (converted from an existing track)	The licence holder shall ensure that any part of the tracks which, prior to 1 September 2007, were made available for betting operators (or their assistants) will continue to be so.	Mandatory
Horseracing Tracks (converted from an existing track)	The charge for admission to an existing betting area for providing facilities for betting shall not exceed five times the cost of the highest charge paid by members of the public (for betting operators) or the highest charge paid by member of the public (for the betting operator's assistant). All betting operators and betting operators' assistants will be charged the same for admission to the same part of the track. No other charge may be made, and the charges must only cover reasonable costs.	Mandatory
Horseracing tracks (all)	The premises licence holder shall provide a place on the premises where betting operators and betting operators' assistants may provide facilities for betting. This does not apply to converted licences prior to the 01 September 2012.	Mandatory
Dog Tracks	A totalisator on the premises shall only be operated at a time when the public are admitted for the purpose of attending dog races and no other sporting events are taking place on the premises, and for the purpose of effecting betting transactions on the dog races taking place on the premises.	Mandatory
Dog Tracks	At any time when the totalisator is being used, no betting operator or betting operator's assistance shall be excluded from the premises for the reason that s/he proposes to negotiate bets on the premises. There must also be space made available where the betting operators and their assistants can conveniently accept and negotiate bets in connection with the dog races running on the premises that day.	Mandatory
Tracks (all)	<b>HOURS:</b> No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next, except where there is a sporting event taking place on the premises. Where there is a sporting event taking place on the premises then gambling may take place at any time that day.	Default

Bingo		
Bingo	A notice stating that no person under the age of 18 is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Bingo	<p>No customer shall be able to enter the premises directly from any other premises in respect of which one of the following permissions has effect:</p> <ul style="list-style-type: none"> <li>• A casino premises licence</li> <li>• An adult gaming centre premises licence</li> <li>• A betting premises licence other than a track premises licence</li> </ul>	Mandatory
Bingo	<p>Where children and/or young persons are permitted by the licence holder to enter the premises, and category B or C gaming machines are made available for use on the premises, then the gaming machines must be:</p> <ul style="list-style-type: none"> <li>• separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance</li> <li>• supervised at all times to ensure children or young persons do not enter the area</li> <li>• arranged so that the area can be observed by persons responsible for supervision or closed-circuit television which is monitored</li> <li>•</li> </ul> <p>The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 years is permitted to enter the area.</p>	Mandatory
Bingo	Where there is a charge for admission there must be a notice of the charge displayed in a prominent place at the principal entrance to the premises.	Mandatory
Bingo	A notice setting out any other charges in respect of the gaming (except prize gaming) shall be displayed at the main point where payment for the charge is to be made. Such a notice must include the cost (in money) of each game card or set of game cards, payable by an individual in respect of the game of bingo, and the amount that will be charged by way of a participation fee. There should also be in the notice a statement that all/part of the participation fee may be waived at the discretion of the person charging it. This notice can be displayed in electronic form.	Mandatory
Bingo	The rules of each type of game that is available (other than gaming machines) shall be made available to customers within the premises by either displaying a sign, making leaflets or other written material available, or running an audio-visual guide prior to any game commencing.	Mandatory
Bingo	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.	Mandatory
Bingo	<b>HOURS:</b> No facilities for gambling shall be provided on the premises between midnight and 9am, apart from gaming machines.	Default

Arcades		
Adult Gaming Centres	A notice stating that no person under the age of 18 is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.	Mandatory
Adult Gaming Centres	<p>No customer shall be able to access the premises directly from any other premises in respect of which a premises licence of the following types of permit have effect:</p> <ul style="list-style-type: none"> <li>• unlicensed family entertainment centre gaming machine permit</li> <li>• club gaming or club machine permit</li> <li>• alcohol licensed premises gaming machine permit</li> </ul>	Mandatory
Adult Gaming Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Adult Gaming Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory
Family Entertainment Centres	<p>No customer shall be able to access the premises directly from a premises where there is:</p> <ul style="list-style-type: none"> <li>• a casino premises licence</li> <li>• an adult gaming centre premises licences</li> <li>• a betting premises licence (other than a track premises licence)</li> </ul>	Mandatory
Family Entertainment Centres	Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.	Mandatory
Family Entertainment Centres	<p>Where category C gaming machines are made available for use on the premises, then the gaming machines must be:</p> <ul style="list-style-type: none"> <li>• separated from the rest of the premises by a physical barrier to prevent access other than via an entrance designed to be the entrance</li> <li>• supervised at all times to ensure children or young persons do not enter the area</li> <li>• arranged so that the area can be observed by persons responsible for supervision, or closed circuit television which is monitored</li> </ul> <p>The gaming machines area must also have a notice at the entrance stating that no person under the age of 18 is permitted to enter the area.</p>	Mandatory
Family Entertainment Centres	No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises. A notice to this effect shall be displayed at every entrance to the premises in a prominent place.	Mandatory

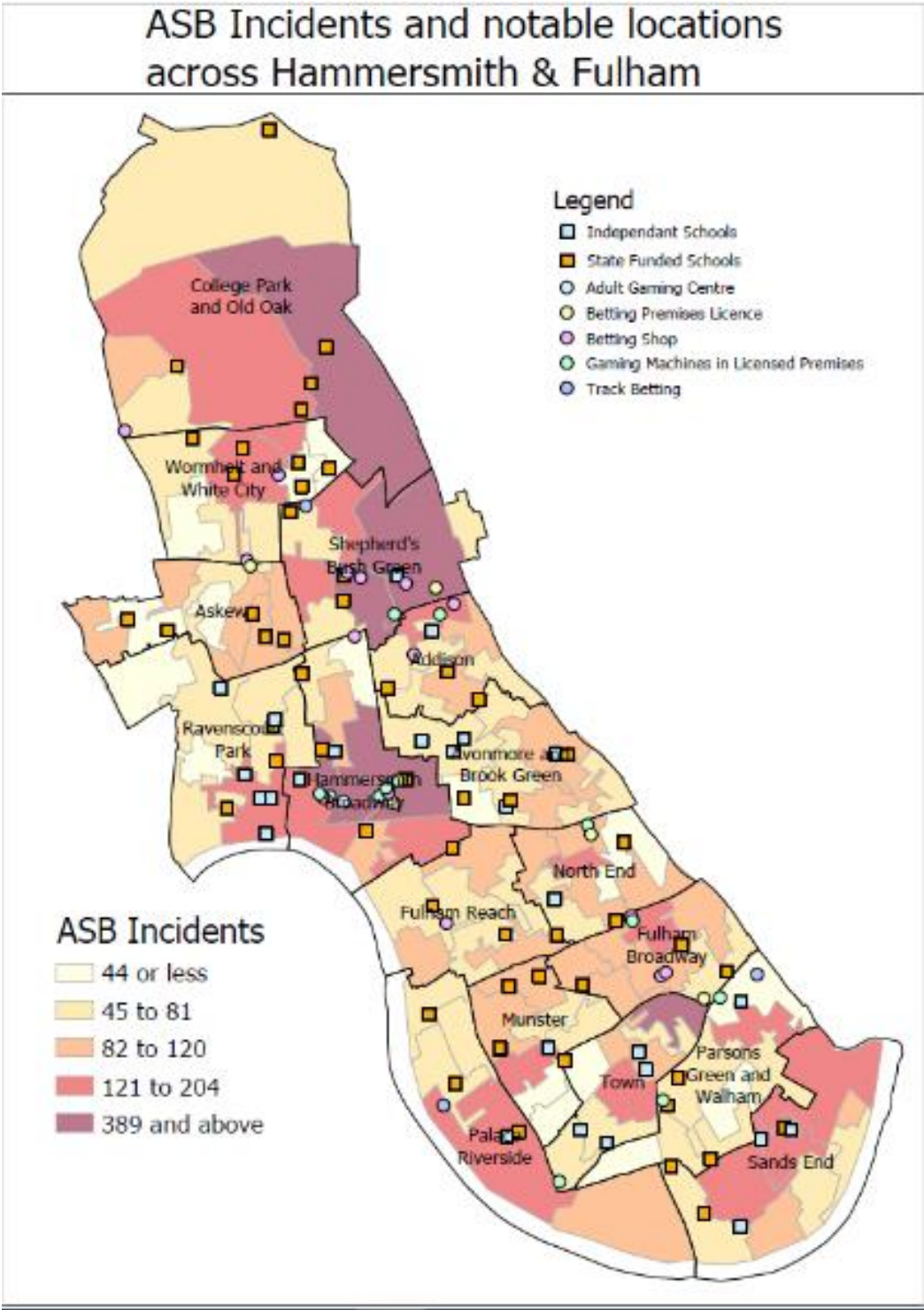
## Annex 2 Local Pool of Licence Conditions

The following conditions can be applied to a number of different gambling premises. 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 three licensing objectives. Such conditions will only be imposed where there is evidence that the imposition of conditions is necessary to ensure that the licensing objectives are upheld,

<b>CCTV</b>
CCTV covering areas inside and outside of the premises should be installed and maintained to police recommendations with properly maintained log arrangements. All images will be stored for a minimum of 31 days.
A staff member from the premises that is conversant with the operation of the CCTV system will be on the premises at all times that the premises are open to the public. This staff member will be able to show police recent data footage with the minimum of delay when requested. This data or footage reproduction should be almost instantaneous.
<b>Training</b>
Full training shall be given to each member of staff employed at the premises. This training should include sections on compliance, fraud, robbery and crime prevention.
Written records of all staff training shall be kept at the premises and should be made available to the Police and/or authorised Council officers on request
<b>Responsible Management</b>
An incident log book will be maintained by the premises that details incidents that occur in the premises. This shall include refused sales, disorder, and ejections at a minimum. Management shall regularly check the book to ensure that staff are using it. The log book shall be kept on the premises and should be made available for inspection by the Police or Council Officers at any time the premises is open.
<b>Protecting children, proof of age schemes</b>
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
All staff shall be trained in the Proof of Age policy and how to identify acceptable means of identification.
Posters shall be displayed in prominent positions around the entrance to the premises advising customers of the Proof of Age policy in force at the premises
A refusals book will be maintained by the premises that details all refusals to provide gambling activities. 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 refusal book

shall be kept on the premises and should be made available for inspection by the Police and/or authorised Council officers at any time the premises is open.
<b>Door Supervisors</b> Any door supervisors working at the premises must be licensed by the Security Industry Authority
A minimum of (insert number) door supervisors shall be on duty on the premises during the hours of (insert times) on (insert days of the week)
A minimum of (insert number) door supervisors shall be provided on (insert days of week) to patrol external areas of the premises between the hours of (insert times)
Random searches shall be undertaken of customers entering the premises between the hours of (insert times) and prominent signage provided to this effect
<b>Crime Prevention</b> A metal detection device shall randomly be used by door supervisors to search patrons for weapons
A search arch shall be used at the entrance to the premises to detect customers who may be carrying weapons
An electronic door lock (maglock) shall be fitted to the front door of the premises.
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.
All gaming machines shall have a control behind the counter to allow machines to be turned on or off. (Insert crime prevention device – see examples below) shall be installed at the premises to the satisfaction of the Police licensing officer <ul style="list-style-type: none"> <li>• Shutters</li> <li>• Re – enforced steel back/front doors</li> <li>• Window bars</li> <li>• External lighting</li> <li>• Security mirrors</li> <li>• Prevention signage</li> </ul>
No facilities for gambling shall be provided on the premises between the hours of (Insert time) on one day and (Insert time) on the next day
Any entrance or exit doors to the premises shall remain closed at all times (i.e. not propped open)
A panic button shall be installed behind the counter or service area in the premises. This button should alert the Police to any incident taking place at the premises.
Lone working is not permitted in the premises at any time

Annex 3 – Local Area Profile Map



Summary of changes made to the current 2019 Statement of Gambling Policy (SGP)

Section of the SGP	Changes made
Paragraph 2.4	Updated considerations to include complaints received, night-time economy and the industrial strategy, the housing strategy and the pandemic.
Paragraph 2.5	Updated list of consultees to reflect name changes of key stakeholders/groups.
Paragraph 2.7	Added a link to statutory applications forms.
Paragraph 3.8	Included reference to modern slavery and reworded recommendation about Gamcare certification.
Paragraph 5.7	Updated to reflect that the Local Area Profile map will be periodically updated and made available on our website.
Paragraph 5.10	Updated to reflect that the Authority may challenge risk assessments. Updated advice and included website links about publicly available sources of information.
Paragraph 5.11	Included reference to religious places and places of worship in relation to proximity to vulnerable groups. Included reference to the night-time economy, the Women's Night Safety Charter and the impact of the covid pandemic.
Paragraph 5.12	Included reference to the National Gambling Treatment Service.
Paragraph 5.17	Included reference to modern slavery.
Paragraph 6.4	Updated to reflect new sovereign Local safeguarding Children Partnership.
Paragraph 8.1	Included reference to modern slavery.
Paragraph 9.7	Included new information about our commitment and approach to equalities and diversity.
Paragraph 15.1	Included reference to modern slavery.
Paragraph 15.4	Included reference to modern slavery.
Paragraph 16.1	Updated to more clearly distinguish between licensed and unlicensed Family Entertainment Centres.
Paragraph 16.5	Included reference to modern slavery.
Paragraph 24.2	Updated Public Health considerations.
Paragraph 24.3	Updated Protected Characteristics.
Paragraph 25.4	Removed table and replaced with a link to maximum stakes and prizes information on the Gambling Commission's website.
Paragraph 25.13	Updated to reflect new sovereign Local safeguarding Children Partnership.
Annex 3	Updated map of the borough relating to 'Local Area Profiles'.



**The Gambling Act 2005 – Draft revised Statement of Gambling Policy 2022 – 2025  
Consultation - 12th July 2021 – 19th September 2021**

**Introduction**

The Gambling Act 2005 became effective in 2007 and H&F published its Statement of Gambling Policy in January of that year.

Under the Act, licensing authorities are required to review, amend and consult on their Statement of Gambling Policy at the end of every three-year period.

An amended version of the policy was published in January 2010, and again in 2013, 2016 and 2019. The Statement of Gambling Policy is now due to be reviewed, amended and consulted on again.

The current 2019 Statement of Gambling Policy has been revised and updated. You can find a copy of the Council's draft, revised Statement of Gambling Policy 2022 – 2025 for your consideration on this webpage: [www.lbhf.gov.uk/business/licensing/licensing-policy](http://www.lbhf.gov.uk/business/licensing/licensing-policy).

The amended sections/words have been highlighted with tracked changes to make it easier for you to identify the changes.

The main changes reflect the latest version of the [Gambling Commission's Guidance](#) document and the [Commission's Codes of Practice](#). We have also simplified some of the wording to make it clearer, removed some specific references to extracts from the Guidance, updated dates, links to various websites and updated contact details.

To help you answer the consultation questions we have summarised the more significant changes in the attached document: Summary of changes made to the current 2019 Statement of Gambling Policy.

Your views are really important in helping to shape the policy so that not only is it compliant with the law and guidance, but also adequately reflects local circumstances and ensures that the Council continues to discharge its duty to exercise the Licensing Authority's functions under the Act.

The 10-week public consultation period for our gambling policy will run from the 12 July 2021 and will close at midnight on the 19 September 2021.

If you have any questions on this consultation, or require any more information, please contact us at [licensing@lbhf.gov.uk](mailto:licensing@lbhf.gov.uk).

Thank you in advance for taking the time to complete this consultation.

## **Questions**

**Question 1:** One of the three licensing objectives of the Gambling Act 2005 is preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.

The Council's main role is to try and promote this objective with regard to actual premises. So, where an area has known high levels of organised crime the Council will carefully consider whether gambling premises are suitable to be located there and whether conditions may be required such as the provision of door supervision or reduced operating hours.

Do you feel the Policy does enough to promote this objective? **YES / NO / DON'T KNOW**

If no, what changes do you think we should consider?

**Question 2:** One of the three licensing objectives of the Gambling Act 2005 is ensuring that gambling is conducted in a fair and open way.

Ensuring that gambling is conducted in a fair and open way is generally addressed by the Gambling Commission, via operating and personal licences. The Council will communicate any concerns to the Gambling Commission about misleading advertising or any absence of required game rules or other information.

Do you feel the Policy does enough to promote this objective? **YES / NO / DON'T KNOW**

If no, what changes do you think we should consider?

**Question 3:** One of the three licensing objectives of the Gambling Act 2005 is protecting children and other vulnerable persons from being harmed or exploited by gambling.

This licensing objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are particularly attractive to children). The Council will therefore consider whether specific measures are required at particular premises with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. The Council will pay particular attention to any Codes of Practice which the Gambling Commission issues regarding this licensing objective.

Do you feel the Policy does enough to promote this objective? **YES / NO / DON'T KNOW**

If no, what changes do you think we should consider?

**Question 4:** Regarding the term 'vulnerable persons', the Council is not seeking to offer a definition. For our regulatory purposes, this group (*in addition to children*) includes: people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, e.g. alcohol or drugs.

The Council will promote this objective by including information in our Policy about the various support organisations which are available to help problem gamblers and include a requirement for operators to provide information to their customers on how to gamble responsibly and how to access information about problem gambling.

Do you feel the information provided in the policy does enough to provide support for vulnerable people? **YES / NO / DON'T KNOW**

**Question 5:** Are there any other categories of persons who you feel the Council should mention in the Policy who fall under the category of vulnerable? **YES / NO / DON'T KNOW**

If yes, who else do you think we should consider?

**Question 6:** A proposal has been made to support the removal of the Council's long standing 'no casino' resolution from the policy. Whilst this may help to support a more vibrant night-time economy, it is felt that there are potential wider public health implications by inviting further gambling premises to the borough. Please see [Key information](#) about re-adopting a 'No Casino' resolution.

Do you think that the council should retain its 'no casino' resolution policy? **YES / NO / DON'T KNOW**

**Question 7:** A proposal has been made to include a policy terminal hour of 11pm for Adult Gaming Centres. Any premises wishing to operate after this time would be asked to provide a robust risk assessment and also commit to employing more than one member of staff after 11pm. This proposal has been suggested to try and combat an issue with crime linked to lone working in these type venues.

Do you think that it is a good idea to include this proposal in the revised policy? **YES / NO / DON'T KNOW**

**Question 8:** Some employees are exposed to high-risk situations daily e.g. crime, violence and mental health issues. Environmental Health Officers have investigated incidents which have occurred before 11pm where only one member of staff was on duty. In most cases, affected employees have suffered physical injuries and/or post-traumatic stress disorder, which has knock on effects.

It has been proposed that pro-active measures to address lone working, staffing issues and people within gambling premises could be strengthened in the policy, for all operational hours rather than restricted to after 11pm.

Do you think that this is a good idea? **YES / NO / DON'T KNOW**

**Question 9:** It has been proposed that we strengthen the underage aspects of the policy by including a section about the Council's expectations. This would include: that premises will adopt Challenge 25 when allowing customers to enter / gamble; that all staff will be trained in 'ASSESS-CHALLENGE-CHECK' and instructed to challenge young people as they enter the premises; and that door supervision may be required if the operator is found to breach this.

Do you think that this is a good idea? **YES / NO / DON'T KNOW**

**Question 10:** It has been proposed that a condition is added to the local pool of licence conditions about the use of technology to allow remote activation of gaming machines. Once a player reaches a machine, they can often play undetected as they have their backs to staff. If there was a requirement to activate the machine on demand, this would help to facilitate age-verification.

Do you think that it is a good idea to add a condition about this to the revised policy? **YES / NO / DON'T KNOW**

**Question 11:** Do you feel the revised draft Statement of Gambling Policy 2022 – 2025 is:

- a) Too restrictive
- b) About right
- c) Not restrictive enough

**Question 12:** Please add any other comments you wish to make regarding the summary of changes made to the current 2019 Statement of Gambling Policy or the Gambling Act.

When submitting any comments on the revised policy, please include reference to the paragraph numbers, where possible.

Please be aware that all responses are made publicly available. If you intend to include information of a commercially sensitive nature, please make sure this is clearly stated.

At the end of the consultation period, all responses will be carefully considered and collated as a 'Summary of Responses'. The proposed Statement of Gambling Policy 2022 – 2025 will then be prepared and presented with the summary of responses in a report to Full Council in October 2021, for final approval.

### Key information about re-adopting a 'No Casino' resolution

1. The Gambling Act 2005 contains provisions under section 174 for three types of casino small, large and regional (the super casino). The Act under section 175 has a set limit of the numbers of these types of casino, 8 Small, 8 Large and 1 Regional.
2. In 2006, 68 Local Authorities submitted bids for the allocation of new types of casino under the Act (Hammersmith and Fulham Council did not bid to have a casino). 16 Local Authorities were granted the allocation of Small and Large types of casino in 2007.
3. As the allocation for casinos under the Act has already been taken up, it would need the right economic climate and the political will of Government for the Secretary of State to lay legislation for a further allocation of casinos (It would also require Hammersmith and Fulham Council to bid on such an allocation if another round of casinos were ever made). A further allocation is unlikely to happen in the foreseeable future.
4. Under section 166 of the Act a Licensing Authority ('the Council') may resolve not to issue casino premises licences (a 'No Casino' resolution). Hammersmith and Fulham Council has continued to adopt and re-adopt a 'No Casino' resolution.
5. If the Council decide to re-adopt a 'No Casino' resolution, it must be based on any principle or matter not just the licensing objectives under the Act, affecting the borough.
6. The decision to pass such a resolution may only be taken by Full Council and cannot be delegated to the Licensing Committee.
7. Where a 'No Casino' resolution is passed it must apply to the borough and cannot be limited to specific geographic areas or categories of casinos and the Council must specify the date that it should take effect.
8. A resolution once passed, is in effect for a period of three years from the date it takes effect.
9. After the resolution has been in effect for three years should the Council wish to keep the resolution, the Council would need to readopt it, otherwise it will lapse.
10. Where an authority passes a resolution not to issue casino premises licences, it can revoke the resolution by passing a counter-resolution, which again must be done by Full Council and cannot be delegated to the Licensing Committee.
11. Once a resolution has been adopted it must be placed within the Council's 'Statement of Gambling Policy'.
12. Casinos may have the potential to attract new businesses, more visitors and revenue, more employment opportunities in the borough and additional licensing income. However, this must be balanced with any public health implications and the needs of residents, the local community and the borough, as a whole.

## London Borough of Hammersmith & Fulham

**Report to:** Community Safety and the Environment Policy and Accountability Committee

**Date:** 19/07/2021

**Subject:** Removal of Cumulative Impact Policies in Fulham and Shepherd's Bush

**Report of:** Adrian Overton, Licensing Policy and Enforcement Manager

**Responsible Director:** Sharon Lea, Strategic Director of Environment

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### Summary

The Policing and Crime Act 2018, which came into force on the 6 April 2018, outlined that any evidence for existing cumulative impact policies should be renewed no later than three years after the legislation was introduced i.e. by the 6<sup>th</sup> April 2021.

The Council currently has two cumulative impact policies (CIPs) in Fulham and Shepherd's Bush. These policies were introduced in 2009 and 2011 respectively. Legal Services have advised that as the evidence for both of these policies has now expired, the Licensing Authority must carry out a public consultation on the removal of the policies from our overall Statement of Licensing Policy.

### Recommendations

1. For the Committee to note and comment on the report and consultation.

### Wards Affected:

Wormholt and White City, Askew, Ravenscourt Park, Hammersmith Broadway, Shepherd's Bush Green, Addison, Parsons Green and Walham, Fulham Broadway and Town.

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### H&F Values

Our Values	Summary of how this report aligns to the H&F Priorities
<ul style="list-style-type: none"><li>• Building shared prosperity</li></ul>	<i>Persons/bodies representative of businesses in each CIP area must be consulted. The responses received from businesses will be taken into consideration to help support Licensed premises, where we can and also seek to minimise any significant financial impact that may be caused by any future CIP proposals.</i>
<ul style="list-style-type: none"><li>• Creating a compassionate council</li></ul>	<i>The public consultation supports the Council's Manifesto commitment to have a vibrant night-time</i>

<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Priorities</b>
	<i>economy that is sensitive to residents' needs.</i>
<ul style="list-style-type: none"> <li>Doing things with local residents, not to them</li> </ul>	<i>Persons/bodies representative of residents in each CIP area must be consulted. The responses received from residents will be taken into consideration to help minimise any significant adverse impact on their enjoyment of their homes and local amenities.</i>
<ul style="list-style-type: none"> <li>Being ruthlessly financially efficient</li> </ul>	<i>The consultation will mainly be carried out electronically to minimise postal costs and the impact on the team budget.</i>
<ul style="list-style-type: none"> <li>Taking pride in H&amp;F</li> </ul>	<i>The Licensing Authority's Statement of Licensing Policy and CIPs help to consistently manage licensed premises and to uphold the four licensing objectives relating to public safety, crime and disorder, the safety of children and public nuisance.</i>
<ul style="list-style-type: none"> <li>Rising to the challenge of the climate and ecological emergency</li> </ul>	<i>The consultation will mainly be carried out electronically to minimise the use of paper, when compared to using a postal process.</i>

#### **Contact Officer(s):**

Name: Adrian Overton  
 Position: Licensing Policy and Enforcement Manager  
 Telephone: 020 8753 3081  
 Email: [adrian.overton@lbhf.gov.uk](mailto:adrian.overton@lbhf.gov.uk)

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#### **Background Papers Used in Preparing This Report**

NONE

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#### **MAIN ISSUES FOR CONSIDERATION**

##### **Background**

- Under the Licensing Act 2003, every Licensing Authority must have a Statement of Licensing Policy, which must be reviewed every 5 years. The policy sets out how the Licensing Authority will carry out its duties and responsibilities under the Licensing Act, and what it expects from licence holders and licence applicants.
- In addition to the Statement of Licensing Policy there are two separate 'sub policies', known as Cumulative Impact Policies (CIPs), relating to the saturation of licensed premises in both Fulham and Shepherds Bush Town Centres. (Please see Appendix 1)

3. These CIPs contain a presumption that no new grants of licences, or extensions to the hours of existing licences, will be granted within these areas due to the level of crime, anti-social behaviour and noise nuisance linked to licensed premises and the sale of alcohol.
4. The effect of these CIPs is not a total ban on new licences or extensions to existing licences, but applicants have to demonstrate to the Licensing Authority that their application will not exacerbate the existing issues within these areas and whether they assist in reducing crime, disorder, anti-social behaviour, or noise nuisance.
5. These policies can only be considered for new and variation applications, where representations are made to new grants of licences, or extensions to the hours of existing licences in the specified cumulative impact area.

### **Introduction**

6. 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.
7. To ensure that residents were protected from the negative impact of late-night local licensing activities, the Licensing Authority adopted a cumulative impact policy. (Please see Appendix 3)
8. In 2011 the Licensing Authority also identified Shepherd's Bush as an area which was suffering adversely from the concentration of a number of licensed premises in a specified area. After an extensive evidence gathering process a further special policy was adopted by the Licensing Authority in June 2011. (Please see Appendices 4)
9. The supporting evidence for both CIPs has now expired.
10. It should be noted that cumulative impact can still be taken into account in the absence of any specific geographical policy. Section 6.5 of our current Statement of Licensing Policy outlines this point as follows:

*6.5 The absence of a special policy in other areas does not prevent any Responsible Authority or other persons 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 (The Secretary of State's Guidance – March 2015).*

### **Review and evidence gathering**

11. The evidence gathering process for both of the policies showed different types of problems in both areas. In Shepherd's Bush the issues were littering and public urination. In Fulham the issues were noise from licensed premises and rowdy and drunken behaviour.
12. Cumulative impact policies are required to be reviewed regularly to assess whether they are still needed or should be expanded or amended. Both cumulative impact policies were last reviewed in 2015 and data from the police, ambulance service, and noise complaints were assessed.
13. The conclusion of both reviews was that alcohol related crime, anti-social behaviour and noise complaints had reduced, after midnight in particular, since the policies were introduced. Reports on crime, disorder and noise gave a strong indication that the purpose of the policies were being achieved and that they should therefore remain in place.
14. The evidence to renew the Council's two cumulative impact policies (CIPs) in Fulham and Shepherd's Bush was due to be collected in the summer of 2020, with any new or amended policies to be in place before the start of 2021.
15. The Covid-19 pandemic has meant that evidence could not be collected as was planned in 2020.
16. Evidence gathering for new or amended policies has been delayed to a future date (to be determined by the consultation responses - please see Appendix 2) in the hope that businesses would have returned to some form of normality by this time.
17. If any evidence were to be gathered during the pandemic it would almost certainly not be a true indication of the way the day / night-time economy would operate in the future and could potentially provide misleading or inaccurate information.
18. Any evidence gathering exercise to support any new CIPs will now be carried out in the summer/autumn of 2021 or 2022.
19. Evidence gathering during 2021 or 2022 will also help inform our decision for potential changes to the Council's Statement of Licensing Policy which is due to expire in July 2022. This could include new or revised CIP areas.

### **Financial Impact**

20. The costs of the process for a public consultation in respect of the removal of the cumulative impact policies will be carried out mainly electronically, via social media, website, email etc, with a minimum of postal surveys.
21. This will help to keep costs to a minimum so that they can be contained within the Licensing Service's approved budget for 2021/22.

## **Legal Implications**

22. New legislation has meant that the Licensing Authority can no longer rely on the evidence for both of the cumulative impact policies after the 6 April 2021 and in turn made it unlawful to make reference to, or make decisions, based on policies which are reliant on out of date evidence.
23. This will mean there will be an undetermined period of time between the expiry of the existing policies and the possible implementation of new or revised CIPs.
24. Cumulative impact can still be taken into account in the absence of a specific policy. This will enable representations to be made on this basis whilst evidence for new CIP areas is being obtained.
25. The Council's legal services team have advised that Section 5A of the Licensing Act 2003 makes it a requirement to carry out a public consultation before potentially removing either of the CIPs from our statement of licensing policy.
26. Legal services has also advised that the length of any public consultation is not set out in the Licensing Act 2003, and could be less than 12 weeks.

## **Legal Process**

27. The Licensing Authority are required to conduct a public consultation about removing these cumulative impact policies from the Council's Statement of Licensing Policy.
28. The Licensing Authority are carrying out a statutory 8-week public consultation for the removal of both policies.
29. The consultation explains the current legal position, seek opinions on the past and future benefits of cumulative impact policies and also where best to focus any evidence gathering in future.
30. The consultation also asks if any evidence gathering should be delayed until 2022 given that the night and daytime economy is still recovering from the pandemic.
31. The public 8-week consultation will run from of the 14 June 2021 to 8 August 2021.
32. The public consultation questions are attached at Appendix 2.

## **Consultation**

33. Section 5A of the Licensing Act 2003 sets out the following interested parties who should be consulted for any changes to the Council's Licensing Policy:

- The chief officer of police for the area
- The fire and rescue authority for the area
- Persons/bodies representative of local premises licence holders
- Persons/bodies representative of local club premises certificate holders
- Persons/bodies representative of local personal licence holders, and
- Persons/bodies representative of businesses and residents in its area.

A [consultation with residents and other stakeholders](#) will take place online via the Council's Citizen Space system and will follow the timetable outlined below:

- 2nd July 2021 – 27th August 2021 - 8-week consultation to remove reference to the policies from the Council's Statement of Licensing Policy.
- 19th July 2021 – Community Safety and the Environment Policy and Accountability Committee
- September 2021 - Annual Licensing Committee
- 20th October 2021 - Full Council – to approve removal of CIPs

### **Equality Implications**

34. Appropriate consultation has been taken with affected residents to ensure that the council is meeting its obligations under the Equality Act 2010 and its commitment to co-production and 'doing things with residents and not to them'.

### **List of Appendices:**

<b>Appendix 1</b>	<b>CIP policies for Fulham Broadway and Shepherds Bush</b>
<b>Appendix 2</b>	<b>CIP consultation questions</b>
<b>Appendix 3</b>	<b>Full Council Report for approval of the Fulham CIP area</b>
<b>Appendix 4</b>	<b>Full Council Report for approval of the Shepherds Bush CIP area</b>

## Special licensing policy for Fulham Area

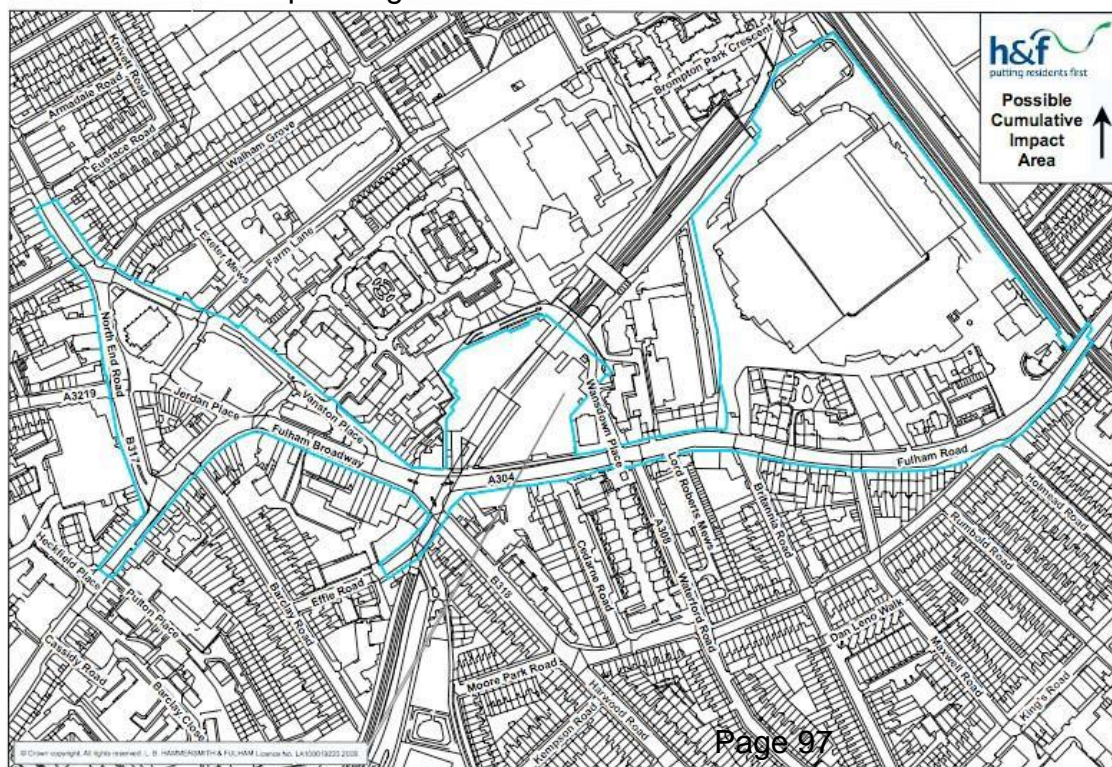
1 The Council has decided to introduce a special policy relating to cumulative impact as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated November 2007 at paragraph 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 other persons 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. Cumulative Impact Area (CIP).**



## **Special licensing policy for the Shepherd's Bush 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 January 2011 (paragraph 6.1 to 6.7) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).
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 four licensing objectives are:-
  - The prevention of Crime and Disorder
  - Public Safety
  - The prevention of Public Nuisance
  - The protection of Children from Harm
  - Protection
4. This policy will apply to all licensed premises as the Shepherd's Bush Area has been identified as being adversely affected in terms of the licensing objectives because of the cumulative impact of the concentration of licensed premises.



**5.** 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.

**6.** Applications for new premises licences, club premises certificates or any variations within the Shepherd's Bush 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 four 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.

**7.** 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.

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



The Licensing Act 2003 - Cumulative Impact Policy Consultation – 2<sup>nd</sup> July 2021 – 27<sup>th</sup> August 2021

Introduction

The Council currently has two cumulative impact policies (CIPs) for Fulham (introduced in 2009) and Shepherd's Bush (introduced in 2011).

The policies stated that both of these areas already have too many licensed premises (pubs, bars and restaurants) and that no new licences, or extensions of hours should be granted in these areas except in exceptional circumstances. This is known as cumulative impact - please note that the policy in both areas can only be triggered if an objection is made to a licence application.

Before the policies were introduced the Council collected evidence which showed that Shepherd's Bush and Fulham had higher levels of anti-social behaviour, such as noise and rowdy behaviour, and the policies were introduced to try and reduce these problems by not allowing as many licensed premises.

The evidence to renew both of these policies was due to be collected in the summer of 2020, so that new policies could be ready before the start of 2021. Unfortunately, Covid-19 meant that evidence could not be collected as was planned in 2020, as many licensed premises were closed.

Many pubs, restaurants and bars have now changed the way they work because of Covid-19. We hope that this consultation and any evidence gathered, will help us see if the cumulative impact policies are still needed.

To help you answer the consultation questions we have attached the current policies separately. The maps contained in the policies show the area that was covered.

If you have any questions on this consultation, or require any more information, please contact:

[licensing@lbhf.gov.uk](mailto:licensing@lbhf.gov.uk)

Thank you in advance for taking the time to complete this consultation.

## Questions

1. What are your views on the number of licenced premises in borough at the moment - do you think the Council should look to limit the current numbers or should we be encouraging more licensed premises to open?
2. What are your overall views about how effective the Council's cumulative impact policy has been in Fulham, in reducing anti-social behaviour, since the CIP was introduced in 2009?
3. What are your overall views about how effective the Council's cumulative impact policy has been in Shepherd's Bush, in reducing anti-social behaviour, since the CIP was introduced in 2011?
4. Do you think that the current geographical area covered by the Fulham CIP area should be amended in any way?
5. Do you think that the current geographical areas covered by the Shepherd's Bush CIP area should be amended in any way?
6. Are there any other areas in the borough which you think would benefit from a new CIP area?
7. Do you agree with the proposed removal of the CIP in Fulham, because the Council has no recent evidence that is needed to support a CIP?
8. Do you agree with the proposed removal of the CIP in Shepherds Bush, because the Council has no recent evidence that is needed to support a CIP?
9. Do you agree that any evidence gathered for any potential new or altered CIP area(s) should be delayed until 2022, so that a true picture of how businesses are operating post Covid-19 can be considered?
10. Evidence gathering for any CIP area typically involves Council officers carrying out their own study alongside an independent external agency (at an additional minimum cost of £12,000) to ensure a fair comparison. Once this process has taken place any evidence gathered has a lifespan of 3 years – Taking these factors into account do you agree that this is a worthwhile and effective use of the Council's resources?
11. Do you agree that CIPs should still be used as a way to regulate the night-time economy, given how the hospitality sector is struggling to recover from Covid-19?
12. Are you aware that the Council can still consider the total number of licenced premises in an area (i.e. the cumulative impact) without having a formal cumulative impact policy in place, when making a decision on licence applications?
13. Please provide any other comments on the Council's current CIP areas, or cumulative impact in general, in the comments box below:

# Report to Council

APPENDIX 3

27 JANUARY 2010

**DEPUTY LEADER  
(+ENVIRONMENT)**

*Councillor Nicholas  
Botterill*

**CABINET MEMBER  
FOR CRIME AND  
STREET SCENE**

*Councillor Greg Smith*

**LICENSING ACT 2003 : FULHAM TOWN  
CENTRE – ADOPTION OF A SPECIAL  
LICENSING POLICY**

**Wards  
All**

Seeking approval for the Special Licensing Policy to be adopted for the Fulham Town centre area.

Where the cumulative effect of many licensed premises 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 or permitted hours of operation to be increased. Through adopting a special policy, the Licensing Authority will be empowered to reject new applications and restrict changes to existing licences following a valid representation.

A cumulative Impact Study carried out in the Fulham Town Centre area in November 2008 indicated that the area was suffering stress due to the concentration of licensed premises adversely affecting the objectives under the Licensing Act 2003. A special licensing policy has been developed and consulted upon. and the policy needs to be approved by Full Council to take effect.

**CONTRIBUTORS**

DENV  
DFCS  
ADLDS

**Recommendations:**

**That the Special Licensing Policy and Area for the Fulham Town Centre, as set out in Appendices 1 and 2, to this report be agreed and incorporated into the Council's current Licensing Policy.**

## 1. INTRODUCTION

- 1.1. In May 2008, as a result of concern over problems with public disorder and nuisance, a project was initiated to establish if the Fulham Town Centre area was suffering stress as a result of the cumulative impact of a concentration of licensed premises. The project objectives were to assess the level of evidence in favour of and against the creation and adoption of such a policy.
- 1.2. The project was undertaken and data collected by the following methods:
  - A responsible authority working group was established to discuss the progress of the project. The group was formed with representatives from Environmental Health, Metropolitan Police, Planning and Licensing.
  - Consultation was carried out with the following parties:
    - i) Licensed premises
    - ii) Responsible authorities and major stakeholders
    - iii) Local residents and business
  - A consultant specialising in the night-time economy was contracted to carry out an observational study and a statistically significant survey of 4,000 residents and businesses.
  - Data was obtained from responsible authorities.
- 1.3. The evidence produced was wide ranging and consisted of crime data, anti-social behaviour data, service requests (noise complaints relating to licensed premises) licensing statistics, hospital admissions and local residents' and businesses' opinion on the introduction of a Cumulative Impact Policy.
- 1.4. Most residents surveyed said they experienced and witnessed problems associated with licensed premises within the area in the evening and at night. Residents were also mainly supportive of further action, including a Cumulative Impact Policy to try and address these issues.
- 1.5. A considerable amount of negative activity associated with the night time economy of the town centre area was identified.
- 1.6. Following the initial consultation in November and the evidence gathered as part of this project, a policy was drafted for formal consultation. Consultation was undertaken with all the bodies listed in Section 5(3) of the Licensing Act 2003.
- 1.7. Formal consultation started on the 30 June 2009 for a period of twelve weeks ending on 23 September 2009. Consultees were invited to comment on the proposed draft policy and provide any evidence in support or against the need for such policy. On conclusion of the consultation exercise, all consultation comments were considered with the majority supporting adoption of the proposed policy.

## **2. CUMULATIVE IMPACT**

- 2.1. "Cumulative impact" is not mentioned specifically in the Licensing Act 2003 (LA2003). It is, however, mentioned in the guidance issued by the Secretary under section 182. It is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 2.2. In accordance with the guidance, where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance to the surrounding area, the Council may consider it inappropriate for any further licensed premises to be established in the area or permitted hours of operation to be increased. Therefore, through adopting a special licensing policy for Fulham Town Centre area, the Licensing Authority will be empowered to reject new applications and restrict changes to existing licences following a valid representation.

## **3. NUMBER OF PREMISES WITHIN THE BOROUGH**

- 3.1. The borough has a total of 884 premises licensed under the Licensing Act 2003; this figure includes all premises such as pubs, restaurants, nightclubs, off-licences, take aways, cinemas and hotels.
- 3.2. There are currently sixty-nine licensed premises falling within the proposed area which may be affected by the implementation of the special policy.
- 3.3. Based on the capacities of venues, Fulham Town Centre can see upwards of 3,000 people in the area at any one time. This is further exacerbated when Chelsea Football Club is playing at home. On match days up to 42,000 fans pass through the Broadway, many of them using the licensed premises and local facilities.

## **4. PROPOSED CUMULATIVE IMPACT AREA**

- 4.1. The geographical boundary of the proposed special policy was considered by the working group and decided based upon historic complaint mapping and intelligence from the Metropolitan Police and Responsible Authorities. The Proposed Cumulative Impact Area (CIP) can be seen in Appendix 1.
- 4.2. During the consultation study on the proposed area, the majority (79%) of people said that they agreed with the boundaries that were used on the map. The same area with only minor changes was used for the formal consultation.
- 4.3. The main areas that residents felt should also be included were the residential side streets off Fulham Road / Fulham Broadway area, e.g. Effie Road, Barclay Road. However, it was felt that these streets should be adequately protected by planning designation as residential land use. Therefore, it would be extremely unlikely that a building that was zoned for residential would receive planning permission for a change from residential to leisure use.

## **5. CONSULTATION PROCESS**

- 5.1. In order to give a scientific basis to the necessity of a special licensing policy and to give a strong evidential foundation to the policy, consultants were engaged to initially consult and monitor within the proposed area. The aim of the study was to produce independent and robust observational and public opinion data on the cumulative impact of the evening and night-time economy in Fulham Town Centre.
- 5.2. The study comprised two separate strands of research. The first was an observational study which involved the training and deployment of 6 field researchers around Fulham Road on various nights who observed the behaviour of those using the town centre. The objectives were to capture incidents of low level crime and anti-social behaviour which would have an impact on the area but may not necessarily be recorded by the Police.
- 5.3. The second part of the study involved a statistically significant survey of 4,000 residents and businesses within a boundary of 200m of the proposed stress area.
- 5.4. The Council then carried out a formal 12 week consultation concerning adoption of the proposed special licensing Policy (Appendix 2) starting on 1 July 2009 and ending on the 23 September 2009. The consultation was carried out in accordance with the guidance issued under the Licensing Act. The consultation was placed on the Council web site, advertised in H&F News and received wide press attention. Consultees included:
  - Residents' associations
  - Licensed premises
  - Metropolitan Police
  - Fire authority
  - Ward Councillors
  - Drug and alcohol action team
  - Crime and disorder reduction partnership

## **6. CONSULTATION RESULTS**

- 6.1. A copy of the responses received via the internet are attached for information at Appendix 3.
- 6.2. The Council's twelve week consultation returned 47 written responses. Overall, 45 were received via the internet and 2 received as letters. The vast majority show support for the adoption of a special policy.
  - 1 response chose to make no comment and 1 was unreadable.
  - 4 repeated comments suggested that problems arose as a result of closing times being too restricted and supported longer opening hours.

- 2 felt that there were not enough licensed premises and would support new business and that competition should be allowed to control numbers of premises.
- 2 responses expressed concern about the policy not extending further.

## **7. SCRUTINY**

- 7.1. The report was taken to the Local Neighbourhoods Scrutiny Committee on 11 November 2009. The Committee made the following recommendation:

“That the Committee notes the report and fully endorses the adoption by the Council of the special policy relating to cumulative impact for the Fulham Town Centre Area.” – **RESOLVED**

## **8. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)**

- 8.1. There are no legal implications which are not considered in the body of the report. The Council is empowered to make revisions to its statement of Licensing Policy by virtue of section 5 of the Licensing Act 2003. The Special Licensing Policy will be incorporated into the Council's existing Statement of Licensing Policy. The decision to adopt the new policy must be made by full Council.

## **9. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

- 9.1. The recommendations of the report seek to adopt a special policy that will enable the Council as the Licensing Authority to reject new applications and restrict changes to existing licences following a valid representation. As such, there is likely to be minimal financial impact upon the Council.

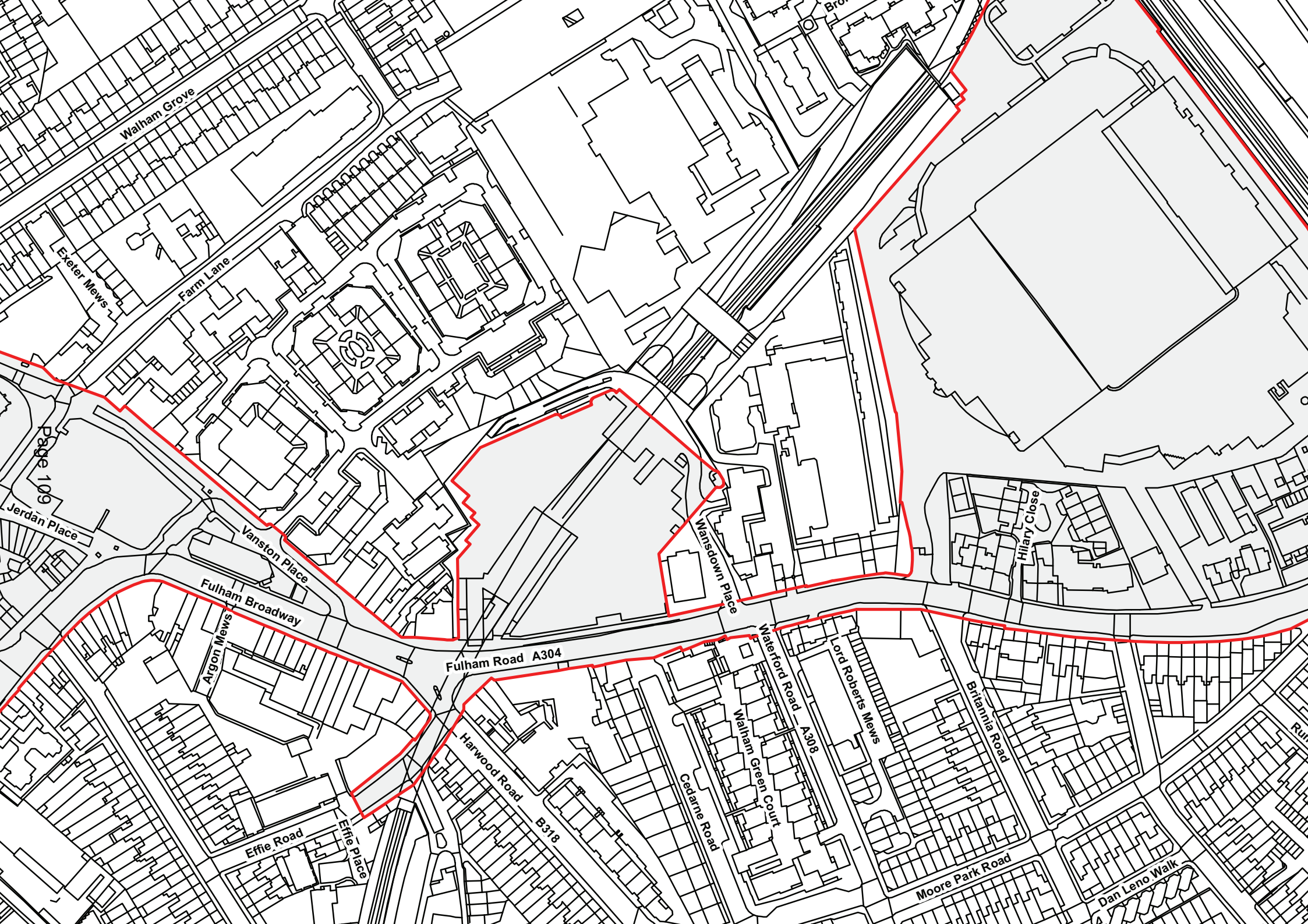
## **10. RECOMMENDATION**

- 10.1 That the Council approve and adopt the Special Licensing Policy and Area for the Fulham Town Centre, as set out in Appendices 1 and 2 to this report, and that it be incorporated into the Council's current Licensing Policy.

**LOCAL GOVERNMENT ACT 2000**  
**LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext. of Holder of File/Copy</b>	<b>Department/ Location</b>
1.	Guidance Issued under section 182 of the Licensing Act	Oliver Sanandres X2213	Environment Services Department / 5 <sup>th</sup> Floor Town Hall Extension
2.	FULHAM TOWNCENTRE CUMULATIVEIMPACT AREA REPORT MAY 2009	Oliver Sanandres X2213	Environment Services Department / 5 <sup>th</sup> Floor Town Hall Extension
3.	Statement of Licensing Policy – November 2007	Oliver Sanandres X2213	Environment Services Department / 5 <sup>th</sup> Floor Town Hall Extension
4.	Fulham Town Centre cumulative impact are report summary May 2009	Oliver Sanandres X2213	Environment Services Department / 5 <sup>th</sup> Floor Town Hall Extension
5.	Scrutiny Committee Minutes 11 <sup>th</sup> November 2009	Jenni Atkinson x 2038	Committee Services

<b>CONTACT OFFICER:</b>	<b>NAME: Oliver Sanandres</b> <b>EXT: x2213</b>
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## **APPENDIX 2**

### **Draft special licensing policy for Fulham Town Centre 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 in Appendix 1)
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.

## **Fulham Broadway Saturation**

### **Policy Overview**

From **02/07/2009** to **24/09/2009**, London Borough of Hammersmith & Fulham ran a consultation entitled '*Fulham Broadway Saturation Policy*'. This report covers the online element of the consultation process, which was run from <http://www.citizenspace.com/local/lbhf/SaturationPolicy>

#### ***Topic 1: Comments***

**Q1:** Your comments on the Saturation Policy proposal:

*There are 45 responses to this question. Please see overleaf for the text of these responses.*

***Your comments on the Saturation Policy proposal:***

1. I have several very simple points which support a tighter control on the type of venues proposing to add to the writhing mass of existing establishments. The first is the amount of vomit, rubbish, empty glasses which result from these places. The second is the amount of unruly bodies which fill the pavements not just outside the venues but anywhere you happen to be unfortunately enough to have to walk as they zig zag drunkenly across the pavements or through local shops and bash into you, not to mention the foul language, shouting and screaming. The thing I personally find most frightening is the way they either overflow outside these places into the street or just stagger out in front of you when you're driving-I'm terrified of knocking one of them over and have had to slam on the breaks several times to avoid doing so. Thirdly it is extremely difficult- no impossible- for the many local residents to find somewhere to go out themselves in the evening where they can avoid this mess.

2. I believe that this proposal is a step in the right direction but I also believe that the council and police need to take further action to reduce the amount of drunken and anti-social behaviour that occurs week in, week out around Fulham Broadway. The council should consider reducing the number of licensed premises or requesting that the format of some premises is changed to be more welcoming to older, local residents. Promotions and offers for cheap or free drinks should be banned and perhaps the age for drinking alcohol in the zone should be increased to 21 (if legally possible). I speak as a local resident who steers clear of Fulham Broadway on Thursday, Friday and Saturday evenings because the behaviour of (usually non-local) drinkers is so out of hand and unpleasant. Seeing guys urinate in the street as you walk home, or picking your way round vomit and rubbish, is one of the considerable downsides of living in this neighbourhood. If Fulham Broadway was no longer regarded as a "drinking destination" in London, then the quality of life for local residents and workers such as shop assistants and the police would improve significantly.

3. Thank you for not granting any more licences for pubs/bars or granting extensions of licences in the saturation zone. I fully support the idea of restricting existing licensed premises. We, your voters, will be grateful for it!

4. I think that residents will never be happy. When there are no bars restaurants and nightlife the area is not attractive and people do not move in. When there is nightlife people complain about noise. The best solution would be to provide incentives to build bars and clubs in industrial areas (see off Carnwath Rd). Alternatively, venues could be built on adapted barges docked somewhere along the river like happens in many European cities. I agree that there must be a limit

on new venues in residential areas but the council must provide an appropriate nightlife development strategy.

5. As a resident in a very nearby area, I strongly support the proposal and would urge the council to extend the proposal to put restrictions on existing premises. This is a huge problem for our neighbourhood and it is already out of control. We can not go to town center for shopping or restaurants due to extreme rowdiness. It is very uncomfortable even sitting in our living room with levels of noise and antisocial behaviour on our street until the morning on Friday and Saturdays. Large part of the problem is places with cheap drinks and sports bars. This attracts lots of people from outside the borough to travel here to cause trouble and litter the streets. Licensing should be used to create premises which can also be enjoyed by the residents.

6. We support the initiative to introduce a special policy in relation to cumulative impact.

7. I am not sure limiting the number of bars opening is going to make a difference. To a certain extent competition will dictate the number that can survive. Perhaps it would be better to control via limiting opening hours.

8. I agree with this person's statement (below) - it's ridiculous that closing times are so early, you force people to binge drink early in the evening, you get rowdy behaviour. Plus, if you're going to give licences to places like Belushi's then that's the kind of crowd you get. Why not give licenses to some wine bars? The main problem is caused by the 2-3AM closing time restriction during the weekends, and the happy hours promotion. This forces people to drink as much as they can until 7/9PM and then they only have 3-5h in front of them to have a good time. It is when they are in really good mood and full of energy that the bars and clubs switch off the music and push them in the streets. Of course in that state and having nothing to do, they start to behave very badly. Solution: We need to have bars/clubs with longer opening hours 5/7AM like anywhere else in Europe. It will help keeping these partying people indoors until they are completely exhausted. Look at the mess in the West End at 2AM... Why? Because so many people very excited are pushed in the streets at the same time. Longer opening hours will encourage people to drink slower as well.

9. I support the whole idea of restricting further licences in the area. It has become dirty, entire areas neglected, rowdiness, drunken behaviour etc. Ideally some officers should be checking regularly the streets. It is shameful and embarrassing to see some people urinating in the streets and no police in the area to stop it, in front of women and children.

10. I LIVE ON FULHAM BROADWAY, AND THE NOISE FROM PEOPLE LEAVING THE PUBS AT NIGHT IS EXTREME, NOT ONLY DO WE HAVE THEM COMING ONTO OUR ESTATE AND USING IT AS A TOILET, BUT NOE

hAVANA HAS GOT ITS LATE NIGHT LICENSE BACK THE BURGER BAR OPPOSITE US IS NOW STAYING OPEN UNTIL APPROX 3.30.AM SO WE HAVE THE NOISE FROM PEOPLE COMING OUT OF THE PUBS AND THEN THEY HANG AROUND THE BURGER BAR SHOUTING, THIS SITUATION CAN NOT BE ALLOWED TO CONTINUE, I AS A RESIDENT WILL NOT GO OUT IN THE BROADWAY AFTER 10PM ON A THURSDAY, FRIDAY SATURDAY, SUNDAY EVENINGS.

11. Limit late opening hours 2. Limit further licenses 3. Get the cleaning crews onto the street at 1am - nothing like starting to clean up for people to get the message to "go home" 4. Actively police anti-social behaviour: issue £50 spot fines for urinating/ vomiting/ littering

12. It's wise, but be sure that it doesn't force the businesses to buy further down the road (Aka North End, or perhaps properties in Munster or Dawes) as this will only widen the problem area. There will still be drunks, they'll just be wandering further, although I suppose that means they'll be working off the alcohol!

13. This seems an entirely sensible idea and one which I would support.

14. I fully support the Saturation Policy proposal. I walk / drive through the area to get to my home. At nights and on match days, the area is like a war zone with boisterous drunks, noise, road accidents waiting to happen, litter and general filth. I would also ask that consideration also be given to: 1) removing whatever entitlement permits bars and pubs to have their patrons drinking outside their premises. Often, to avoid the mayhem, one has to walk along the road because the pavement is full of drinkers. Also, on match days, when things are particularly boisterous and intimidating, drinkers outside pubs from opposite teams tend to goad each other into battle. 2) extending the zone to include Fulham Road in the area of the Munster Road cross. There is a growing problem there on match days with heavy drinkers (apparently from opposing teams' support) outside pubs on both sides of the Fulham Road indulging in 'tribal' taunting. By the close of last football season, there had been two all-out battles on the road and after the last couple of matches, there were nine ( 9 ! ) policemen on precautionary watch at the road cross ready to intervene. - But that, of course, doesn't make things any quieter or less intimidating. - It just stops the drinkers killing each other. - Again - WHY are bars allowed to have their drunken patrons drinking OUTSIDE their premises? - If they were inside while drinking, things would be far better.

15. kghjgjhghj

16. There is an increasing problem in Fulham Broadway at night and I think there should definitely be a restriction on drinking hours and no further licences be given to new premises. As a local I would like to be able to support the good restaurants in the area and visit the cinema - I rarely do either because of the problems highlighted. When football is on it is unbearable and quite frightening.

Something must be done immediately.

**17.** I agree that there are already too many drinking establishments in these areas. The drunks on our streets at night are a disgrace. Fulham Broadway despite attempts to improve the area is considered by most people as a no go area at night.

**18.** I fully support the proposed policy of limiting both the number of licenced premises and also the hours of operation. I can see no justification for the majority (namely residents) to be seriously inconvenienced by the very anti-social behaviour of the minority (some of whom undoubtedly travel into the area because of its reputation).

**19.** Hammersmith & Fulham compared with other inner London boroughs, is fairly quiet on Friday and Saturday nights. The most significant problems appeared to go away once the School Disco night at Hammersmith Palais finished. Licensing & opening hours are already fairly strict in the borough (very few late night venues). Because of this I usually travel outside of the borough when going out, to places such as Islington and Camden. Perhaps it would be more worthwhile speaking to boroughs and seeing how they manage their night time economy. Especially as the number of bars in Fulham seems relatively sparse in comparison to these other places

**20.** There are too many bars in the Broadway offering cheap drinks, so called happy hours that extend for most of the evening. The customers are so drunk, they urinate in the street, cause fights, overload the hospital emergency departments and are generally very unpleasant at the bus stops in the area. Please ban these offers. It is nice that there are places to go in the area but these offers attract people who just want to get drunk and cause trouble. In the Parsons Green area outside Fests, there is often broken glass on the pavements which is not cleaned up by them but the local street cleaner. Customers are noisy and often destructive when they leave at closing time. Now it appears that there is another licencing application for a new bar opposite. Instead of more bars could we have some useful shops?

**21.** I applaud any action taken to deal with drunken loutish behaviour in Fulham. It is depressing that the Borough Council has to contemplate this action because the breweries and other businesses selling alcohol indiscriminately appear to be unwilling to control the amount of alcohol they sell to their customers, and also appear to abdicate any responsibility they have to discourage disorder and anti-social behaviour. Although I do not have much experience of Fulham Broadway late at night I am not surprised that the borough council has decided that it is necessary to introduce a more stringent policy in this area. My main concern is that a policy to regulate more strictly the bar businesses in Fulham town centre may result in the problems of disorder and mayhem migrating to other areas of Fulham. I live in a residential area just off Fulham Road between Parson's Green

Lane and Munster Road. Until recently we had to endure the utter misery of living near the Leopard Lounge, and we had to fight hard to stop it from operating after midnight, disgorging rowdy drunken louts into our streets while we were trying to sleep. Although mercifully the Leopard Lounge is no longer in operation near us, we still have two other bars in the vicinity which create nightly mayhem particularly acute at the weekends. My fear is that the rapacious operators of these bars will be encouraged to seek later licenses in our area and to subject us to unutterable misery if Fulham town centre is brought under some kind of control. So, my plea is that the residential areas not far from the town centre must also be protected from this nuisance. The special licensing policy should be available to our area as well, and there should always be a presumption against the operation of bars and clubs after midnight near residential areas.

**22.** Maybe quality rather than quantity should be the main focus. Even if individual premises are well run or well staffed, if you are serving individuals pint upon pint of cheap snakebite before sending them home then they are most likely to vomit on the locals' doorsteps. I am of the belief that the area of Fulham Broadway could do with one or two nice bars that are open past the midnight curfew and that there are a couple of bars that could do with shutting down permanently as they add nothing to the area.

**23.** I would be very pleased if the Council introduced a special policy in relation to cumulative impact regarding licensed premises, clubs and so on. Let's clean our Borough up, protect our children, young people, residents and shop keepers from drunks and their doings and bad behaviour. Police time too would be spared to do other jobs necessary for our protection.

**24.** A large percentage of the licensed premises in the Fulham Broadway area are focussed on attracting overwhelmingly young people. Unfortunately in the evenings (particularly Fridays and Saturdays) these premises become predominantly associated with heavy binge drinking with predictable consequences. At best this involves groups of people making considerable noise in the streets often very late at night and leaving a trail of detritus behind, at worst it degenerates into violence of various sorts. Although this area is designated as a town centre, it is also a residential area. The only way to protect the amenity of residents plus reduce the antisocial behaviour associated with such style of drinking (recently highlighted in international surveys as the new British Disease) is to curb and roll back this particular type of nighttime economy. It is simply unacceptable and irresponsible to allow a predominance of these types of licensed establishments in the Fulham Broadway area. I therefore support the Saturation Policy as proposed by H&F Council.

**25.** I agree with the proposed policy but the same caution should be applied in the surrounding streets of the saturation zone as well.

**26.** The area is already over-saturated with late-night establishments, with the

result that Fulham Broadway attracts , from a wide area including from well outside the Borough, people looking for a late night out. Sadly, however, this brings with it serious inconvenience to residents, with noise, rowdiness, drunken behaviour and occasionally violence too. So, no new licences please, and appropriate restrictions on the hours of those establishments already with licences.

**27.** the council has made great efforts to improve fulham broadway, decent bars clubs and restaurants are part of it, but the place is now overrun on friday and saturday nights with scenes of mayhem. if it cannot be controlled the number of establishments needs to be limited or the type of establishments changed- more restaurants less pubs etc.. apparently these areas are referred to as 'drinking villages' which says it all. i live on eel brook common and the noise from people coming home is often terrible...but the planes are much worse!

**28.** I believe that the bars and clubs of Fulham bring much needed business and jobs to the area. However more control needs to be exercised over the unruly behaviour. Competition will sort out which and how many can survive. Fulham Broadway area used to be a complete dump - a nothing area- now it has a certain liveliness that seems to have improved the area . If there was a way of controlling the drunks, vomiting and urinating in the street. I would welcome any new business into the area.

**29.** To ban more bars without restricting football matches is ridiculous - it is almost always on Chelsea match days that problems occur from excess traffic and parking pressure to antisocial behavior. The bars are not the problem it is the people in them.

**30.** I completely agree that Fulham has reached saturation point on new pubs and clubs. We too, are tired of warning our children to step over vomit and broken glass, and are tired of being woken up frequently by the drunken element leaving the venues. Certainly we have enough places for people to drink around here! We have lived in both the Fulham Broadway and Parsons Green areas, and anywhere you mix ignorance and alcohol, you get trouble for the residents. I do not agree with another comment someone made about not living in Fulham if you want a quiet neighborhood - there is nothing wrong with wanting to live in a vibrant, metropolitan place, but the partying element lack common sense and courtesy towards the residents. What we really need is a much bigger police presence around the hot spots during problem times (I was actually told by the police once that they couldn't do anything about so-called noise disturbances!). And while I do appreciate the frequent street cleaning, don't forget the pavements, which suffer more than the streets do! Between the vomit, spit and dog mess, it is less fraught to walk in the street!

**31.** None

**32.** We also have this disturbance daily on the Uxbridge Road near Covedale Road. What about looking at this area as well as Fulham.

**33.** The main problem is caused by the 2-3AM closing time restriction during the weekends, and the happy hours promotion. This forces people to drink as much as they can until 7/9PM and then they only have 3-5h in front of them to have a good time. It is when they are in really good mood and full of energy that the bars and clubs switch off the music and push them in the streets. Of course in that state and having nothing to do, they start to behave very badly. Solution: We need to have bars/clubs with longer opening hours 5/7AM like anywhere else in Europe. It will help keeping these partying people indoors until they are completely exhausted. Look at the mess in the West End at 2AM... Why? Because so many people very excited are pushed in the streets at the same time. Longer opening hours will encourage people to drink slower as well.

**34.** Restricting the number of licensed premises is a worthwhile & sensible step. Fulham Broadway & its surrounding area is not a safe or pleasant place to be on a Friday or Saturday night or on any day when Chelsea are playing at home. I do not understand why it has taken the authorities so long to realise this fact

**35.** I am in favour of restricting new licences in the Fulham Broadway, Fulham Road area and of very strict supervision of existing licensed premises. The visible police presence at Fulham Broadway is very reassuring to those who have to pass through the area late in the evening.

**36.** I think that restriction should be made to opening times for Bars like Belushi, Havana, Slug at Fulham Bar. They should all close at normal licensing hours to help avoid problems below. The customers congregate at the pavement during and after closing time and endanger the public using it as they have to walk around the crowd - by walking through the ROAD and endangering ourselves on a daily basis. This is ridiculous and unacceptable. Plus vomit, noise, rowdiness and antisocial behaviour towards others public users and the neighbourhood. Plus general bolshie intimidating and threatening drunken behaviour. from drunks....

**37.** Fulham Broadway is a no go area at the weekends for local residents the bars spill out on to the streets and pavements I suppose because of the cigarette ban inside

**38.** I support the policy and hope that it leads to variations in the licensing hours - as many have said Fulham Broadway and the surrounding streets/Eel Brook common are becoming a no go area and whilst there might be a Police presence on the Broadway itself most of the mayhem happens in the side streets on the common.

**39.** The main problem is caused by the 2-3AM closing time restriction during the weekends, and the happy hours promotion. This forces people to drink as much

as they can until 7/9PM and then they only have 3-5h in front of them to have a good time and liberate all that energy accumulated during the week. It's when they're in really good mood and full of energy that the bars and clubs switch off the music and push them in the streets. Of course in that state and having nothing to do next, they start to behave very badly. Solution: We need to have bars/clubs with longer opening hours 5/7AM like anywhere else in Europe. It will help keeping these partying people indoors until they are completely exhausted. Look at the mess in the West End at 2AM... Why? Because so many people, very excited, are pushed in the streets at the same time. Longer opening hours will encourage people to drink slower as well. Please note that I don't own any bar or club. Just a regular citizen.

**40.** I support the introduction of this policy

**41.** Disagree with the need for more licensing regulation. Fulham is a young, lively and fun area to live in and if people want to have more "quiet" then they should not live in Central London. I am married, a father of one and live within spitting distance of the so called impact area on Fulham Road and I actually enjoy having such facilities near-by. What the council should focus on imo is facilitating a lively nightlife but managing the impact by good policing and street cleansing. Nightlife does not cause us any noise burden to speak of (unlike air traffic which does), but our street frequently looks like a rubbish dump, so rather than impose rules on a sector that's already suffering, I like to see some more promotion, enforcement and perhaps some more bins. Hope this helps,

**42.** Fulham Broadway already has far too many 'open all hours' bars and pubs. The Saturation Policy sounds like a very good idea as there is a real need to curb the number of establishments of this type. Fulham (except for the Broadway area) is in general a quiet and civilised area and unfortunately these establishments tend to lower the tone and cause disruption over the weekends. On another note, the length of pub and bar licences should, in my opinion, be reviewed. For example, I find it bizarre that people can drink until quite so late on a Sunday night. Although I'm sure having lax licensing helps the bar owners to make a lot of extra cash, I'm not convinced that the more general implications of such a licensing policy is well thought through.

**43.** I agree the area has currently reached saturation point. I live on Dawes Road which is a popular route home for revellers and the level of noise and general rowdiness is excessive and goes on throughout the night until the early hours of the morning ( 4am / 5am ) this is not just restricted to weekends but is also experienced during the week. I have to sleep with ear plugs in. In addition, empty bottles and cans of beer are left strewn around the street, on garden walls and hedges ( incl. mine ) - so increased litter and criminal damage are also a problem. It would be beneficial if police could heighten their profile in / around the streets when clubs and pubs are winding up to remind revellers that they are in a residential area, and that they should refrain from breaching the peace.

**44.** I fully endorse this proposal and hope the Council implements it as soon as possible. Not only am I woken up on a regular basis on Thursday, Friday and Saturday nights, I fear for myself and my young teenage children coming home from events on those evenings. We have a right to live in peace and safety and certainly I pay council tax on two properties to ensure that right. Please Please implement this strongly, and for a long foreseeable period of time.

**45.** I endorse your proposal to curb further entertainment licenses in the Fulham Broadway area.

# Report to Council

APPENDIX 4

29 June 2011

**LEADER**

*Councillor Stephen  
Greenhalgh*

**Cabinet Member for  
Resident Services**

*Councillor Greg Smith*

**SHEPHERD'S BUSH AREA – ADOPTION OF A  
SPECIAL LICENSING POLICY**

**SUMMARY**

A cumulative impact study carried out in the Shepherd's Bush area has indicated that the area is suffering stress due to the concentration of licensed premises adversely affecting the objectives under the Licensing Act 2003.

A draft special licensing policy for the Shepherd's Bush area has been developed and been consulted upon.

This report considers the need for adoption of a special licensing policy and the results of the consultation carried out.

**Wards**

Addison

Shepherd's  
Bush Green

Askew

Hammersmith  
Broadway

Ravenscourt

Wormholt and  
White City

**CONTRIBUTORS**

Environmental  
Services

Legal and Democratic  
Services

Financial and  
Corporate Services

**RECOMMENDATIONS:**

Council is asked to :

- (1) Approve and adopt the draft special licensing policy for the proposed area in Shepherd's Bush, at Appendix A to this report.
- (2) If adopted, agree that the draft special licensing policy be incorporated into the Council's Statement of Licensing Policy 2011.

## **1. BACKGROUND**

- 1.1 In October 2010 as a result of concern over problems with crime and disorder and public nuisance, a project was initiated to establish if the Shepherd's Bush area was suffering stress as a result of the cumulative impact of a concentration of licensed premises. The project objectives were to assess the level of evidence in favour of or against the creation and adoption of a special licensing policy.
- 1.2 "Cumulative impact" is not mentioned specifically in the Licensing Act 2003 (LA2003). It is however mentioned in the guidance issued by the Secretary of State under section 182. It is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.3 Fulham Town Centre was previously identified 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. For this reason a special licensing policy was consulted on and adopted in that area in January 2010.
- 1.4 The Council's Statement of Licensing Policy 2011 outlines 'Cumulative Impact' under section 6 and states "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 further special licensing policy in relation to that area."
- 1.5 Section 13.29 of the Secretary of State's guidance states the following: 'The effect of adopting a special licensing policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. However, a special licensing policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation.'
- 1.6 Whilst special licensing policies have usually been adopted to address the impact of a concentration of licensed premises selling alcohol for consumption on the premises, statutory guidance does not prohibit the adoption of a special licensing policy on the basis of a concentration of all licensed premises from being included. Several authorities have successfully introduced cumulative impact policies that include both on and off licences and premises that sell late night refreshments.

## **2. REPORT**

### **2.1 Introduction**

- 2.1.1 The Borough has over 900 premises licensed under the Licensing Act 2003; with 140 currently in the boundaries of the proposed cumulative impact area within Shepherd's Bush. This figure includes all premises such as pubs, restaurants, nightclubs, off-licences, late night refreshment venues (those selling hot food and drink after 11pm), cinemas and hotels.

The table below provides further details of the percentage ratio of different types of licensed premises in the proposed area:

Premises Type	Number of premises	% of premises
Off licences	40	29%
Clubs/bars/pubs	31	22%
Restaurants	29	21%
Late night refreshments venues	19	13%
Supermarkets	12	9%
Other	9	6%
<b>Total</b>	<b>140</b>	<b>100%</b>

2.1.2 The types of activities authorised under the premises licences within the proposed area can be seen in the following table. Some premises are authorised to carry out more than one type of licensable activity. From the 140 licensed premises, 119 of those sell alcohol, and 57 provide late night refreshments.

Licensable Activities	Number of Premises authorised
Late night refreshment	57
Alcohol off supply only	53
Alcohol on and off sales	36
Alcohol on supply only	30

2.1.3 The tables below details the closing times and the terminal hours for alcohol sales in the proposed area. Over 50% of the premises close between 11pm and 1am and over 30% close between 1am and 4am.

2.1.4 119 premises are permitted to sell alcohol, of which over 70% have a licence to sell alcohol between the hours of 11pm and 1am with a further 27% permitted to sell alcohol between 1am and 4am, with 2 premises having 24 hours licences.

Premises Closing Times	Number of premises	% o
Before 7pm	7	5%
Between 7pm to 8pm	0	0%
Between 8pm to 9pm	1	1%
Between 9pm to 10pm	2	1%
Between 10pm to 11pm	6	4%
Between 11pm to 12am	43	31%
Between 12am to 1am	30	21%
Between 1am to 2am	19	14%
Between 2am to 3am	18	13%
Between 3am to 4am	5	4%
Between 24 Hours	9	6%
<b>Total</b>	<b>140</b>	<b>100%</b>

## **2.2 Research, Monitoring and Consultation Process**

- 2.2.1 A responsible authority working group was established in October 2010 with representatives from Environmental Health, Metropolitan Police, Planning, Fire Service, Trading Standards, Drug and Alcohol Action Team (DAAT), Community Safety, and Licensing. Data in relation to, crime and disorder issues, anti social behaviour, service requests (noise complaints relating to licensed premises) licensing statistics, and hospital admissions was provided by the group members for analysis to determine the level of the cumulative effect on the Shepherd's Bush area. In addition, data was obtained from the Performance and Information Team in relation to crime and disorder issues in the Shepherd's Bush area.
- 2.2.2 The geographical boundary of the proposed special licensing policy was agreed by the working group and based upon historic complaint mapping and intelligence from the Metropolitan Police and Responsible Authorities. The area covered by the proposed special licensing policy can be seen at Appendix A.
- 2.2.3 A survey was sent to all existing premises licence holders in the Shepherd's Bush and surrounding areas to seek their views on the potential effects that a special licensing policy would have.
- 2.2.4 A further wider survey was then conducted with residents, resident associations, and businesses in the proposed and surrounding areas to seek their views on the impact that licensed premises and the night time economy was having and to receive feedback about the perception and possible impact of the proposed special licensing policy for the proposed area in Shepherd's Bush.
- 2.2.5 Following the results of the surveys and statistical data provided, observational studies of the night time economy were undertaken by officers and an independent specialist to monitor the activities and anti social behaviour taking place.
- 2.2.6 In light of the evidence, a draft Special Licensing Policy was sent out for a formal 12 week consultation. The proposed policy can be seen at Appendix A. The consultation was undertaken with;
- Residents, businesses and Councillors;
  - Responsible Authorities: Police, Fire Authority, Environment Protection Team, Commercial Services Team, Trading Standards Team, Planning Team, and the Area Child Protection Committee;
  - Trade Associations;
  - Resident groups, tenants associations and societies;
  - Health service including PCT, Accident and Emergency and the London Ambulance service;
  - Transport for London;
  - Neighbouring authorities;
  - Drug and alcohol action team; and
  - Crime and Disorder Reduction Partnership.

## **2.3 Summary of Key Responses**

The complete analysis of the responses can be seen in the Shepherd's Bush Cumulative Impact Study which is listed as a background document.

### 2.3.1 Initial survey of the Licensed Trade

The consultation took place between 23 November 2010 and 7 December 2010. In total 427 letters were sent out and 7 responses were received.

There was a concern from some licensed premises who already had extended hours that the policy would force them to decrease their hours.

Respondents overall felt that the proposed area was reasonable, however one respondent felt it would simply displace/shift the issues to other parts of the Borough.

A few respondents suggested that the Licensing Authority should use other powers under the Licensing Act 2003 to deal with those licensed premises who failed to meet the four licensing objectives and call for further reviews.

Generally respondents felt that the policy was necessary and would result in a positive outcome.

### 2.3.2 Wider survey of Residents and Businesses

In total over 8,000 questionnaires were sent out in the post and it was also made available on the internet. The consultation took place between 7 December 2010 and 11 February 2011.

The service received a total of 584 completed questionnaires of which 531 (91%) of the responses were from local residents and 53 (9%) from businesses and other organisations in the following wards:

Ward	Number of respondents
Wormholt and White City	3 (1%)
Addison	5 (1%)
Hammersmith Broadway	5 (1%)
Ravenscourt Park	11 (2%)
Others	40 (7%)
Shepherd's Bush Green	153 (26%)
Don't Know	155 (26%)
Askew	212 (36%)

257 (44%) lived 0-50 metres, and 113 (19%) lived 51-200 metres from the closest licensed premises. Only 44 (4%) of the consultees lived beyond 200 metres from the closest licensed premises.

241 (41%) of the consultees visited licensed premises on a weekly/monthly basis with 106 (18%) visiting these premises twice weekly.

279 (48%) of the consultees reported seeing littering everyday, and 170 (29%) reported seeing fighting less often.

183 (31%) of consultees reported they had difficulties sleeping as a result of these activities and 122 (21%) have been woken weekly/twice weekly as a result of these activities.

221 (38%) consultees felt that there were too many licensed premises within the vicinity of their home or business.

Overall 329 (56%) consultees supported the policy with 132 (23%) being unsure and 123 (21%) of the consultees were against the policy. 280 (48%) of the consultees agreed with the boundaries, and 49 (8%) of the consultees did not agree. Of those 49 who said they did not agree with the boundaries, 42 (86%) commented that the boundaries should be extended.

Consultees were asked which types of licensed premises they thought should be covered if a policy was proposed. The results can be seen on the table below which shows that Pubs, Night Clubs, Bars, and Off Licences were the most popular selections:

Number of people	Licensed Premises Type
269	Pubs
256	Night Clubs
254	Bars
241	Off Licences
230	Late Night Refreshments Houses
162	Social Clubs
85	Restaurants

132 (23%) of the consultees stated that they were not sure whether there should be a special licensing policy in the area based on their experiences, but of these 26 (20%) consultees stated that they have had problems sleeping and 52 (40%) consultees had been woken as a result of activities they believed to be linked to licensed premises, with 17 (13%) who felt that there were too many licensed premises within the vicinity.

### **2.3.3 Observational Studies**

#### **Licensing Team**

The observational study took place between November 2010 and March 2011 on 14 occasions during Friday and Saturday nights.

The licensing data showed that 88 (91%) of the premises within the proposed area were open during the hours of 8pm and 2am. In addition from the 119 premises within the proposed area, who were permitted to sell alcohol, 91% were authorised to sell during the hours of 8pm to 2am. For this reason the observational study took place during those hours.

The proposed area was divided into 10 sections, and officers located themselves at various points. Each point was observed continuously during the hours of 8pm and 2pm.

The details of the anti social behaviour by location has been summarised at Appendix B, Table One.

The most recorded behaviours included littering at 22%, followed by street drinking at 21%, rowdy behaviour at 15% and noise from customers leaving premises at 13%.

Vomiting, criminal damage and fighting was less frequently observed at less than 1%. Other anti social behaviours recorded included excess noise from licensed premises, intimidation and urination.

Officers observed the street drinking activities and found that some patrons leaving some licensed premises continued drinking in the street and that there was also evidence of 'pre-loading' with cheaper alcoholic drinks purchased from off licences before entering on premises.

The data shows that whilst the majority of observed incidents occurred to the eastern and central sections, the west did account for 17% of the behaviours which included littering, noise from customers leaving premises, excess noise from licensed premises, rowdy behaviour and street drinking.

The times when the incidences of anti social behaviour occurred can be seen at Appendix B, Table Two. 77% of the incidents occurred between the hours of 9pm and 1am with the lowest recorded instances between the hours of 8pm and 9pm and 1am and 2am.

In comparison to the closing hours of the licensed premises detailed in sub-section 2.1.4 above, 57% of the premises in the proposed area are open during the times where most incidents were reported.

The full results for the observational study conducted by the licensing team can be seen in the Shepherd's Bush Cumulative Impact Study which is listed as a background document.

### **Independent Specialist**

The observational study took place between February 2011 and April 2011 on 8 occasions from Thursday to Sunday between the hours of 8pm and 3am. One expert, from MAKE Associates, covered all 10 sections at 30 observation points during this period and each point was observed once.

The average number of incidents recorded by area can be seen at Appendix B, Table Three. The most recorded incidents were in the eastern and central area which was observed for a total of 29 hours. The western area was only observed for 11.5 hours and accounted for 6% of the incidents.

71% of the incidents occurred between the hours of 10pm and 2am with the lowest recorded instances between the hours of 8pm and 9pm and 2am and 3am. Incidents recorded on a Saturday and Sundays equated to 85% with 13% on a Friday.

The times when the incidents on anti social behaviour occurred can be seen at Appendix B Table Four, and the days when the incidents occurred can be seen at Table Five.

Finally the details of the anti social behaviour by location has been summarised at Appendix B, Table Six. The data shows that the most recorded behaviours included noise from customers leaving premises at 18%, public drinking at 18%, and littering at 18%. Vomiting, criminal damage, intimidation and fighting were less frequently observed. Other behaviours recorded included urination, swearing, rowdy behaviour and excess noise from licensed premises.

The full report, which is part of the Cumulative Impact Study, highlighted the following:

- Littering, specifically linked to takeaways is a major problem in terms of 'street scene' and levels of litter get much worse as the night progresses.
- The density of off-licences appears to contribute directly to street drinking as people are often observed buying drink from these stores, opening bottles and cans and then drinking while walking.
- The majority of incidents are located around Shepherd's Bush Green and the more easterly ends of Goldhawk and Uxbridge roads. Limited problems were noted at the more westerly extremes of these two roads and Askew Road, which connects them.
- There are few more serious incidents, such as fighting, intimidation or criminal damage. Of the latter, what does occur tends to be smashed windows.

### 2.3.4 Summary – Data Analysis

In summary the results from the survey to residents and businesses who reported anti social behaviour was compared against the observational findings which are detailed below:

Top 7 anti social behaviour incidents witnessed	No. of responses/recorded incidents		
	Consultation	MAKE	LBHF
Littering	474	118	359
Noise – From customers leaving premises	296	119	216
Street Drinking / Drinking in the street	Not asked*	119	342
Public Urination	425	88	46
Swearing	412	38	178
Rowdy Behaviour	410	35	249
Vomiting	413	9	5

Overall the data was consistent and it can be seen in the table above that street drinking, noise from customers leaving premises rowdy behaviour and littering were of main concern.

\*Respondents were not asked whether they had witnessed street drinking. However the respondents expressed their concerns in relation to street drinking under the final comments section where one respondent commented that "During the summer there are often people drinking on the street here who have clearly bought alcohol cheaply at the nearby shops".

The evidence appears to show a link between the hours for licensed premises in the proposed area and increased levels of anti social behaviour.

In summary:

- The **Council's observational study** shows that instances of anti social behaviour reached their peak between 00:00 and 01:00 (453 instances - almost double the 245 instances recorded between 21:00 and 22:00). The most

common types of behaviours recorded by officers were street drinking, littering and rowdy behaviour. Street drinking was observed by patrons leaving licensed premises and there was evidence of pre-loading taking place.

- Littering and public urination were the top two types of anti social behaviour reported by residents.
- The report by the **independent specialist** shows a similar peak of instances (235) between 23:00 and 00:00 hours with 40% of observations being carried on a Sunday. Street drinking and littering were recorded within their top three most common behaviours recorded.
- Information received from the **Council's Performance and Information Team** shows that the number of alcohol related instances to which the Ambulance service respond peaks in a similar way between 21:00 and 23:59.
- The **Police** data on crime and disorder statistics showed that 36 licensed premises in the proposed zone accounted for 1095 reported incidents between 2007 and 2011, equating to an average of 252 reported incidents a year. Furthermore, two of the licensed premises accounted for 57% of the reported incidents. The Police response can be seen at Appendix C.

The crime and disorder incidents recorded, included the following:

- Bag Snatches
  - Possession of drugs
  - Drug Trafficking
  - Common Assault
  - Theft and pick pocketing
  - Violence
  - Sexual offences
  - Harassment
  - Grievous Bodily harm (GBH) and Actual Bodily harm (ABH).
- The **Safer Neighbourhoods Division** reported that:
  - Shepherd's Bush Green has the highest rate of crime and antisocial behaviour in the borough for this reason the Council has funded the only 24 hour, 7 day a week police Safer Neighbourhood Team (SNT) in the Country, comprising of five times the number of officers of a normal SNT.
  - There has been an increase by 21% of notifiable offences in 2010/11 which have been linked with the night time economy.
  - Shepherd's Bush has the highest numbers of street drinking complaints in the borough.
  - Users of pubs often migrate to premises who offer late night refreshments which means that the safe and quiet dispersal of these groups is made more difficult.
- The **Trading Standards team** reported that from 107 premises visited in the proposed area, there have been 32 sales of age restricted products such as alcohol and cigarettes resulting in a failure rate of 29.9% in comparison to 18.8% in other areas of the Borough.

- **Waste and Street Services** reported that the cleaning problems associated with this area are urination, vomiting, and staining of the pavement. They also reported that there are problems with overproduction from businesses, and raised complaints regarding events venues generating litter which could add to additional costs for the Council.
- **Environment Protection Team** statistics shows that from 2005 – 2010 they received a total of 419 complaints (average of 70 a year), and conducted 238 inspections (average of 40 a year) at the licensed premises in the proposed area. The complaints were relating to noise and other public nuisance relating to licensed premises with the area indicated and were often exacerbated by the concentration and nature of licensed premises in the area.

### 2.3.5 Formal Consultation

A draft Special Licensing Policy for the Shepherd's Bush area went out for a 12 week consultation between 14 March 2011 to 10 June 2011. All residents and businesses in the proposed and surrounding area were consulted. In addition all of the bodies listed at Section 2.2.6 of this report were notified. The consultation pack is listed as a background document with the full consultation responses.

Consultees were invited to comment on the proposed draft policy and proposed area and provide any additional evidence in support of or against the need for such a policy. The consultation questionnaire contained the policy and a copy of the proposed area, however following the data analysis, the proposed area was broken down into three zones (east, central and west). Residents and businesses were given the opportunity to advise which zones, if any, they would like the special licensing policy to be implemented in.

The consultation was made available on the Council's consultation portal and a letter was sent to over 8,400 consultees. The questionnaire was also available by post upon request and was advertised with H&F News, on the Council's website, through the libraries, and in the Shepherd's Bush newsletter. In addition, officers attended local pub watch meetings, and residents meetings encouraging them to provide their views.

The service received a total of 162 completed questionnaires. From 124 online responses 107 (86%) of the responses were from local residents and 3 (2%) from Councillors. Only one response was received from someone who worked in or managed licensed premises. The other responses came from other businesses, representative bodies, responsible authorities and other organisations.

Out of 123 online responses, 57 (46%) of the respondents live 0-50 metres away from the closest licensed premises, 54 (43%) who live between 51 – 200 metres away, 6 (4%) lived more than 200m away and 6 (4%) did not know the distance.

Out of 122 online responses, 108 (88%) of the respondents felt that the draft special licensing policy was clearly written and easy to understand and 104 (85%) felt that the length of the policy was 'About Right'. However one consultee suggested that the policy could be made clearer by detailing what the four licensing objectives were. This has been inserted in the proposed policy at Appendix A.

Out of 122 online responses, 56 (45%) visited licensed premises on a weekly basis, with 32 (26%) who visited licensed premises on a monthly basis. 12 (9%) visited

every three months, seven (5%) visited every six months and five (4%) visited daily. Only ten (8%) respondents stated they never visited licensed premises.

When asked about the proposed area, from the 130 online responses, 76 (58%) felt that the policy should apply to all Zones with ten (7%) against the proposed area. 18 (13%) felt it should apply to only Zone 1, 18 (13%) felt it should apply to only Zone 2 and eight (6%) felt it should apply to only Zone 3.

Consultees were asked which types of licensed premises they felt the policy should cover, the results of which can be seen in the table below, which are based on 112 online responses:

<b>Types of Premises</b>	<b>Number of responses</b>	<b>% of responses</b>
Night Clubs	87	78%
Off Licences	84	75%
Bars	82	73%
Pubs	77	69%
Late Night Refreshments	74	66%
Social Clubs	58	52%
Restaurants	35	31%
Other	17	15%

It is clear from the results that respondents felt the policy should cover nightclubs, off licences, bars, pubs, and late night refreshments venues, with social clubs and restaurants at the bottom of the list.

Other premises respondents felt should be covered by the policy included, shisha bars and football clubs. If any shisha bars or football clubs provide any licensable activities, they would be included under the proposed policy, however traditionally shisha bars do not carry out any licensable activities so in normal circumstances would fall outside the remit of the Licensing Act 2003.

Respondents were given the opportunity to provide further comments. Full formal consultation responses are listed as a background document. Overall the responses were in favour of the policy and some had concerns about restricting the policy to include reduced zones as they felt the problem may relocate into other zones.

## **2.4 Comments**

### **2.4.1 Environment and Residents Services Select Committee**

The introduction of a special licensing policy was considered at the Environment and Residents Services Select Committee with invited trade and resident representatives on 5 April 2011. It was resolved that: the proposals to establish a Special Licensing Policy in Shepherd's Bush be endorsed.

### **3. RISK MANAGEMENT IMPLICATIONS**

3.1 The licensing authority can only consider matters within the scope of the Licensing Act and statutory 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. The four licensing objectives are:

- The prevention of crime and disorder
- The prevention of public nuisance
- Public safety
- The protection of children from harm

3.3 The policy will only affect new and variations of licence applications and there will be further onus on the licensees and applicants to show their business will uphold the four licensing objectives.

The Licensing Authority will be empowered to reject new applications and restrict changes to existing licences when a valid representation is received in relation to an application.

3.4 Each application will be considered on its own merits and the presumption of refusal in this policy is not absolute.

3.5 There will not be a fixed limit on the number of premises in the proposed zone, nor will the policy impose fixed trading hours.

### **4. CONCLUSION**

4.1 Based on the evidence and observational data, it was clear a considerable amount of negative activity associated with the night time economy of the Shepherd's Bush area within the proposed boundaries was identified. Overall consultees during the survey and formal consultation were in favour of adopting the policy to cover the whole of the proposed area.

4.2 It was evident that the cumulative impact is being caused not only by on-licensed premises but also that off licences and late night refreshment venues contributed to the impact. During the observational study and review of all the data, specific problems relating to the impact of off licence premises and late night refreshment venues was highlighted. This included street drinking, "pre-loading", and underage sales, all of which was apparent in the proposed area. In addition, overall consultees during the survey and 12 week consultation were in favour of including the range of licensed premises. For this reason the proposed policy has been amended to cover all licensed premises.

4.3 In view of the evidence obtained, the special licensing policy for the proposed Shepherd's Bush area is both necessary and appropriate in order to strengthen and support the promotion of the four licensing objectives.

## **5. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES**

- 5.1 There are approximately 140 licence premises affected by this special licensing policy in the Shepherd's Bush area. The total estimated income from annual licence fees due on the anniversary of the initial grant of licence is approximately £24,200.
- 5.2 The additional workload for officers will not be a significant burden and can be offset by the saving for costs associated with policing and reactive inspections. Adopting the policy could potentially give rise to more appeals from applicants if their applications are not granted based on the "cumulative Impact". However, experience from the Fulham town centre scheme indicate that all costs can be contained within current budgets.

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

- 6.1 Any special licensing policy has to be adopted at a meeting of the full Council. In making any decision to adopt such a policy the Council has to do so with the object of promoting the four licensing policies of (i) the prevention of crime and disorder; (ii) public safety, (iii) the prevention of public nuisance and (iv) the protection of children from harm.
- 6.2 Once approved the special licensing policy will create a rebuttable presumption that applications for new and variations of existing premises licences that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

### **LIST OF APPENDICES**

- **APPENDIX A** Proposed Special Licensing Policy for Shepherd's Bush and proposed area.
- **APPENDIX B** Observational Study summary results
- **APPENDIX C** Metropolitan Police response

### **LOCAL GOVERNMENT ACT 2000** **LIST OF BACKGROUND PAPERS**

<b>No.</b>	<b>Description of Background Papers</b>	<b>Name/Ext. of Holder of File/Copy</b>	<b>Department/ Location</b>
1.	Shepherd's Bush Cumulative Impact Study	S Manji, ext 3392	ENV-PPS/ HTHX
2.	List of Consultees	S Manji, ext 3392	ENV-PPS/ HTHX
3.	Formal Consultation Pack	S Manji, ext 3392	ENV-PPS/ HTHX
4.	Formal Consultation Responses	S Manji, ext 3392	ENV-PPS/ HTHX

5.	Press Articles	S Manji ext 3392	ENV-PPS/ HTHX
6.	Statement of Licensing Policy 2011	S Manji, ext 3392	ENV-PPS/ HTHX
7.	Licensing Act 2003	S Manji, ext 3392	ENV-PPS/ HTHX
8.	Guidance Issued under section 182 of the Licensing Act 2003	S Manji, ext 3392	ENV-PPS/ HTHX
9.	Equality Impact Assessment	S Manji, ext 3392	ENV-PPS/ HTHX
Responsible officer: Miss Sanju Manji, 6 <sup>th</sup> Floor, Hammersmith Town Hall Extension, Tel; 020 8753 3392 sanju.manji@lbhf.gov.uk			

**London Borough of Hammersmith and Fulham  
Special Licensing Policy for  
Shepherd's Bush 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 January 2011 (paragraph 6.1 to 6.7) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).

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 four licensing objectives are:-

- The prevention of Crime and Disorder
- Public Safety
- The prevention of Public Nuisance
- The protection of Children from Harm

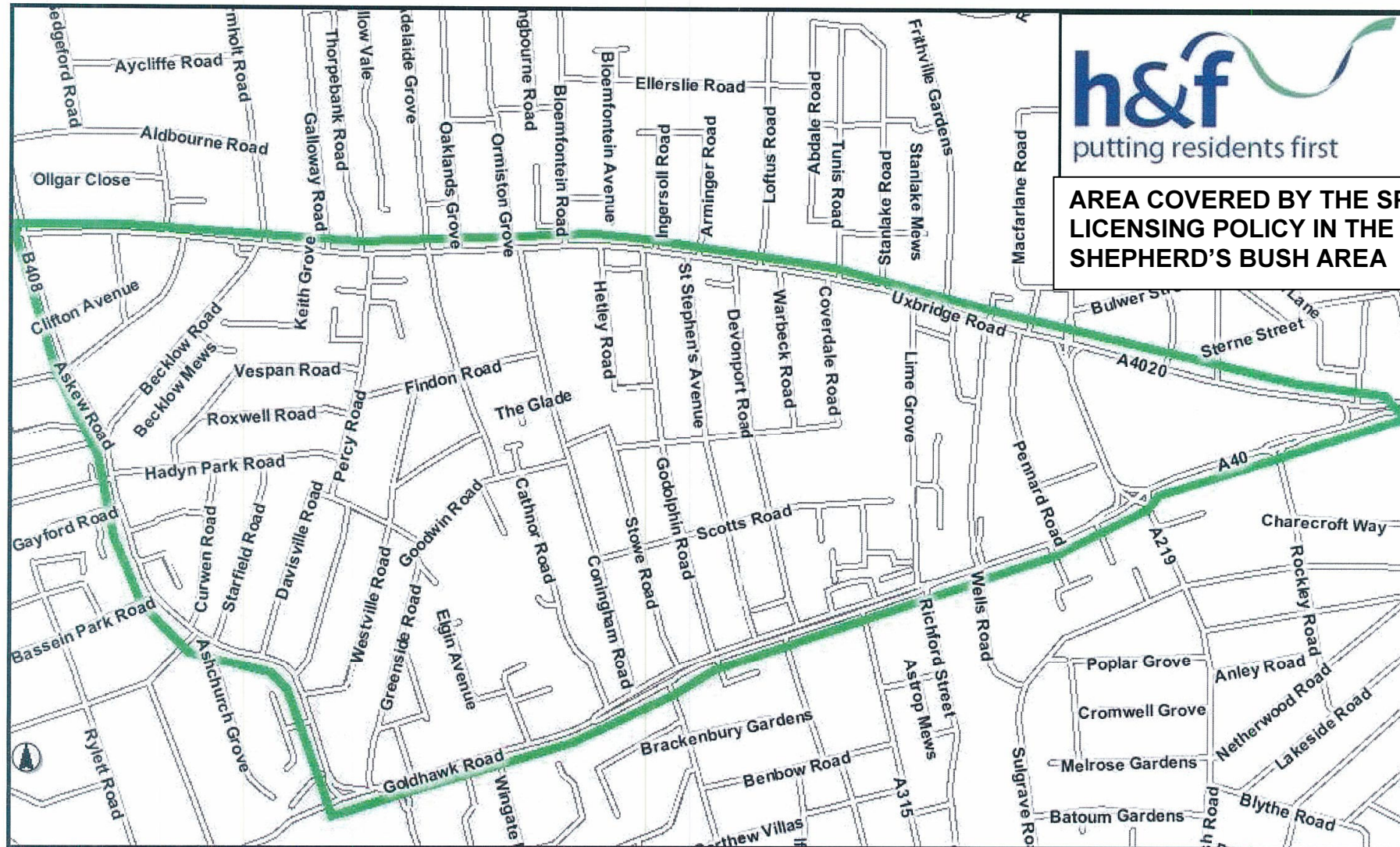
4. This policy will apply to all licensed premises as the Shepherd's Bush Area has been identified as being adversely affected in terms of the licensing objectives because of the cumulative impact of the concentration of licensed premises.

5. 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.

6. Applications for new premises licences, club premises certificates or any variations within the Shepherd's Bush 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 four 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.

7. 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.

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



November 2010

**Observational Study Results****Licensing Team – Summary of Observational Data****TABLE ONE: Recordings of Anti Social Behaviour by location**

Anti Social Behaviours	Proposed Area										
	East		Central East		Central		West				Total
Littering	65	37	97	51	23	33	20	2	22	9	359 (22%)
Street Drinking	49	34	42	40	51	54	19	14	17	22	342 (21%)
Rowdy Behaviour	20	44	66	17	41	10	12	18	16	5	249 (15%)
Noise – customers leaving premises	8	30	63	26	13	53	2	11	7	3	216 (13%)
Swearing	25	37	23	23	29	19	2	5	10	5	178 (11%)
Excess noise from licensed premises	0	16	42	2	1	25	0	15	0	7	108 (7%)
Intimidation	12	29	10	4	28	12	2	0	5	3	105 (6%)
Urination	19	0	8	4	0	9	0	1	3	2	46 (3%)
Other	0	3	2	0	0	1	6	3	0	1	16 (1%)
Criminal damage/ vandalism	5	1	0	0	2	0	0	0	0	0	8 (0.5%)
Fighting	1	0	2	0	1	2	0	1	0	1	8 (0.5%)
Vomiting	2	0	2	0	0	0	0	0	0	1	5 (0.2)
Total by location	206	231	357	167	189	218	63	70	80	59	

**TABLE TWO: Recordings of total number of incidences by time**

Between	Total No. of Incidences recorded
<b>8pm to 9pm</b>	180 (11%)
<b>9pm to 10pm</b>	245 (14%)
<b>10pm to 11pm</b>	273 (16%)
<b>11pm to 12am</b>	335 (20%)
<b>12am to 1am</b>	453 (27%)
<b>1am to 2am</b>	201 (12%)

## Independent Specialist – Summary of Observational Data

**TABLE THREE: Recordings of incidences by area.**

Incidences by Area								
	East		Central East	Central	West			Total
No. Incidences	125 (19%)	51 (8%)	384 (59%)	54 (8%)	2 (1%)	17 (3%)	9 (2%)	<b>654</b>
No. Hours	14	9	6	8	4	4	3.5	<b>52</b>
Av. Incidences	9	6	64	7	1	4	3	<b>13</b>

**TABLE FOUR: Recordings of number of incidences by time**

Incidences by Time			
Between	Total No. of Incidences recorded	No. Hours	Average Incidences
8pm to 9pm	61 (9%)	8	8
9pm to 10pm	47 (7%)	8	6
10pm to 11pm	87 (13%)	8	11
11pm to 12am	235 (36%)	8	29
12am to 1am	83 (13%)	8	10
1am to 2am	124 (19%)	8	16
1am to 2am	17 (3%)	4	4
<b>Total</b>	<b>654</b>	<b>52</b>	<b>84</b>

**TABLE FIVE: Recorded incidences by day**

Incidences by Day			
Day	Total No. of Incidences recorded	No. Days	Average Incidences
Thursday	5 (1%)	1	5
Friday	86 (13%)	2	43
Saturday	293 (45%)	2	147
Sunday	270 (41%)	3	90
<b>Total</b>	<b>654</b>	<b>8</b>	<b>82</b>

**TABLE SIX: Recordings of behaviour by location**

Incidences by Type	
Behaviour	Incidences
Noise – customers leaving premises	119 (18%)
Public Drinking	119 (18%)
Littering	118 (18%)
Other	99 (15%)
Urination	88 (13%)
Swearing	38 (6%)
Rowdy Behaviour	35 (5%)
Vomiting	9 (1%)
Excess noise from licensed premises	9 (1%)
Fighting	9 (1%)
Intimidation	6 (1%)
Criminal damage/ vandalism	5 (1%)
<b>Total</b>	<b>654</b>

Adrian Overton

Licensing Officer

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Email: [Stuart.Ratcliffe@met.police.uk](mailto:Stuart.Ratcliffe@met.police.uk)  
[www.met.police.uk](http://www.met.police.uk)

Your ref:

Our ref:

9th June 2011

Dear Mr Overton,

I am writing in my position as Licensing Sergeant for Hammersmith and Fulham Borough Police in response to your consultation for a Cumulative Impact Policy for the area of Shepherds Bush and its environs. Police fully support the Licensing Authorities proposals in introducing this policy and believe that it will have a positive impact on the reduction of crime and disorder in the Shepherds Bush Area. This is based on the following key areas.

### **Shepherds Bush Geographical Area**

The area of Shepherds Bush is geographically centred around Shepherds Bush Green. This area is a landmark on the borough. This area has historically provided the borough of Hammersmith and Fulham with its most challenging policing neighbourhood. This neighbourhood has a broad spectrum of policing concerns which range from street drinking, drug issues, the policing of a Queens Park Rangers Football Club and the arrival of Europe's largest shopping centre. Within this tapestry of policing issues there lies the issue of alcohol related crime and disorder. The area has 36 premises that can be described as pubs/bars/clubs and a further 114 premises that account for off licence, restaurants and take away food outlets. This forms a considerable network of licensed premises that cater for most preferences. Police believe that there is no further need for alcohol led premises in Shepherds Bush.

### **Police Crime Data**

Shepherds Bush Green is a borough 'hotspot' for crime. The area is lined by licensed premises that provide both on and off sales. Police are of the opinion that the number of premises in this area is sufficient to meet the needs of patrons.

Police data regarding crime in licensed premises has been provided to the licensing authority. Police data shows crime linked to 36 licensed premises across the last five years. The data shows the following points that are relevant to the licensing objectives. The data demonstrates that the key type of offences committed in licensed premises relate to theft and assault.

In terms of theft, this has largely been theft of unattended personal property from patrons of establishments. From viewing a cross section of crime reports these offences generally involve drunken victims having their property removed from their person or taken whilst left unattended in the premises. This contributes to a considerable number of total offences across the borough.

In terms of assaults, these range from common assaults through to grievous bodily harm. These are serious offences where victims have been attacked within premises. This data does not account for incidents of assault that have occurred directly after persons leaving premises.

The data demonstrates that a large proportion of offences occur between 1900 and 0400 hours. These are the time periods when licensed premises are at their busiest. These are also the time periods when police resources are most stretched. Any addition to the number of premises would increase the demand on police resources.

### **Off licence Sales**

During the Crime Summit in March 2011 key feedback was provided to police regarding licensing issues around off licences in Shepherds Bush. There were clear community concerns raised about the sale of alcohol to street drinkers in Shepherds Bush and the after hours unlicensed sale of alcohol. These concerns are corroborated by recent police proactive action and intelligence received. The impact of this on crime and disorder is significant in the Shepherds Bush area.

By operating late hours off licences continue to provide alcohol to customers who continue to drink after the closure of on licensed premises. These persons continue to drink without the limitations and the safety measure provided by on licensed premises. This is witnessed and dealt with on a regular basis by the local safer neighbourhood team. There are a considerable number of off licences premises in the Shepherds Bush area. In an area where the re-occurring community complaint is that of street drinking on Shepherds Bush Green and its environs, police believe it would be responsible to include off sales within this policy. This would also assist with the successful policing of the premises that already exist.

### **Take Away Food outlets**

The area of the proposed Cumulative Impact Policy contains a considerable number of take away food outlets. Police believe that it would be reasonable for premises with a late night refreshment licence to be included within the Cumulative Impact Policy. These premises contribute to crime and disorder in the area and nuisance behaviour. The premises provide for the sale of food stuffs after licensed premises close. This encourages persons to remain in the area rather than dispersing. As a result, flashpoints occur between drunk people. These flashpoints occur in premises which are generally small in size, short in staff numbers and without regulated security staff. As a result the area around Shepherds Bush Green, Uxbridge Road and Goldhawk Road is considerably affected by crime and nuisance behaviour associated with these premises. Local residents regularly complain to police regarding issues surrounding take away food outlets in this area. Police believe that to include this type of premises within the Cumulative Impact Policy would be both timely and reasonable.

## **Police Resources**

Hammersmith and Fulham Borough Police have a dedicated Safer Neighbourhood Team in Shepherds Bush. This team works with the community and take their priorities from the community. Street drinking and alcohol led crime is one of the ward priorities. The local policing team deals with this proactively through the use of controlled drinking legislation and proactive patrolling. This stretches police resources. It takes police officers away from dealing with other ward and borough issues. Any increase, in any form, of licensed premises will continue to put pressure on police resources. By limiting the growth of licensing activity in this area the cumulative impact policy would in turn provide an effective safe guard against any unnecessary and further increase of crime and it's associated nuisance behaviour. Police resources are committed to deal with the boroughs licensing issues as they are, any further increase will begin to undermine results achieved to date.

## **Fulham CIP**

In August 2010 police responded to the Licensing Authorities *Statement of Licensing Policy*. In this response police welcomed the possibility of a Cumulative Impact Policy being developed in the Shepherds Bush Area. Police are supportive of the proposal for Shepherds Bush. The benefits of a Cumulative Impact Policy on the borough can be seen in the Fulham Broadway area. In Fulham the benefits have been significant. The policy works alongside the controlled drinking zone and safer neighbourhood policing in order to prevent any further saturation of the area, allowing police and partner agencies to effectively deal with the issues that already exist without the addition or complication of further issues. This has been applied to both on and off licenses. The policy has contributed to a reduction in alcohol related offences in the area. Furthermore, it has contributed to a change in the style of drinking in the vicinity of Fulham Broadway. Police would note that premises are now largely food led rather than led by vertical drinking considerations. In the opinion of police this has contributed to a change in the character of patrons using Fulham Broadway and assisted in a reduction in crime.

In summary, Police fully support the introduction of a Cumulative Impact Policy in the Shepherds Bush Area. Police regard this as a policy, which alongside controlled drinking legislation and Safer Neighbourhood policing, has the potential to have a positive effect on the reduction of crime in the Shepherds Bush area. A CIP has been proven to work in other parts of the borough, and police would argue that any introduction of this policy in Shepherds Bush would have a greater impact than in Fulham. Police Crime data demonstrates that drink related offences in Shepherds Bush are of a considerable quantity and timing to justify the police support of this policy. Police resources are currently stretched in dealing with the amount of premises that are already licensed in the Shepherds Bush area. Any further saturation of the area would reasonably be expected to increase crime and disorder and have a negative effect on residents, visitors, workers and businesses that are already present in the area.

Submitted for your information and consideration

Stuart Ratcliffe

Licensing Sergeant

Hammersmith and Fulham Borough Police