

COUNCIL AGENDA

ORDINARY COUNCIL MEETING

Wednesday 13 July 2022



The Mayor – Councillor Emma Apthorp
Deputy Mayor – Councillor Daryl Brown

ADDISON

Jacolyn Daly (L)
Ross Melton (L)

AVONMORE

Laura Janes (L)
David Morton (L)

BROOK GREEN

Stala Antoniadou (L)
Adam Peter Lang (L)

COLLEGE PARK & OLD
OAK

Wesley Harcourt (L)
Bora Kwon (L)
Alexandra Sanderson (L)

CONINGHAM

Lisa Homan (L)
Rowan Ree (L)
Rory Vaughan (L)

FULHAM REACH

Lucy Richardson (L)
Omid Miri (L)
Nikos Souslous (L)

FULHAM TOWN

Victoria Brocklebank-
Fowler (C)
Andrew Dinsmore (C)

GROVE

Stephen Cowan (L)
Helen Rowbottom (L)

HAMMERSMITH
BROADWAY

Emma Apthorp (L)
Patricia Quigley (L)

LILLIE

Ben Coleman (L)
Sharon Holder (L)

MUNSTER

Adronie Alford (C)
Alex Karmel (C)
Dominic Stanton (C)

PALACE & HURLINGHAM

Aliya Afzal-Khan (C)
Jackie Borland (C)
Amanda Lloyd-Harris (C)

PARSONS GREEN &
SANDFORD

Jose Afonso (C)
Adrian Pascu-Tulbure (C)

RAVENSCOURT

Liz Collins (L)
Patrick Walsh (L)

SANDS END

Paul Alexander (L)
Ashok Patel (L)
Ann Rosenberg (L)

SHEPHERDS BUSH
GREEN

Zarar Qayyum (L)
Mercy Umeh (L)

WALHAM GREEN

Trey Campbell-Simon (L)
Genevieve Nwaogbe (L)

WENDELL PARK

Rebecca Harvey (L)
Asif Siddique (L)

WEST KENSINGTON

Daryl Brown (L)
Florian Chevoppe-Verdier
(L)
Sally Taylor (L)

WHITE CITY

Andrew Jones (L)
Natalia Perez (L)
Frances Umeh (L)

WORMHOLT

Max Schmid (L)
Nicole Trehy (L)

SUMMONS

Councillors of the London Borough of
Hammersmith & Fulham
are requested to attend the
Meeting of the Council on
Wednesday 13 July 2022
at 3 Shortlands, W6 8DA

The Council will meet at 7.00pm

05 July 2022
3 Shortlands
Hammersmith, W6 8DA

Sharon Lea
Interim Chief Executive

Full Council Agenda

13 July 2022

<u>Item</u>		<u>Pages</u>
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTERESTS	
	<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 Standards Committee.</p>	
3.	MINUTES	7 - 17
	<p>To approve the minutes of the Annual and Special Council meetings held on 25 May 2022.</p>	
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	This item has an appendix which contains information exempt within the meaning of Schedule 12A to the Local Government Act 1972 and is not for publication. The appendix has therefore been circulated to Councillors only. Any discussion on the contents of an exempt appendix will require Council to pass the proposed resolution identified in the exempt appendix pack to exclude members of the public and press from the proceedings for that discussion.	
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COUNCIL MINUTES

ANNUAL COUNCIL MEETING

WEDNESDAY 25 MAY 2022



PRESENT

The Mayor – Councillor Emma Apthorp
Deputy Mayor - Councillor Daryl Brown

Councillors:

Jose Afonso	Sharon Holder	Patricia Quigley
Aliya Afzal-Khan	Lisa Homan	Rowan Ree
Paul Alexander	Laura Janes	Lucy Richardson
Stala Antoniadis	Andrew Jones	Helen Rowbottom
Emma Apthorp	Alex Karmel	Alexandra Sanderson
Victoria Brocklebank-Fowler	Bora Kwon	Max Schmid
Trey Campbell-Simon	Adam Peter Lang	Asif Siddique
Florian Chevoppe-Verdier	Amanda Lloyd-Harris	Nikos Souslous
Ben Coleman	Ross Melton	Dominic Stanton
Liz Collins	Omid Miri	Sally Taylor
Stephen Cowan	Genevieve Nwaogbe	Frances Umeh
Jacolyn Daly	Adrian Pascu-Tulbure	Mercy Umeh
Andrew Dinsmore	Ashok Patel	Rory Vaughan
Wesley Harcourt	Natalia Perez	Patrick Walsh
Rebecca Harvey	Zarar Qayyum	

1. ELECTION OF THE MAYOR

7.06pm – Mayor PJ Murphy, as the outgoing Chair, took the Chair at the start of the meeting.

Councillor Max Schmid proposed, seconded by Councillor Genevieve Nwaogbe, that Councillor Emma Apthorp be elected Mayor of the London Borough of Hammersmith and Fulham for the 2022/23 Municipal Year.

There being no further nominations, the proposal was formally put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The recommendation was declared **CARRIED**.

7.08pm – RESOLVED

That Councillor Emma Apthorp was duly elected Mayor of the London Borough of Hammersmith and Fulham for the 2022/23 Municipal Year, following which she made the statutory Declaration of Acceptance of Office and signed the statutory undertaking to observe the Code of Conduct for Councillors.

The Mayor then made a brief speech thanking her constituents, her fellow Councillors, the outgoing Mayor PJ Murphy, and her family for their support. She announced that she was appointing Key4Life and Advance Charity as her charities for the Mayoral year.

The Mayor announced that she was appointing Councillor Trey Campbell-Simon to act as her Consort for the Mayoral year.

Councillor Stephen Cowan moved, seconded by Councillor Max Schmid, that the past Mayor's badge be presented to Mr PJ Murphy in recognition of his service to the Council in undertaking the office of Mayor, and in carrying out other associated civic duties as a Councillor, which was unanimously agreed.

Speeches of thanks were given to the outgoing Mayor by Councillors Stephen Cowan, Patricia Quigley, and Victoria Brocklebank-Fowler. Mr PJ Murphy accepted his badge and made a short speech.

A vote of thanks was given to past Consort, Mary Smith, and Deputy Mayor, Councillor Daryl Brown, in undertaking their respective civic roles in support of the past Mayor. Councillor Stephen Cowan made a speech of thanks to Mary Smith, who then came forward to receive the past Consort's badge and a gift of appreciation.

The Mayor announced that she had appointed Councillor Daryl Brown to be Deputy Mayor for the 2022/23 Municipal Year and she had appointed Mr Benito Brown to act as her Deputy Mayor's Consort.

2. APOLOGIES FOR ABSENCE

7.34pm - Apologies for absence were received from Councillors Adronie Alford, Jackie Borland, Daryl Brown, David Morton, Ann Rosenberg, and Nicole Trehy.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. MINUTES

7.34pm – RESOLVED

The minutes of the meeting held on 24 February 2022 were agreed as an accurate record.

5. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

7.35 pm - The Mayor congratulated the following young people on their recent youth election victories:

- Ben Ruzbehan, our new Youth Mayor
- Niamh Faleye, Deputy Youth Mayor
- Anastasia Odusanwo, Member of Youth Parliament, and
- Vince Bigas, Deputy Member of Youth Parliament

Councillor Stephen Cowan made a speech of congratulations.

6. ITEMS FOR DISCUSSION/COMMITTEE REPORTS

6.1 Results of the Local Government Elections on 5 May 2022

7.37pm – The report on the results of the Local Government Elections on 5 May 2022 was noted.

Councillor Stephen Cowan made a short speech on the item (for the Administration).

6.2 Party Appointments for the 2022/23 Municipal Year

7.40pm – The report on the appointments made by the party groups on the Council for 2022/23 was noted.

Reorder of the agenda

7.40pm – Under Standing Order 15(e)3, Councillor Max Schmid moved, seconded by Councillor Patrick Walsh, a motion that Special Motion 7.1 relating to the Appointment of the Leader take precedence on the agenda and be considered. The motion was agreed.

7.1 Special Motion 1 - Appointment of the Leader

7.41pm – Councillor Max Schmid moved, seconded by Councillor Genevieve Nwaogbe, the special motion in their names:

“This Council agrees the appointment of Councillor Stephen Cowan as the Leader of the Council.”

The motion was put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The report and recommendations were declared **CARRIED**.

7.41pm – RESOLVED

This Council agrees the appointment of Councillor Stephen Cowan as the Leader of the Council.

6.3 Allocation of Seats and Proportionality on Committees

7.41pm – The report on the allocation of seats and proportionality on committees was noted.

6.4 Review of the Constitution

7.42pm – The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The report and recommendations were declared **CARRIED**.

7.42pm – RESOLVED

1. That the composition of the Cabinet set out in paragraph 6 and the Cabinet Members' Responsibilities and Portfolios outlined in Appendix 1, be noted.
2. That the creation of 2 additional Assistants to the Cabinet (Lead Members) positions assigned to support the Cabinet, be approved.
3. That the Policy Unit and Oversight Board be established and the terms of reference as set out in Appendix 2, be agreed.
4. That the changes to the Policy and Accountability Committees set out in paragraph 9 and their terms of reference as set out in Appendix 3, be agreed.
5. That subject to the approval of recommendations above, the Council's Constitution be adopted for the 2022/23 Municipal Year.

6.5 Appointment by the Leader of the Deputy Leader and Cabinet

An amendment to this report was published and circulated to members.

7.42pm – The amended report on the appointment of the Deputy Leader and Cabinet Members was noted.

6.6 Appointment of Chairs and Committee Memberships

7.42pm – The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The report and recommendations were declared **CARRIED**.

7.42pm – RESOLVED

1. That the Council agrees the appointments of Chairs and Memberships of Regulatory, Policy and Accountability and other Committees under its Constitution for the Municipal Year 2022/23, as set out in Appendix 1.
2. This Council also notes their respective portfolios / terms of reference, as set out in the constitution.

6.7 Council Appointments to Local Government Organisations and Outside Bodies

An amendment to this report was published and circulated to members.

7.42pm – The amended report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The amended report and recommendations were put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The amended report and recommendations were declared **CARRIED**.

7.36pm – RESOLVED

1. That the Council's appointments to Local Government Organisations for 2022/23, as set out in Appendix 1 and the amendment, be agreed.
2. That the Council's appointments to Outside Bodies for 2022/23, as set out in Appendix 2, be agreed.

6.8 Members' Allowances Scheme Annual Review 2022/23

An amendment to this report was published and circulated to members.

7.43pm – The amended report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The amended report and recommendations were put to the vote:

FOR:	34
AGAINST:	0
NOT VOTING:	8

The amended report and recommendations were declared **CARRIED**.

7.43pm – RESOLVED

1. That the Members' Allowances Scheme 2022/23 as set out in the report and attached as Appendix 1, be approved.
2. That the Members' Allowances be increased by inflation (RPI in March 2022), be approved.
3. That in future years, changes to Members' Allowances are in line with any changes in the national local government pay award, be approved.

6.9 **Appointment of Monitoring Officer**

7.44pm – The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The report and recommendations were declared **CARRIED**.

7.44pm – RESOLVED

1. That David Tatlow, Solicitor, Director of Corporate Resources be appointed as the Council's Monitoring Officer on an interim basis from 25 May 2022.
2. That the amendments to the Officers' Scheme of delegation to reflect the role and responsibilities of the Monitoring Officer attached as appendix A, be approved.

6.10 **Council Calendar 2022/23**

7.44pm – The report and recommendations were formally moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR:	UNANIMOUS
AGAINST:	0
NOT VOTING:	0

The report and recommendations were declared **CARRIED**.

7.44pm – RESOLVED

1. That the 2022/23 Council Calendar of meetings at Appendix 1 be approved.

7. **SPECIAL MOTIONS**

NOTE: Special Motion 1 was moved up the agenda order.

8. INFORMATION REPORTS - TO NOTE

8.1 The Administration's Manifesto - Rising To The Challenges Of Our Time, Together

7.45pm – Speeches on the report were made by Councillors Omid Miri and Stala Anotoniades, who both gave their maiden speeches (for the Administration). Councillor Victoria Brocklebank-Fowler also made a speech on the report (for the Opposition).

7.59pm – The Council received and noted the Labour Administration's Manifesto for the Council for 2022-2026.

8.2 Annual Report of the Policy and Accountability Committees 2021/22

8.00pm – The Annual Report of the Policy and Accountability Committees was noted.

Meeting started: 7.06 pm

Meeting ended: 8.00 pm

Mayor

COUNCIL MINUTES

SPECIAL COUNCIL MEETING

WEDNESDAY 25 MAY 2022



PRESENT

The Mayor – Councillor Emma Apthorp
Deputy Mayor – Councillor Daryl Brown

Councillors:

Jose Afonso	Sharon Holder	Patricia Quigley
Aliya Afzal-Khan	Lisa Homan	Rowan Ree
Paul Alexander	Laura Janes	Lucy Richardson
Stala Antoniadis	Andrew Jones	Helen Rowbottom
Emma Apthorp	Alex Karmel	Alexandra Sanderson
Victoria Brocklebank-Fowler	Bora Kwon	Max Schmid
Trey Campbell-Simon	Adam Peter Lang	Asif Siddique
Florian Chevoppe-Verdier	Amanda Lloyd-Harris	Nikos Souslous
Ben Coleman	Ross Ross	Dominic Stanton
Liz Collins	Omid Miri	Sally Taylor
Stephen Cowan	Genevieve Nwaogbe	Frances Umeh
Jacolyn Daly	Adrian Pascu-Tulbure	Mercy Umeh
Andrew Dinsmore	Ashok Patel	Rory Vaughan
Wesley Harcourt	Natalia Perez	Patrick Walsh
Rebecca Harvey	Zarar Qayyum	

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Adronie Alford, Jackie Borland, Daryl Brown, David Morton, Ann Rosenberg, and Nicole Trehy.

2. MAYOR'S/CHIEF EXECUTIVE'S ANNOUNCEMENTS

There were no announcements.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. FREEDOM OF THE BOROUGH

8.06pm – The report and recommendations were moved for adoption by the Leader of the Council, Councillor Stephen Cowan.

The report and recommendations were put to the vote:

FOR	UNANIMOUS
AGAINST	0
NOT VOTING	0

.....
The report and recommendations were declared **CARRIED**.

Following the vote, speeches on the report were made by Councillors Stephen Cowan, Jacolyn Daly, Rory Vaughan, and Laura Janes (for the Administration) – and Councillors Victoria Brocklebank-Fowler and Alex Karmel (for the Opposition).

8.06pm – RESOLVED

That the Council confer the Freedom of the Borough of the London Borough of Hammersmith and Fulham on:

Daphne Aikens MBE

In recognition of her selflessly serving the residents of this Council through the H&F Foodbank which was set up in 2010. The Foodbank through its four locations feeds over 120,000 people via food parcels plus provides holiday clubs, cooking skills courses, counselling and advice provision that has helped so many people resolve the root causes of their crisis and move out of poverty.

William Hunter

In recognition of his huge contribution of voluntary work in the civic life in the Borough over the last four decades, including as a school governor and chair of governors at Lady Margaret School, board member and chair at Riverside Studios and voluntary service to local politics.

Ms Hanora ‘Nora’ McCool

In recognition of her selfless service to the children of the Borough, first as a childminder for over 17 years and then as foster carer. Over the course of her fostering career, she has fostered 240 children. She has remained a dedicated foster carer, being known never to turn away a child or family in need of support. Ms McCool has extensive experience and is committed to caring for children and young people.

Frances Stainton

In recognition of her selflessly serving the residents of this Borough for 32 consecutive years as a Councillor in various positions and acting as a community champion for the area.

Meeting started: 8.05 pm

Meeting ended: 9.04 pm

Mayor

Agenda Item 6

Public Questions to Council – 13 July 2022

Question 1

From: Caroline Shuffrey, Resident

To: The Leader of the Council

Question: “On December 6th 2021, Cabinet decided to make an experimental traffic order for the South Fulham TCPR West Scheme based on further engagement with a small group of residents standing to benefit from the scheme. This would operate needlessly 24/7, and would mean that there will be no right turn on to Wandsworth Bridge Road for non-local Eastbound vehicles who do not have a visitors permit, causing havoc on other Fulham roads outside the scheme.

Following two fairly acrimonious online meetings earlier this year, set up by a small group of largely anonymous residents, around 4000 people of predominantly borough residents have signed a petition to stop the traffic camera exclusion zone spreading across Fulham without consultation first.

Will the Leader describe what comprehensive consultation with residents and businesses he will direct our Council to carry out across Fulham, to assess their views on the impact of the proposed camera scheme before introducing it?”

Question 2

From: Bill Tomlin, Resident

To: The Cabinet Member for Public Realm

Question: “Many/all of the borough’s public parks are included in the dog walker scheme.

Hurlingham, Eel Brook Common, South Park and Bishops Park, all situated close to and within walking distance of Parsons Green are included.

Parsons Green appears to have been omitted. There is already an issue with dog fouling on the Green, it’s an ongoing issue. Omission suggests we’ll see the volume of unlicensed dog walkers flocking to Parsons Green to walk the dogs in their care making an existing problem worse.

We have a church, a health centre, a hotel, two pubs and a school standing directly on the Green; this means we have a high volume of school kids, visitors, health centre patients and people out socialising using the Green all day every day - it’s very busy.

What can we do to include Parsons Green in the scheme to avoid the inevitable consequences of omission?”

Question 3

From: John Davis, Resident

To: The Leader of the Council

Question: “The traffic abs pollution on WBR is horrific. Why do you still report that this show the LTN in Sands End is working?”

Question 4

From: Nick Walker, Resident

To: The Leader of the Council

Question: As a long term resident of the borough it is clear that traffic has got much worse in recent years and I want to ask how the council plans to actively reduce traffic to make the borough healthier & safer?

Question 5

From: Brian Mooney, Resident

To: The Leader of the Council

Question: “Dear Councillor Cowan, thank you for your reply to my previous question on 16 Oct 2019, in which you provided assurance that, with the possible exception of Hammersmith Bridge tolls, the Council was against residents being charged to use the roads.

The Mayor of London is running an under-publicised consultation on introducing London-wide road pricing.

Will you publicise this consultation and your opposition to LBH&F residents and make it straightforward for us to submit our objections to this proposal?”

Link to consultation: <https://haveyoursay.tfl.gov.uk/cleanair>

Question 6

From: Kate Jakobsson, Resident

To: The Deputy Leader

Question: “After an expansion of mobile phone masts, Hammersmith and Fulham residents are experiencing symptoms such as palpitations, headaches and sleep disruption.

Michael Mansfield QC's Action Against 5G has made the case that the government has failed to properly investigate the health effects from 5G technology or inform the

public on the risks. The courts have accepted the evidence and there will be a full hearing.

As exposure effects are cumulative and the population of transmitting devices in our streets is increasing, will Hammersmith and Fulham Council engage with residents to establish the scale of the problem and identify remedial measures?"

Question 7

From: Donald Grant, Resident

To: The Cabinet Member for Public Realm

Question: "The Leader gallantly admitted during the election campaign that the Council got the parking charge changes wrong and promised to reverse them. Will the Member for Public Realm now admit that the previous Council got the traffic camera scheme to the East of WBRd wrong for the majority of Fulham residents, especially those living and working on Wandsworth Bridge Road, and reverse that too?"

Question 8

From: Caroline Brooman-White, Resident

To: The Leader of the Council

Question: "All the public roads within Fulham have been built and paid for from general taxation. Through traffic is now being sent to the Wandsworth Bridge Road, increasing traffic, noise, pollution, congestion and journey time for residents on the road. What reasons do the Council have to prioritise the health and enjoyment of some residents on some taxpayer funded roads, over the residents and businesses on the Wandsworth Bridge Road?"

Question 9

From: Victoria Angell, Resident

To: The Cabinet Member for Social Inclusion and Community Safety

Question: "I note that H&F Council aims to be the greenest council. It is seeing rising numbers of mobile phone masts, small cells and devices for the internet of things. What steps is it taking to quantify and address the impact of electromagnetic radiation on people in council buildings, and on species such as pollinators and trees so vital to the our environment".

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 13/07/2022

Subject: Council Appointments to Outside Bodies

Report of: Councillor Stephen Cowan – The Leader of the Council

Responsible Director: David Tatlow – Director of Corporate Resources

Summary

This report asks the Council to appoint additional representatives to Outside Bodies.

Recommendation

1. That Councillor Bora Kwon replaces Councillor Omid Miri as a substitute member of the OPDC Planning Committee.
 2. That Councillor Liz Collins, Councillor David Morton and Mr David Morris be appointed as trustees of Lygon Almshouses.
-

Wards Affected: All

H&F Priorities

Our Priorities	Summary of how this report aligns to the H&F Priorities
Doing things with residents and not to them	The nomination of Councillors and community representative to outside bodies will ensure a better outcome for our residents.

Financial Impact

There are no direct financial implications.

Andre Mark, Head of Finance (Corporate Services), signed 28 June 2022

Legal Implications

Full Council has the authority to appoint representatives to Outside Bodies.

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

1. The Council has two members and substitute members on the Old Oak and Park Royal Development Corporation (OPDC) Planning Committee. Council is asked to replace Councillor Omid Miri with Councillor Bora Kwon as a substitute member of the OPDC Planning Committee. This will allow Councillor Miri to continue to Chair and vote on applications from the OPDC area at the Council's Planning Committee.
2. This report is requesting the appointment of Councillor Liz Collins, Councillor David Morton and Mr David Morris as trustees of the Lygon Almshouse, replacing Ms Ev Hesketh, Vie Lawrence-Gray, and filling a vacancy.

REASONS FOR DECISION

3. The appointments to the various outside bodies by the Council are in fulfilment of its commitment to support the third sector in Hammersmith & Fulham.

CONSULTATION

4. Local representatives have been consulted on their nominations.

EQUALITY IMPLICATIONS

5. There are no direct equality implications for groups with protected characteristics under the Equality Act 2010. However, the Council's nominations to third sector and other users' groups will aim to ensure that the Council improves all aspects of how it works to tackle social exclusion.

Report to: Full Council

Date: 13/07/2022

Subject: Review of the Constitution

Report of: The Leader of the Council

Report author: David Abbott, Head of Governance

Responsible Director: David Tatlow, Director of Corporate Resources and Monitoring Officer

SUMMARY

This report asks Council to note and approve a number of updates to the Council's constitution.

RECOMMENDATIONS

1. That Full Council notes that David Tatlow, Director of Corporate Resources, is the Council's Proper Officer for Registration and approves updates to the Scheme of Delegation to Officers detailed in paragraph 5 of the report.
 2. That Full Council approves the revisions to the Cabinet portfolios and Lead Member responsibilities detailed in Appendix 1 of the report.
 3. That Full Council appoint Councillor David Morton as Borough Representative for the Armed Forces Community.
 4. That Full Council agree to change the name of the 'Policy Unit and Oversight Board' to the 'Policy and Oversight Board'.
-

Wards Affected: None

Our Values	Summary of how this report aligns to the H&F Values
Taking pride in H&F	Ensuring a high standard of governance across the Council.

Financial Impact

The recommendations in this report have no direct financial implications.

Andre Mark, Finance business partner, signed on 14 February 2022

Verified by Emily Hill, Director of Finance

Legal Implications

The Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.

Adesuwa Omoregie, Assistant Director, Legal Services, signed on 15 February 2022

Background Papers Used in Preparing This Report

The Council's Constitution: www.lbhf.gov.uk/constitution

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner.
2. The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

Reasons for Decision

3. The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution.

Updates to the Officer Scheme of Delegation

4. This report notes that David Tatlow, Director of Corporate Resources, is the Council's Proper Officer for Registration.
5. The proposed updates to the Scheme of Delegation to Officers:
 - Reflect recent changes in organisational structure and changes to the responsibilities of Chief Officers. The updates are detailed below.

Function	Strategic Director	Department
The Leader's Office Communications Community Engagement	Lisa Redfern	Social Care
Digital Services	Jon Pickstone	Economy
Co-production	Jacqui McShannon	Children's Services

Equalities		
Pensions	Sukvinder Kalsi	Finance

Cabinet Portfolio Revisions

6. The report recommends several revisions to the Cabinet portfolios, detailed in Appendix 1.

Lead Member Responsibilities

7. This report recommends the appointment of Councillor David Morton as the Borough Representative for the Armed Forces Community. The role's responsibilities can be found at the end of Appendix 1.
8. The report also recommends amending the responsibilities of the President of the H&F Enterprise Board to indicate that they will lead on licensing policy.

Policy and Oversight Board

9. This report recommends changing the name of the 'Policy Unit and Oversight Board' to the 'Policy and Oversight Board'.

LIST OF APPENDICES

Appendix 1 – Revisions to Cabinet Portfolios and Lead Member Responsibilities

Appendix 1 – Revisions to Cabinet Portfolios and Lead Member Responsibilities

Revisions are marked with tracked changes.

Executive Members - Responsibilities and Portfolios

Leader of the Council

1. Introduction

- 1.1 The Leader of Hammersmith & Fulham Council is elected by the Full Council to provide clear and visible leadership and political accountability for the services and activities covered by their portfolio. The Leader is responsible for all executive functions of the Council and shall determine by means of schemes of delegation or otherwise how these functions are to be discharged.
- 1.2 The Leader has authority to discharge any executive function, or to decide to delegate any executive function to the Executive, or to any other Executive member in accordance with the Responsibilities and Portfolios of the Executive maintained in Part 3 of the Constitution, or to Officers, or to any other authority or any joint arrangements.

2. Scope of Portfolio

The portfolio covers the following areas:

- 2.1 Appointing to and removing from office up to nine Cabinet Members, one of whom shall be appointed Deputy Leader, and Lead Members/ Cabinet Assistants.
- 2.2 Ensuring collective deliberation with Cabinet Members.
- 2.3 Representing and acting as ambassador for the Council and providing community leadership.
- 2.4 Fostering and supporting community resilience, including the networks of residents, organisations and businesses that support this.
- 2.5 Providing leadership and responsibility for ensuring the Council's vision and its values are uppermost for the Council.
- 2.6 Overall responsibility for leading the Council's response and recovery to Covid-19.
- 2.7 Strategic policy initiatives.
- 2.8 The provision of services in respect of electoral and other registration services.

- 2.9 Reports from an independent person designated to investigate allegations of misconduct against the Council's Head of Paid Service.
- 2.10 Appointing or nominating and where appropriate removing the Council's representatives on appropriate outside bodies, charitable organisations and Council-owned companies and subsidiaries.
- 2.11 The development, monitoring and implementation of the Council's Communications Strategy and the provision of information regarding the Council's services.
- 2.12 Responsibility for ensuring that that the Council is responsive to the needs of local neighbourhoods and serves them well.
- 2.13 Subject to the Council's Contract Standing Orders, the Leader may (under the "strong Leader model") take any decision likely to incur savings or expenditure of more than £300,000 if the Leader considers in all the circumstances that it is impracticable to defer the decision until the next scheduled meeting of the Executive (Cabinet). Any such decision shall be taken in compliance with the Access to Information Procedure Rules.
- 2.14 Ensuring the delivery of greater value services that seek to improve outcomes and customer services.
- 2.15 Promotion of democracy and public engagement.

3. Delegated Powers

Urgent Decisions

- 3.1 By virtue of section 15(9) of the Local Government Act 2000, the Leader may exercise any Executive Function which has been delegated to the Cabinet or to an individual Cabinet Member or to an Officer.
- 3.2 By convention, the Leader will only exercise such powers where:
 - (a) Deferring the decision until the next meeting of Cabinet would carry such unreasonable risk of damage to the Council or its area that it would be unreasonable to defer the decision until the next meeting of Cabinet.
 - (b) An Officer possessing a delegated power has referred the matter to the Leader for determination.
 - (c) In any case, the Leader has consulted the Deputy Leader and the relevant Cabinet Member(s).

Deputy Leader

1. Scope of Portfolio

- 1.1 In the absence of the Leader, those areas assigned to the Leader, except with regard to those areas/powers specifically reserved for decision to the Council itself.
- 1.2 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.3 Ensuring the Council's compliance with all relevant UK legislation.
- 1.4 Ensuring the effectiveness of the Council's procedures to secure public access to information and open government, including procedures relating to petitions, deputations and other representations.
- 1.5 Responsible for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 1.6 Strategic responsibility for Co-production.

2. Adult Social Care and Health

- 2.1 The Council's policies and strategic plans relating to Adult Social Services and Supporting People Programme for specialist Housing Support.
- 2.2 Responsibility for commissioning and contracting effective and efficient services across social care which can achieve real outcomes for residents and service users.
- 2.3 Chairing the Health & Wellbeing Board.
- 2.4 Meeting the Council's statutory functions under The Care Act, NHS and Community Care Act 1990, Immigration and Asylum Act 1999, Health Act 2006 and other appropriate legislation.
- 2.5 Ensuring that the needs of vulnerable adults are met.
- 2.6 Determining applications for financial assistance for community and voluntary organisations within the borough that fall within this portfolio.
- 2.7 Developing and monitoring service provision in respect of residential facilities, provided for older people, the chronically sick, disabled people, people with learning disabilities, people affected by HIV/Aids and people with mental health needs.
- 2.8 The development of joint and partnership working, including joint commissioning of services with the NHS for the provision of social and health care.

- 2.9 The development, monitoring and implementation of the Council's strategy in respect of better government for older people and people with disabilities.
- 2.10 The development of policies and strategies to retain and enhance high quality GP, other primary, community and acute health care services, including at Charing Cross Hospital and Milson Road Health Centre.
- 2.11 To act as Lead Member for physical health and wellbeing and to work with the Lead Member for Community Mental Health.

3. Public Health

- 3.1 The promotion of health education and public awareness of health issues within the borough, and implementation and monitoring of projects and services in relation to public health provision.
- 3.2 The commissioning and contracting of local authority public health services within the borough, joint commissioning with partner organisations, and monitoring that these contracts are managed effectively.
- 3.3 Consultation with the agencies and voluntary organisations concerned with public health matters in the borough and encouraging and supporting the development of such organisations.
- 3.4 The establishment of partnerships and other forms of collaborative working with the DHSC and NHS partners to develop and monitor joint programmes and other projects and services relating to public health provision and education within the borough.
- 3.5 The development, monitoring and implementation of drug and alcohol policies.

4. Functions shared with the Cabinet Member for Children and Education

- 4.1 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within this portfolio.

[The Lead Officer\(s\) for this portfolio:-](#)

~~[The Deputy Leader is responsible for:](#)~~

~~In conjunction with the Leader:~~

~~The Strategic Director of Social Care
The Director of Public Health~~

Cabinet Member for Civic Renewal

Scope of Portfolio

1. General

- 1.1 Responsibility for connecting the Council's continuous improvement and cultural change agenda with residents and communities – so that the voice of residents helps to lead reform.
- 1.2 Representing the Council's views on matters of corporate or strategic policy and any other matters which are within these terms of reference.
- 1.3 Developing approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political, and economic life of the borough.
- 1.4 Ensuring the Council's discussions with residents lead to policy development which reflects and is informed by genuine local concerns in line with the Council's commitment to doing things with residents rather than to them.
- 1.5 In consultation with the relevant portfolio holder, the planning, implementation and review of public consultation and community engagement initiatives relating to strategic, borough-wide issues and the impact of the Council's representation on external organisations.
- 1.6 Responsible for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 1.7 Oversight of Resident Engagement Boards

2 Communications and resident insight

- 2.1 Working across the Council to develop effective strategies that improve all the Council's communications.
- 2.2 Ensuring customer satisfaction and clear communication is seen as central to everything everyone working at the Council says and does, ensuring all staff and contractors are better equipped to listen to, understand and respond to the concerns of residents and that all written communication meets set standards.
- 2.3 The Council's customer care and complaints policies. Ensuring that complaints are managed in an effective and timely fashion and that complaints are treated as an opportunity to learn and improve.
- 2.4 Policy and operational matters in relation to the Council's Resident Experience and Access programme to provide high quality telephone, internet and face to face access to a range of services from time to time.

- 2.5 Ensuring excellent resident access including Contact Centre and Resident Experience and Access Programme.
- 2.6 To continually improve residents' access to and experience of Council services by developing strategy, infrastructure, processes and culture around resident contacts.

3 Cohesion

- 3.1 Recruit more volunteers and empower residents to undertake actions in their neighbourhood that will further their community's safety, wellbeing and pursuit of happiness.
- 3.2 Strengthen links with other municipalities around the world, particularly with our closest neighbouring liberal democracies in Europe.
- 3.3 Intelligently strengthen community resilience, working with mutual aid groups, residents' associations, amenity groups, Non-Governmental Organisations (NGOs), resident commissions, community services such as our food banks and local businesses.
- 3.4 Encouraging community activities including art, socials, gardening, sport and Neighbourhood Watches.
- 3.5 Support for and promotion of community and other events.

4 Armed Forces

- 4.1 Oversight of the council's work to support armed forces based in the borough and veterans living in the borough.

5 Member Development and enquiries

- 5.1 Advising on Councillors' training and development needs in relation to their representative roles, and liaison officers in respect of appropriate provision.
- 5.2 Informing Councillors of appropriate conferences and seminars, and making arrangements for them to attend such events.
- 5.3 Overseeing the effective operation and improvement of the councillor and MP enquiry service

[6. Working with the Cabinet Member for Public Realm and Cabinet Member for Economy](#)

7.1 On Arts, culture, heritage and tourism matters for the benefit of residents and visitors alike.

The Lead Officer(s) for this portfolio:-

Strategic Director of Social Care

The Director for Corporate Resources

Cabinet Member for Children and Education

Scope of Portfolio

1. Children's Services functions:

- 1.1 The Cabinet Member for Children and Education is designated the lead member for children's services as required by section 19(1) of the Children's Act 2004 and is responsible for:
- (a) education services - the Council's functions in its capacity as education authority, except those excluded under Section 18(3) of the Act (namely certain functions relating to education, higher education and adult education);
 - (b) social services - the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970 insofar as they relate to children, and the Council's s functions in relation to children and young people leaving care;
 - (c) health services - any health-related functions exercised on behalf of a National Health Service body under Section 75 of the Health Act 2006 insofar as they relate to children; and
 - (d) inter-agency co-operation - the arrangements for the Children's Trust and safeguarding duties set out in the Children Act 2004, in particular leading and building arrangements for inter-agency co-operation.
- 1.2 The above functions incorporate:
- (a) The Council's role as 'corporate parent', including assistance to young people up to 24 years who have been looked after 13 weeks beyond their 16th birthday, where circumstances justify.
 - (b) Fostering and adoption services.
 - (c) The Virtual School for looked after children.
 - (d) Locality Family Support Services.
 - (e) Children's Centres.
 - (f) Setting the overall direction in relation to the Council's funding of, and support to, schools.
 - (g) Children's Services asset management.
 - (h) The Council's interest in nursery and 'early years' education, learning out of school hours and subsidised and unsubsidised childcare.
 - (i) Commissioning and providing services to young people with disabilities in transition to adulthood.

- (j) Community budgeting including the Supporting Families programme (and any successor).
 - (k) Care Proceeding review.
 - (l) The development, implementation and monitoring of the Council's early years' strategy.
 - (m) Ensuring that the needs of vulnerable children (including young carers) are met.
 - (n) Partnership working with the National Health Service to promote the interests of children and their families, including decision-making on such matters at the Health and Wellbeing Board.
 - (o) As 'Young People's Champion', working with the Lead Member for Youth Advancement to further the Council's commitment to the involvement of young people in decision-making processes where appropriate.
- 1.3 Responsibility for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 1.4 Community transport services.
- 1.5 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Service and youth justice matters.
- 2. Social Services functions:**
- 2.1 Meeting the Council's statutory functions in relation to children under the Children Act 1989, NHS and Community Care Act 1990, Immigration and Asylum Act 1999 and other appropriate legislation.
- 2.2 The Council's responsibilities towards unaccompanied asylum-seeking children.
- 2.3 The Council's regulatory duties in relation to children's social services.
- 2.4 Ensuring that families with social care needs experience a 'joined-up' service.
- 2.5 Developing and monitoring service provision in respect of residential facilities provided for the care of children.
- 2.6 Responsibility for commissioning and contracting effective and efficient services across Children's Services which can achieve real outcomes for residents and service users.
- 3. Education functions:**

- 3.1 Local schools, including improving education attainment across all state funded schools and the provision of schools of choice.
- 3.2 Plans for new educational provision in the borough (including academies and free schools).
- 3.3 Schools asset management.
- 3.4 The Council's consultation arrangements with schools, governors, parents and others.
- 3.5 Special education needs (SEN) and education for the talented and gifted.
- 3.6 The Council's interest in school admission and exclusion appeals, including the making of arrangements to determine appeals.
- 3.7 The Council's relationship with services for young people offering support and career guidance
- 3.8 Links to industry and business, through education business partnerships and the Young People's Learning Agency.
- 3.9 Appointments to school governing bodies.
- 3.10 The Council's interests in wider educational provision, including provision by the independent sector.
- 3.11 The implementation of the Schools Capital investment programme.
- 3.12 The Council's responsibility for policy and operation of the Council's education transport operation.

4. Ensuring opportunities

- 4.1 The Council's relationship with services for young people offering support with entrepreneurial activity and career guidance.
- 4.2 Ensuring opportunities for all by developing economic and social opportunities for disadvantaged young people, including excluded children and care leavers.
- 4.3 Sports activities for children and young people in schools.
- 4.4 Fostering and supporting community resilience where it relates to young people, and the networks of residents, organisations and businesses that support this.
- 4.5 Youth services and its encouragement of other services to young people.

4.6 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within this portfolio.

5 Functions shared with Cabinet Member for Climate Change and Ecology

5.1 Responsible for ensuring our climate education programme continues to expand across schools in the borough and for other climate initiatives in schools including decarbonising Council schools.

[The Lead Officer\(s\) for this portfolio:-](#)

The Strategic Director of Children's Services

Cabinet Member for Climate Change and Ecology

Scope of portfolio

1. Environment functions

- 1.1 The preparation and consideration of environmental improvement schemes including responsibility for policies relating to the Council's value 'rising to the challenge of climate and ecological emergency'.

2. Climate Change

- 2.1 Responsibility for the implementation of the Council's Climate and Ecology Strategy to achieve net zero carbon by 2030.
- 2.2 Delivery of our Clean Air Strategy including the expansion of our air monitoring network.
- 2.3 Lead for the promotion and development of renewable energy initiatives on council-owned and managed properties as well as the wider borough.
- 2.4 Delivery of retrofitting and improvement programme to make council homes more energy efficient and help cut heating bills.
- 2.5 Responsible for ensuring our climate education programme continues to expand across schools in the borough and for other climate initiatives in schools including decarbonising council schools.
- 2.6 Ensuring the highest possible planning and design standards are used to ensure that all new major developments in the borough are net zero as a minimum.
- 2.7 Responsibility for the development of the 'Library of Things' work to share commonly used equipment.

3. Ecology

- 3.1 Responsible for the implementation of the Council's Climate and Ecology Strategy in parks and green spaces.
- 3.2 Development and implementation of a biodiversity action plan for the borough, building on the work of the biodiversity commission.
- 3.3 Responsible for the borough's Tree Strategy; increasing the number of tiny forests, promoting rewilding and encouraging natural habitats and increasing the number of street trees.

4. **Functions Shared with Cabinet Member for Public Realm:**

Direct input and shared agreement on following areas with Cabinet Member for Public Realm, ensuring they advance the Council's climate and biodiversity strategies:

- Parking policy
- Strategic transport planning, including EV charging
- Measures to improve air quality
- Management of parks and green spaces
- Refuse collection
- Waste disposal
- Recycling
- Food waste and composting
- Street cleansing
- Fly-tipping sewerage
- Sustainable drainage systems (SuDS)

[The Lead Officer\(s\) for this portfolio:-](#)

The Strategic Director of Environment

Cabinet Member for the Economy

1. Scope of portfolio

- 1.1 Responsibility for ensuring that the Council's value 'Building Shared Prosperity' is uppermost in all Council regeneration and economic proposals.
- 1.2 Responsibility for the renewal and regeneration of the borough especially its most deprived parts.
- 1.3 Responsibility for providing leadership on the economic aspects of Covid-19 response and recovery.
- 1.4 Developing policies and programmes to eradicate physical, economic and social deprivation.
- 1.5 To champion the development of local businesses and to promote business start-ups.
- 1.6 To work with West London, London, and National structures to support local businesses.
- 1.7 To remove barriers that small firms may face when attempting to secure Council contracts.
- 1.8 Monitoring the local employment situation and developing and implementing appropriate action in relation to the encouragement, promotion and development of employment training opportunities and services.
- 1.9 Establishing and maintaining effective working partnerships with local businesses in pursuance of the Council's Industrial Strategy, including for the White City Innovation District.
- 1.10 The development, monitoring and implementation of the Council's regeneration strategy and associated bidding processes.
- 1.11 The development, monitoring and implementation of the Council's strategic policy and operational matters relating to the European Union and the development of world class economic linkages particularly for the White City Innovation District.
- 1.12 Compulsory purchase of land for planning purposes.
- 1.13 Development of strategies in relation to the future of the West Kensington and Gibbs Green estates and the surrounding regeneration area.
- 1.14 The development and implementation of the Authority's planning policies
- 1.15 Development of housing policy to support the building of new homes which will act as a catalyst for regeneration.

- 1.17 Responsibility for managing the Council's corporate property services: Facilities Management, Asset Management. This includes direct oversight of the council's commercial and administrative property portfolios. These functions also support wider Council departments with the management of their portfolios.
- 1.16 Determining annual allocations in respect of the Housing Capital Programme in respect of the Housing development programme.
- 1.17 Delivery of the Civic Campus programme.

2. Employment and Economic Development

- 2.1 The promotion of employment, economic development, training, work experience, and other forms of support which the Council can target to meet the needs of unemployed people within the borough.
- 2.2 The development, monitoring and implementation of the Council's responses to Government initiatives and programmes in respect of unemployed people in the borough.
- 2.3 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneur.
- 2.4. Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.
- 2.5 Adult and Community Education
- 2.6 Ensuring the Council acts as a responsible corporate citizen towards small businesses.

3. Planning and building control

- 3.1 Oversight of planning regulations for new developments.
- 3.2 The Authority's powers and duties under all relevant legislation pertaining to building control.
- 3.3 The inclusion of buildings in the List of Buildings of Special Architectural or Historic Interest.
- 3.4 The exercise of the Authority's functions under Part II of the London Buildings Act (Amendment) Act 1939 in relation to the naming and numbering of streets and buildings.

4. Licensing policy

4.1 Working with the President of the Enterprise Board on oversight and development of the Council's licensing policy.

4.2 Development of the gambling policies.

5. Functions shared with the Cabinet Member for Climate Change and Ecology

5.1 Ensuring the highest possible planning and design standards are used to ensure that all new major developments in the borough are net zero as a minimum.

6. Functions shared with the Cabinet Member for Finance and Reform

6.1 To oversee the allocation of Section 106 and Community Infrastructure Levy monies to projects, ensuring that this is consistent with their prescribed uses, the community's interests and the Council's priorities.

7. Working with the Cabinet Member for Public Realm and Cabinet Member for Civic Engagement

7.1 On Arts, culture, heritage and tourism matters for the benefit of residents and visitors alike.

The Lead Officer(s) for this portfolio:-

The Strategic Director of Economy
The Strategic Director of Environment

Cabinet Member for Finance and Reform

1. Scope of portfolio

Finance

- 1.1 The Council's capital and revenue budgets, including the HRA, the medium-term financial strategy, annual proposals on the Council Tax base, Council Tax levels and budget allocations between departments.
- 1.2 Responsibility for the monitoring of revenue and capital budgets and ensuring there are robust financial management systems.
- 1.3 Responsibility for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 1.4 Responsibility for Pension Fund management.
- 1.5 Responsibility for Treasury Management.
- 1.6 Probity and financial monitoring.
- 1.7 Preparation of annual accounts.
- 1.9 Responsibility for the Council's Corporate Procurement Strategy and the implementation of the National Procurement Strategy.
- 1.10 Responsibility for procurement in accordance with the Council's social and economic value procurement policy.
- 1.11 Responsibility for Information Technology.
- 1.12 The strategic implementation of the Council's Digital Strategy, Information Management and Information Technology Strategy and the achievement of the Government's targets for electronic service delivery.
- 1.13 Responsibility for the monitoring and effective delivery of corporate Shared Services and other joint working initiatives.
- 1.14 Representing the Council's views on strategic policies related to corporate Shared Services.
- 1.15 Responsibility for Council's contract processes, including approval of changes to the Council's Contracts Standing Orders and Approved List of Contractors, ensuring services are in compliance with procurement legislation.
- 1.16 Ensuring that the Council's procurement of goods and services delivers added local value for residents, the third sector and local businesses.

- 1.17 Responsibility for overall contract management arrangements.
- 1.18 Responsibility for the billing and collection of council tax and business rates and the administration housing benefit, council tax support and other benefits administered by the Council.
- 1.19 Developing strategies and practices that improve the Council's ability to procure locally sourced, value for money goods and services.

2. Commercial Revenue Generation

- 2.1 Responsibility for working across the Council to maximise new sources of income generation from the commercial sector.
- 2.2 Generating new revenue and practices that do not entail raising new charges and fines that target residents or local businesses.
- 2.3 Agreeing and monitoring annual revenue generation targets.

3. Reform functions

- 3.1 To drive reform and a modernisation programme across the organisation in line with the Vision, Business Plan and strategies so that the outcomes our residents receive are higher quality, better value and continuously improve and fit a modern organisation.
- 3.2 To drive an enabling corporate centre to support efficiencies, fundamental systems reform, assurance, business intelligence and the development and effective operation of the Council's major programmes and projects. To lead improvements in organisational culture and behaviours, to disrupt the status quo, and build new alliances with organisations across the public, private and third sector to achieve the objectives set out in 3.1.
- 3.3 To implement strategies that help our teams have better capabilities, and work practices so that Hammersmith & Fulham stands out as the best, most effective council anywhere.

4. Improving the Council's Ability to Deliver High Quality Services and Manage People

- 4.1 Responsibility for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 4.2 Responsibility for oversight of all the Council's management structures, behaviours, and work practices with the aim of developing a culture of continuous improvement.
- 4.3 Developing, monitoring and implementing strategies to optimise the Council's management and work practices.

- 4.4 Identifying weak or failing services and working with officers to lead and support improvements.
- 4.5 Challenging and promoting the development of talent schemes; to grow our own talent, becoming more efficient as an organisation; and driving down the need for agency spend and recruitment overheads.
- 4.6 Implementing the use of incentives and other mechanisms for recording excellence.
- 4.7 Responsibility for oversight all human resources policies including:
- Systemic change programmes
 - Reward and remuneration
 - Employee relations
 - Resourcing and recruitment
 - Employee engagement and development
 - Organisation development
 - Organisation design and establishment
 - Wellbeing
- 4.8 Working across the council to develop effective strategies that improve all the Council's internal communications.

5. Elections

- 5.1 The provision of services in respect of electoral and other registration services.

6. Legal Services

- 6.1 The provision of legal services to the Council.

7. Functions shared with the Cabinet Member for Civic Renewal

- 7.1 Responsibility for connecting the Council's continuous improvement and cultural change agenda with residents and communities – so that the voice of residents helps to lead reform.

8. Functions shared with the Cabinet Member for Housing and Homelessness

- 8.1 For the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, the Cabinet Member for Finance & Reform is responsible for all non-housing budgets and (in conjunction with the Cabinet Member for Housing and Homelessness) for all housing budgets.
- 8.2 Ensuring, in consultation with the relevant Cabinet Member, that adequate performance and quality is obtained from all Council contracts let, and on

those services provided by the Council, that services are delivered to ensure client and resident satisfaction.

9. Functions shared with the Cabinet Member for Economy

- 9.1 Developing strategies and practices that improve the Council's ability to procure locally sourced, value for money goods and services.
- 9.2 To oversee the allocation of Section 106 and Community Infrastructure Levy monies to projects, ensuring that this is consistent with their prescribed uses, the community's interests and the Council's priorities.

[The Lead Officer\(s\) for this portfolio:-](#)

The Director of Finance
The Director of Corporate Resources

Cabinet Member for Housing and Homelessness

1. Scope of portfolio

- 1.1 Exercising the Council's powers and duties as a local housing authority, including new or unallocated housing and associated functions.
- 1.2 The Council 's powers and duties in relation to declaring renewal areas and clearance areas.
- 1.3 Responsibility for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 1.4 Housing land and property assets and, where appropriate, declaration of them as surplus to requirements.
- 1.5 The Council 's powers and duties in relation to private sector housing (including energy conservation).
- 1.6 All aspects of housing services, housing policy and the housing programme and any other new or unallocated housing and associated functions.
- 1.7 The Housing Revenue Account (HRA) housing strategy, policy and forward programme through its business plan, Housing Investment Programme Strategy and other policy documents.
- 1.8 The level of rents and charges for property and services within the Housing Revenue Account and for any other property and services within the General Fund.
- 1.9 The disposal of individual void properties within the agreed criteria.
- 1.10 Determining annual allocations in respect of the Housing Capital Programme including:
 - Conversion and modernisation of Council housing
 - Registered Social Landlords
 - Assistance for new build and rehabilitation schemes
 - Home loans and improvement grants
 - Housing stock, including acquisition and improvement
 - Clearance areas and compulsory purchase of property
 - Renewal areas and area improvement.
- 1.11 The Council's powers and duties in relation to energy conservation in public sector housing.
- 1.12 The development, monitoring and implementation of the Council's responses to Government initiatives and programmes in respect of housing.

1.13 Strategic overview and development of policies to improve the private rented housing sector.

2. Functions shared with the Cabinet Member for Economy

2.1 Compulsory purchase of land for housing purposes.

3. Functions shared with the Cabinet Member for Social Inclusion and Community Safety

3.1 To develop policies and programme to tackle homelessness and support people to secure and maintain living in safe and suitable accommodation.

3.2 Responsibility for anti-social behaviour on Housing land.

4. Functions shared with the Cabinet Member for the Public Realm and The Cabinet Member for Social Inclusion and Community Safety

4.1 To ensure that Law Enforcement Team tackles anti-social behaviour.

5. Functions shared with the Cabinet Member for Finance and Reform

5.1 For the purposes of estimate preparation, monitoring and control and staffing/industrial relations issues, the Cabinet Member for Finance is responsible for all non-housing budgets and (in conjunction with the Cabinet Member for Housing and Homelessness) for all housing budgets.

6. Functions shared with the Cabinet Member for Climate Change and Ecology

6.1 Delivery of retrofitting and improvement programme to make council homes more energy efficient and help cut heating bills.

[The Lead Officer\(s\) for this portfolio:-](#)

The Strategic Director of ~~the~~ Economy

Cabinet Member for Public Realm

Scope of portfolio

1. Transport, Highways and Parking

- 1.1 Consult widely with residents and local businesses and work with them to expand schemes which improve air quality by reducing traffic, congestion and pollution.
- 1.2 Continue to expand the availability of Electric Vehicle (EV) charging points.
- 1.3 The maintenance and management of the Borough's roads, river walls, draw docks, all subways, bridges including Hammersmith Bridge, and other civil engineering structures.
- 1.4 The Council's local Transport Plan and Borough Spending Plan.
- 1.5 Strategic transport planning, including links with the Local Plan, Industrial Strategy and related documents and processes.
- 1.6 Parking policy implementation and enforcement.
- 1.7 Promote cycling, including increase cycle storage and safe cycle paths.
- 1.8 20mph speed limit and delivery drivers' code of conduct.
- 1.9 Responsibility for providing leadership on Covid-19 response and recovery for all matters within this portfolio.
- 1.10 High streets including pop-up meanwhile spaces.
- 1.11 Policy and operational matters in relation to libraries, hiring of civic halls and facilities.

2 Street Scene functions

~~2.1 Development of the Council's Licensing and Gambling Policies.~~

- 2.1 Policy and service implementation in respect of mortuary, burial, cremation and Coroner services

3. Borough development

- 3.1 Working closely with residents and community groups to encourage developers to build beautiful buildings that meet the needs of the community and are in keeping with the character of the neighbourhoods they would be in.

~~3.2 Planning regulations for new developments.~~

~~3.33.2~~ Developing our neighbourhoods for the future.

- 3.4 Street property taskforce.
- 3.5 A4 fly-under and the redesign of central Hammersmith, with new genuinely affordable homes, affordable office space and a more attractive town centre for all residents, including cultural corridor from Civic Campus to Olympia.

4. Culture, Heritage, Sports, Arts and Tourism

- 4.1 To formulate and implement policies likely to promote the development preservation and enhancement of culture, heritage and tourism within the borough for the benefit of residents and visitors alike.
- 4.2 The Council's Culture, Heritage, Arts and Tourism policies/strategies.
- 4.3 To promote and assist the provision of good quality theatre, museum and other cultural facilities within the borough.
- 4.4 The Council's sports strategy.
- 4.5 Provision and support of community centres.

~~5. Building control and maintenance~~

~~Planning regulations for new developments.~~

- ~~5.1 The Authority's powers and duties under all relevant legislation pertaining to building control.~~
- ~~5.2 The inclusion of buildings in the List of Buildings of Special Architectural or Historic Interest.~~
- ~~5.3 The exercise of the Authority's functions under Part II of the London Buildings Act (Amendment) Act 1939 in relation to the naming and numbering of streets and buildings.~~

6. Shared with Climate Change and Ecology:

- 6.1 Agree the following policy areas, in conjunction with the Cabinet Member for Climate Change and Ecology, to ensure that the services enhance the borough's public realm.
 - Parking policy
 - Strategic transport planning, including EV charging
 - Measures to improve air quality
 - Management of parks and green spaces
 - refuse collection
 - waste disposal
 - recycling
 - food waste and composting

- street cleansing
- fly-tipping
- sewerage and sustainable drainage systems (SuDS)

The Lead Officer(s) for this portfolio:-

The Strategic Director of Environment
The Strategic Director of Economy

Cabinet Member for Social Inclusion and Community Safety

1. Social Inclusion

- 1.1 The development and implementation of the Council's Third Sector strategy, including the promotion of social enterprises that promote community development.
- 1.2 Developing and leading approaches to ensure that all residents have increasing access to opportunity across the social, cultural, political and economic life of the borough.
- 1.3 Delivering community and cultural events that promote social inclusion and community cohesion.
- 1.4 Developing strategic approaches to reduce inequalities around health, education and employment outcomes, access to services, participation in civic life and ensuring compliance with all legal equalities duties.
- 1.5 Developing strategic policies and actions to reduce poverty and social injustice.
- 1.6 The development and implementation of strategies to address the threat of extremism, including the Prevent Strategy and strategic member oversight of the Prevent Channel panel.

2. Community Safety

- 2.1 The development, monitoring and implementation of the Council's policies and powers in relation to reducing crime and anti-social behaviour.
- 2.2 The development, monitoring and implementation of the Authority's element of the borough Crime and Disorder Reduction Strategy in conjunction with Police and other agencies.

- 2.3 Responsibility for ensuring the Local Enforcement Team performs well and work alongside the Metropolitan Police.
- 2.4 Responsibility for ensuring the effective running and establishment of Neighbourhood Watch Groups in the borough, working in partnership with the Metropolitan Police.
- 2.5 Policy and strategy for the Community Safety division.
- 2.6 Working with all agencies to ensure enforcement services are effective in reducing crime and anti-social behaviour including:
 - All forms of criminal behaviour;
 - Litter;
 - “Clean Sweep” - Tackling “Grot Spots”;
 - Dog fouling;
 - Graffiti;
 - Street drinking; and
 - Street scene enforcement.
- 2.7 Taking action to reduce fear of crime.

3. Refugees

- 3.1 Ensure unaccompanied child refugees, refugees and asylum seekers have access to services and their needs are taken into account when developing Council policies as a compassionate council.
- 3.2 Take pride in Hammersmith & Fulham, and work in a joined-up way – making connections between unaccompanied child refugees, refugees and asylum seekers, charities, local community groups and residents; and work towards becoming a borough of sanctuary.
- 3.3 Seek to improve the lives of unaccompanied child refugees, refugees and asylum seekers in areas including: social inclusion, housing, well-being, education and career development, and reduce poverty and social injustice.
- 3.4 Review and monitor the Council’s achievements in resettling vulnerable refugee families through the Syria, Afghan, & Ukraine Resettlement Programs; and the care provided by Children’s Services to unaccompanied child asylum seekers and child refugees, and other programs of support.

4. Street Scene functions

- 4.1 Enforcement in respect of consumer protection, trading standards, street trading, environmental health and public safety, corporate health and safety, pest control, food safety and contaminated land.
- 4.2 The issuing of notices and enforcement requirements as set out in the Environmental Protection Act.

~~4.3 — Enforcement of the Council's Licensing and Gambling Policies.~~

4.3 The exercise of duties of the Council with respect to Emergency Planning and business continuity services.

5. Functions shared with the Cabinet Member for the Public Realm and The Cabinet member for Social Inclusion and Community Safety, Cabinet Member for Housing and Homelessness

5.1 To ensure that Law Enforcement Team tackles anti-social behaviour.

6. Functions shared with the Cabinet Member for Children and Education

6.1 The implementation and monitoring of projects and services in relation to the borough's Youth Offending Service, Gangs Unit and youth justice matters.

6.2 Youth services and its encouragement of other services to young people.

6.3 Sports activities for children and young people.

6.4 Determining applications for financial assistance from the Voluntary Sector and Community Organisations within the Borough that fall within the portfolio.

7. Functions shared with the Cabinet Member for the Economy

7.1 The promotion of employment, economic development, training, work experience, and other forms of support which the Authority can target to meet the needs of unemployed people within the Borough.

7.2 The development, monitoring and implementation of the Authority's responses to Government initiatives and programmes in respect of unemployed people in the Borough.

7.3 Promotion of an entrepreneurial culture in schools, colleges and promoting tomorrow's entrepreneurs.

7.4 Determining applications and the approval of grants and loans to firms, community and voluntary organisations, charities and trusts for the purposes of economic development (excluding children and education) within the borough.

8. Function shared with the Cabinet Member for Housing and Homelessness

8.1 To develop policies and programme to tackle homelessness and support vulnerable people to secure and maintain living in safe and suitable accommodation.

8.2 Responsibility for anti-social behaviour on Housing land.

9. Function shared with the Deputy Leader

9.1 The development, monitoring and implementation of drug and alcohol policies.

10. Functions shared with the Cabinet Member for Finance and Reform

10.1 Ensuring resident and business satisfaction is measured and improved, including encouraging and rewarding staff ideas for improving resident satisfaction.

11. Function shared with the Cabinet Member for Public Realm and the Cabinet Member for Housing and Homelessness

11.1 To ensure that the Law Enforcement Team tackles anti-social behaviour.

The Lead Officer(s) for this portfolio:-

The Strategic Director of Environment

The Strategic Director for Social Care

The Strategic Director for Economy

Lead Members

Lead Member for European Co-operation

This post holder will work directly with the Cabinet Member for Civic Renewal to:

- Strengthen our links with other municipalities around the world and particularly with our closest neighbouring liberal democracies in Europe.
- Develop and implement initiatives to ensure residents and businesses from the European Union continue to feel welcome in the Borough and are supported to navigate any obstacles caused by the UK's exit from the European Union.
- Work with the Cabinet Member for Economy on twinning global innovation districts.

Lead Member for Culture and Heritage

This post holder will work directly to the Cabinet Member for the Public Realm to:-

- Develop an improved arts and culture programme which adds to the quality of life for everyone who lives in Hammersmith & Fulham.
- Work to ensure our local arts and culture fully reflects the diversity of the borough.

The post holder will work with the Cabinet Member for Civic Renewal who has responsibility for encouraging street theatre and arts.

Lead Member for Community Mental Health

This post holder will work directly to the Deputy Leader and ensure that people with specialist mental health, learning disabilities and autism get the high-quality support they need from the council and NHS, other public bodies operating in the borough and local businesses.

Work with the Deputy Leader to tackle the mental health crisis triggered by the Covid-19 pandemic including manifesto commitments for counselling in schools, mental health gardens, wellbeing hubs and family and paediatric hubs.

Lead Member for Support for Older People

This post holder will work directly to the Deputy Leader and acts as the Older People's Champion, as recommended by H&F's independent Older People's Commission.

They will be responsible for helping make H&F the best place to grow older.

Lead Member for Inclusive Community Engagement and Co-Production

This post holder will work directly to the Deputy Leader with some crossover with the Cabinet Member for Civic Renewal and the Cabinet Member for Social Inclusion and Community Safety.

Work to expand co-production with Disabled resident and other across all council departments and services and ensure staff are properly trained in genuine co-production.

Encourage and support the third sector to co-produce their services.

Input into the co-production of a new, post-pandemic Third Sector Strategy.

Lead Member for Youth Advancement

Reporting to the Cabinet Member for Children and Education and the Cabinet Member for Social Inclusion and Community Safety, this post holder will:

- Advance the cause of making Hammersmith & Fulham an amazing place for young people to grow and be safe.
- Input into the plans and approaches of the Youth Offending Service.
- Act as a link between the Youth Council and the Council.

Lead Member for Women and Girls

Reporting to the Cabinet Member for Social Inclusion, this post holder will input on policies and plans in the council to ensure that women and girls feel safe in the borough and have equal access to all services and opportunities in the borough.

President – H&F Enterprise Board

Reporting to the Cabinet Member for the Economy and the Leader to champion the business sector and ensure businesses in Hammersmith & Fulham have a strong voice.

The postholder will form an H&F Enterprise Board and serve as its President, with the following responsibilities:

- Convene businesses to develop policies to make H&F the best place in Britain to do business.
- Encourage entrepreneurialism.
- Encourage skills development to ensure H&F residents have access to the best jobs.
- Develop, lead and mentor business support schemes.
- Review H&F procurement strategy to ensure local businesses are prioritised.
- Lead pitches to attract anchor businesses and institutions in line with H&F's industrial strategy.
- The post holder will act as lead member for Upstream.
- Lead on licensing policy.

Borough Representative for the Armed Forces Community

This post-holder will work directly with the Cabinet Member for Civic Renewal to:

- Improve the lives of armed forces personnel and their families. Support and assist the Royal British Legion and other voluntary organisations in recognising the work and sacrifice of armed forces personnel defending the UK, its interests and way of life.
- Promote remembrance and commemorative events.

Agenda Item 7.3

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 13 July 2022

Subject: Revisions to the Members' Allowances Scheme 2022-23

Report of: The Leader of the Council - Councillor Stephen Cowan

Responsible Director: David Tatlow – Director of Corporate Resources

Summary

This report requests approval to update the Members' Allowances Scheme approved by Council at its meeting in May 2022.

Recommendation

1. That the revised Members' Allowances Scheme 2022/23 as set out in the report and attached as Appendix 1, be approved.
-

Wards Affected: All

H&F Values	Summary of how this report aligns to the H&F Values
Creating a compassionate council	The revisions recommended in this report will make the role of Mayor more inclusive and accessible to a wider range of councillors.

Financial Impact

Every councillor is entitled to a basic allowance. Due to the responsibilities undertaken by some Councillors, they are also entitled to a Special Responsibility Allowance (SRA). The changes proposed in this report will result in additional annual costs of £3,504.52. It is proposed that this is funded in 2022/23 from corporate contingency budgets and included as part of the Council's Medium Term Financial Strategy and budget setting process for 2023/24.

Andre Mark, Head of Finance (Corporate Services), dated 5 July 2022

Verified by Andrew Lord, Head of Strategic Planning and Monitoring, dated 5 July 2022

Legal Implications

Under Regulation 4 of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations), the Council has the powers to make a scheme to provide for the payment of a basic allowance and any other allowance permitted by the Regulations. This report is seeking approval to amend the scheme approved by Full Council in May 2022. The proposals contained within the report are in line with the Regulations, Local Government Act 2000 and appropriate regulations.

Adesuwa Omoregie - Assistant Director Legal Services, dated 5 July 2022

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals

1. Council approved the 2022/23 Members' Allowances scheme at its meeting in May 2022. This paper is seeking approval to increase the Mayor's special responsibility allowance from £11,695.48 to £15,200 per year, an increase of £3,504.52.
2. The role of the Mayor requires a significant time commitment in addition to their duties as a councillor. The proposed increase takes into account both the additional time commitment and the need to ensure the role is inclusive and accessible to a wide range of councillors in the borough.

Reasons for Decision

3. The Council is required under the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 to approve any amendments to the approved scheme.

List of Appendices:

Appendix 1 – Revised Members' Allowances Scheme 2022/23

Members' Allowances Scheme 2022-23 (Revised)
Effective from 14 July 2022

This scheme is made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ("the Regulations") for 2022/2023 and subsequent years. The allowances scheme has been prepared having regard to the report of the Independent Panel on the Remuneration of Councillors in London established by London Councils on behalf of all London Councils, co-authored by Mike Cooke (Chair), Sir Rodney Brooke CBE DL and Anne Watts CBE and published in January 2022.

1. Basic Allowance

- 1.1 The Independent Remunerator's report suggests a flat-rate basic allowance be paid to each member of the authority of £12,014 per annum to be paid in 12 monthly instalments on the 15th of each month.
- 1.2 The Council has considered the independent remunerator's recommendation but has decided to set lower levels of allowances than those recommended. It proposes to increase basic and special responsibility allowances by inflation (RPI as at March 2022).

The basic rate allowance for all Hammersmith & Fulham Councillors will therefore be £9,744.60 - to be paid in 12 monthly instalments on the 15th of each month.

Councillors only receive an allowance for the period of their term of office in cases where it is less than the whole financial year.

These are 9% lower in real terms than allowances paid in 2013.

	No.	Basic Allowance	Total
All Councillors	50	£9,744.60	£487,230

2. Special Responsibility Allowances

- 2.1 Regard has been had to the recommendations in the independent remunerator's report for differential banding in relation to the payment of special responsibility allowances (SRAs), but in line with the Administration's priorities, it has been decided to not to follow the independent remunerator's recommendations which would have proved considerably more costly to local council taxpayers.
- 2.2 The following Special Responsibility Allowances shall therefore be paid to Councillors holding the specified offices indicated:

Position	No	SRA Entitlement	Total SRA
The Leader	1	£35,083.50	£35,083.50
Deputy Leader	1	£29,229.88	£29,229.88
Other Cabinet members	8	£23,385.08	£187,080.62
Chief Whip (where not a member of Cabinet)	1	£23,385.08	£23,385.08
Chair, Overview and Policy Board	1	£23,385.08	£23,385.08
Deputy Chief Whip (2)	2	£6,065.52	£12,131.05
Chair of Policy & Accountability Committees	6	£6,065.52	£36,393.14
Leader of the Opposition	1	£17,534.39	£17,534.39
Deputy Leader of the Opposition	1	£6,065.52	£6,065.52
Opposition Whip	1	£6,065.52	£6,065.52
Chair of Planning and Development Control Committees, Audit Committee*, Pensions Fund Committee, Licensing Committee (4)	3*	£6,065.52	£18,196.57
The Mayor	1	£15,200.00	£15,200.00
Deputy Mayor	1	£6,065.52	£6,065.52
Lead Members **	6	£2,943.00	£17,658.00
Total	34		£433,473.87

*This portfolio holder receives only one SRA in respect of duties undertaken.

**There are eight positions. However, two portfolio holders will receive only one SRA in respect of duties undertaken.

Councillors only receive an allowance for the period of their term of office in cases where it is less than the whole financial year. A Special Responsibility Allowance would cease where the SRA entitled post ceases to exist during year.

As Special Responsibility Allowances were cut by 10% in 2014 and have been frozen since, the levels proposed are 19% lower in real terms than those agreed in 2013.

3. Other Allowances

Dependent Carer Allowance

3.1 Dependant carer allowance is payable in respect of expenses incurred for the care of a Councillor's children or dependants in attending meetings of the authority, its Executive, Committees and Sub-Committees and in discharging the duties set out in paragraph 7 of the Regulations.

- a) £5.53 per half hour before 10 pm; £5.85 per half hour after 10 pm (not payable in respect of a member of the Councillor's household).

Travel and Subsistence

3.2 Travel allowances are payable (at the same rates as employees) for duties undertaken away from the Town Halls when discharging duties under paragraph 8 of the Regulations. There will be no payment for intra-borough

travel under this scheme unless where a member requires assistance to discharge his or her duties due to ill health, disability or other circumstances approved by the Monitoring Officer. Taxis can be taken by Members who attend approved outside bodies and committee meetings out of the borough.

Public Transport

- a) Actual travel costs (second class only) will be reimbursed.

Car mileage

- b) 45 pence per mile.

Subsistence

- c) Allowance payable at same rates and conditions as employees. Payment is only made for expenses incurred outside the Borough and is subject to a maximum of £5.00 per claim.

Sickness, maternity and paternity allowance

- d) Where a Member is entitled to a Special Responsibility Allowance, it will continue to be paid in the case of sickness, maternity and paternity leave on the same terms as employees.

4. Annual increase

- 4.1 The updated allowances in this scheme apply from 26 May 2022. All allowances have been uplifted by inflation based on RPI as at March 2022.

5. Election to forego allowances

- 5.1 In accordance with the provisions of regulation 13, a Councillor may, by notice in writing to the Chief Executive, elect to forego any part, or all, of his or her entitlement to an allowance under this scheme.

6. Time limit for claims

- 6.1 The majority of allowances are payable monthly, but where allowances are the subject of claims, these claims should be made in the agreed form with the appropriate declaration within six months of the duty to which they relate.

7. Membership of more than one authority

- 7.1 A member may not receive allowances from more than one authority (within the meaning of the regulations) in respect of the same duties.

8. Non-entitlement to more than one SRA

- 8.1 A member shall not receive more than one SRA in respect of duties undertaken with the authority. Where a Councillor is entitled to two SRAs, he or she will be paid the highest allowance.

9. Pensions

- 9.1 No members of the Council shall be entitled to membership of the Local Government Pension Scheme in accordance with Section 7 of the Superannuation Act 1972.

10. Allowances for co-opted members and independent members of The Pensions Sub Committee

Co-optees

- 10.1 Co-opted members shall be paid £549.36 per annum by equal monthly instalments of £45.78 on the 15th of each month.
- 10.2 Co-opted members shall be entitled to the same travel and dependent carer allowances as Councillors but shall not be entitled to subsistence payments.

Independent Members

- 10.3 The London Borough of Hammersmith & Fulham shall pay an allowance to the appointed Independent Members at a flat rate allowance of £549.36 per annum payable by equal monthly instalments of £45.78 on the 15th of each month.

Agenda Item 7.4

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 13/07/2022

Subject: Adoption of the 2022 Revised Statement of Licensing Policy

Report of: Cabinet Member for The Economy – Councillor Andrew Jones

Report author: Adrian Overton, Licensing Policy and Enforcement Manager

Responsible Director: Sharon Lea, Interim Chief Executive and Strategic Director of Environment

SUMMARY

The Licensing Act 2003 (“The 2003 Act”) requires every Council to have a Statement of Licensing Policy (SLP). The Council’s SLP must be reviewed via public consultation, formally adopted and published every five years. The current SLP was adopted in July 2017 and therefore any revised policy must be adopted by Full Council and published in July 2022, to meet this statutory requirement.

RECOMMENDATIONS

1. That Full Council adopt the Statement of Licensing Policy 2022 - 2027 at Appendix 2.

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The SLP welcomes and encourages responsible licensing operators to the borough and encourages late licences in non-residential areas. This could bring new business investment, new employment opportunities and more visitors to enjoy their leisure time.
Creating a compassionate council	The revised statement of licensing policy supports a vibrant night-time economy that is sensitive to residents’ needs.
Doing things with local residents, not to them	Residents have been 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.
Being ruthlessly financially efficient	The consultation has mainly been carried out electronically to minimise postal costs and the impact on the team budget.
Taking pride in H&F	The SLP helps 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.
Rising to the challenge of the climate and ecological emergency	The consultation has mainly been carried out electronically to minimise the use of paper, when compared to using a postal process.

Financial Impact

There are no direct financial implications associated with the recommendations in this report. Any financial impact arising as a result of this policy e.g. public consultation, will be managed as part of the normal budget monitoring process.

*Comments provided by Kellie Gooch, Head of finance (environment), 11 May 2022
Verified by Emily Hill*

Legal Implications

Approval of the Statement of Licensing Policy requires the approval of Full Council in accordance with Article 4 of the Council's Constitution. The draft Policy was considered by Members of the Licensing Committee on 27 June 2022.

Section 5 of the Licensing Act 2003 requires a Licensing Authority to determine its Statement of Licensing Policy at least every five years and this includes the requirement to carry out a statutory consultation.

Prior to adoption of the Statement of Licensing Policy Members of Full Council must carefully consider the consultation responses at Appendices 6 & 7.

Comments provided by Jane Astbury, Chief Solicitor (Planning, Property, Licensing and Highways) 1 July 2022

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Introduction and Background

1. The Council's SLP provides advice and guidance to the Licensing Authority when exercising its functions under the Licensing Act 2003. It also provides guidance to licence applicants and any objectors.
2. A SLP may last for a maximum of five years and can be reviewed and revised by the Council at any time, within that 5-year period.
3. The SLP could be reviewed, for example, in two years' time. The Council may decide that specific areas of the borough would benefit from a more flexible or different approach; to encourage regeneration and community cohesion and to address the needs/concerns of local residents and businesses, as appropriate.
4. There is a clear intention that the SLP should be a balance of encouraging regeneration and nightlife business in the borough, whilst helping the Police and other responsible authorities to regulate problem premises and operators.
5. The [Current statement of licensing policy 2017 to 2022](#) has been updated to reflect the council's commitment to supporting businesses, more late-night licences in non-residential areas and a vibrant night-time economy that is sensitive to the needs of residents.
6. A copy of the Draft Statement of Licensing Policy 2022 to 2027 that was sent out for consultation is attached at Appendix 1, and the Final Draft of LBHF Statement of Licensing Policy 2022 - 2027 is attached at Appendix 2 to this report.
7. Full Council are asked to adopt the final Draft Statement of Licensing Policy (SLP 2022 - 2027) at Appendix 2.

Proposals and Analysis of Options

Reviewing the Statement of Licensing Policy

8. In reviewing, updating and revising the Council's Statement of Licensing Policy, Officers have sought the views of key stakeholders via our H&F Night-time Economy Working Group and Responsible Authorities about what they would like to see in the revised council's Statement of Licensing Policy.
9. Officers have engaged extensively with local residents, businesses and councillors before formal statutory consultation and reporting to Full Council.
10. The review process begun in July 2021 and involved the following:
 - a) **Cumulative Impact Policy review:** *An 8-week consultation about the Cumulative Impact Policies in Shepherds Bush and Fulham Broadway.*

- b) **Night surgery with Amy Lamé’s GLA team:** *Involved council officers from the Licensing Team, Economic Growth, Law Enforcement Team, business reps, the police and a local resident.*
- c) **Two overnight audits:** *Conducted with Night-Time Economy Solutions and involved council officers from the Licensing Team, Law Enforcement Team, business reps, the police and a local resident.*
- d) **Stakeholder engagement with the H&F Night-Time Economy Working Group:** The group has representation from officers from council teams including: Licensing, Environmental Health, Community Safety, Highways, Economic Growth, Planning, Business Intelligence, Digital Services, Communications, the Police and Business Improvement Districts.
- e) **Conducted a Mayor’s Office for Policing and Crime (MOPAC) Statement of Licensing Policy Audit:** This looked at a wide range of strategic and policy areas and has been included in the revised policy so that it can be proactively used to strengthen future policy reviews and assessments.

A summary of the key changes to the Statement of Licensing Policy

- 11. The Final Draft of LBHF Statement of Licensing Policy 2022 - 2027 now has a different style, with three distinct sections and three new themes to make it more business friendly. Key changes to the [Current statement of licensing policy 2017 to 2022](#) are summarised in Appendices 3 and 7.

Timetable for formal adoption

- 12. The timetable followed for formal adoption is detailed in the table below:

Activity	Date(s)
Statutory public 6-week consultation started	13 May 2022
Strategic Leadership Team (SLT) meeting	25 May 2022
Political Cabinet	6 June 2022
Statutory public 6-week consultation ended	24 June 2022
Licensing Committee	27 June 2022
Council	13 July 2022

Economic growth, regeneration and support for businesses

- 13. The Council remains committed to be a major contributor to London’s economic growth over the next decade and being the most inclusive, smartest economic hotspot. Providing infrastructure in the public realm, that supports the economy.
- 14. Policy 12 reinforces the council’s ‘Support for Local Businesses’ and highlights our commitment to regeneration and economic growth. The draft revised SLP encourages businesses to seek our support and advice at an early stage.
- 15. The SLP is clearer about encouraging and supporting businesses that are unlikely to have an adverse effect on our residents, visitors and businesses.

16. Theme 1 supports the revival of nightlife, with more late licences in non-residential areas to make H&F an even more attractive place to live and work.
17. The SLP aims to encourage a well-managed and considerate night-time economy; and attract retailers and hospitality outlets that provide new artistic, cultural, retail and recreational opportunities.

Area Specific Cumulative Impact Policies

18. Policy 4 relates specifically to cumulative impact. It states that: *'The Licensing Authority will have regard to cumulative impact generally during the duration of this policy'*.

'To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt an Area Specific Cumulative Impact Policy in relation to a specific area; where the number, type and density of premises providing licensable activities is having a serious negative impact on the local community and local amenities'.

19. This makes it explicit that the Council, as the Licensing Authority has the freedom and the flexibility to introduce special area cumulative impact policies, *at any time* throughout the lifetime of the policy.
20. New premises licences applications or any licence variation requests within the CIP areas that may add to the existing cumulative impact will normally be refused where a relevant representation has been made.
21. The applicant must demonstrate that there will be no negative cumulative impact on one or more of the Licensing Objectives, relating to public safety, crime and disorder, the safety of children and public nuisance.
22. Refusal is *not* absolute; the circumstances of each application will be considered on its merits, where a relevant representation has been made.

Cumulative Impact Policies and approaches in other inner London boroughs

23. Officers have looked at how the council's policy and approach to cumulative impact compares to other London Boroughs. Generally, there is a current trend towards the removal of CIPs from business-friendly licensing policies. The rationale is it could help support business recovery. Local high streets are struggling to compete with the rapid increase of online shopping and services.
24. Islington, Tower Hamlets, Hackney and Camden already have Cumulative Impact Policies (CIPs) within their boroughs. Islington has a total of six CIPs covering the following areas: Clerkenwell, Bunshill, Kings Cross, Angel and Upper Street, Holloway and Finsbury Park and the Junction area of Archway. Tower Hamlets has two CIPs covering the Bethnal Green and the Brick Lane areas. Hackney has two CIPs covering the Dalston and Shoreditch areas. Camden has two CIPs covering the Seven Dials and Camden Town areas.

Evidence required to support Area Specific Cumulative Impact Policies

25. The evidence to support the Licensing Authority's decisions in respect of the two special area cumulative impact policies in Fulham Broadway and Shepherd's Bush expired on the 6 April 2021.
26. The Licensing Authority needs to assure itself that there is robust and sufficient evidence to support and to justify a particular area having a special area cumulative impact policy in place. *This evidence would typically include data from the police, ambulance service, noise complaints, antisocial behaviour reports, etc.*
27. The evidence to renew the Council's two cumulative impact policies (CIPs) was due to be collected in the summer of 2020. This was delayed due to Covid-19 affecting the re-opening of licensed premises and hospitality venues.
28. Evidence was gathered to see if the existing geographical areas covered by the policies were still relevant, or if they need to be extended, altered or removed.
29. The evidence gathered during the review process included: reports from the overnight audits, noise reports, police and community safety and licensing data. This has been included in Cumulative Impact Assessment for Shepherd's Bush and Fulham Broadway at Appendix 4.
30. Officers have noted that the police and local authority evidence currently available is not as robust as when it was first introduced. The ASB and crime data indicates that these problems may not be concentrated in the CIP areas and therefore it would be prudent to take a more holistic approach.
31. The police in their response have indicated that their approach to combatting offences in licensed premises will evolve over time in line with crime methods/patterns. Their view is that the emphasis should be put on licensees to adapt their approach to this risk, based on their premises individual changing environment. this will adapt over time. They have said:

It is appreciated, that there is a balancing act between both supporting businesses and shaping a safe enjoyable community landscape. There should always be the flexibility within the policy (outside of any defined CIA) that exceptions can be made based on type of venue including community/cultural significance, locality, resident density or nearby infrastructure.
32. The Licensing Authority have been operating without effective CIPs in the SLP, since the evidence expired in April 2021. The committee have still been able to take cumulative impact into account when making decisions. Additionally, the Licensing Authority have now reinforced this approach, by including Policy 4 - Cumulative Impact in the revised SLP – which is applicable to the whole borough.
33. Based on the above and emerging issues from recent reports, officers would currently recommend keeping the current situation under review; and to carry

out a further focussed study on off-licences and late-night refreshment houses, to take account of the changing and current crime trends.

Other considerations

34. The approach to licensing enforcement by council officers is to target individual problematic premises that pose the highest risk. This approach is in line with the Regulators' Code and our enforcement policy.
35. The Council's current SLP expires in July 2022. If the Licensing Authority do not adopt the SLP in July, the licensing committee should still have regard to the expired SLP, otherwise the council would be in breach of its obligation under section 4(3) of the 2003 Act.
36. The revised 2022 SLP reinforces our clear intent about working together to support and create a safe 24-hour business environment where people can work in more creative ways and benefit from a range of services, facilities, opportunities and amenities.
37. In view of the above, the following options have been proposed in respect of the SLP:

Option 1 To adopt the draft, revised 2022 SLP, attached as Appendix 2.
Recommended Option

Option 2 Do nothing and delay or extend the review. This option is not recommended as there is a legal requirement for the Statement of Licensing Policy to be reviewed and published at least every five years. Any delay will create a risk of challenge to the Council and therefore impact on the ability to make lawful licensing determinations.

Reasons for Decision

38. The Council's adoption of the SLP is a legal requirement and will ensure that the council complies with the provisions of section 5 of the 2003 Act.
39. The revised SLP, is a much-improved version than our current policy.
40. If the Licensing Authority do not adopt the revised SLP in July, the licensing committee can only treat the expired SLP as a material consideration. It is given less weight in law due to its expiry.
41. Whilst there has been resident support to retain the CIP areas, our initial analysis of the detailed consultation responses indicated that there are other factors that the Licensing Authority may wish to consider and explore.
42. One suggestion was to consider the CIP limitation on the density of licensed premises and their types based on household / resident numbers locally. It

would be good for us to have an opportunity to better understand the new census data and the new resident, new ward and licensed premises profiles.

43. The general view from the business respondents was the more restrictions put on businesses the more they will go out of business and impact the local area.
44. Re-adopting the CIPs now, could have an adverse effect on some very well-established music and hospitality premises, who have experienced two years of little or no trade.
45. The same could be said about the potential adverse effect on the opportunities for new investment and employment opportunities in the borough.

Equality Implications

46. The Council, when taking decisions in relation to any of its functions, must comply with its public sector equality duty as set out in section 149 of the Equality Act 2010 (“the 2010 Act”) to consider how the decisions they make, and the services they deliver, affect people who share any one of the nine protected characteristics as defined under section 149 (1) (7) of the 2010 Act in relation to age, race and disabilities etc. A screening for the equalities impact assessment has been carried out on the effect of the policy.
47. The policy has low relevance in relation to its impact on the areas under the statutory duties contained in the equalities impact assessment, but contributes towards the corporate priorities of the Council, in relation to having due regard to the three aims of the duty, namely:
 - to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
 - to advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - to foster good relations between people who share a protected characteristic and people who do not share it.

Risk Management Implications

48. In line with the exercise of functions under the Licensing Act 2003, the proposed policy seeks to provide a balance between encouraging regeneration and nightlife business in the Borough, whilst helping the Police and other Responsible Authorities to regulate problematic operators. The revised policy seeks to reflect the council’s commitment to supporting businesses and a vibrant night-time economy that is sensitive to the needs of residents.
49. The failure to meet new and existing statutory requirements is specifically addressed in the Environmental Health and Regulatory Services’ risk register. Internal controls in place to mitigate this risk include forward planning, training, internal auditing and monitoring, periodic updates of the scheme of delegation and the business planning process.

Implications verified by: David Hughes, Director of Audit, Fraud, Risk and Insurance, 24 April 2022

Climate and Ecological Emergency Implications

50. The changes to the current licensing policy are technical in nature and the overall change in style of the policy would have no significant foreseen climate implications. The new sub policies with the proposed policy mainly relate to best practice and procedures (in terms of vulnerable adults or drink spiking for example) and would therefore have very limited effect. There are potential positive climate implications in relation to the retention of two separate cumulative impact policies in Shepherd's Bush and Fulham Broadway, as these policies would limit any new licensed premises in the area or restrict later opening hours for existing premises.
51. The business-friendly style of the policy may attract new operators to H&F, which could result in increased energy use if premises are newly brought into use or changed to a more energy intensive use (such as longer operating hours). The council's main levers to mitigate this are in planning policy, and enforcement of minimum energy efficiency standards, rather than licensing. However, cumulative impact policies should consider impacts on emissions and pollution, and licensing of new businesses should be used as an opportunity for engagement on energy efficiency and joining the council's Climate Alliance.

*Implications verified by Jim Cunningham, Climate Policy & Strategy Lead
25 May 2022*

Consultation

52. The Act states that, when reviewing its SLP, a Licensing Authority must consult:
 - (a) the chief officer of police for the licensing authority's area,
 - (b) the fire and rescue authority for that area,
 - (c) each Local Health Board for an area any part of which is in the licensing authority's area,
 - (d) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,
 - (e) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
 - (f) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
 - (g) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
 - (h) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
53. In addition to the organisations listed above, copies of the draft were sent to:
 - Ward councillors

- Residents' Associations
- Neighbouring authorities
- Community Safety Team
- All Responsible Authorities

Details of this consultation was also included on our Licensing pages on our website web site on this page:

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

54. On the 13 May 2022 officers commenced public consultation on the draft amended policy. The public consultation continued for a 6-week period until the 24 June 2022. Please see Appendix 5 - Consultation questions for the draft revised Statement of Licensing Policy 2022 – 2027.
55. A total of **88 online consultation responses** and **5 email responses** have been received, with 229 unique visits to the consultation webpage and 131 downloads of the SLP. There has been a mix of responses: 56% residents and 36% businesses. The remaining 8% comprised owners and employees of non-licensed premises and 'other'.
56. During the consultation period it was noted that the cumulative impact assessment (CIA) was not published with the online survey information. The CIA was subsequently added to the online survey on the 31 May 2022 and the consultation deadline was extended to the 24 June 2022.
57. Over 55% of the respondents either agreed or strongly agreed that:
- (a) H&F had a good balance between the regulation of licensed business and the needs of residents. **(56%)**
 - (b) H&F had a diverse, cultural entertainment offer for its residents and visitors. **(70%)**
 - (c) The three new themes were a good focus for the policy (**>80%**)
 - (d) The new proposed policy is clear. **(55%)**
 - (e) The draft policy was clear how underage sales will be prevented and enforced if and when it occurred. **(71%)**
 - (f) There was sufficient information concerning vulnerable people working in and/or visiting licensed premises. **(59%)**
 - (g) The council should continue to keep a Cumulative Impact Policy in Fulham Broadway **(86%)** and in Shepherd's Bush **(85%)**. 43% of the respondents felt that the Shepherd's Bush Cumulative Impact Policy should specifically relate to off licensed premises only.
58. A statistical breakdown of the responses received is included at Appendix 6. A table listing the relevant points raised in the responses received, can be found at Appendix 7.
59. The responses from the 'Responsible Authorities', i.e. the Metropolitan Police, the Council's Environmental Health teams, support the proposals. Both of these responses can be seen at Appendix 8 and 9 respectively.

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Appendix 3	Key changes for the Statement of Licensing Policy 2022 – 2027
Appendix 4	Cumulative Impact Assessment for Shepherd’s Bush and Fulham Broadway
Appendix 5	Consultation questions for the draft revised Statement of Licensing Policy 2022 – 2027
Appendix 6	Statistical consultation results received for the public 6-week statutory consultation
Appendix 7	Statement of Licensing Policy 2022 - 2027 - Record of responses and comments to public consultation
Appendix 8	Police consultation response
Appendix 9	Environmental health licensing policy response

London Borough of Hammersmith & Fulham

Statement of Licensing Policy 2022 to 2027 (Draft)

DRAFT

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1 Introduction

Purpose of the Licensing Statement

Hammersmith & Fulham Council as the 'Licensing Authority' will have regard to this policy when carrying out its functions under the Licensing Act 2003 ("the Act").

The Act requires the Licensing Authority to publish this Statement of Licensing Policy. This policy will be used as a guide in decision making with regard to licensing matters.

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

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

Each objective is of equal importance. It is important to note that there are no other licensing objectives.

In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the Act and as outlined above.

To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities. The Licensing Authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, Trading Standards, Environmental Health, planning, home office, safeguarding children authority, Public Health, local businesses, community representatives and Hammersmith & Fulham residents and other stakeholders in meeting these objectives.

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

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

- **To inform and advise Members of the Licensing Committee** of the powers of the Licensing Authority and the boundaries and basis for making their decisions.
- **To inform and advise licence applicants** what the Licensing Authority will consider when making decisions and how licensed premises are likely to be able to operate within the borough.
- **To inform and advise local residents and businesses** of the considerations which the Licensing Authority will take into account, when making licensing decisions.
- **To inform and advise Responsible Authorities** of their collective powers and responsibilities under the Act, to promote the four Licensing Objectives.

The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, the Licensing

Authority will give its reasons for doing so. A copy of the Statutory Guidance can be found on the licensing pages of our website.

Additionally, in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has also taken into account the provisions of the Crime and Disorder Act 1998.

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

About the London Borough of Hammersmith & Fulham

Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in west London, on the transport routes between the city and Heathrow airport. 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 – Shepherd’s Bush, Hammersmith and Fulham and is made up of 21 electoral wards. These range in size from 55 hectares to 344 hectares.

Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner-city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance and has a proven track record of treating each application in a fair and considered way.

Green spaces have been protected and extended to improve the local quality of life. Hammersmith & Fulham Council has made a clear commitment to climate change. With the risk of increased flooding in the borough and climate change posing a danger to lives and livelihoods worldwide, we want to lead by example. We want our licensed premises to do all they can to fight climate change. We welcome green initiatives such as increasing the use of electric vehicles, minimising food waste, making the borough safer for cyclists and pedestrians, promoting low emission bus zones, stopping the use of single use plastics and taking other measures to improve air quality. We want to ensure that our licensed businesses are good for the borough and local people and we also want them to be good for future generations.

Hammersmith & Fulham combines all the very best of London in one borough:

- a thriving cityscape full of commercial opportunity and entrepreneurship
- wonderful parks and open spaces from the glorious terrain of Wormwood Scrubs to the delightful Bishop’s Park
- the Riverside Studios entertainment venue and other bars and restaurants along a two-mile stretch of the Thames River path flowing under the iconic Hammersmith Bridge
- seven superb theatres catering to all tastes including two of London’s major live entertainment venues, the world-famous Hammersmith Eventim Apollo and the Shepherds Bush Empire.
- three professional football teams (Chelsea, Fulham and Queens Park Rangers)

- great connections with 15 tube stations and direct rail links to Heathrow and Gatwick
- superb open-air markets such as at North End Road, Lyric Square and Shepherds Bush.
- the site of a globally-renown University (Imperial College London)
- home to one of Europe’s largest shopping centres, Westfield and a national exhibition centre, Olympia.

Most importantly its greatest asset is its people: a rich diversity from across the world who have made Hammersmith & Fulham their home and brought their cultures with them. So it is truly the best borough to visit, work and live in. You can view the borough profile [here](#).

Aims of the Licensing Authority

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

Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax, to support businesses to be resilient and for residents to be well served and not unduly disturbed. The Licensing Policy is also intended to align with, and support other strategies and visions that the Council has published. The Licensing Authority intends to work in partnership with others to ensure integration with local crime prevention measures, planning, transport, tourism, cultural and equal opportunities strategies and policies.

We aim to focus on premises which are causing problems within our communities. We will have a lighter touch for most businesses and community activities which enhance peoples’ lives and their enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the wellbeing of children, will be targeted for enforcement action.

Hammersmith & Fulham as a central London borough, provides a diverse range of licensable leisure and entertainment venues and events. This brings opportunities and benefits to potential new and existing businesses in the licensing industry. For our residents, it can bring local employment and enjoyment from the current regeneration of our three town centres. We will use this licensing policy, alongside other initiatives, to promote the positive aspects of life in the borough; and to manage the negative impacts (e.g. noise nuisance, anti-social behaviour and crime and disorder).

2 Key Themes of the Statement of Licensing Policy

We recognise that the global pandemic has been a challenging time for the licensing sector and for the residents of Hammersmith & Fulham. We recognise that the global pandemic has been a challenging time for the licensing sector and for the residents of Hammersmith & Fulham. The Licensing Authority is keen to support the licensed sector and leisure offer within the borough, with a particular focus on business resilience.

To achieve this the Licensing Authority has identified **three key themes** of the Licensing Policy and the Licensing Authority's approach to implementing it. These are:

- A sustainable, well-run licensed sector;
- Hammersmith & Fulham as a good place to live, work and enjoy leisure; and,
- A safe licensing environment and night-time economy.

Theme 1: A sustainable, well-run licensed sector

The Council wants to ensure that:

- Our Licensing Policy supports our licensed sector and the cultural, leisure, hospitality, and entertainment options within it available to Hammersmith & Fulham residents.
- It is easier for well-run local businesses to operate by having a clear, fair and accessible licensing process and system.

We aim to do this by:

- a) Provide clarity and certainty for businesses through pre-application and other business advice:
- b) Providing clear guidance to applicants on the process for applications and what will be taken into consideration when an application is made.
- c) Using the H&F Night Time Economy (NTE) Working Group to work collectively with partners to
- d) Providing a clear outline of when and how enforcement will be applied, with clear guidance on processes and approaches relating to enforcement.
- e) Providing clarity on review processes and circumstances that trigger licensing reviews.
- f) Clearly outlining the process for applying for Temporary Events Notices.
- g) Promoting partnership working approaches, based on mutual aims and efficient ways of working e.g. supporting the promotion of recognised partnership schemes like 'Ask for Angela'.
- h) Encouraging and supporting best practice operations.
- i) Alignment with wider London approaches (e.g. Mayor's vision for London as a 24 hour city), where it is appropriate for the needs of the borough.
- j) Adopting a Policy which helps to create a safe and orderly licensed sector in Hammersmith & Fulham, which is key to the wellbeing of the residents, workers and visitors to the borough.

Theme 2: Hammersmith & Fulham as a good place to live, work and enjoy leisure

The Council wants to ensure that:

- Our licensed sector adds value to the diverse cultural, leisure, hospitality, and entertainment offer that is available to residents, workers and visitors in our borough.
- This Licensing Policy helps in the work towards maintaining an open, accessible, inclusive, safe and orderly wider licensed sector that caters to the diverse population of the borough.

We aim to do this by:

- a) Using pre-application advice and other ways to provide guidance on how to minimise the negative impacts on residents, workers and visitors within the borough. E.g. noise nuisance, smoke, odours.
- b) Encouraging licensees to participate in voluntary schemes, like PubWatch and 'ask for Angela' and to support each other to implement responsible management and best practice approaches.

- c) Improving our processes and opportunities for ongoing engagement with residents in relation to licensing matters.
- d) Providing clear guidance on expectations of licensees with regard to queuing and dispersal practices to minimise any nuisance to residents.
- e) Providing clear guidance on expectations of how outdoor areas of licensed premises are managed and should be operated to reduce noise, odour, and smoke pollution to residents.
- f) Improving how we identify and outline our health aims in our Licensing Policy and the linkages with social care and health services to address the health impacts related to licensed premises.
- g) Improving how we communicate our expectations on licensing hours for different types of premises, in different parts of the borough. E.g. By designating areas by type residential, local town centre, larger town centres, entertainment areas and areas attracting visitors from other parts of London and wider. These designated areas could then have preferred opening hours associated for each type of premises.
- h) Improving how we communicate our expectations and the details required for large events and events on council public land) and TENs policies.
- i) Supporting specific policies and conditions relating to street drinking and congregation around off licences – outlining the clear approach of the Council to reducing street drinking for off-licences.
- j) Provide detailed guidance on expectations for operation of licensed premises that are primarily offering a delivery service, to minimise noise and disturbance.

Theme 3: A safe licensing environment and night time economy

The Council wants to ensure that:

- Licensing partners, licensees, residents and the wider local community work together to prevent crime and disorderly behaviour, and to make the licenced sector open, inclusive and safe for the diverse population of the borough.
- The licensed sector is managed well to protect children, young people and vulnerable people.

We aim to do this by:

- a) Working in partnership to design out crime and disorder, to address specific crime issues and to support licensees to operate well to minimise crime and disorder in the licensed sector.
- b) Improving our robustness on underage drinking policies, conditions and enforcement responses and clarity on underage times, places and activities in licensed premises.
- c) Effectively using mandatory and local pool of licensing conditions for guidance on operating safely. We will continue to refine these, to meet future licensing challenges in the borough.
- d) Improving the local business community by enforcing against those businesses that don't operate well, are breaking the law and do not contribute to making the borough safe and orderly.
- e) Supporting [Violence Against Women and Girls strategies](#), the principles of the Women's Night Safety Charter and outlining our general expectations around vulnerable people in the NTE.
- f) Clearly outlining our Trading Standards team's underage sales enforcement policies and our process for controlled test purchase operations.
- g) Clearly outlining right to work matters (as required by the Act), for licensees and those authorised to sell alcohol and helping to address issues that contribute to modern slavery.
- h) Clearly outlining our door staff expectations: expected numbers of door staff needed by venue capacity and type; training requirements; and liaison with borough officials and police.
- i) Supporting specific policies around expectations on delivery services, with a strong focus on age verification processes, and staff safety.

- j) Supporting licensees and licensed applicants to engage in Council programmes and training, e.g. [Welfare and Vulnerability Engagement' training package \(WAVE\)](#) to identify and respond to Child Sexual Exploitation (CSE) and other safeguarding concerns.

3 Key principles

The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment, hospitality, and leisure industry. We will work with the community and our key stakeholders to ensure mutual co-existence.

The Licensing Act 2005 provides the entertainment, hospitality and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides additional responsibilities for licensees and some extra powers for the Licensing Authority and other authorised officers to work closely to protect residents from disturbance.

This Licensing Authority, with support from the other enforcement agencies, will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community, of which both businesses and residents form a part. This includes the following principles:

- Responsible Authorities or other persons may view applications for Club Premises Certificates and Premises Licences and may make representations to the Licensing Authority where they believe a licence application, if granted, will undermine one or more of the Licensing Objectives. (See Glossary of terms for other persons and Responsible Authority definitions)
- All relevant representations will be considered during the decision-making process, unless they are considered to be frivolous, vexatious or repetitious in nature. All representations must be made to the Licensing Authority. Only written representations sent electronically (e.g. email), by post or hand delivered will be accepted, however, where circumstances prevent this the Licensing Authority shall consider any other forms of representation on a case-by-case basis.
- If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Sub-Committee consisting of three Members of the full Licensing Committee. Where no relevant representations have been made licences will be issued by council licensing officers under delegated powers. In making decisions on licence applications, the Licensing Sub-Committee must have regard to the Act and relevant Regulations, the Guidance published by the Home Office under s.182 of the Act, and this Statement of Licensing Policy.
- Applicants should also have regard to these documents when preparing their applications. Applicants should note paragraph 8.34 of the Secretary of State's Guidance in particular, which states that:

'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- i. the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

- ii. any risk posed to the local area by the applicants' proposed licensable activities; and
- iii. any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Please see later for more information regarding local area risk assessments.

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

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Hammersmith & Fulham Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have regard to:

Article 1: of the First Protocol; that every person is entitled to peaceful enjoyment of his or her possessions.

Article 6: that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable period of time by an independent and impartial tribunal established by law.

Article 8: that everyone has the right to respect for his home and private life; and

4 Scope of the Policy

Nothing in this policy will prevent any person from applying for a variety of permissions under the Act.

The Policy has been drawn up in consultation with a number of responsible authorities, bodies and organisations, including members of our Licensing Action Group and Night-Time Economy Working Group.

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

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

- a. The retail sale of alcohol including licensing of individuals, premises, and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;

- c. The provision of regulated entertainment in the presence of an audience. The meaning of regulated entertainment is described in more detail in the Licensing Act 2003, and in particular in Schedule 1 of that Act and includes:
- film exhibitions
 - performances of a play
 - indoor sporting events
 - boxing or wrestling events
 - live music performances
 - playing of recorded music
 - performances of dance

Further details regarding regulated entertainment and exemptions from the need for licensing permissions can be found in the Glossary attached to this document.

- d. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am; and,
- e. The licensing of activities on a temporary basis, Temporary Event Notices (TENs)

The two main types of licences issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. Temporary Event Notices (TENs) may be issued for licensable activities involving no more than 499 people and lasting no more than 168 hours (7 days). References to licences in this document include certificates, TENs or other permissions under the Act.

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

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

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

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

5 The Licensing Objectives

In order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule:

- the steps proposed to promote the licensing objective of the prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises;
- the steps proposed to ensure the physical safety of people using the relevant premises or place

- how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met;
- the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

Further guidance on how the Licensing Objectives can be promoted in the operating schedule is included in Annex 1.

6 Licences

Premises Licences, Personal Licenses, and Variations to existing licenses (including Minor Variations) have specific processes and requirements that are to be followed during applications for them. To ensure that the processes and requirements are clear and open an explanation of these for each of these is outlined in Annex 2.

Documents which demonstrate entitlement to work in the UK

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. Guidance on how this can be demonstrated in specific circumstances is outlined in the linked document:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071247/Employer s Guide to Right to Work Checks PDF .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1071247/Employer_s_Guide_to_Right_to_Work_Checks_PDF_.pdf)

7 Operating schedules

Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria:

- (i) Be precise and enforceable
- (ii) Be unambiguous
- (iii) Not duplicate other statutory provisions
- (iv) Be clear in what they intend to achieve, and
- (v) Be appropriate, proportionate and justifiable

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

The Licensing Authority will seek to impose conditions appropriate to promote the Licensing Objectives. For those premises which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.

Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.

Operating schedule considerations

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

General

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;
- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will take the current version of the publication “Technical Standards for Places of Entertainment” into account when considering applications for new premises providing entertainment and existing premises where entertainment is provided and refurbishment works are carried out. These standards cover accessibility for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

Licensable activities

Where the licensable activities include the supply of alcohol:

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in

accordance with the Act and in pursuit of the Licensing Objectives; except in some Community Premises which have successfully applied to remove the DPS, see [Section 182 guidance](#).

- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;
- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association's document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also available via the www.beerandpub.com website. Refer to Annex 2.

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

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures in place necessary to prevent underage sales. (See Annex 2)
- there are measures in place necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

Where the licensable activities include dance:

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

8 Licensing Committee

The Licensing Committee is a committee which is established under the Licensing Act 2003. The rules regarding membership, composition and conduct are dictated by the Licensing Act 2003. The Licensing Committee, and subsequently the Licensing Sub Committee, does not need to be politically balanced, however, the Licensing Authority will endeavour to do so.

Section 6 of the Licensing Act 2003 specifically states that the Licensing Authority must establish a committee consisting of between 10 and 15 councillors. Section 9 states that the sub-committees should consist of three councillors. The Licensing Authority will endeavour to ensure that three should be the norm even if a quorum is 2.

This Authority's Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions, changes in legislation and administrative matters. Accordingly, those Members who sit on the licensing sub-committee will receive training in all areas of licensing under the Act dealing with practice and procedure. This is so that they are equipped with the necessary skills so as to discharge their duties fully during the decision-making process when

considering such applications, having regard to those principles set out in the Members Code of Conduct (as more particularly detailed under Part 5 of the Constitution).

A sub-committee of three councillors must determine applications where representations have been received from other persons and/or Responsible Authorities. If a councillor finds that he or she is unable to sit at the sub-committee meeting after the agenda has been published, best endeavours will be made to find a substitute.

Where a councillor who is a member of a Licensing Committee or a subcommittee has had prior, direct involvement in an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.

Where the applicant would like the Licensing Sub-Committee to carry out a site visit, this should be arranged prior to the licensing hearing and should be requested at the earliest opportunity.

Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as reasonably practicable after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Licensing Authority under section 8 of the Act. Written decisions will be sent to applicant and anyone who has made a valid representation.

The Licensing Authority's authorised officers will deal with applications for premises licences, club premises certificates, interim authorities, provisional statements, transfers, designated premises supervisors and personal licences, where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.

The Licensing Authority's authorised officers will make decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

The steps for consideration of a licensing application, a licensing variation and a club premises certificate are:

- a)** If no representations are made to an application, the Licensing Authority must grant it in full.
- b)** When an application is made, and relevant representations are made to the Licensing Authority it must hold a hearing of the licensing sub-committee (unless those who have made representations agree this is unnecessary).
- c)** The sub-committee will then consider the evidence provided by applicants and those making representations, the Guidance, this Statement of Licensing Policy and any other relevant data.
- d)** The sub-committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e)** Conditions on the licence, additional to those voluntarily sought by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or continue in operation.

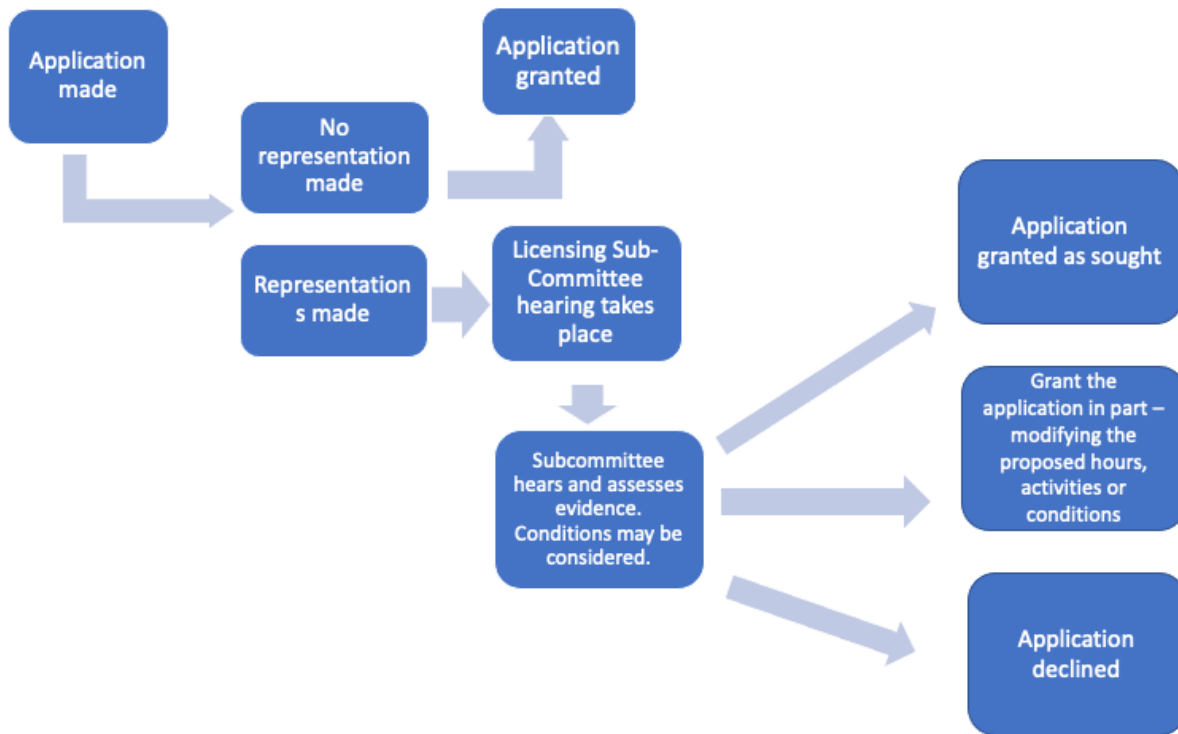


Image 1: Flowchart of licensing process

The licensing sub-committee will also consider applications for Temporary Event Notices where the police and/or the Environmental Protection Service have submitted an objection where they believe the event is likely to undermine the licensing objective.

9 Responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015

The Authority has responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. These responsibilities are outlined in this policy in Appendix 3. The London Borough of Hammersmith & Fulham has a duty under the Modern Slavery Act 2015 to co-operate with the Independent Anti-Slavery Commissioner, and the Authority is also under this duty as part of the London Borough of Hammersmith & Fulham see [Tackling modern slavery | LBHF](#) for more information.

10 Policies

This policy section includes specific policy information, all in one place. Each policy topic provides further detail and guidance about the Licensing Authority's expectations and aspirations. Applicants should note any relevant Licensing Policy areas that may apply to their business and apply the following general principles, which will be taken into consideration for all licensing applications.

General Principles for policies

The following policy areas have two general principles:

All licensing applications are expected to show:

- a) That applicants have a clear understanding of the locality in which they are operating or intending to operate and that this has been considered in the application, along with any voluntary conditions proposed within the operating schedule.
- b) That applicants have considered the four Licensing Objectives and our broader aspirations, in relation to and the diverse needs of Hammersmith & Fulham residents, businesses and visitors; and our newly regenerated parts of the borough, which are ideal for new business ventures.

POLICY 1: LOCAL AREA RISK ASSESSMENTS

Applicants are expected to undertake a local area risk assessment as part of any licensing application.

The Secretary of State's Guidance states that applicants are expected to obtain sufficient information to enable them to demonstrate, the steps they propose to take to promote the licensing objectives; and that they understand the layout of the local area and physical environment including:

- a) crime and disorder hotspots;
- b) proximity to residential premises;
- c) proximity to areas where children may congregate;
- d) any risk posed to the local area by the applicants' proposed licensable activities; and
- e) participation in any local initiatives (for example, local crime reduction initiatives or voluntary schemes, such as 'Ask for Angela', local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

The Guidance goes on to state that 'Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.'

The Licensing Authority notes the contents of these paragraphs from the Secretary of State's Guidance and, in particular, the use of the word 'expected'. Licence applications that do not in any

way address the contents of these paragraphs in their operating schedules may be returned to the applicant as 'incomplete'.

POLICY 2: LICENCE CONDITIONS

Applicants are expected to consider Mandatory conditions and appropriate conditions from the pool of national and local conditions; and where appropriate, include football conditions.

Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate.

These mandatory licensing conditions apply to all premises licences which authorise the sale or supply of alcohol.

Mandatory Conditions

Mandatory conditions must be attached to all Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 1 for details. These conditions, amongst other things, in effect:

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

Local Pool of Conditions

When preparing an operating schedule, the applicant should think about the operation of their premises and choose appropriate and proportionate conditions. These conditions could be one off specific conditions, or they could be drawn from the Local Pool of Conditions on the LBHF website. Where an appropriate condition is not present applicants may wish to consult the National Pool of Conditions, issued by the Home Office. All conditions must relate to one or more of the four licensing objectives. Further information regarding these conditions can be found at:

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/premises-licences/local-pool-licence-conditions>

<https://www.gov.uk/government/publications/pools-of-conditions-supporting-guidance>

This does not preclude the Licensing Authority from attaching other conditions appropriate for the promotion of the four licensing objectives.

Any conditions added to the operating schedule will appear on a final licence and will be enforceable

The Licensing Authority has carried out a full review of its own pool of conditions and these are available on the licensing pages of our website. Applicants should consider the National Pool and local pool of conditions and incorporate them into their operating schedules, as they consider appropriate, to promote each of the Licensing Objectives.

Football Conditions

The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days, any premises in the vicinity of our football grounds will be expected to robustly deal with this issue in their operating schedule.

Where a relevant representation is made by the Police, another Responsible Authority, or 'other person' in respect of an application made by a licence holder, the Licensing Authority may apply enhanced "match day" conditions to ensure the Licensing Objectives are promoted. This may include, but is not limited to, the following conditions:

- Restriction of hours in the run up to and after 'Kick Off'
- Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
- Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding
- Conditions to prevent customers from drinking or taking alcohol out onto the street outside the premises on match days
- The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required to do so
- Having door supervisors on duty
- Having a Designated Premises Supervisor (DPS) / Personal Licence Holder on the premises
- Using display cabinets with shutters for alcohol

Similar conditions may also be applied on 'victory day' or similar large crowd parades.

The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of alcohol in glass bottles on match days and as such may require that no bottles are sold on match days.

It has also been the experience of the Licensing Authority that at times it may be required to completely close 'off' and 'on' licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football Intelligence Unit will liaise with relevant premises operators at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred. However, review proceedings will necessarily follow when a Magistrates' Court has made a closure order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act.

POLICY 3: LICENSING HOURS

The Licensing Authority may consider specific restrictions on hours of sale and operation in certain circumstances.

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

- a)** Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- b)** Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- c)** Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- d)** Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder, anti-social behaviour (ASB), nuisance and vehicle emissions;
- e)** Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

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

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

It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, cumulative impact, anti-social behaviour (ASB), issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol.

POLICY 4: CUMULATIVE IMPACT

The Licensing Authority will have regard to cumulative impact generally, and may make specific reference to any special area cumulative impact policies in place during the duration of this policy.

We are keen to welcome and support new businesses in the borough. We will balance this with our responsibility to identify where an area is receiving a lot of complaints about existing licensing activity. We will consider if, by granting a licence, it would contribute to the negative impact in the area.

Any Responsible Authority or other persons may object to applications for new premises licences/ certificates or variations of existing licences, on the grounds that the premises will have a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives. See [Section 182 guidance](#), which contains further information on cumulative impact.

In determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative effect of the number, type and density of licensed premises already existing in the area.

In coming to any decision regarding cumulative impact the Licensing Authority will consider other mechanisms outside of the licensing regime which may also be available to address this issue, these include but are not limited to:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
- Police and other enforcement of the normal law concerning disorder and anti-social behaviour.
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
- Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
- Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious anti-social behaviour is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.

Area Specific Cumulative Impact Policies

To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt an Area Specific Cumulative Impact Policy in relation to a specific area; where the number, type and density of premises providing licensable activities after 11pm is having a serious negative impact on the local community and local amenities.

The Licensing Authority will ensure that it has evidence to support and to justify a particular area having a special area cumulative impact policy in place. *This evidence would typically include data from the police, ambulance service, noise complaints, antisocial behaviour reports, etc.*

Any Area Specific Cumulative Impact Policies will be reviewed regularly to assess whether it is still needed or should be expanded or amended.

The aim of any Area Specific Cumulative Impact Policy is to ensure that alcohol related crime, anti-social behaviour and noise complaints is reduced, after midnight.

Special area cumulative impact policies are not absolute, and each application will be considered on its own merits.

Details of the **Area Specific Cumulative Impact Policies, adopted as part of this Statement of Licensing policy**, including a map showing the specific area, can be found at Annex 5.

POLICY 5: ALIGNMENT WITH OTHER POLICIES AND STRATEGIES

Where appropriate, the Licensing Authority will consider to what extent applications are aligned and show support for other council policies and strategies that support the four licensing objectives and key themes and principles in this Statement of Licensing Policy.

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

The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events.

Arrangements will be made for the licensing committee and other key stakeholders to receive, when appropriate, reports on the status and identified needs for a safe and accessible night time economy.

The Licensing Authority will liaise with other council colleagues to keep apprised of the employment situation in the area and the need for new investment and employment where appropriate.

The Licensing Authority will liaise with Transport for London (TFL) and council officers responsible for Highways and the Public Realm, about local transport issues (late night bus and tube services) with regard to the need to disperse people from town centres late at night in order to avoid concentrations of people causing noise nuisance and possible crime and/or disorder.

In accordance with its functions as a Licensing Authority, section 149 of the Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of equal opportunities.

In recognition of Hammersmith & Fulham's diverse community and to support the principles in our 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 businesses, 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.

The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include considering the following:

- Enforcement Policy;
- Community Safety Partnership strategic assessment;
- National Alcohol strategy
- Equal Opportunities policy;
- Cultural and Industrial strategies including promotion of live music and community events;
- Objectives of the Private Security Industry Authority;
- The Government's Code of Practice on Test Purchasing:

<https://www.gov.uk/government/publications/code-of-practice-age-restricted-products>

POLICY 6: CONSULTATION

In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation.

Applicants will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003 and Licensing Authority will carry out a consultation process in

accordance with the Regulations made under the Licensing Act 2003. The Licensing Authority will publicise details of applications received.

In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. The link to set up an account with this system is below:

<https://www.apps1.lbhf.gov.uk/myaccount/PublicPages/iCaseWorkLogin.aspx?redirect=https%3A%2F%2Fwww.apps3.lbhf.gov.uk%2Fcus%2Fservlet%2Fep.sub%3Fauth%3D0&anonymous=&context=>

Where there has been a history of a particular premises or area producing disorder, threatening public safety, generating public nuisance or threatening the well-being of our children, the licensing Authority may carry out targeted consultation in the local area.

POLICY 7: TEMPORARY EVENT NOTICES (TENS) AND OTHER EVENTS

Although ten clear working days is the minimum possible notice that must be legally given for a standard TEN and five clear working days for a late TEN, the Licensing Authority recommends that TENS are submitted with 28 days' notice and to proactively engage with relevant Council services as best practice, at the earliest opportunity.

The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing a minimum of 10 working days' notice is given to the police and the Licensing Authority. The annual allowance covered by a Temporary Event Notice in relation to a single premises is 21 days. The Police and Environmental Health can object to Temporary Event Notices if the event is likely to undermine the licensing objectives. Where Police or Environmental Health submit an objection to the Notice the Licensing Authority will hold a hearing to consider the objection and conditions may be applied to the Temporary Event Notice.

It is recommended in general that the Licensing Authority and police be given at least 28 calendar days' notice of any event to allow them to help organisers plan their events safely.

The Licensing Act 2003 allows event organisers to submit up to 50 notices per year if they hold a personal licence and 5 notices if they do not hold a personal licence.

Organisers of temporary events are strongly advised to contact the Licensing Authority, Environmental Health and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed. Where road closures or use of pavements may be proposed in the TEN it is advised that applicants consult the Transport and Highways team at LBHF.

LondonPermitScheme@lbhf.gov.uk

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and Environmental Health between 5

and 9 days before the event. It should be noted that if either the Police or the Council's Environmental Health Officers submit an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Applications may be made online from the licensing pages of the LBHF website.

POLICY 8: LARGE OUTDOOR EVENTS

Applicants planning large outdoor events need to particularly consider measures to ensure the prevention of public nuisance and promotion of public safety as part of planning. Applicants are also strongly encouraged to engage with the appropriate Council services outlined in this section.

Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in nature may not be suitable for licensing under the TENs process. Events will be licensed under a time limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make applications for a new Premises Licence and should therefore ensure that they apply in good time. Applicants are recommended to speak to the relevant Responsible Authorities, and in particular, the Police at the first step of planning large events. This could be as much as 18 months or two years prior to the event taking place, dependent on the type and size of event proposed. Applicants are also recommended to contact the Council's Events Team on 020 8753 2135 or by email at: events@lbhf.gov.uk. The Council's locally produced 'Events Guide' can be found on the LBHF website.

Applicants for such events must consider "The Event Safety Guide", published by the Health and Safety Executive, on all aspects of arranging and staging events.

Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as the Police, Licensing Officers, Environmental Health, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TFL) and Highways.

The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a "safe" event and will minimise disruption to traffic management and nuisance.

The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the SAG.

The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.

Accordingly, for premises that wish to stage promotions or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

Generally, applicants are advised to offer only the following conditions in their Operating Schedule.

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

This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

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

POLICY 9: ENFORCEMENT

The Licensing Authority operates a reactive and proactive inspection regime that is based on risk and specific incidents. Our Enforcement Policy explains how officers will take a graduated response to premises breaking the law, as we apply the principles of: Engage, Explain, Encourage, Enforce

A copy of our Enforcement Policy can be found on the following page:

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

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

The Licensing Authority will take enforcement action in accordance with our Enforcement Policy and relevant statutory powers.

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

The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies. Where the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about licensed premises, to help target resources and activities and minimise duplication.

Enforcement will be focused on premises or persons found to be failing to promote the four Licensing Objectives. Additionally, Trading Standards officers may, at times and based on intelligence received, carry out underage test purchasing in areas where the intelligence has highlighted potential hotspots in the borough for underage sales of alcohol.

Licence holders should note that in the event of a failure to pay the annual licence fee this Authority will suspend the licence in accordance with section 55A Licensing Act 2003.

POLICY 10: DEALING WITH COMPLAINTS, REPRESENTATIONS AND REVIEWS

The Licensing Authority will follow the principles and approaches outlined in this section where complaints or representations are made and where reviews are initiated.

The Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.

“Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, must not be anonymous and must not be considered to be frivolous or vexatious in nature. Additionally, any application to review a premises licence must not be repetitious.

This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance away from the premises subject to an application or review, the Licensing Authority may ask particular the specific Responsible Authorities to examine and comment on the content of the representation to ensure that it is valid and complies with the requirement of the Act.

The Licensing Authority may initially arrange a mediation meeting to address concerns where “Other Persons” have made:

- A valid representations about licensed premises; or
- A valid application for a licence to be reviewed

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 4.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- a) Modify the conditions of the premises licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for up to three months;
- e) Revoke the licence.
- f) Take no further action

Other persons aggrieved by decisions of the Licensing Authority are entitled to lodge an appeal against the decision at the magistrates’ court.

In order to give residents an opportunity to learn about new applications we have set up an email alert system on the Council's website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot normally be made anonymously. To join the email alert system, please use the link to this webpage: <https://www.lbhf.gov.uk/business/licensing/licensing-policy>

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

Complaints about breaches of conditions e.g. trading after the hours stated on the licence, should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at licensing@lbhf.gov.uk. Licensing Officers can also provide a copy of the licence with the full licence conditions. Our Public Access applications search facility allows you to view licensing applications and comment on current applications and to check the history on a property <https://public-access.lbhf.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>

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

POLICY 11: CONSIDERATION OF OUR RESIDENTS

The Licensing Authority expects that any licence applicant will give due consideration to the needs of Hammersmith & Fulham residents and any negative impacts from licensable activities and business operations. with reference to taking place in their premises and how these may impact in the direct locality and further afield.

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

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

Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.

Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures put in place by the applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises.

Residents are advised to report noise and nuisance on 020 8753 1081 during office hours and 020 8748 8588 at all other times that any noise nuisance is occurring.

Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Health to be successful. For this reason, it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.

If residents 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 the Licensing team if there are any doubts.

If residents are experiencing ongoing problems with particular licensed premises, please refer to Policy 10 – Dealing with Complaints, Representations and Reviews.

POLICY 12: SUPPORT FOR LOCAL BUSINESSES

The Licensing Authority is committed to supporting well-run licensed premises and will ensure that there are not unreasonably limited in running their businesses by the requirements of the licensing regime.

We are committed to the Regulators Code and supporting businesses.

- i) We will work with businesses in our borough and provide the advice you need to help you comply with the law. This may be through meeting with you at your premises or at our offices, providing written advice in an email or letter or verbally over the telephone.
- ii) We will usually confirm any technical/ legal advice in writing. For applicants and agents, we also offer a pre-application advice service. Further details about this service can be found on our website.
- iii) We will attend pub watch meetings and work with local businesses, including the Hammersmith Business Improvement District (BID) and Fulham BID, to help facilitate the sharing of information and advice amongst licensees in our borough.
- iv) We are continuously working to improve our online application process for a range of licence permissions. If you want to know what services are available or you want to make an application online please check our website for further details.
- v) We want to ensure that businesses comply with the law. Where this has not been possible through advice and education we will carry out enforcement action in accordance with our enforcement policy and as part of our commitment to the Regulators Code.
- vi) We want local businesses in our borough to thrive and survive. We recognise that the law can be complex at times and that despite trying to resolve issues through discussion in the first instance, enforcement will be necessary on some occasions. We also recognise that attitudes, circumstances and personnel often change over time.

Where enforcement action has been taken against a business in the past, relevant Responsible Authorities will be mindful of this when considering any new applications. However, all new applications e.g. variations to hours or licensable activities will be decided on their merits and the information provided to demonstrate promotion of the four licensing objectives. Where a premises licence or club premises certificate has previously been reviewed or the business has been prosecuted for licensing offences, licensees are advised to discuss any new/proposed changes with the Licensing Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

Businesses can visit the following webpage <https://www.lbhf.gov.uk/business/business-support-and-advice> to sign up for up-to-date news, business support, trading guidance and opportunities, business grants, business development, free business advice clinics, business networking and more.

POLICY 13: ALIGNMENT WITH PLANNING

Despite Licensing and Planning being under different legislation, the Licensing Authority will ensure that the licensing regime is in line with the planning regime in Hammersmith & Fulham as far as is possible.

The local planning authority has powers to control opening times of all new establishments seeking planning permission, where harm might occur. A link to the Planning web page to make a planning application, to find out about planning rules and policy and our regeneration projects, is below:

<https://www.lbhf.gov.uk/planning>

Licensing applications will not be a re-run of the planning application. If the licensing committee grants any variation of a licence which involves a material alteration to a building, the applicant still needs to apply for planning permission, or building regulation control, where appropriate.

Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

The Licensing Authority may refuse to grant a licence if a representation from the Planning Department has been received AND ONE or more of the licensing objectives would not be promoted

POLICY 14: DELIVERY SERVICES

The Licensing Authority expects licence applications for delivery services, which include late night refreshment after 11pm or the delivery of alcohol, to consider how to reduce public nuisance related to delivery vehicles, ensure the security of premises and delivery drivers and to protect children.

Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services, these tend to fall into three groups:

- Premium specialist product mail-order type services;
- Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and,
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 or in the s182 guidance in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular the Licensing Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;

- The safety of delivery drivers at the point of delivery;
- Safety of the premises from which orders are taken and sent out for delivery; and,
- Possible public nuisance and caused by delivery drivers collecting deliveries from the licensed premises.

The Licensing Authority is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery **must** be obtained. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and **not** to a public place.
- Every third-party courier delivery box shall be labelled with the words “Age Restricted Product”.
- Any delivery driver or third-party courier will be required to have appropriate age verification training, particularly they will be required to have training in refusal of supply where age verification is not provided.
- A refusals log will be maintained for deliveries.
- Appropriate security will be in place at the premises as agreed with Police.
 - Measures for minimising noise and disturbance caused by the dispatch of deliveries to be identified in the operating schedule. In particular applicants are expected to consider the use of electric vehicles to minimise noise, the Licensing Authority expects that applicants make arrangements for all deliveries after 8 pm to be made using electric vehicles.

POLICY 15: DRINK SPIKING ISSUES

The Licensing Authority expects licence applications to outline measures in their operating schedules to prevent, identify and address drink spiking. Any establishment where drink spiking is reported will be supported to address future cases, and where there are a number of cases occurring a review may be initiated.

Licensees and licence applicants are encouraged to establish a clear approach to preventing, identifying and addressing drink spiking in their operating schedules. This should include, but is not limited to:

- Training for door and bar staff to identify where drink spiking may be taking place, how to respond to any reported or observed instances of drink spiking, and how to report to Police.
- Offering drink spiking preventative measures, such as drink covers, serving drinks direct to customers (not leaving these unattended before being provided to customers), and keeping an eye on or clearing drinks left unattended.
- Providing customers with information on keeping safe from drink spiking.
- Operating the ‘Ask for Angela’ programme to ensure that customers can seek help if they suspect drink spiking has occurred.

POLICY 16: THE SAFETY OF WOMEN AND GIRLS IN LICENSED SETTINGS

The Licensing Authority expects licence applications to include measures to ensure the safety of women and girls in licensed premises. This would include, but is not limited to, the use of the ‘Ask for Angela’ programme, training for staff to identify and assist women and girls being at risk or

being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to violence against women and girls. Implementing the 'Ask for Angela' programme, particularly for on-licence premises, providing training for staff to increase awareness for the issue and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

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Annexes

Annex 1: Guidance on promoting licensing objectives in operating schedule

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

The prevention of crime and disorder

In order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to promote the licensing objective of the prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises;

Licence applicants will be expected to demonstrate the following in their operating schedules:

- Measures to control excessive consumption and intoxication.
- Consideration of any additional measures or restrictions that may be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.
- Operators of off-licences in areas problems relating to street drinking and under age drinking are prevalent, measures should be outlined to strictly monitor the way alcohol is sold, specifically where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- It is important to ensure that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:
 - The likelihood of any violence, public order or policing problem if the licence is granted;
 - The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
 - Past conduct and prior history of complaints against the premises;
 - Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
 - Any relevant representations.
- Measures to demonstrate compliance Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- Robust measures in place to avoid the presence of weapons on their premises and should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.

The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants/operators. As a result, the Licensing Authority and the Police have signed a Memorandum of Understanding. This document provides an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.

It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the Police before making a formal application. Licences for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

To assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

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

- Crime and disorder in the vicinity of the premises: this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
- **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
- **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered).
- **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
- **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed and, in some cases, to provide such risk assessment to the Police Licensing Team at Fulham Police (AWMailbox.Licensing@met.police.uk) and/or the Central Licensing Team of the Metropolitan Police (TP-C&S-LicensingTeam@met.police.uk) before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with 'relevant parties' as early in the planning stages as possible. 'Relevant parties' would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority departments. Consideration of

timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

Applicants are advised to consider the following two paragraphs from the March 2015 edition of the Secretary of State's Guidance to Licensing Authorities:

'11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- *for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- *for the sale and distribution of illegal firearms;*
- *for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- *for prostitution or the sale of unlawful pornography;*
- *by organised groups of paedophiles to groom children;*
- *as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks;*
- *for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*
- *for unlawful gambling; and*
- *for the sale or storage of smuggled tobacco and alcohol.*

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'

In relation to smuggled alcohol and tobacco the Trading Standards Team have proposed some conditions, that will be added to the Council's 'Pool of Conditions', that may be added to licences where the quantity of illegal alcohol and/or tobacco is small and the risk of re-offending is low.

Public safety

The Licensing Authority will require the applicant to demonstrate the steps proposed to ensure the physical safety of people using the relevant premises or place. This does not cover the separate need for applicants to provide relevant public safety requirements dealt with by Environmental Health. This is expected to include:

- Maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include that limit as a licence condition.
- Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. The types of premises that may be subject to safe capacities will be the following;
 - Nightclubs
 - Cinemas
 - Theatres
 - Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces

- The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to, the following:
 - Checks on equipment at specified intervals, e.g. gas safety checks;
 - Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
 - The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
 - The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
 - The provision of air conditioning and ventilation;
 - Measures to protect against overcrowding; and
 - Consideration of the needs of disabled people and appropriate provisions.

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

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

The prevention of public nuisance

The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. This is expected to include:

- In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour and any [Public Spaces Protection Orders](#) (PSPOs) in place.
- The Licensing Authority will particularly consider the following matters where they are material to the individual application:
 - The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.
 - The proximity of residential accommodation;
 - The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;

- The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
- Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
- Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- The delivery and collection areas and delivery/collection times;
- The siting of external lighting, including security lighting that is installed inappropriately;
- The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- The generation of odour, e.g. from the preparation of food;
- Any other relevant activity likely to give rise to nuisance;
- Any representations made by the Police, or other relevant agency or representative;

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

- **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise-sensitive properties.
- **Drink promotions** – adopting policies to discourage excessive drinking such as happy hours, buy one get one free, etc.
- **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.
- **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby

residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

- **External Areas** – External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people.
- **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.
- **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day. Consideration should also be given to the time of deliveries to minimize disruption to local residents.
- **Litter** – for example, litter patrols for late night take-away premises

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

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

The protection of children from harm

The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. This is expected to include:

- The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the Act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where there are concerns about child sexual exploitation. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:
 - At certain times of the day;
 - When certain licensable activities are taking place;
 - Under certain ages, e.g. 16 or 18;
 - Unless accompanied by an adult.
- The Licensing Authority will particularly consider whether:
 - There is entertainment or services of an adult nature commonly provided;
 - There have been convictions, Penalty Notices for Disorder (PND) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
 - There is a known association with drug taking or dealing;

- There is a significant element of gambling on the premises;
 - There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
 - There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
 - There have been representations from police, the Local Safeguarding Children Board, Trading Standards or other relevant agency or representative.
 - There are measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognize signs of potential child sexual exploitation.
- The sale of alcohol to a minor is a criminal offence and Trading Standards officers will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Act permits the use of children under the age of 18 to undertake test purchases when they have been directed to do so by a duly authorised officer.
 - Where a sale of alcohol has been made on the same premises to a minor on two or more different occasions within a period of three months the premises licence could be suspended for a defined period.
 - Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
 - Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety. What is deemed sufficient will depend on the circumstances of the particular event.
 - The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the Act. The Council's Trading Standards officers have a role to play in the protection of children from harm, and proof of age schemes, and are able to provide advice in relation to measures that can be taken to help prevent the sale of alcohol to underage children. Potential licence holders should also be aware of the Proof of Age London (PAL) Scheme hosted by Southwark Council.
 - There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out.
 - Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.

The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products and providing advice about measures that can be taken to reduce the risk of alcohol sales to under eighteens. The following provides a non-exhaustive list of risks associated with the protection of children from harm objective that applicants may want to consider when preparing their Operating Schedule:

- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks. The Council will expect premises only to accept current passports, driving licences or documents bearing the national PASS logo, such as Citizencard. The Proof of Age Standards Scheme (PASS) is the UK's national guarantee scheme for proof-of-age cards as endorsed by the Home Office. More information can be found on <http://www.pass-scheme.org.uk/>

- Where an application has not indicated any adult entertainment a voluntary condition that no nudity or adult entertainment will take place at the premises.

Annex 2: Overview of licence application processes

Premises licences

An application for a premises licence must be made in the prescribed form to this Licensing Authority. This can be made by any person (including an individual, partnership or a business) aged 18 years or over who is carrying on or proposed to carry on a business that involves licensable activities.

An application for the new grant of a premises licence will be subject to a 28 day consultation period and a notice of the application must be displayed at the premises location and be published in a local newspaper.

The Licensing Authority will expect that applicants for a premises licence will normally be an operating company or tenant of a leased premises rather than an employee of the operating company/ premises. The Licensing Authority will also expect applicants for new grants of, and variations to, premises licences to submit a Local Area Risk Assessment with their application.

There is an annual fee for a premises licence which is payable on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and could result in the suspension of the licence.

Personal Licences

Personal licences will normally be granted as long as the applicant meets the following requirements:

- Aged 18 or over and entitled to work in the UK;
- Possesses a licensing qualification accredited by the Secretary of State;
- Not forfeited a personal licence within five years of their application;
- Produces a Criminal Record Bureau certificate;
- Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
- Pays the appropriate fee to the council.
- Submits two passport size photographs with their application. One of the photographs must be endorsed, as required.

Applicants with unspent criminal convictions for relevant offences as set out under Schedule 4 of the Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.

A personal licence is valid indefinitely unless otherwise revoked or surrendered. A designated premises supervisor must hold a personal licence.

Minor Variations to existing premise licences

Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process.

A minor variation application may **not** be used to vary the licence to:

- vary substantially the structure or layout of the premises
- vary the Designated Premise Supervisor
- authorise the sale by retail of alcohol
- authorise the supply of alcohol at any time between 11 pm and 7 am
- authorise an increase in the amount of time on any day during which alcohol may be sold by retail

Minor variations will generally fall into four categories:

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

The key test by the Licensing Authority is whether the proposed variation could impact adversely on any of the four Licensing Objectives. Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice requirements following determined applications.

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

There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers *'must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.'*

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

Granted applications: The Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice. Licences and summaries will be re-issued on the grant of a minor variation to reflect the changes made.

Refused applications: The Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application, or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises.

Annex 3: Mandatory licence conditions

Mandatory conditions – on licences

(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

(i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

(1).A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2).For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

(1) No supply of alcohol may be made under the premises licence-

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Exhibition of Films

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

Or

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

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

In this section-

"children" means persons aged under 18; and

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

Door Supervisors

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

Mandatory conditions – off licences

1. General Condition

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

2. General Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (iv) P is the permitted price,
 - (v) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (vi) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

3. General Condition

- (1) No supply of alcohol may be made under the premises licence-

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

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

4. Exhibition of Films

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

Or

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

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

In this section-

"children" means persons aged under 18; and

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

5. Door Supervisors

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

Mandatory conditions – club premises

1. General Condition

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. General Condition

The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

3. General Condition

- 1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. General Condition

The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. General Condition

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (vii) P is the permitted price,
- (viii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (ix) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. General Condition

(1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

- (2) Any alcohol supplied for consumption off the premises must be in a sealed container.
- (3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person. *(only include condition 6 if the CPC also permits supply of alcohol OFF the Premises)*

7.

Exhibition of Films

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

Or

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

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

In this section-

"children" means persons aged under 18; and

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

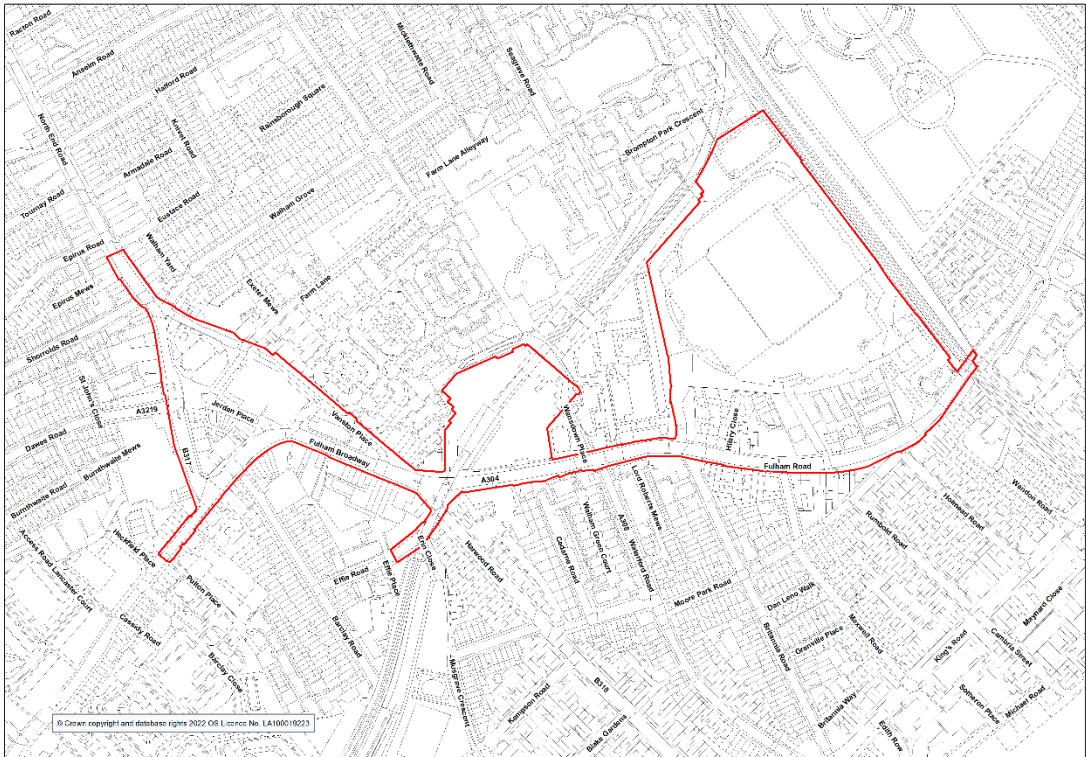
8. Door Supervisors

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

Annex 4: Area specific cumulative impact policies

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 cumulative impact policy will be kept under review by the Licensing Authority.
6. The map below outlines the geographical boundary of the area.



DRAFT

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.



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Annex 5: Grounds for considering a review

The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Evasion of copyright in respect of pirated or unlicensed films and music;
- Underage sales and consumption of alcohol;
- Use of a licensed premises contrary to any emergency legislation requesting its closure;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Serious risks to children;
- Use of licensed premises for unlawful gaming and gambling;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
- The use of licensed premises for the sale of stolen goods;
- Incidents of disorder;
- Instances of public nuisance where warnings have been disregarded;
- Serious risks to public safety which the management is unable or unwilling to correct;
- Frequently operating outside permitted hours.
- There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

Annex 6: Glossary

Appeals

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

Designated Premises Supervisor (DPS)

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

Extended hours application

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

Late night refreshment premises

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

Licensable activities

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

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

Licensing Authority

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

Other Persons

Other Persons means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location.

Personal licences

A licence which:

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

Regulated entertainment

Entertainment where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- An exhibition of a film (no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.);
- An indoor sporting event (no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.);
- A boxing or wrestling entertainment (indoors and outdoors) (no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.);
- A performance of live music (no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Any playing of recorded music; (no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.)

- **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
 - A performance of dance (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.); and,
 - Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox.

Relevant representation

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

Responsible authorities

These include:

- Licensing Authority (Hammersmith & Fulham Council Licensing Team, Town Hall, King Street, London, W6 9JU)
- Chief Officer of Police;
- The Fire Authority;
- The enforcing authority for health and safety at work;
- The Director of Public Health' Team;
- The Planning Authority;
- The Home Office Alcohol Licensing Team;
- The local authority responsible for minimising or preventing the risk of pollution or harm to human health;
- The recognised body responsible for the protection of children from harm;
- Trading Standards.

Special event

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

Security Industry Authority (SIA)

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

Variation

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

Annex 7: MOPAC/SSLP Licensing policy checklist and assessment

The following table provides details of the Mayor's Office for Policing And Crime (MOPAC) and Safe Sociable London Partnership (SSLP) Statement of Licensing Policy Assessment Criteria. This was used as part of the review and development of this Statement of Licensing Policy. This assessment was undertaken by Dr Matthew Andrews of Safe Sociable London Partnership and completed in March 2022.

MOPAC/SSLP Statement of Licensing Policy Checklist and LBHF Assessment Criteria
1. Does the SOLP outline strategic aims?
2. Are health aims identified in the SOLP?
3. Are there clear measures to promote each of the four licensing objectives? a) Crime and Disorder b) Public Safety c) Public Nuisance d) Protection of Children from harm
4. Does the policy give guidance on licensing hours?
5. Does the policy outline the requirements for a Temporary Event Notice (TEN)?
6. Does the policy outline the how far in advance a TEN needs to be applied for?
7. Does the policy have a Cumulative Impact Policy (CIP) and how many?
8. Is there an explanation of the consideration for adopting or not adopting a CIP?
9. In a CIP, are other mechanisms outside of the licensing regime included in the policy that could reduce the impact of anti-social behaviour and nuisance once the customers are away from the vicinity of the premise?
10. Are strategies outlined to promote partnership working among responsible authorities and other organisations?
11. What are the review dates of the policy?
12. Are methods mentioned to evaluate the effectiveness of the policy?
13. Does the policy include enforcement protocols that have been adopted by the Local Authority?
14. Have schemes been outlined to prevent children from harm? a) Age verification policy and appropriate schemes: such as Challenge 25? b) Test purchasing policies c) Restriction on hours when children may be present d) Training on legal requirements for identifications e) Refusal logs

MOPAC/SSLP Statement of Licensing Policy Checklist and LBHF Assessment Criteria
15. Does the policy explain arrangements with partners for test purchasing? Does the policy explain the likely response to a failed test? Does the policy reference the better regulation guide to test purchasing?
16. Does the policy outline the condition that all sales need to be made or authorised by a personal licence holder?
17. Are there provisions specific to reduce likelihood of crime and disorder at HVVD's? Does the SOLP mention the requirement that door staff hold appropriate licence or exemption? Does the SOLP recommend door supervisors to control entry for compliance with capacity limit and to deny entry to individual who appear drunk and/or disorderly?
18. Does the policy make provisions for a Late Night Levy, including consultation and evidence base required for implementation?
19. Is there a description of or reference to mandatory licensing conditions?
20. Is there a description of or reference to model conditions, and reference to the s.182 guidance on best practice for drafting conditions?
21. Does the SOLP identify the strategic context in which it operates, including the linkages with the Mayor's Vision for London as a 24-Hour City?
22. Does the SOLP identify aims for promoting a night time economy (NTE) that caters to the full range of diversity in the local population?
23. Does the SOLP promote a full range of cultural, leisure, retail and service activity in the NTE?
24. Does the SOLP describe a strategic approach to the safety and wellbeing of customers and workers and residents living in surrounding areas?
25. Does the SOLP take into account the Mayor's Violence Against Women and Girls priority?
26. Does the SOLP identify areas or times in which different types of NTE activity will be welcomed within the borough?
27. Does the SOLP describe how a 24 hour approach to meeting the diverse and flexible entertainment and working needs of residents may be applied?
28. How does the SOLP address issues for vulnerable people in the NTE?
29. In developing the SOLP have strategic guidance and direction from London-wide organisations and experts been taken into account?
30. In developing the SOLP have officers considered best practice examples form other boroughs and Local Authority areas outside London?
31. Does the SOLP identify interlinkages with other borough's NTE's – through borough border areas (eg. Shoreditch/Liverpool St, Camden/Islington etc), entertainment migration trails (eg. Pub in one borough, restaurant in another, night club in a third), transport links between and through boroughs.
32. Does the SOLP identify common best practice relating to: <ul style="list-style-type: none"> a) enforcement practices; b) conditions; c) sales to young people; and, d) licensing hours?
33. Does the SOLP discuss Cumulative Impact Policies with reference to nearby CIPs in other boroughs.
34. How does the SOLP address partnership approaches?
35. How does the SOLP address issues relating to risk of major emergency services events?

Contact details

For further information about this policy please contact the Licensing Authority:

Phone: 020 8753 1081

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

or write to:

London Borough of Hammersmith & Fulham

Licensing Authority

King Street

London

W6 9JU

London Borough of Hammersmith & Fulham

STATEMENT OF LICENSING POLICY

2022 - 2027

DRAFT

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Foreword - Councillor Cowan, Leader of the Council

Hammersmith & Fulham continues to rise to the challenges of our time, together. Ongoing investment means that our business environment and residential landscape is rapidly changing and we're excited to share the amazing opportunities with everyone.

We make no secret that we want to make our borough the best place to do business in Europe and to ensure that everyone benefits, not just a favoured few. In Hammersmith & Fulham, we want to use the power of local government to create a borough able to compete with the best in the 21st century and transform our borough into an inclusive global economic hotspot.

We believe local government has a role in supporting growth. It can bring partners together, regenerate town centres, help with affordable workspaces, teach people the skills they need, use procurement to support local firms and much more. We believe that a diverse, vibrant and safe night-time economy (6pm to 6am) has a key role to play in supporting this growth. That's why we've created a new modern business-friendly licensing policy for Hammersmith & Fulham.

With the many advantages that Hammersmith & Fulham has to offer now, it's no surprise investors are already eyeing up the borough for growth and new business ventures.

That's why we're reimagining the tired old Town Hall, turning it into the first Civic Campus in the country –a public amenity set to become a vibrant entertainment, arts, business, education and social destination. Our new Civic Campus will be a modern work, entertainment and retail place, set to rejuvenate Hammersmith. The new Civic Campus will include the following benefits:

- A new four-screen cinema,
- A new public rooftop café and sky bar;
- New cafes, shops and restaurants and car park site;
- 204 genuinely affordable new homes;
- New homework spaces for children and students;
- A new art gallery;
- New event spaces;
- New affordable, flexible office spaces for start-up entrepreneurs;
- New public squares with space for performances and;
- Inclusively designed buildings to ensure full access for Disabled people;
- Eco-friendly buildings to minimise our carbon footprint and cut fuel bills.

We want to attract retailers and hospitality outlets that are in keeping with the values of the campus.

Recognising that the pandemic has had a devastating effect on many retail and hospitality businesses, we are improving the public realm to make it a better place for people to shop, eat, drink, relax and enjoy local arts and facilities. We want to create a vibrant, safe and considerate night-time economy.

We support the revival of nightlife, with more well-managed late licences in non-residential areas. We want to make H&F an even more attractive place to live, work and visit; so that restaurants, cafes, bars and other licensed hospitality premises can profit.

We want our high streets to be experience destinations and community hubs, supporting budding, local SMEs to use pop-up and 'meanwhile' spaces, e.g. Friday and Saturday night food courts or breakfast pop-up markets in residential areas.

We have exceptional transport links - the nearest major business centre to Heathrow, just 10 tube stations away. The West End and the City are in easy reach and HS2 at Old Oak Common is set to speed up travel to the rest of the UK. We're home to numerous international businesses and new regeneration projects are boosting White City, Shepherd's Bush, Hammersmith town centre and Fulham. Hammersmith & Fulham is home to three football clubs, Westfield, IKEA UK's first small store and so much more.

Our thriving media, creative, and cultural scene includes the Lyric and Bush Theatres, LAMDA, Riverside Studios and the BBC. Our leisure facilities and night-time economy make the borough a great place to live and work. Our industrial strategy aims to take our borough to the next level and centres around four priorities: 'West Tech'; encouraging enterprise; a great place in London; and people - growth for all.

In 2018 with 'The Change We'll Bring Together', we said that we'd support the night-time economy in our town centres in a way that is sensitive to local residents but enhances the borough as a destination for inward investment, tourists and visitors and we did what we promised.

Hammersmith and Fulham Council has been recognised as leading the way in our approach to partnership working to support our night-time economy. Our Night-Time Economy Working Group¹ includes officers from across the council including resident engagement and external partners from the police and local business improvement districts (BIDs) to identify issues that impact the borough.

We cannot forget that alcohol is often the cause of anti-social behaviour, nuisance and disturbance caused to residents, together with crime and disorder problems. We believe that well-managed businesses and responsible operators are the key to addressing this problem.

This policy clearly sets out our expectations as a Licensing Authority to anyone responsible for the operation of a licensed premises within Hammersmith & Fulham; on how to promote the four licensing objectives as set out in the Licensing Act 2003.

We believe the policy strikes a balance between providing an environment within which responsible business operators can succeed and contribute towards a vibrant business and thriving night-time economy in a sustainable way - promoting economic growth whilst protecting residential amenity.

Think of the future night-time economy of Hammersmith & Fulham where all our licensed businesses are signed up to the Women's Night Safety Charter; and we have the creation of numerous new businesses and jobs in a 21st century night-time economy, providing useful leisure, cultural and hospitality amenities for our residents, visitors and night workers.

I would like to thank the many businesses, amenity groups, residents and organisations that took time to join discussions and to input into the consultation for this policy. These contributions have been a vital source of information when reviewing our Statement of Licensing Policy.

Councillor Stephen Cowan Leader Hammersmith & Fulham

¹ Night-time Economy Working Group includes representation from the following services: Licensing, Environmental Health (Food Safety & Health & Safety), Planning, Public Realm, Noise & Nuisance, Economic Development, Community Safety, Law Enforcement Team, Business Intelligence, ASB Unit, Police, H&F BID, Fulham BID, Parking, GLA

1 Introduction

Purpose of the Licensing Statement

Hammersmith & Fulham Council as the 'Licensing Authority' will have regard to this policy when carrying out its functions under the Licensing Act 2003 ("the Act").

The Act requires the Licensing Authority to publish this Statement of Licensing Policy. This policy will be used as a guide in decision making with regard to licensing matters.

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

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

Each objective is of equal importance. It is important to note that there are no other licensing objectives.

In carrying out its licensing functions, the Licensing Authority will actively seek to promote the four Licensing Objectives set out in section 4 of the Act and as outlined above.

To achieve these objectives the Licensing Authority will use its full range of powers and engage all relevant responsible authorities. The Licensing Authority will enter into appropriate partnership arrangements, working closely with the police, the fire authority, Trading Standards, Environmental Health, planning, home office, safeguarding children authority, Public Health, local businesses, community representatives and Hammersmith & Fulham residents and other stakeholders in meeting these objectives.

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

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

- **To inform and advise Members of the Licensing Committee** of the powers of the Licensing Authority and the boundaries and basis for making their decisions.
- **To inform and advise licence applicants** what matters the Licensing Authority will consider when making decisions and how licensed premises are likely to be able to operate within the borough.
- **To inform and advise local residents and businesses** of the considerations which the Licensing Authority will take into account, when making licensing decisions.
- **To inform and advise Responsible Authorities** of their collective powers and responsibilities under the Act, to promote the four Licensing Objectives.

The Licensing Authority has taken full account of the guidance issued to it by the Secretary of State under section 182 of the Act. Where it is necessary to depart from that guidance, the Licensing Authority will give its reasons for doing so. A copy of the Statutory Guidance can be found on the licensing pages of our website.

Additionally, in formulating this policy document the Licensing Authority has had regard to the provisions of the European Convention on Human Rights, the Equality Act 2010 and has also taken into account the provisions of the Crime and Disorder Act 1998.

The Act requires the Licensing Authority to review the licensing policy every five years. All reviews will be subject to consultation with all stakeholders. Comments received will be taken into account in the revised policy to be published. Issues that arise concerning implementation of the policy will be recorded in an issue log and taken into account during any review. **The stakeholder consultation and engagement feedback will inform our strategic and operational work plans, to embed the policy aims.**

About the London Borough of Hammersmith & Fulham

Hammersmith & Fulham is one of 13 inner-London boroughs. It is situated in west London, on the transport routes between the city and Heathrow airport. 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 – Shepherd’s Bush, Hammersmith and Fulham and is made up of 21 electoral wards. These range in size from 55 hectares to 344 hectares.

Hammersmith & Fulham is a socially diverse area with a cosmopolitan population, sharing the advantages and disadvantages of inner-city life. This presents the challenge of securing the safety and amenity of residential communities while facilitating a sustainable entertainment and cultural industry. To date, the Licensing Authority has been successful in seeking to strike this balance and has a proven track record of treating each application in a fair and considered way.

Green spaces have been protected and extended to improve the local quality of life. Hammersmith & Fulham Council has made a clear commitment to climate change. With the risk of increased flooding in the borough and climate change posing a danger to lives and livelihoods worldwide, we want to lead by example. We want our licensed premises to do all they can to fight climate change. We welcome green initiatives such as increasing the use of electric vehicles, minimising food waste, making the borough safer for cyclists and pedestrians, promoting low emission bus zones, stopping the use of single use plastics and taking other measures to improve air quality. We want to ensure that our licensed businesses are good for the borough and local people and we also want them to be good for future generations.

Hammersmith & Fulham combines all the very best of London in one borough:

- a thriving cityscape full of commercial opportunity and entrepreneurship
- wonderful parks and open spaces from the glorious terrain of Wormwood Scrubs to the delightful Bishop’s Park
- the Riverside Studios entertainment venue and other bars and restaurants along a two-mile stretch of the Thames River path flowing under the iconic Hammersmith Bridge

- seven superb theatres catering to all tastes including two of London’s major live entertainment venues, the world-famous Hammersmith Eventim Apollo and the Shepherds Bush Empire.
- three professional football teams (Chelsea, Fulham and Queens Park Rangers)
- great connections with 15 tube stations and direct rail links to Heathrow and Gatwick
- superb open-air markets such as at North End Road, Lyric Square and Shepherds Bush.
- the site of a globally-renown University (Imperial College London)
- home to one of Europe’s largest shopping centres, Westfield and a national exhibition centre, Olympia.

Most importantly its greatest asset is its people: a rich diversity from across the world who have made Hammersmith & Fulham their home and brought their cultures with them. So, it is truly the best borough to visit, work and live in. You can view the borough profile [here](#).

Aims of the Licensing Authority

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

Our licensing policy is designed to build upon the work presently carried out by the Licensing Authority to maintain a dynamic, innovative and attractive place to live, work and relax, to support businesses to be resilient and for residents to be well served and not unduly disturbed. The Licensing Policy is also intended to align with and support other strategies and visions that the Council has published. The Licensing Authority intends to work in partnership with others to ensure integration with local crime prevention measures, planning, transport, tourism, cultural and our industrial strategy, and equal opportunities strategies and policies.

Hammersmith & Fulham as a central London borough, provides a diverse range of licensable leisure and entertainment venues and events. This brings opportunities and benefits to potential new and existing businesses in the licensing industry. For our residents, it can bring local employment and enjoyment from the current regeneration of our three town centres. We will use this licensing policy, alongside other initiatives, to promote the positive aspects of life in the borough; and to manage the negative impacts (e.g. noise nuisance, anti-social behaviour and crime and disorder).

We aim to focus on premises which are causing problems within our communities. We will have a lighter touch for most businesses and community activities which enhance peoples’ lives and their enjoyment of leisure time without having a negative impact. Premises that are associated with any crime or disorder, threaten public safety, generate public nuisance or threaten the wellbeing of children, will be targeted for enforcement action.

2 Key Themes of the Statement of Licensing Policy

We recognise that the global pandemic has been a challenging time for the licensing sector and for the residents of Hammersmith & Fulham. The Licensing Authority is keen to support the licensed sector and leisure offer within the borough, with a particular focus on business resilience and growing a robust and thriving cultural and leisure sector.

To achieve this the Licensing Authority has identified **three key themes** of the Licensing Policy and the Licensing Authority's approach to implementing it. These are:

- A sustainable, well-run licensed sector;
- Hammersmith & Fulham as a good place to live, work and enjoy leisure; and,
- A safe licensing environment and night-time economy.

Theme 1: A sustainable, well-run licensed sector which seeks to encourage new investment whilst supporting existing operators

The Council wants to ensure that:

- Our Licensing Policy supports our licensed sector and the cultural, leisure, hospitality, and entertainment options within it available to Hammersmith & Fulham residents.
- It is easier for well-run local businesses to operate by having a clear, fair and accessible licensing process and system.

We aim to do this by:

- a) Providing clarity and certainty for businesses through pre-application and other business advice.
- b) Providing clear guidance to applicants on the process for applications and what will be taken into consideration when an application is made.
- c) Using the H&F Night Time Economy (NTE) Working Group to work collectively with partners.
- d) Providing a clear outline of when and how enforcement will be applied, with clear guidance on processes and approaches relating to enforcement.
- e) Providing clarity on review processes and circumstances that trigger licensing reviews.
- f) Clearly outlining the process for applying for Temporary Events Notices.
- g) Promoting partnership working approaches, based on mutual aims and efficient ways of working e.g. supporting the promotion of recognised partnership schemes like 'Ask for Angela'.
- h) Encouraging and supporting best practice operations.
- i) Alignment with wider London approaches (e.g. Mayor's vision for London as a 24 hour city), where it is appropriate for the needs of the borough.
- j) Adopting a Policy which helps to create a safe and orderly licensed sector in Hammersmith & Fulham, which is key to the wellbeing of the residents, workers and visitors to the borough.

Theme 2: Hammersmith & Fulham as a good place to live, work and enjoy leisure

The Council wants to ensure that:

- Our licensed sector adds value to the diverse cultural, leisure, hospitality, and entertainment offer that is available to residents, workers and visitors in our borough.
- This Licensing Policy helps in the work towards maintaining an open, accessible, inclusive, safe and orderly wider licensed sector that caters to the diverse population of the borough.

We aim to do this by:

- a) Providing guidance to applicants on how to minimise the negative impacts on residents, workers and visitors within the borough. E.g. noise nuisance, smoke, odours.
- b) Promoting voluntary schemes, like PubWatch and 'ask for Angela' to support local communities.

- c) Encouraging applications that cater for diverse populations and cater to varying needs.
- d) Improving opportunities for ongoing engagement with residents in relation to licensing matters.
- e) Providing clear guidance on expectations of licensees with regard to queuing and dispersal practices to minimise any nuisance to residents.
- f) Providing clear guidance on expectations of how outdoor areas of licensed premises are managed and should be operated to reduce noise, odour, and smoke pollution to residents.
- g) Improving how we collectively address the health impacts related to licensed premises.
- h) Improving how we communicate our expectations on licensing hours for different types of premises, in different parts of the borough. E.g. By designating areas by type residential, local town centre, larger town centres, entertainment areas and areas attracting visitors from other parts of London and wider. These designated areas could then have preferred opening hours associated for each type of premises.
- i) Improving how we communicate our expectations and the details required for large events, **football matches** and events on council public land and TENs policies.
- j) Supporting specific policies and conditions relating to street drinking and congregation around off licences – outlining the clear approach of the Council to reducing street drinking for off-licences.
- k) Providing detailed guidance on expectations for the operation of licensed premises that are primarily offering a delivery service, to minimise noise and disturbance.

Theme 3: A safe licensing environment and night time economy

The Council wants to ensure that:

- Licensing partners, licensees, residents and the wider local community work together to prevent crime and disorderly behaviour, and to make the licenced sector open, inclusive and safe for the diverse population of the borough.
- The licensed sector is managed well to protect children, young people and vulnerable people.

We aim to do this by:

- a) Working in partnership to design out crime and disorder, to address specific crime issues and to support licensees to operate well to minimise crime and disorder in the licensed sector.
- b) Improving our robustness on underage drinking policies, conditions and enforcement responses and clarity on underage times, places and activities in licensed premises.
- c) Effectively using mandatory and local pool of licensing conditions for guidance on operating safely. We will continue to refine these, to meet future licensing challenges in the borough.
- d) Improving the local business community by enforcing against those businesses that don't operate well, are breaking the law and do not contribute to making the borough safe and orderly.
- e) Supporting [Violence Against Women and Girls strategies](#), the principles of the Women's Night Safety Charter and outlining our general expectations around vulnerable people in the NTE.
- f) Clearly outlining our Trading Standards team's underage sales enforcement policies and our process for controlled test purchase operations.
- g) Clearly outlining right to work matters (as required by the Act), for licensees and those authorised to sell alcohol and helping to address issues that contribute to modern slavery.
- h) Clearly outlining our door staff expectations: expected numbers of door staff needed by venue capacity and type; training requirements; and liaison with borough officials and police.
- i) Supporting specific policies around expectations on delivery services, with a strong focus on age verification processes, and staff safety.

- j) Supporting licensees and licensed applicants to engage in Council programmes and training, e.g. ['Welfare and Vulnerability Engagement' training package \(WAVE\)](#) to identify and respond to Child Sexual Exploitation (CSE) and other safeguarding concerns.

3 Key principles

The Licensing Authority has significant experience and awareness of the requirements of, and issues surrounding, the entertainment, hospitality, and leisure industry. We will work with the community and our key stakeholders to ensure mutual co-existence.

The Licensing Act 2005 provides the entertainment, hospitality and leisure industries with greater freedom and flexibility to meet the demands of its customers but also provides additional responsibilities for licensees and some extra powers for the Licensing Authority and other authorised officers to work closely to protect residents from disturbance.

This Licensing Authority, with support from the other enforcement agencies, will keep the activities of these licence holders under review. This means that all concerned must work closely together in partnership for the community, of which both businesses and residents form a part. This includes the following principles:

- Responsible Authorities or other persons may view applications for Club Premises Certificates and Premises Licences and may make representations to the Licensing Authority where they believe a licence application, if granted, will undermine one or more of the Licensing Objectives. (See Glossary of terms for other persons and Responsible Authority definitions)
- All relevant representations will be considered during the decision-making process, unless they are considered to be frivolous, vexatious or repetitious in nature. All representations must be made to the Licensing Authority. Only written representations sent electronically (e.g. email), by post or hand delivered will be accepted, however, where circumstances prevent this the Licensing Authority shall consider any other forms of representation on a case-by-case basis.
- If relevant representations are received by the Licensing Authority, the application will be determined by a Licensing Sub-Committee consisting of three Members of the full Licensing Committee. Where no relevant representations have been made licences will be issued by council licensing officers under delegated powers. In making decisions on licence applications, the Licensing Sub-Committee must have regard to the Act and relevant Regulations, the Guidance published by the Home Office under s.182 of the Act, and this Statement of Licensing Policy.
- Applicants should also have regard to these documents when preparing their applications. Applicants should note paragraph 8.34 of the Secretary of State's Guidance in particular, which states that:

'Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- i. the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

- ii. any risk posed to the local area by the applicants' proposed licensable activities; and
- iii. any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Please see policy 1 for more information regarding local area risk assessments.

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

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with a Convention Right. Hammersmith & Fulham Council will have particular regard to its rights and responsibilities under the Human Rights Act 1998 when determining applications and reviewing this policy. The Council will have regard to:

Article 1: of the First Protocol; that every person is entitled to peaceful enjoyment of his or her possessions.

Article 6: that in the determination of civil rights everyone is entitled to a fair and public hearing within a reasonable period of time by an independent and impartial tribunal established by law.

Article 8: that everyone has the right to respect for his home and private life; and

4 Scope of the Policy

Nothing in this policy will prevent any person from applying for a variety of permissions under the Act.

The Policy has been drawn up in consultation with a number of responsible authorities, bodies and organisations, including members of our Licensing Action Group and Night-Time Economy Working Group.

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

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

- a. The retail sale of alcohol including licensing of individuals, premises, and purchases via the internet or mail order;
- b. The supply of alcohol to members of club premises;

- c. The provision of regulated entertainment in the presence of an audience. The meaning of regulated entertainment is described in more detail in the Licensing Act 2003, and in particular in Schedule 1 of that Act and includes:
- film exhibitions
 - performances of a play
 - indoor sporting events
 - boxing or wrestling events
 - live music performances
 - playing of recorded music
 - performances of dance

Further details regarding regulated entertainment and exemptions from the need for licensing permissions can be found in the Glossary attached to this document.

- d. The provision of late night refreshment i.e. supply of hot food or hot drink from premises, anytime between 11pm and 5am; and,
- e. The licensing of activities on a temporary basis, Temporary Event Notices (TENs)

The two main types of licences issued under the legislation are personal and premises licences. Club premises certificates can also be issued for qualifying clubs carrying out qualifying club activities. Temporary Event Notices (TENs) may be issued for licensable activities involving no more than 499 people and lasting no more than 168 hours (7 days). References to licences in this document include certificates, TENs or other permissions under the Act.

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

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

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

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

5 The Licensing Objectives

In order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule:

- the steps proposed to promote the licensing objective of the prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises;
- the steps proposed to ensure the physical safety of people using the relevant premises or place

- how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met;
- the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

Further guidance on how the Licensing Objectives can be promoted in the operating schedule is included in Annex 1.

6 Licences

Premises Licences, Personal Licences, and Variations to existing licences (including Minor Variations) have specific processes and requirements that are to be followed during applications for them. To ensure that the processes and requirements are clear and open an explanation for each of these is outlined in Annex 2.

Documents which demonstrate entitlement to work in the UK

Applicants may be asked to demonstrate that they have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. Guidance on how this can be demonstrated in specific circumstances is outlined in the linked document:

[Right to work checks: an employer's guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/right-to-work-checks-an-employer-s-guide)

7 Operating schedules

Operating schedules for premises licences are the key to ensuring compliance with the four Licensing Objectives. The measures proposed in the operating schedule will normally be converted into conditions to be attached to the premises licence and should therefore fulfil the following criteria:

- (i) Be precise and enforceable
- (ii) Be unambiguous
- (iii) Not duplicate other statutory provisions
- (iv) Be clear in what they intend to achieve, and
- (v) Be appropriate, proportionate and justifiable

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

The Licensing Authority will seek to impose conditions appropriate to promote the Licensing Objectives. For those premises which present the lowest risk to public safety and the other Licensing Objectives, the Licensing Authority will adopt a light touch approach to regulation.

Operators of licensed premises will have to comply with planning, environmental health, trading standards, fire safety, licensing and building control legislation when opening or adapting licensed premises. The Licensing Authority will seek to avoid confusion and duplication by not imposing licence conditions relating to matters that are required or controllable under other legislation, except where they can be exceptionally justified to promote the Licensing Objectives.

During the course of its inspections, the Licensing Authority may refer matters to any other agency where there appears to be a contravention of the legislation enforced by that agency.

Operating schedule considerations

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

General

- a description of the style and character of the business to be conducted on the premises (for example, a supermarket, or a cinema with 6 screens and a bar, or a restaurant, or a public house with two bars, a dining area and a garden open to customers);
- A description of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- the licensable activities to be conducted on the premises;
- the times during which it is proposed that the relevant licensable activities are to take place. This should include the time the premises will be open, the time the last customer will be able to enter the premises, the time the last drink will be served and the time all customers will have left the premises. Detail should also be provided on how this will be managed/controlled;
- Any other times when the premises are to be open to the public;
- Where the licence is required only for a limited period, that period;
- Where appropriate, details of the accessibility of the premises for disabled people. The Licensing Authority will take the current version of the publication “Technical Standards for Places of Entertainment” into account when considering applications for new premises providing entertainment and existing premises where entertainment is provided and refurbishment works are carried out. These standards cover accessibility for disabled people, such as adequate access and means of escape, audible and visible means of communication, toilet facilities, etc;

Licensable activities

Where the licensable activities include the supply of alcohol:

- the name and address of an individual who must hold a valid personal licence to be specified as the designated premises supervisor and be responsible on a day-to-day basis for conducting business in the premises in a manner consistent with the terms and conditions of the licence, in accordance with the Act and in pursuit of the Licensing Objectives; except in some Community Premises which have successfully applied to remove the DPS, see [Section 182 guidance](#).
- whether the alcohol will be supplied for consumption on or off the premises or both;
- details of what seating arrangements will be provided and where;

- When completing operating schedules and in their management of premises, applicants should consider guidance documents on the responsible promotion of alcohol and on binge drinking, such as the British Beer and Pub Association's document – Point of Sales Promotion Standards for the Management of Responsible Drinks Promotions including happy hours, which is also available via the www.beerandpub.com website. Refer to Annex 1.

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

- there are shutters to prevent alcohol from being selected in non-licensed periods.
- there are appropriate numbers of staff on duty to deal with possible 'intimidation' to sell alcohol.
- there are restrictions required on the sale of low price, high strength alcohol and drink promotions.
- an incident log book is available to record incidents.
- there are measures in place necessary to prevent underage sales. (See Annex 1)
- there are measures in place necessary to prevent alcohol from being sold outside permitted hours where the operating hours of the premises exceed those for the sale of alcohol.
- there are procedures in place to prevent sales of alcohol to intoxicated persons (with particular attention to street drinkers) or individuals leaving premises in the vicinity such as a late night bar; where there is evidence to suggest this is a problem the Licensing Authority may require a temporary cessation of alcohol sales during high risk times.

Where the licensable activities include dance:

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

8 Licensing Committee

The Licensing Committee is a committee which is established under the Licensing Act 2003. The rules regarding membership, composition and conduct are dictated by the Licensing Act 2003. The Licensing Committee, and subsequently the Licensing Sub Committee, does not need to be politically balanced, however, the Licensing Authority will endeavour to do so.

Section 6 of the Licensing Act 2003 specifically states that the Licensing Authority must establish a committee consisting of between 10 and 15 councillors. Section 9 states that the sub-committees should consist of three councillors. The Licensing Authority will endeavour to ensure that three should be the norm even if a quorum is 2.

This Authority's Licensing Committee will consist of up to fifteen councillors that may sit annually to discuss policy, review delegated decisions, changes in legislation and administrative matters. Accordingly, those Members who sit on the licensing sub-committee will receive training in all areas of licensing under the Act dealing with practice and procedure. This is so that they are equipped with the necessary skills so as to discharge their duties fully during the decision-making process when considering such applications, having regard to those principles set out in the Members Code of Conduct (as more particularly detailed under Part 5 of the Constitution).

A sub-committee of three councillors must determine applications where representations have been received from other persons and/or Responsible Authorities. If a councillor finds that he or she is unable to sit at the sub-committee meeting after the agenda has been published, best endeavours will be made to find a substitute.

Where a councillor who is a member of a Licensing Committee or a subcommittee has had prior, direct involvement in an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the premises licence in question.

Where the applicant would like the Licensing Sub-Committee to carry out a site visit, this should be arranged prior to the licensing hearing and should be requested at the earliest opportunity.

Each decision of the Licensing Committee or its sub-committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be posted on the council's website as soon as reasonably practicable after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the Licensing Authority under section 8 of the Act. Written decisions will be sent to applicant and anyone who has made a valid representation.

The Licensing Authority's authorised officers will deal with applications for premises licences, club premises certificates, interim authorities, provisional statements, transfers, designated premises supervisors and personal licences, where either no representations have been received, or where representations have been received and the parties agree that a hearing is not necessary.

The Licensing Authority's authorised officers will make decisions upon whether representations are frivolous or vexatious. Where representations are rejected, the person making that representation will be given written reasons for the decision.

The steps for consideration of a licensing application, a licensing variation and a club premises certificate are:

- a)** If no representations are made to an application, the Licensing Authority must grant it in full.
- b)** When an application is made, and relevant representations are made to the Licensing Authority it must hold a hearing of the licensing sub-committee (unless those who have made representations agree this is unnecessary).
- c)** The sub-committee will then consider the evidence provided by applicants and those making representations, the Guidance, this Statement of Licensing Policy and any other relevant data.
- d)** The sub-committee will determine the application and will take any steps it considers appropriate for the promotion of the licensing objectives.
- e)** Conditions on the licence, additional to those voluntarily sought by the applicant, may be considered. Appropriate conditions will focus on matters which are within the control of individual licensees and which also relate to the premises or places being used for licensable activities and the impact of those activities in the vicinity. If situations arise where the licensing objectives are compromised but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be issued or continue in operation.

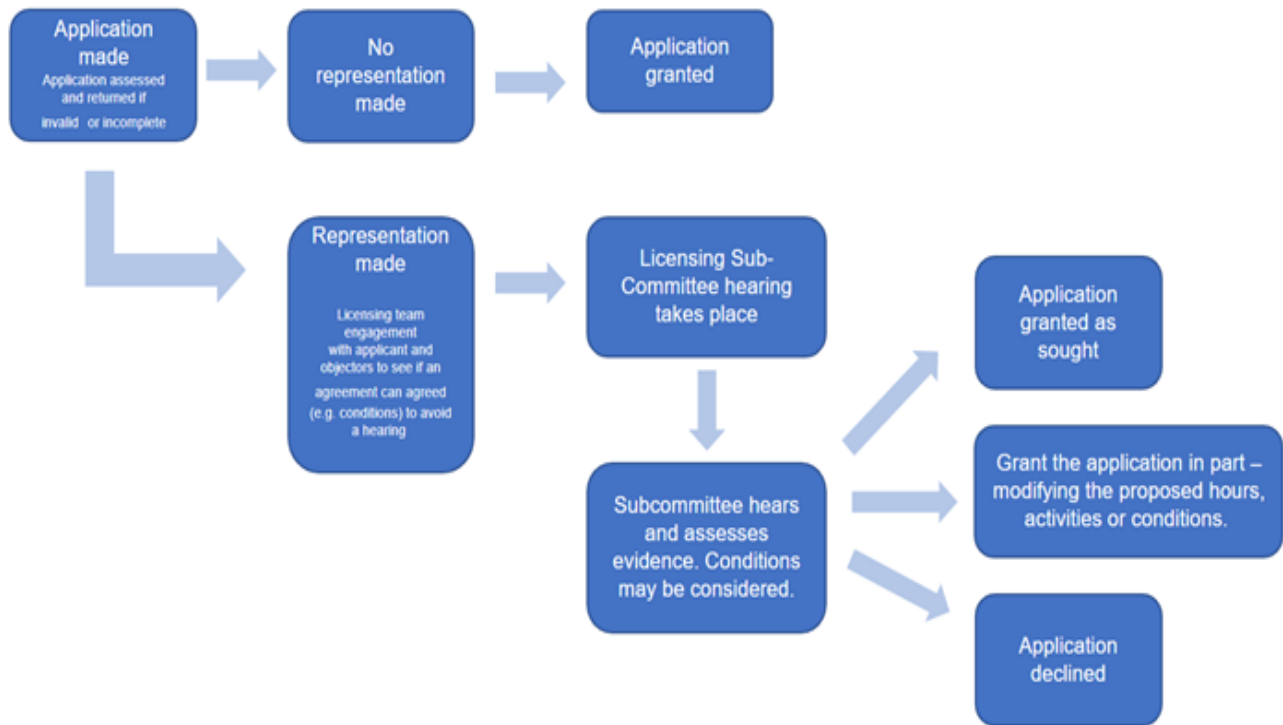


Image 1: Flowchart of licensing process

The licensing sub-committee will also consider applications for Temporary Event Notices where the police and/or the Environmental Protection Service have submitted an objection where they believe the event is likely to undermine the licensing objective.

9 Responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015

Both Licensees and the Licensing Authority have responsibilities that relate to the prevention of immigration crime, specifically the prevention of illegal working in licensed premises. The London Borough of Hammersmith & Fulham has a duty under the Modern Slavery Act 2015 to co-operate with the Independent Anti-Slavery Commissioner, and the Authority is also under this duty as part of the London Borough of Hammersmith & Fulham see [Tackling modern slavery | LBHF](#) for more information. It is the responsibility of the licence holder to help with prevention. For more information about how to raise awareness of modern slavery (e.g. Posters in establishments) and where support can be found – see the [link to toolkit for businesses](#).

10 POLICIES

This policy section includes specific policy information, all in one place. Each policy topic provides further detail and guidance about the Licensing Authority's expectations and aspirations. Applicants should note any relevant Licensing Policy areas that may apply to their business and apply the following general principles, which will be taken into consideration for all licensing applications.

General Principles for policies

The following policy areas have two general principles:

All licensing applications are expected to show:

- a) That applicants have a clear understanding of the locality in which they are operating or intending to operate and that this has been considered in the application, along with any voluntary conditions proposed within the operating schedule.
- b) That applicants have considered the four Licensing Objectives and our broader aspirations, in relation to and the diverse needs of Hammersmith & Fulham residents, businesses and visitors; and our newly regenerated parts of the borough, which are ideal for new business ventures.

POLICY 1: LOCAL AREA RISK ASSESSMENTS

Applicants are expected to undertake a local area risk assessment as part of any licensing application.

The Secretary of State's Guidance states that applicants are expected to obtain sufficient information to enable them to demonstrate, the steps they propose to take to promote the licensing objectives; and that they understand the layout of the local area and physical environment including:

- a) crime and disorder hotspots;
- b) proximity to residential premises;
- c) proximity to areas where children may congregate;
- d) any risk posed to the local area by the applicants' proposed licensable activities; and
- e) participation in any local initiatives (for example, local crime reduction initiatives or voluntary schemes, such as 'Ask for Angela', local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

The Guidance goes on to state that 'Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.'

The Licensing Authority notes the contents of these paragraphs from the Secretary of State's Guidance and, in particular, the use of the word 'expected'. Licence applications that do not in any way address the contents of these paragraphs in their operating schedules may be returned to the applicant as 'incomplete'.

POLICY 2: LICENCE CONDITIONS

Applicants are expected to consider Mandatory conditions and appropriate conditions from the pool of national and local conditions; and where appropriate, include football conditions.

Schedule 4 of the Policing and Crime Act 2009 amended the Act to give the Secretary of State the power to impose mandatory licensing conditions in relation to the supply of alcohol under the authority of a premises licence or club premises certificate.

These mandatory licensing conditions apply to all premises licences which authorise the sale or supply of alcohol.

Mandatory Conditions

Mandatory conditions must be attached to all Premises Licences and Club Premises Certificates authorising the sale and supply of alcohol, see Annex 3 for details. These conditions, amongst other things, in effect:

- Ban irresponsible drink promotions;
- Ban the dispensing of alcohol directly into the mouth (This would not preclude offering a disabled person assistance if required)
- Ensure that customers have access to free tap water so that they can space out their drinks and not get too intoxicated too quickly;
- Require an age verification policy to be in place to prevent underage sales;
- Ensure that customers have the opportunity to choose small measures of beers, ciders, spirits and wine; and
- Minimum price of alcohol (duty plus VAT)

Local Pool of Conditions

When preparing an operating schedule, the applicant should think about the operation of their premises and choose appropriate and proportionate conditions. These conditions could be one off specific conditions, or they could be drawn from the Local Pool of Conditions on the LBHF website. Where an appropriate condition is not present applicants may wish to consult the National Pool of Conditions, issued by the Home Office. All conditions must relate to one or more of the four licensing objectives. Further information regarding these conditions can be found at:

<https://www.lbhf.gov.uk/business/licensing/guidance-applicants-and-businesses/premises-licences/local-pool-licence-conditions>

<https://www.gov.uk/government/publications/pools-of-conditions-supporting-guidance>

This does not preclude the Licensing Authority from attaching other conditions appropriate for the promotion of the four licensing objectives.

Any conditions added to the operating schedule will appear on a final licence and will be enforceable.

The Licensing Authority has carried out a full review of its own pool of conditions and these are available on the licensing pages of our website. Applicants should consider the National Pool and local pool of conditions and incorporate them into their operating schedules, as they consider appropriate, to promote each of the Licensing Objectives.

Football Conditions

The Licensing Authority acknowledges that it is unique in the fact that it has 3 major football clubs within its boundaries. Given the size of our borough and the raised level of risk of crime and disorder occurring on match days, any premises in the vicinity of our football grounds will be expected to robustly deal with this issue in their operating schedule.

Where a relevant representation is made by the Police, another Responsible Authority, or 'other person' in respect of an application made by a licence holder, the Licensing Authority may apply enhanced "match day" conditions to ensure the Licensing Objectives are promoted. This may include, but is not limited to, the following conditions:

- a) Restriction of hours in the run up to and after 'Kick Off'
- b) Restriction of sales of alcohol in glass bottles or the use of glass for any drinks on match days
- c) Conditions for premises to robustly control the spillage of customers onto the highway through overcrowding
- d) Conditions to prevent customers from drinking or taking alcohol out onto the street outside the premises on match days
- e) The ability for the Police or Licensing Authority to require the premises to close on grounds of Public Safety if required to do so
- f) Having door supervisors on duty
- g) Having a Designated Premises Supervisor (DPS) / Personal Licence Holder on the premises
- h) Using display cabinets with shutters for alcohol
- i) **Conditions to support the prevention of violence against women and girls and other vulnerable people on match days**

Similar conditions may also be applied on 'victory day' or similar large crowd parades.

The Licensing Authority acknowledges that off licences can also play a major part in the overall impact on the crime and disorder objective and as such would seek to ensure these conditions are also mirrored as required on off licences identified by the Police and Licensing Authority as having a potential impact. The Police and Licensing Authority are especially keen to control the sale of alcohol in glass bottles on match days and as such may require that no bottles are sold on match days.

It has also been the experience of the Licensing Authority that at times it may be required to completely close 'off' and 'on' licensed premises depending on the information received by the Football Intelligence Unit. In order to ensure this can be effectively controlled the Licensing Authority and the Football Intelligence Unit will liaise with relevant premises operators at the earliest opportunity in order to discuss closure. Informal cooperation will always be preferred. However, review proceedings will necessarily follow when a Magistrates' Court has made a

closure order under section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014, or the Crown Court has made a closure order on appeal under section 84 of that Act.

POLICY 3: LICENSING HOURS

The Licensing Authority may consider specific restrictions on hours of sale and operation in certain circumstances.

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

- a)** Whether the licensed activities are likely to have an adverse impact especially on local residents and, if there is potential to have an adverse impact, what, if any, appropriate measures will be put in place to prevent it;
- b)** Whether there will be a substantial increase in the cumulative adverse impact from these or similar activities, on an adjacent residential area;
- c)** Whether there is a suitable level of public transport accessibility to and from the premises at the appropriate times;
- d)** Whether the activity will be likely to lead to a harmful and unmanageable increase in car parking demand in surrounding residential streets suffering high levels of parking stress or on roads forming part of the Strategic London Road Network or the London Bus Priority Network leading to a negative impact on the Licensing Objectives relating to the prevention of crime, disorder, anti-social behaviour (ASB), nuisance and vehicle emissions;
- e)** Whether there have been any representations made by Responsible Authorities, or other relevant agency or representative.

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

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

It will be the normal policy of the Licensing Authority to allow shops, stores and supermarkets to provide sales of alcohol for consumption off the premises at any times (in line with permitted planning hours) when the retail outlet is open for shopping unless there are good reasons based on the Licensing Objectives for restricting those hours. Should there be evidence regarding street drinking issues, child protection issues, cumulative impact, anti-social behaviour (ASB), issues in relation to public nuisance and disorder in the vicinity of this type of premises, the Licensing Authority may restrict the hours of the sale of alcohol **or decide to review the licence.**

To act as a guide for new or existing operators we have set out the suggested closing times for licensed premises below:

Type of premises	Town centres	Mixed use areas	Residential areas
Restaurants and cafes	Fri – Sat 01:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00
Public houses, bars, or other drinking establishments	Fri – Sat 02:30 Mon - Thurs 01:00 Sun – 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun – 23:00	Fri – Sat 23:00 Sun – 22:00
Night clubs	Fri – Sat 03:30 Mon - Thurs 01:00 Sun 00:00	Fri – Sat 01:00 Mon - Thurs 00:00 Sun - 23:00	Not considered Appropriate
Off-licences and alcohol sales in supermarkets	23:00 daily	23:00 daily	22:00 daily
Late night refreshment premises (Take-aways)	Fri – Sat 01:00 Sun – 00:00	Fri – Sat 00:30 Sun – 23:30	Not considered Appropriate
Cinemas and theatres	02:00 daily	00:00 daily	23:00 daily
Members clubs	01:00 daily	00:00 daily	23:00 daily

POLICY 4: CUMULATIVE IMPACT

The Licensing Authority will have regard to cumulative impact generally during the duration of this policy.

We are keen to welcome and support new businesses in the borough. We will balance this with our responsibility to identify where an area is receiving a lot of complaints about existing licensing activity. We will consider if, by granting a licence, it would contribute to the negative impact in the area.

Any Responsible Authority or other persons may object to applications for new premises licences/ certificates or variations of existing licences, on the grounds that the premises will have a negative cumulative impact in the area in question, on one or more of the four Licensing Objectives. See [Section 182 guidance](#), which contains further information on cumulative impact.

In determining an application where there has been a relevant representation the Licensing Authority will, where appropriate, take into account the cumulative effect of the number, type and density of licensed premises already existing in the area. **Consideration will be given to the proximity to any drug and alcohol treatment site, A&E department or homeless hostel in a local area. Applicants should demonstrate how they would not increase further problems for residents/clients nearby.**

In coming to any decision regarding cumulative impact the Licensing Authority will consider other mechanisms outside of the licensing regime which may also be available to address this issue, these include but are not limited to:

- Planning controls (where development or change of use is involved, or where trading hours are limited by planning conditions)
- Police and other enforcement of the normal law concerning disorder and anti-social behaviour.
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- Prosecution or other enforcement of any personal licence holder or member of staff at such premises who is selling to underage persons or selling illegal alcohol or tobacco
- Police powers to close down instantly any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises, for up to 24 hours.
- The power of the police, other responsible authorities, a local resident, business or Councillor to seek a review of the licence or certificate in question.
- Police and Local Authority power to issue a Closure Notice for up to 48 hours where serious anti-social behaviour is taking place at licensed premises under the Anti-social Behaviour, Crime and Policing Act 2014.
- *To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt an Area Specific Cumulative Impact Policy in relation to a specific area; where the number, type and density of premises providing licensable activities is having a serious negative impact on the local community and local amenities.*

POLICY 5: ALIGNMENT WITH OTHER POLICIES AND STRATEGIES

Where appropriate, the Licensing Authority will consider to what extent applications are aligned and show support for other council policies and strategies that support the four licensing objectives and key themes and principles in this Statement of Licensing Policy.

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

The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly live music and dancing. Only appropriate, proportionate and reasonable licensing conditions will be imposed on such events.

Arrangements will be made for the licensing committee and other key stakeholders to receive, when appropriate, reports on the status and identified needs for a safe and accessible night time economy.

The Licensing Authority will liaise with other council colleagues to keep apprised of the employment situation in the area and the need for new investment and employment where appropriate.

The Licensing Authority will liaise with Transport for London (TFL) and council officers responsible for Highways and the Public Realm, about local transport issues (late night bus and tube services) with regard to the need to disperse people from town centres late at night in order to avoid concentrations of people causing noise nuisance and possible crime and/or disorder.

In accordance with its functions as a Licensing Authority, section 149 of the Equalities Act 2010 obliges public authorities to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different groups. The council has an Equal Opportunities Policy and this revised Statement of Licensing Policy will be monitored for any adverse impact on the promotion of equal opportunities.

In recognition of Hammersmith & Fulham's diverse community and to support the principles in our 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 businesses, 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.

The council will ensure its various strategies and policies are joined up to achieve the Licensing Objectives in the interests of clarity for applicants and effective determination. This will include considering the following:

- Enforcement Policy;
- Community Safety Partnership strategic assessment;
- National Alcohol strategy
- Equal Opportunities policy;
- Cultural and Industrial strategies including promotion of live music and community events;
- Objectives of the Private Security Industry Authority;
- Violence against Women and Girls Strategy
- Modern Slavery Strategy
- The Government's Code of Practice on Test Purchasing:

<https://www.gov.uk/government/publications/code-of-practice-age-restricted-products>

POLICY 6: CONSULTATION

In exceptional circumstances the Licensing Authority may consider it appropriate to carry out a more extensive form of public consultation.

Applicants will be expected to advertise the application in accordance with the Regulations made under the Licensing Act 2003 and Licensing Authority will carry out a consultation process in accordance with the Regulations made under the Licensing Act 2003. The Licensing Authority will publicise details of applications received.

In order to give residents a fair chance to learn about new applications we have set up an email alert system on the Council website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. The link to set up an account with this system is below:

[Email notifications for planning and licensing | LBHF](#)

Where there has been a history of a particular premises or area producing disorder, threatening public safety, generating public nuisance or threatening the well-being of our children **and women and vulnerable people**, the licensing Authority may carry out targeted consultation in the local area.

POLICY 7: TEMPORARY EVENT NOTICES (TENS) AND OTHER EVENTS

Although ten clear working days is the minimum possible notice that must be legally given for a standard TEN and five clear working days for a late TEN, the Licensing Authority recommends that TENS are submitted with 28 days' notice and to proactively engage with relevant Council services as best practice, at the earliest opportunity.

The Licensing Act 2003 provides for certain occasions when small scale events (no more than 499 people at a time and lasting for no more than 168 hours) do not need a licence providing a minimum of 10 working days' notice is given to the police and the Licensing Authority. The annual allowance covered by a Temporary Event Notice in relation to a single premises is 21 days. The

Police and Environmental Health can object to Temporary Event Notices if the event is likely to undermine the licensing objectives. Where Police or Environmental Health submit an objection to the Notice the Licensing Authority will hold a hearing to consider the objection and conditions may be applied to the Temporary Event Notice.

It is recommended in general that the Licensing Authority and police be given at least 28 calendar days' notice of any event to allow them to help organisers plan their events safely.

The Licensing Act 2003 allows event organisers to submit up to 50 notices per year if they hold a personal licence and 5 notices if they do not hold a personal licence.

Organisers of temporary events are strongly advised to contact the Licensing Authority, Environmental Health and the Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed. Where road closures or use of pavements may be proposed in the TEN it is advised that applicants consult the Transport and Highways team at LBHF.

LondonPermitScheme@lbhf.gov.uk

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and Environmental Health between 5 and 9 days before the event. It should be noted that if either the Police or the Council's Environmental Health Officers submit an objection to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Applications may be made online from the licensing pages of the LBHF website.

POLICY 8: LARGE OUTDOOR EVENTS

Applicants planning large outdoor events need to particularly consider measures to ensure the prevention of public nuisance and promotion of public safety as part of planning. Applicants are also strongly encouraged to engage with the appropriate Council services outlined in this section.

Public safety and the prevention of public nuisance at large outdoor events is of paramount importance to the Licensing Authority. Applications for large events that are normally temporary in nature may not be suitable for licensing under the TENs process. Events will be licensed under a time limited Premises Licence lasting for the duration of the event. Applicants are encouraged to make applications for a new Premises Licence and should therefore ensure that they apply in good time. Applicants are recommended to speak to the relevant Responsible Authorities, and in particular, the Police at the first step of planning large events. This could be as much as 18 months or two years prior to the event taking place, dependent on the type and size of event proposed. Applicants are also recommended to contact the Council's Events Team on 020 8753 2135 or by email at: events@lbhf.gov.uk. The Council's locally produced 'Events Guide' can be found on the LBHF website as follows : [Safety Guidance](#)

Applicants for such events must also consider the following Event Safety information published by the Health and Safety Executive, on all aspects of arranging and staging events: [Event Safety](#)

Applications for large temporary events may be scrutinised by a Safety Advisory Group (SAG) as well as the licensing committee. The SAG will consist of officers from Responsible Authorities such as 26

the Police, Licensing Officers, Environmental Health, Fire Authority, and may include officers from other relevant departments and agencies such as the London Ambulance Service, Transport for London (TFL) and Highways.

The Safety Advisory Group allows officers to question applicants about the operation of their event to ensure it will be a “safe” event and will minimise disruption to traffic management and nuisance.

The SAG will not determine licence applications. It may recommend conditions. The Licensing Authority will expect applicants and organisers of large temporary events to produce a satisfactory Event Management Plan for their event and to comply with any recommendations made by the SAG.

The Licensing Authority recommends that for significant events and the use of promoters as defined in the glossary, a comprehensive risk assessment is undertaken by premises licence holders to ensure that crime and disorder and public safety matters are identified and addressed.

Accordingly, for premises that wish to stage promotions or events the Licensing Authority recommends that applicants address the Risk Assessment and debrief processes in their operating schedule.

Generally, applicants are advised to offer only the following conditions in their Operating Schedule.

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

This approach allows the event organiser flexibility to make changes to the layout of the event or to specific activities without the need to make a fresh application for a Premises Licence or an application to vary the Premises Licence already granted. Without this approach, any changes made could be unauthorised and possibly result in enforcement action.

The council may itself seek premises licences for appropriate public spaces within the borough; **and will be subject to the same scrutiny as other applicants.** This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives.

POLICY 9: ENFORCEMENT

The Licensing Authority operates a reactive and proactive inspection regime that is based on risk and specific incidents. Our Enforcement Policy explains how officers will take a graduated response to premises breaking the law, as we apply the principles of: Engage, Explain, Encourage, Enforce

A copy of our Enforcement Policy can be found on the following page:

<https://www.lbhf.gov.uk/business/licensing/licensing-policy>

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

The Licensing Authority will take enforcement action in accordance with our Enforcement Policy and relevant statutory powers.

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

The Licensing Authority will seek to work with the police and other responsible authorities in enforcing licensing legislation and will strive to have a joint enforcement protocol with all the relevant agencies. Where the law allows, the Licensing Authority will agree secure mechanisms to share information with other regulators about licensed premises, to help target resources and activities and minimise duplication.

Enforcement will be focused on premises or persons found to be failing to promote the four Licensing Objectives. Additionally, Trading Standards officers may, at times and based on intelligence received, carry out underage test purchasing in areas where the intelligence has highlighted potential hotspots in the borough for underage sales of alcohol.

Licence holders should note that in the event of a failure to pay the annual licence fee this Authority will suspend the licence in accordance with section 55A Licensing Act 2003.

POLICY 10: DEALING WITH COMPLAINTS, REPRESENTATIONS AND REVIEWS

The Licensing Authority will follow the principles and approaches outlined in this section where complaints or representations are made and where reviews are initiated.

The Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.

“Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, must not be anonymous and must not be considered to be frivolous or vexatious in nature. Additionally, any application to review a premises licence must not be repetitious.

This Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance away from the premises subject to an application or review, the Licensing Authority may ask particular the specific Responsible Authorities to examine and comment on the content of the representation to ensure that it is valid and complies with the requirements of the Act.

The Licensing Authority may initially arrange a mediation meeting to address concerns where “Other Persons” have made:

- A valid representation about licensed premises; or

- A valid application for a licence to be reviewed

At any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.

A licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. Guidance on grounds for a review are outlined in Annex 5.

At a hearing held to determine an application for a review of a licence the sub-committee may:

- a) Modify the conditions of the premises licence;
- b) Exclude a licensable activity from the scope of the licence;
- c) Remove the designated premises supervisor;
- d) Suspend the licence for up to three months;
- e) Revoke the licence.
- f) Take no further action

Other persons aggrieved by decisions of the Licensing Authority are entitled to lodge an appeal against the decision at the magistrates' court.

In order to give residents an opportunity to learn about new applications we have set up an email alert system on the Council's website. This will enable residents and other persons to make representations to the Licensing Authority if they wish to do so. Please note that representations cannot normally be made anonymously. To join the email alert system, please use the link to this webpage: [Email notifications for planning and licensing | LBHF](#)

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

Complaints about breaches of conditions e.g. trading after the hours stated on the licence, should be brought to the attention of the Licensing Team on 020 8753 1081 or by email at licensing@lbhf.gov.uk. Licensing Officers can also provide a copy of the licence with the full licence conditions. Our Public Access applications search facility allows you to view licensing applications and comment on current applications and to check the history on a property on this webpage <https://public-access.lbhf.gov.uk/online-applications/search.do?action=simple&searchType=LicencingApplication>

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

POLICY 11: CONSIDERATION OF OUR RESIDENTS

The Licensing Authority expects that any licence applicant will give due consideration to the needs of Hammersmith & Fulham residents and any negative impacts from licensable activities and business operations. with reference to taking place in their premises and how these may impact in the direct locality and further afield.

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

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

Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control.

Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the public nuisance and crime and disorder objectives will be of paramount concern when evaluating Operating Schedules. Licensing Committees will place high regard on the control measures put in place by the applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises.

Residents are advised to report noise and nuisance on 020 8753 1081 during office hours and 020 8748 8588 at all other times that any noise nuisance is occurring.

Any review of a licence would need to be evidence based and as such is best supported by evidence from responsible authorities such as the Police or Environmental Health to be successful. For this reason, it is vital to call our 'out of hours' team on 020 8748 8588 at the time nuisance is occurring.

Residents may also wish to approach their local ward councillors to ask them to represent their views. Residents can find their local ward councillor here: [Add link](#). There may be occasions where a councillor cannot represent a resident's view, for example, if they were on the licensing sub-committee or had a particular interest. The ward councillor can discuss this further with residents who contact them.

If residents are experiencing ongoing problems with particular licensed premises, please refer to Policy 10 – Dealing with Complaints, Representations and Reviews.

POLICY 12: SUPPORT FOR LOCAL BUSINESSES

The Licensing Authority is committed to supporting well-run licensed premises and will ensure that there are not unreasonably limited in running their businesses by the requirements of the licensing regime.

We are committed to the Regulators Code and supporting businesses.

- i) We will work with businesses in our borough and provide the advice you need to help you comply with the law. This may be through meeting with you at your premises or at our offices, providing written advice in an email or letter or verbally over the telephone.
- ii) We will usually confirm any technical/ legal advice in writing. For applicants and agents, we also offer a pre-application advice service. Further details about this service can be found on our website.

- iii) We will attend pub watch meetings and work with local businesses, including the Hammersmith Business Improvement District (BID) and Fulham BID, to help facilitate the sharing of information and advice amongst licensees in our borough.
- iv) We are continuously working to improve our online application process for a range of licence permissions. If you want to know what services are available or you want to make an application online please check our website for further details.
- v) We want to ensure that businesses comply with the law. Where this has not been possible through advice and education we will carry out enforcement action in accordance with our enforcement policy and as part of our commitment to the Regulators Code.
- vi) We want local businesses in our borough to thrive and survive. We recognise that the law can be complex at times and that despite trying to resolve issues through discussion in the first instance, enforcement will be necessary on some occasions. We also recognise that attitudes, circumstances and personnel often change over time.

Where enforcement action has been taken against a business in the past, relevant Responsible Authorities will be mindful of this when considering any new applications. However, all new applications e.g. variations to hours or licensable activities will be decided on their merits and the information provided to demonstrate promotion of the four licensing objectives. Where a premises licence or club premises certificate has previously been reviewed or the business has been prosecuted for licensing offences, licensees are advised to discuss any new/proposed changes with the Licensing Authority and/or the relevant Responsible Authority e.g. The Police, to resolve any ongoing concerns and/or issues.

In an effort to try and further support new business starting out in the borough we are also able to offer free pre application advice for up to 1 hour. The advice will help applicants make a valid application and avoid expensive fees from a solicitor or a licensing consultant. This advice is available to any new independently run business starting out in the borough.

Businesses can visit the following webpage <https://www.lbhf.gov.uk/business/business-support-and-advice> to sign up for up-to-date news, business support, trading guidance and opportunities, business grants, business development, free business advice clinics, business networking and more.

POLICY 13: ALIGNMENT WITH PLANNING

Despite Licensing and Planning being under different legislation, the Licensing Authority will ensure that the licensing regime is in line with the planning regime in Hammersmith & Fulham as far as is possible.

The local planning authority has powers to control opening times of all new establishments seeking planning permission, where harm might occur. A link to the Planning web page to make a planning application, to find out about planning rules and policy and our regeneration projects, is below:

<https://www.lbhf.gov.uk/planning>

Licensing applications will not be a re-run of the planning application. If the licensing committee grants any variation of a licence which involves a material alteration to a building, the applicant still needs to apply for planning permission, or building regulation control, where appropriate.

Where an applicant is granted a premises licence with operating hours that are different to the hours permitted by the premises planning permission, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law. **We would suggest that the applicant contacts Planning apply to vary their conditions.**

The Licensing Authority may refuse to grant a licence if a representation from the Planning Department has been received AND ONE or more of the licensing objectives would not be promoted.

POLICY 14: DELIVERY SERVICES

The Licensing Authority expects licence applications for delivery services, which include late night refreshment after 11pm or the delivery of alcohol, to consider how to reduce public nuisance related to delivery vehicles, ensure the security of premises and delivery drivers and to protect children.

Since the last Statement of Licensing Policy there have been an increasing number of applications for licences relating to delivery services, these tend to fall into three groups:

- Premium specialist product mail-order type services;
- Food delivery services (both meal and grocery) that include alcohol delivery but are primarily food lead; and,
- Convenience type alcohol delivery services that are targeted at convenience for those drinking at home.

Although these types of services are not provided for in the Licensing Act 2003 or in the s182 guidance in any way differently from other licensed premises they do provide their own unique circumstances that need to be addressed. In particular the Licensing Authority has concerns with the potential for the following:

- Age verification at both purchase point and delivery point;
- The safety of delivery drivers at the point of delivery;
- Safety of the premises from which orders are taken and sent out for deliver; and,
- Possible public nuisance and anti-social behaviour (ASB) caused by delivery drivers collecting deliveries from the licensed premises.

The Licensing Authority is likely to place the following conditions on to a premises licence for delivery services where it is appropriate and relevant to the individual licence application:

- A standard age verification check shall be undertaken on entering the website.
- A signature at the point of delivery **must** be obtained. No delivery shall be left without a signature.
- Alcohol shall only be delivered to a residential or business address and **not** to a public place.
- Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".
- Any delivery driver or third-party courier will be required to have appropriate age verification training, particularly they will be required to have training in refusal of supply where age verification is not provided.
- A refusals log will be maintained for deliveries.
- Appropriate security will be in place at the premises as agreed with Police.
- Measures for minimising noise and disturbance and anti-social behaviour (ASB) caused by the dispatch of deliveries to be identified in the operating schedule. In particular applicants are expected to consider the use of electric vehicles to minimise air pollution and noise. The Licensing 32

Authority expects that applicants will make arrangements for all deliveries after 8 pm to be made using electric vehicles or non motorised vehicles i.e. bicycles.

- A requirement for a specific delivery collection area to be made clear to any third party delivery service. This area may not be directly outside the licensed premises to take account of any residential accommodation close by or obstructing the pavement/highways.

POLICY 15: DRINK SPIKING ISSUES

The Licensing Authority expects licence applications to outline measures in their operating schedules to prevent, identify and address drink spiking. Any establishment where drink spiking is reported will be supported to address future cases, and where there are several cases occurring a review may be initiated.

Licensees and licence applicants are encouraged to establish a clear approach to preventing, identifying and addressing drink spiking in their operating schedules. This should include, but is not limited to:

- Training for door and bar staff to identify where drink spiking may be taking place, how to respond to any reported or observed instances of drink spiking, and how to report to Police.
- Offering drink spiking preventative measures, such as drink covers, serving drinks direct to customers (not leaving these unattended before being provided to customers), and keeping an eye on or clearing drinks left unattended.
- Providing customers with information on keeping safe from drink spiking.
- Operating schemes such as 'Ask for Angela' to encourage customers to seek help if they suspect drink spiking has occurred.
- Requiring the production of a drink spiking risk assessment and procedure for dealing with any such incidents.
- Displaying posters in visible locations at the premises to explain what to do in the event of a spiking incident / what a spiked drink looks like.

POLICY 16: THE SAFETY OF WOMEN AND GIRLS IN LICENSED SETTINGS

The Licensing Authority expects licence applications to specifically include measures to ensure the safety of women and girls in licensed premises.

The Licensing Authority will use its powers to regulate the night-time economy, both with specific regard to spiking incidents and more generally in relation to violence against women and girls. This may include:

- a) Using the Licensing Authority's powers to impose conditions or revoke premises licenses, where venues do not take sufficient measures to protect and provide support to customers in spiking incidents;
- b) Considering the prevalence, prevention and reporting of sexual harassment and misconduct and gender-based violence in licensed premises.
- c) Requiring the presence of suitably trained and accredited door staff,
- d) Require presence of CCTV, or to introduce entry searches for example.

Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to potential abuse or violence against women and girls.

This would include, but is not limited to the 'Ask for Angela' programme, [Welfare and Vulnerability Engagement' training package \(WAVE\)](#) for staff to identify and assist women and girls being at risk or being subjected to violence, and the implementation of clear policies in the premises on preventing and addressing violence against women and girls. **The Licensing Authority would also encourage off licensed premises to take part in the Ask for Angela scheme in an effort to increase the visible promotion of the scheme in all licensed premises across the borough.**

Implementing these measures, particularly for on-licence premises, providing training for staff to increase awareness and provide skills and tools for identifying and assisting when it is at risk of happening or is happening, and having clear policies against violence against women and girls provide a solid basis for addressing the issue when it occurs in licensed premises. Furthermore, having policies on staff reporting incidents to Police and Council officers will help to ensure that these incidents are addressed.

We expect that all staff working at music festivals, including vendors, be given compulsory safeguarding training, as the Licensing Authority will consider this when approving events. This training might be similar to training provided in voluntary schemes in other licensed premises, such as Ask Angela or the licensing security and vulnerability initiative (Licensing SAVI). This training should be documented in any event management plan which is in place at the premises.

The licensing authority also expects a more formal and higher standard for outdoor music festivals owing to the comparatively younger age of festival-goers and the additional vulnerability that may arise.

As part of the Government's and the [Council's Violence Against Women and Girls Strategy](#), venues may also wish to consider boosting their security measures e.g. the recruitment and training of additional door security staff, particularly female staff.

The Council are proud supporters of the [Women's Night Safety Charter](#) and we would like to encourage all our licensed premises to consider how you and your business can contribute to making your workplace and H&F a borough where all women feel confident and welcome whenever and wherever they happen to be. The Women's Night Safety Charter is a voluntary pledge to show you take women's safety seriously. By signing the Charter, you show your acknowledgement of the issue and that you're ready to get proactive in improving women's safety.

ANNEXES

ANNEX 1: GUIDANCE ON PROMOTING LICENSING OBJECTIVES IN OPERATING SCHEDULE

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

The prevention of crime and disorder

In order to ensure the promotion of the four Licensing Objectives the Licensing Authority will require applicants to detail in their operating schedule the steps proposed to promote the licensing objective of the prevention of crime and disorder on, and in the vicinity of, the premises, having regard to their location, character, condition, the nature and extent of the proposed use and the persons likely to use the premises;

Licence applicants will be expected to demonstrate the following in their operating schedules:

- a) Measures to control excessive consumption and intoxication.
- b) Consideration of any additional measures or restrictions that may be placed on alcohol sales to prevent binge drinking and promote 'sensible drinking'.
- c) Operators of off-licences in areas problems relating to street drinking and under age drinking are prevalent, measures should be outlined to strictly monitor the way alcohol is sold, specifically where the premises are located close to schools and hostels and similar premises that provide shelter or services to alcohol dependent persons.
- d) It is important to ensure that staff working at off licences are suitably trained and receive appropriate refresher training in their responsibilities under the Act and can discharge their duties in full compliance with the licence conditions and requirements of the Act. This includes the ability to competently check a customer's age with acceptable forms of identification where necessary. The Licensing Authority will particularly consider the following matters where they are material to the individual application:
 - i. The likelihood of any violence, public order or policing problem if the licence is granted;
 - ii. The measures taken to control admission to the premises, and to take reasonable steps to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises, where and to the extent that these matters are within their control.
 - iii. Past conduct and prior history of complaints against the premises;
 - iv. Whether a dispersal policy has been prepared to minimise the potential for disorder as customers leave the premises; and
 - v. Any relevant representations.
- e) Measures to demonstrate compliance Home Office guidance 'Safer Clubbing' in relation to the control of illegal drugs on their premises. They should agree a protocol with the Licensing Authority and the police on the handling of illegal drugs found on their premises.
- f) Robust measures in place to avoid the presence of weapons on their premises and should agree a protocol with the Licensing Authority and the police on the handling of weapons found on their premises.
- g) Conditions will, so far as possible, reflect local crime prevention strategies, and the Licensing Authority will also have regard to the views of the local Crime and Disorder Reduction Partnership.

The Police and the Licensing Authority will need to work closely together in order to ensure that this important objective of the Act is fulfilled by any applicants/operators. As a result, the Licensing Authority and the Police have signed a Memorandum of Understanding. This document provides an outline of how the Licensing Authority will liaise, communicate and work to ensure full and proper consultation and effective joint working with this key responsible authority.

It is recommended that applicants discuss the crime prevention procedures in their premises with the Licensing Authority and the Police before making a formal application. Licences for any form of regulated entertainment will be subject to conditions to prohibit entertainment (including film exhibitions) which are likely to lead to disorder or stir up hatred or incite violence towards any section of the public on the grounds of colour, race, ethnic or national origin, disability, religious beliefs, sexual orientation or gender.

To assist potential licence applicants the Council now offers a pre-application advice service. Details of this service can be found on the licensing pages of the LBHF website.

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

- h) **Crime and disorder in the vicinity of the premises:** this may include the crime and disorder risks arising from persons queuing to enter the premises; persons exiting the premises and customers smoking eating or drinking in outdoor areas and on the highway outside the premises. This can also include crime arising from pickpockets and bag snatchers, particularly in open spaces or crowded areas where alcohol is being consumed.
- i) **alternative to glass bottles and glasses** - restricting the use of glass bottles and beer glasses to customers in preference for containers made from polycarbonate materials.
- j) **CCTV** - using CCTV inside and/or outside the premises together with appropriate procedures and having staff properly trained to use CCTV equipment.
- k) **dispersal procedures** - establishing appropriate dispersal procedures to minimise the potential for crime and disorder when customers are leaving the premises.
- l) **dealing with and reporting crime and disorder** - training for staff and door security aimed at reducing crime and disorder in the premises and its vicinity and dealing with and reporting incidents if they occur.
- m) **door staff** - considering whether the premises employs a sufficient number of SIA registered door staff, whether Door Premises Supervisors check the legitimacy of the badges and whether SIA staff display their badges prominently. (Note: All door supervisors must be Security Industry Authority (SIA) registered).
- n) **drugs and weapons** - ensuring compliance with relevant guidance regarding illegal drugs and weapons. Attention should be paid to search procedures, procedures for the safe storage and surrender of seized drugs and weapons and drug awareness issues, designing out the ability to take drugs in the premises, etc.
- o) **excessive drinking** - training for staff to recognise when customers are becoming drunk and adopting appropriate 'cut off' procedures for drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.
- p) **local schemes** – joining and attending local Pubwatch meetings and participating in the Behave or Be Banned Scheme (BOBB) and/or signing up and using the Council's Safety Net Radio scheme.
- q) **prevention of theft** - using bag hooks and signage to warn customers of pickpockets and bag snatchers.
- r) **Event type** - in some cases the type of regulated entertainment proposed could attract elements which increase the possibility of violence and/or disorder occurring in, or in the vicinity of, the premises. For example, some externally promoted live music events carry an increased risk of violent crime and disorder. It may be appropriate to carry out a risk assessment of the activities proposed, **however this would be in a guidance capacity to help support the business in question. Any such assessments should be emailed to:** (AWMailbox.Licensing@met.police.uk) before the event is agreed. Where a large outdoor event is planned this Authority and the Police recommend that the organisers consult with 'relevant parties' as early in the planning stages as possible. 'Relevant parties' would include local residents, local businesses, schools, charitable organisations, responsible authorities and relevant local authority

departments. Consideration of timing of events should be given in relation to football matches and other large pre-planned annual events within the locality and surrounding boroughs.

Applicants are advised to consider the following two paragraphs from the March 2015 edition of the Secretary of State's Guidance to Licensing Authorities:

'11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- i. for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- ii. for the sale and distribution of illegal firearms;*
- iii. for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*
- iv. for prostitution or the sale of unlawful pornography;*
- v. by organised groups of paedophiles to groom children;*
- vi. as the base for the organisation of criminal activity, particularly by gangs; • for the organisation of racist activity or the promotion of racist attacks;*
- vii. for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;*
- viii. for unlawful gambling; and*
- ix. for the sale or storage of smuggled tobacco and alcohol.*

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.'

In relation to smuggled alcohol and tobacco the Trading Standards Team have proposed some conditions, that will be added to the Council's 'Pool of Conditions', that may be added to licences where the quantity of illegal alcohol and/or tobacco is small and the risk of re-offending is low.

Public safety

The Licensing Authority will require the applicant to demonstrate the steps proposed to ensure the physical safety of people using the relevant premises or place. This does not cover the separate need for applicants to provide relevant public safety requirements dealt with by Environmental Health. This is expected to include:

- a)** Maximum occupancy limits will be specified on the licence only where necessary for the promotion of public safety or the prevention of disorder. Where a capacity limit is already specified in a fire risk assessment, the Licensing Authority will not normally include that limit as a licence condition.
- b)** Safe capacities will be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. If no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and may make representations to that effect. The types of premises that may be subject to safe capacities will be the following:
 - i.** Nightclubs
 - ii.** Cinemas
 - iii.** Theatres
 - iv.** Other premises where regulated entertainment is being provided within the meaning of the Act, e.g. open public spaces

- c) The Licensing Authority will, where appropriate, attach conditions to a licence to ensure public safety, dealing with, but not limited to, the following:
 - i. Checks on equipment at specified intervals, e.g. gas safety checks;
 - ii. Standards to be maintained, e.g. temporary electrical installations to comply with British Standards;
 - iii. The number of people on the premises to ensure it is appropriate having regard to the activities taking place and reliable ways of counting the number;
 - iv. The steps taken to manage the risk from glass, the use of bottle bins, glass collectors and door supervisors to prevent glass being taken off the premises;
 - v. The use of door supervisors to manage the entrance and exit from the premises and to protect public safety as customers leave the premises;
 - vi. The provision of air conditioning and ventilation;
 - vii. Measures to protect against overcrowding; and
 - viii. **Implement access/support needs for disabled people**

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

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

The prevention of public nuisance

The Licensing Authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as is appropriate to ensure that the Licensing Objectives are met. Where there is a relevant representation regarding extended hours, the Licensing Authority will not permit an extension unless it is satisfied that the Licensing Objectives would be met. This is expected to include:

- a) In considering an application, the Licensing Authority will consider the adequacy of proposed measures to remove or effectively manage the potential for public nuisance and anti-social behaviour and any [Public Spaces Protection Orders](#) (PSPOs) in place.
- b) The Licensing Authority will particularly consider the following matters where they are material to the individual application:
 - i. The Licensing Authority recommends that primarily alcohol led premises such as nightclubs and pubs, located close to any residential premises, implement a dispersal policy at their venue. All relevant staff should be trained on any policy, and all reasonable steps should be taken to ensure it is fully implemented and adhered to at all times.
 - ii. The proximity of residential accommodation;
 - iii. The type of use proposed, including the likely numbers of customers, proposed hours of operation and the frequency of activity;

- iv. The steps taken or proposed to be taken by the applicant to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- v. The steps taken or proposed to be taken by the applicant to prevent disturbance by customers arriving at or leaving the premises.
- vi. Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time.
- vii. Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate).
- viii. The steps taken or proposed to be taken by the applicant to prevent queuing (either by pedestrian or vehicular traffic). If some queuing is inevitable then queues should be diverted away from neighbouring premises or be otherwise managed to prevent disturbance or obstruction;
- ix. The steps taken or proposed to be taken by the applicant to ensure staff leave the premises quietly;
- x. The arrangements made or proposed for parking by patrons, and the effect of parking by patrons on local residents;
- xi. The provision for public transport in the locality (including taxis and private hire vehicles) for patrons;
- xii. The level of likely disturbance from associated vehicular and pedestrian movement to and from the premises;
- xiii. The delivery and collection areas and delivery/collection times;
- xiv. The siting of external lighting, including security lighting that is installed inappropriately;
- xv. The arrangements for refuse disposal, storage and the prevention/tidying of litter (including fly posters and illegal placards);
- xvi. The history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licence holder;
- xvii. The history of the applicant in controlling anti-social behaviour and preventing nuisance;
- xviii. The generation of odour, e.g. from the preparation of food;
- xix. Any other relevant activity likely to give rise to nuisance;
- xx. Any representations made by the Police, or other relevant agency or representative;

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

- j) **Deliveries/collections** – noise from deliveries to and/or collections (e.g. refuse) from the premises are another common source of complaint. Consider the times of such deliveries/collections and make sure you specify to any contractors that deliveries/collections should not be made at anti-social times. As a guide, the Noise and Nuisance Service recommend that deliveries/collections should only be made between the hours of 7:30am and 9:00pm, depending on the proximity of residential and/or other noise-sensitive properties.
- k) **Late night refreshment** - applicants in respect of late night takeaways should demonstrate that they have assessed the risk of persons congregating in large numbers in the vicinity of their premises. Where appropriate, applicants should demonstrate suitable measures to address this problem.
- l) **Light pollution** – this is an increasingly common source of complaint, particularly from illuminated signs and external security lighting. Where provided, illuminated signs should not cause glare to neighbouring properties, ideally being turned off at night, and external lighting should be angled and/or diffused to also prevent nuisance.
- m) **Noise and/or vibration breakout from the provision of regulated entertainment, particularly from (but not limited to) live music** – consider what type of entertainment is to be provided, in what room/area of the premises and the suitability of the construction of this room/area to contain sound. Windows are a particular weak-point for noise break-out so consider providing regulated entertainment in a room without windows or with as few windows as possible, particularly windows that face towards nearby

residential properties. Where suitable, install a lobby to prevent spillage of noise each time an entrance/exit door is opened.

- n) **External Areas** – External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people.
- o) **Odour** – odour from cooking is a common source of complaint, particularly from restaurants and fast-food takeaways. The Council's Noise and Nuisance Service may therefore require evidence that the kitchen ventilation and/or extract systems are regularly maintained and serviced to ensure that it is operating efficiently and with minimal nuisance to neighbours arising from odour and also noise. This includes the siting of BBQs.
- p) **Queue management** - establishing appropriate procedures to avoid the need for customers to queue before entering the premises or, where queuing cannot be avoided, to manage queues so as to minimise the potential for crime and disorder or public nuisance by customers who are queuing.
- q) **Ventilation** – where regulated entertainment is to be provided there may be a requirement to keep doors and/or windows closed during its provision to limit noise breakout, consider therefore the provision of air conditioning for the comfort of your customers if doors and windows have to be closed during the summer. However, also note air conditioning can be the source of noise complaints in itself, so careful consideration also needs to be given to the siting of this equipment.
- r) **Waste** – consider how and where waste will be stored/disposed of at the end of trading hours, particularly if trading until late at night. This is important because the disposal of glass and/or cans to outside bin areas can be very noisy and give rise to complaints, so it may be necessary to store such items and other non-degradable refuse inside the premises until the next trading day. Consideration should also be given to the time of deliveries to minimize disruption to local residents.
- s) **Litter** – for example, litter patrols for late night take-away premises

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

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

The protection of children from harm

The Licensing Authority will require operating plans to specify the measures and management controls in place to protect children from harm. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff. This is expected to include:

- a) The legislation recognises the right of licence holders (serving alcohol) to allow accompanied children into their premises at any time. The Licensing Authority will not normally seek to limit their access (above that specified in the Act) to any premises unless it is necessary for the prevention of physical, moral or psychological harm, or where there are concerns about child sexual exploitation. Where this is considered likely, upon consideration of a relevant representation, conditions will be imposed that restrict children from entering all or part of licensed premises:
 - i. At certain times of the day;
 - ii. When certain licensable activities are taking place;
 - iii. Under certain ages, e.g. 16 or 18;
 - iv. Unless accompanied by an adult.
- b) The Licensing Authority will particularly consider whether:
 - i. There is entertainment or services of an adult nature commonly provided;
 - ii. There have been convictions, Penalty Notices for Disorder (PND) or cautions for serving alcohol to minors or premises with a reputation for under-age drinking;
 - iii. There is a known association with drug taking or dealing;

- iv. There is a significant element of gambling on the premises;
 - v. There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except when under 18 discos are being held);
 - vi. There are licensable activities that are likely to appeal to minors/children under 16 taking place during times when children under 16 may be expected to be attending compulsory full-time education;
 - vii. There have been representations from police, the Local Safeguarding Children Board, Trading
 - viii. Standards or other relevant agency or representative.
 - ix. There are measures/training for staff on how to deal with suspected truanting school children on the premises and how to recognize signs of potential child sexual exploitation.
- c) The sale of alcohol to a minor is a criminal offence and Trading Standards officers will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence. The Act permits the use of children under the age of 18 to undertake test purchases when they have been directed to do so by a duly authorised officer.
- d) Where a sale of alcohol has been made on the same premises to a minor on two or more different occasions within a period of three months the premises licence could be suspended for a defined period.
- e) Where there are restrictions (whether imposed by statute or by the Licensing Authority) on the sale or supply of goods or the provision of services or the showing of films or other entertainment to children below a certain age, then the licensee will be required to demonstrate that they have in place a system for verifying the age of the children intended to be supplied with such goods, services or entertainment. Training should be given to all persons who might be in a position to serve or refuse such children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- f) Conditions may be imposed on licences for premises where children will be present at places of public entertainment to the effect that a sufficient number of adults must be present to control the access and egress (including safe transport home) and to ensure their safety. What is deemed sufficient will depend on the circumstances of the particular event.
- g) The Licensing Authority will expect operating plans to specify the measures and management controls in place to prevent alcohol being served to children, other than in those limited circumstances permitted by the Act. The Council's Trading Standards officers have a role to play in the protection of children from harm, and proof of age schemes, and are able to provide advice in relation to measures that can be taken to help prevent the sale of alcohol to underage children. Potential licence holders should also be aware of the Proof of Age London (PAL) Scheme hosted by Southwark Council.
- h) There may be occasions where a display of film is required and needs to be classified by the Licensing Authority or the need for a classification needs to be waived. In this case applicants must apply to the Licensing Authority for this to be carried out. Nothing in the above interferes with the right of a licence holder to preclude children from their premises. Conditions requiring the admission of children to premises cannot be attached to licences.

The 'Responsible Authority' in relation to the protection of children from harm is the council's Local Safeguarding Children Board. The Trading Standards service will also have certain responsibilities particularly in relation to the underage sales of age restricted products and providing advice about measures that can be taken to reduce the risk of alcohol sales to under eighteens. The following provides a non-exhaustive list of risks associated with the protection of children from harm objective that applicants may want to consider when preparing their Operating Schedule:

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

ANNEX 2: OVERVIEW OF LICENCE APPLICATION PROCESSES

Premises licences

An application for a premises licence must be made in the prescribed form to this Licensing Authority. This can be made by any person (including an individual, partnership or a business) aged 18 years or over who is carrying on or proposed to carry on a business that involves licensable activities.

An application for the new grant of a premises licence will be subject to a 28 day consultation period and a notice of the application must be displayed at the premises location and be published in a local newspaper.

The Licensing Authority will expect that applicants for a premises licence will normally be an operating company or tenant of a leased premises rather than an employee of the operating company/ premises. The Licensing Authority will also expect applicants for new grants of, and variations to, premises licences to submit a Local Area Risk Assessment with their application.

There is an annual fee for a premises licence which is payable on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and could result in the suspension of the licence.

Personal Licences

Personal licences will normally be granted as long as the applicant meets the following requirements:

- a) Aged 18 or over and entitled to work in the UK;
- b) Possesses a licensing qualification accredited by the Secretary of State;
- c) Not forfeited a personal licence within five years of their application;
- d) Produces a Criminal Record Bureau certificate;
- e) Not have an objection notice from the police about the grant of a personal licence following notification of any unspent relevant offence or foreign offence; or must show that that such an offence should not lead to refusal on crime prevention grounds;
- f) Pays the appropriate fee to the council.
- g) Submits two passport size photographs with their application. One of the photographs must be endorsed, as required.

Applicants with unspent criminal convictions for relevant offences as set out under Schedule 4 of the Act are strongly encouraged to first discuss their intended application with the police and the Licensing Authority before making an application.

A personal licence is valid indefinitely unless otherwise revoked or surrendered. A designated premises supervisor must hold a personal licence.

Minor Variations to existing premise licences

Variations to premises licences or club premises certificates that could not impact adversely on the licensing objectives are subject to a simplified 'minor variations' process.

A minor variation application may **not** be used to vary the licence to:

- a) vary substantially the structure or layout of the premises
- b) vary the Designated Premise Supervisor

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

Minor variations will generally fall into four categories:

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

The key test by the Licensing Authority is whether the proposed variation could impact adversely on any of the four Licensing Objectives. Licensing officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination must be to grant or to refuse an application. There are notice requirements following determined applications.

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

There is no requirement for applicants to notify responsible authorities of their application. Responsible authorities only become involved at the request of the licensing officer. The guidance states that licensing officers *'must consult relevant responsible authorities (whether the application is made in writing or electronically) if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision.'*

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

Granted applications: The Licensing Authority must notify the applicant of any variation granted, together with the time that the variation will take effect. This will usually be as stipulated in the application, but if the applicant stipulates a date before the notice of determination is given, the Licensing Authority will specify a later time in the notice. Licences and summaries will be re-issued on the grant of a minor variation to reflect the changes made.

Refused applications: The Licensing Authority must give notice to the applicant that the application has been refused, together with the reasons for the refusal. Applications that have been rejected under the minor variations process can then be the subject of a full variation application, or of a revised minor variations application. The minor variations refusal does not affect any subsequent variation application in respect of the same premises.

ANNEX 3: MANDATORY LICENCE CONDITIONS

Mandatory conditions – on licences

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.
3. (i) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (ii) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (iii) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that:
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. (1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2). For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (i) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

(ii) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) No supply of alcohol may be made under the premises licence—

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

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

Mandatory conditions – off licences

1. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

2. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1:

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

3. (1) No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Mandatory conditions – club premises

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person shall ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:

- (a) a holographic mark, or
- (b) an ultraviolet feature.

4. The responsible person must ensure that:

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5. (1)A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph 1—

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c)** “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d)** “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e)** “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1)Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2)The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

6. (1) The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

(2) Any alcohol supplied for consumption off the premises must be in a sealed container.

(3) Any supply of alcohol for consumption off the premises must be made to a member of the club in person.
(only include condition 6 if the CPC also permits supply of alcohol OFF the Premises)

Exhibition of Films

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

Or

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

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

In this section-

"children" means persons aged under 18; and

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

Door Supervisors

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

ANNEX 4: GROUNDS FOR CONSIDERING A REVIEW

The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:

- a) Use of licensed premises for the sale and distribution of drugs and the laundering of drugs money;
- b) Use of licensed premises for the sale and distribution of illegal firearms **and the laundering of illegal firearms money;**
- c) Evasion of copyright in respect of pirated or unlicensed films and music;
- d) Underage sales and consumption of alcohol;
- e) Use of a licensed premises contrary to any emergency legislation requesting its closure;
- f) Use of licensed premises for prostitution or the sale of unlawful pornography;
- g) Serious risks to children;
- h) Use of licensed premises for unlawful gaming and gambling;
- i) Use of licensed premises as a base for organised criminal activity;
- j) Use of licensed premises for the organisation of racist, homophobic, sexual abuse, attacks or any discriminatory behaviour;
- k) Use of licensed premises for storing or selling illegal alcohol or tobacco or smuggled goods;
- l) The use of licensed premises for the sale of stolen goods;
- m) Incidents of disorder;
- n) Instances of public nuisance where warnings have been disregarded;
- o) Serious risks to public safety which the management is unable or unwilling to correct;
- p) Frequently operating outside permitted hours.
- q) There may be legal implications if activity of child sexual exploitation (CSE) is taking place on licensed premises and there has been a failure to demonstrate due diligence or that adequate safeguards are in place – this may lead to prosecution or any of the licensing sanctions detailed in the paragraph below.

ANNEX 5: GLOSSARY

Appeals

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

Designated Premises Supervisor (DPS)

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

Extended hours application

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

Late night refreshment premises

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

Licensable activities

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

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

Licensing Authority

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

Other Persons

Other Persons means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location.

Personal licences

A licence which:

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

Regulated entertainment

Entertainment where the following takes place in front of an audience and is provided for the purpose of entertaining that audience:

- A performance of a play (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.);
- An exhibition of a film (no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.);
- An indoor sporting event (no licence is required for an event between 08.00 and 23.00 on any day, provided that those present do not exceed 1000.);
- A boxing or wrestling entertainment (indoors and outdoors) (no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.);
- A performance of live music (no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Any playing of recorded music; (no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises at a time when the premises are open for the purposes of being used for the supply of alcohol for consumption on the premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.)
- **Cross activity exemptions:** no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- A performance of dance (no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.); and,
- Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

NB If the music is incidental to the main purpose of the event then this will not require a licence, such as provision of a jukebox.

Relevant representation

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

Responsible authorities

These include:

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

Special event

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

Security Industry Authority (SIA)

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

Variation

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

ANNEX 6: MOPAC/SSLP LICENSING POLICY CHECKLIST AND ASSESSMENT

The following table provides details of the Mayor's Office for Policing And Crime (MOPAC) and Safe Sociable London Partnership (SSLP) Statement of Licensing Policy Assessment Criteria. This was used as part of the review and development of this Statement of Licensing Policy. This assessment was undertaken by Dr Matthew Andrews of Safe Sociable London Partnership and completed in March 2022.

MOPAC/SSLP Statement of Licensing Policy Checklist and LBHF Assessment Criteria
1. Does the SOLP outline strategic aims?
2. Are health aims identified in the SOLP?
3. Are there clear measures to promote each of the four licensing objectives? a) Crime and Disorder b) Public Safety c) Public Nuisance d) Protection of Children from harm
4. Does the policy give guidance on licensing hours?
5. Does the policy outline the requirements for a Temporary Event Notice (TEN)?
6. Does the policy outline the how far in advance a TEN needs to be applied for?
7. Does the policy have a Cumulative Impact Policy (CIP) and how many?
8. Is there an explanation of the consideration for adopting or not adopting a CIP?
9. In a CIP, are other mechanisms outside of the licensing regime included in the policy that could reduce the impact of anti-social behaviour and nuisance once the customers are away from the vicinity of the premise?
10. Are strategies outlined to promote partnership working among responsible authorities and other organisations?
11. What are the review dates of the policy?
12. Are methods mentioned to evaluate the effectiveness of the policy?
13. Does the policy include enforcement protocols that have been adopted by the Local Authority?
14. Have schemes been outlined to prevent children from harm? a) Age verification policy and appropriate schemes: such as Challenge 25? b) Test purchasing policies c) Restriction on hours when children may be present d) Training on legal requirements for identifications e) Refusal logs

MOPAC/SSLP Statement of Licensing Policy Checklist and LBHF Assessment Criteria
15. Does the policy explain arrangements with partners for test purchasing? Does the policy explain the likely response to a failed test? Does the policy reference the better regulation guide to test purchasing?
16. Does the policy outline the condition that all sales need to be made or authorised by a personal licence holder?
17. Are there provisions specific to reduce likelihood of crime and disorder at HVVD's? Does the SOLP mention the requirement that door staff hold appropriate licence or exemption? Does the SOLP recommend door supervisors to control entry for compliance with capacity limit and to deny entry to individual who appear drunk and/or disorderly?
18. Does the policy make provisions for a Late Night Levy, including consultation and evidence base required for implementation?
19. Is there a description of or reference to mandatory licensing conditions?
20. Is there a description of or reference to model conditions, and reference to the s.182 guidance on best practice for drafting conditions?
21. Does the SOLP identify the strategic context in which it operates, including the linkages with the Mayor's Vision for London as a 24-Hour City?
22. Does the SOLP identify aims for promoting a night time economy (NTE) that caters to the full range of diversity in the local population?
23. Does the SOLP promote a full range of cultural, leisure, retail and service activity in the NTE?
24. Does the SOLP describe a strategic approach to the safety and wellbeing of customers and workers and residents living in surrounding areas?
25. Does the SOLP take into account the Mayor's Violence Against Women and Girls priority?
26. Does the SOLP identify areas or times in which different types of NTE activity will be welcomed within the borough?
27. Does the SOLP describe how a 24 hour approach to meeting the diverse and flexible entertainment and working needs of residents may be applied?
28. How does the SOLP address issues for vulnerable people in the NTE?
29. In developing the SOLP have strategic guidance and direction from London-wide organisations and experts been taken into account?
30. In developing the SOLP have officers considered best practice examples form other boroughs and Local Authority areas outside London?
31. Does the SOLP identify interlinkages with other borough's NTE's – through borough border areas (eg. Shoreditch/Liverpool St, Camden/Islington etc), entertainment migration trails (eg. Pub in one borough, restaurant in another, night club in a third), transport links between and through boroughs.
32. Does the SOLP identify common best practice relating to: <ul style="list-style-type: none"> a) enforcement practices; b) conditions; c) sales to young people; and, d) licensing hours?
33. Does the SOLP discuss Cumulative Impact Policies with reference to nearby CIPs in other boroughs.
34. How does the SOLP address partnership approaches?
35. How does the SOLP address issues relating to risk of major emergency services events?

USEFUL CONTACT DETAILS

Throughout the development of this policy, we have received some very valuable feedback to help inform our approach towards supporting the night-time economy; and balancing that with the needs of local residents. If you have any further ideas about, how the council can support our local high streets and keep women and others safe in H&F between 6pm – 6am, please email our Night-Time Economy Working Group at: NTEworkinggroup@lbhf.gov.uk.

For further information about this policy please contact the Licensing Authority:

Phone: 020 8753 1081

Email: licensing@lbhf.gov.uk

Website: www.lbhf.gov.uk

or write to:

London Borough of Hammersmith & Fulham

Licensing Authority

King Street, London, W6 9JU

OTHER USEFUL CONTACT DETAILS

Business support and advice: <https://www.lbhf.gov.uk/business/business-support-and-advice>

Commercial Waste: 020 8753 3021, cleaner.greener@lbhf.gov.uk,
<https://www.lbhf.gov.uk/business/commercial-waste>

Duty planner advice service: <https://www.lbhf.gov.uk/planning/planning-applications/planning-advice/duty-planner-advice-service> and <https://www.lbhf.gov.uk/planning/planning-applications>

Environmental Health (Food Safety or Health & Safety): 020 8753 1081, foodandsafety@lbhf.gov.uk

Events: 020 8753 2135, events@lbhf.gov.uk, <https://www.lbhf.gov.uk/arts-and-parks/holding-events-festivals-and-promotions-hf>; looking for **commercial, community, parks and other licensable/business spaces**, then visit <https://www.lbhf.gov.uk/business/business-support-and-advice/looking-space>, CPS.Enquiry@lbhf.gov.uk

Fulham Business Improvement District (BID): <https://www.discoverfulham.co.uk/meet-the-bid/>

Hammersmith Business Improvement District (BID): <https://hammersmithbid.co.uk/>

Markets & Street Trading Team: 020 8753 3916, streettrading@lbhf.gov.uk
<https://www.lbhf.gov.uk/business/markets>

Noise and Nuisance: <https://www.lbhf.gov.uk/environment/noise-and-nuisance>, To report a noise nuisance happening during office hours: 020 8753 1081 and outside office hours: 020 8748 8588, noise@lbhf.gov.uk.

Pavement licences: <https://www.lbhf.gov.uk/business/highways-licences/pavement-licence>
020 8753 4807 / 020 8753 3447, highways_licensing2@lbhf.gov.uk,

Pest Control Services: 020 8753 1081, <https://www.lbhf.gov.uk/environment/pest-control-services>

Summary of the key changes to the Draft Revised 2022 – 2027 Statement of Licensing Policy

The revised Statement of Licensing Policy (SLP) has been refreshed to make it more resident and business friendly.

The Leader has now added a forward to the policy explaining his vision for the borough as a place for investment and area of opportunity for new businesses.

A lot of the legal jargon has been removed. The specific technical and legal detail and guidance has been put into one section at the end of the policy in annexes 1-7.

The new annexes have been added to the policy which to assist businesses when making applications. These include guidance on completing an application and information on how to complete an operating schedule. There is also a new policy which outlines the support offered for new businesses.

Broadly speaking there are three sections:

Section	Content	Location
First section	Introduction, Scope and Overview of the Policy	Sections 1- 9
Middle section	Specific policy detail and key principles	Sections 10
Last section	All the detailed legal and technical stuff	Annexes 1 - 7

The key changes to the Statement of Licensing Policy (SLP) are as follows:

- a) The '*Foreword*' section has been removed and key elements retained and incorporated into the revised '*Introduction*' which sets out the '*Purpose of the Licensing Statement*'.
- b) The policy statement purpose in relation to Members of the Licensing Committee, licence applicants, local residents, businesses and Responsible Authorities has been updated from stating: '*To inform*' to '*To inform and advise*'.
- c) The '*Introduction*' has been updated to include and reflect new details about the borough, such as the ward changes, reinforcing our clear commitment to climate change and highlighting some of the very best licensed, entertainment, leisure and hospitality venues that H&F has to offer.
- d) Included in the '*Introduction*' is a new distinct section setting out the '*Aims of the Licensing Authority*'.
- e) Three new key themes have been identified and introduced as a focus of the policy:
 - i. A sustainable, well-run licensed sector which seeks to encourage new investment whilst supporting existing operators
 - ii. Hammersmith and Fulham as a good place to live, work and enjoy leisure; and,
 - iii. A safe licensing environment and night-time economy.
- f) The '*Fundamental Principles*' section has been revised and updated and renamed '*Key Principles*' and now includes a reference to the Human Rights Act 1998, which was previously under its own, separate section 25.

- g) There is now a distinct section setting out the '*Scope of the Policy*', which were previously under the '*Introduction and Purpose*' section.
- h) Under the '*Scope of the Policy*' section the previous bullet point list of stakeholders has been removed and replaced by the statement: '*The Policy has been drawn up in consultation with a number of responsible authorities, bodies and organisations, including members of our Licensing Action Group and Night-Time Economy Working Group*'.
- i) There is now a new streamlined, revised combined '*Licensing Objectives*' section. It has been kept particularly short. It clearly states that the Licensing Authority will require applicants to include specific details in their operating schedule. The detail that was previously included under the old sections 8, 9, 10 and 11 has now been included in the new Annex 1.
- j) There is now a new streamlined, revised combined '*Licences*' section 6. Again, it has been kept particularly short. The detail that was previously included under the old sections 12 and 13 relating to '*Premises Licence*' and '*Variations to existing Premises Licence*' has now been included in the new Annex 2.
- k) New information about '*Documents which demonstrate entitlement to work in the UK*' has been included under the above '*Licences*' section.
- l) The new streamlined '*Operating Schedules*' section 7 provides an overview of key considerations, particularly where the licensable activities include the supply of alcohol or dance. Applicants are signposted to further details in Annex 1, which were previously included in the old '*Operating Schedule*' 15.
- m) A new '*Licensing Committee*' section 8 provides a simple overview of the licensing decision process and includes a simple flowchart to help illustrate this and the possible outcomes.
- n) New information has been included clarifying licence holder's responsibilities under the Immigration Act 2016 and the Modern Slavery Act 2015, under section 9.
- o) It has been proposed that the policies for Shepherd's Bush and Fulham Broadway are removed from the new licensing policy, with the option of new policies possibly being introduced in future.
- p) Annexes 2 – 5, in the 2017 – 2022 SLP, which relate to the Special Licensing Policies for Shepherd's Bush and Fulham Broadway and the respective 2015 Cumulative Impact Zone Data Reports, have been removed so that they may be adopted separately, should the Council decide to do so.
- q) Section 10 now includes a new specific policy section, which sets out the general principles for 16 Policy areas.
- r) Policies 1 - 13 seek to try and limit any nuisance, crime and anti-social behaviour from licensed premises and have been taken from the 2017 – 2022 SLP and incorporated as distinct policies.
- s) Policy 3 now includes a 'suggested hours' table for different types of licensed premises in different areas of the borough.
- t) Policies 14 – 16 help to protect vulnerable people when using licensed premises. These include specific policies on drink spiking, the safety of woman and girls in licensed settings and delivery services.

- u) The old '*Section 7 Promotion of other Strategies*' has been included in the new Policy 5: '*Alignment with Other Policies and Strategies*'. References to other policies and strategies have been updated and specific laws removed. New information has also been included concerning equalities and diversity and how to support diverse businesses and communities.
- v) A new Annex 5 relating to '*Grounds for Considering a Review*' has been added.
- w) A new Annex 6 providing details of the assessment criteria that was used as part of the review and development of this Statement of Licensing Policy, has been added.

Fulham Broadway and Shepherd’s Bush Cumulative Impact Assessment

Purpose

This brief data assessment is intended to provide an indicative understanding of key Night-time Economy (NTE) crime and disturbance indicators. This Cumulative Impact Assessment is not intended to replace a full analysis using more detailed police and council data.

Outline

The data collected is from a mixture of council data, restricted data sources and publicly accessible police.uk data store and is pre-grouped into sets of indicators and monthly sets of data. To provide an indication of the trends in the data in Shepherd’s Bush and Fulham Town Centre NTE’s the available relevant groupings of data are Anti-social Behaviour (ASB), Public Order and Violence and Sexual Crimes. These groupings of data tend to be the most relevant to NTE’s and Cumulative Impact Policies (CIPs). The data available was by month from April 2019 to March 2022. To gain an understanding of how these indicators have been trending, the months of April 2019, April 2020, April 2021 and March 2022 have been chosen for data.

It is notable that April 2020 was just prior to the first lockdown, although some chilling effect may have already set into the NTE. April 2021 was after the ‘stay at home’ order had been lifted (29 March 2021), and had pubs and restaurants open, but with restrictions in place, from 12 April 2021. Therefore, April 2020 and April 2021 are likely to show some impacts from these conditions in terms of access to and behaviour in the NTE in both areas.

Data on noise complaints from the Council Noise team has also been included. These cover the last year, from April 2021 to March 2022, and are represented in terms of hours that complaints were made.

Caveats

As noted, this data assessment uses publicly sourced and pre-grouped data. This means the detail of violence and sexual crimes is limited as these are grouped together. This data also includes location, but the specificity of the location data means that there is a possibility that some of the incidents recorded may have occurred on the borders of the CIPs, however, the data still provides a good indication of the trends in each CIP.

Shepherd’s Bush

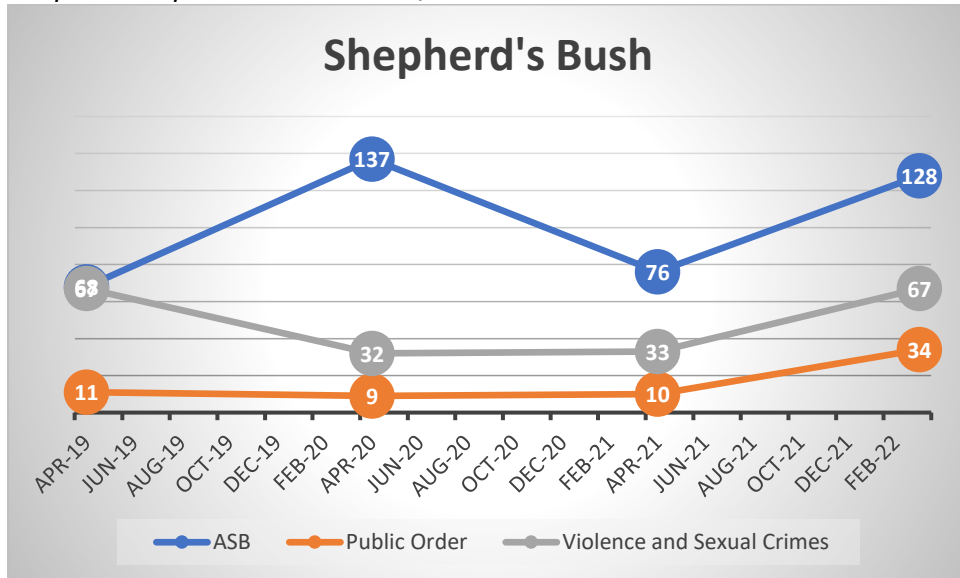
The data for ASB, Public Order and Violence and Sexual Crimes in Shepherd’s Bush indicates a continuation of these from 2019 and 2020 in 2022, with some increases notable. The decrease in 2021 is likely due to lockdown restrictions only recently having been eased.

Table 1: Shepherd’s Bush – ASB, Public Order and Violence and Sexual Crimes

Shepherd’s Bush	April 2019	April 2020	April 2021	March 2022
ASB	68	137	76	128
Public Order	11	9	10	34

Violence and Sexual Crimes	67	32	33	67
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Graph 1: Shepherd's Bush – ASB, Public Order and Violence and Sexual Crimes

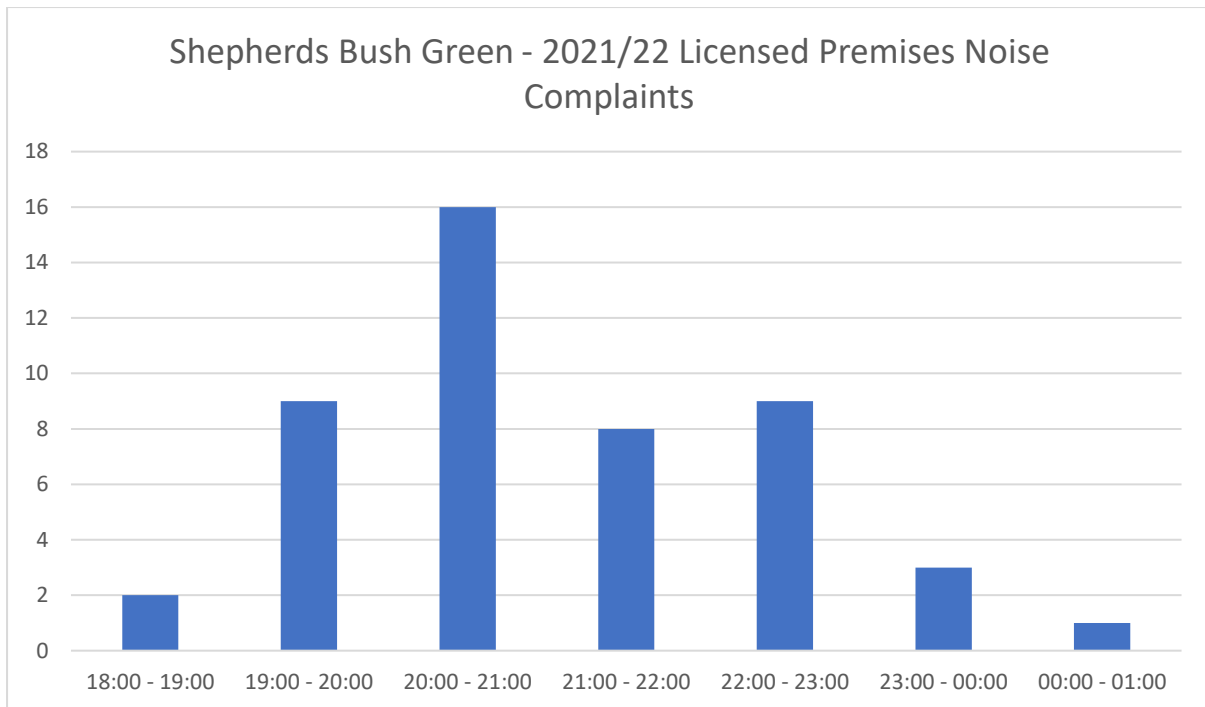


Noise and Nuisance Complaints – Entertainment noise from licensed premises

In the period 1st April 2021 – 31st March 2022 **48** night time noise complaints were received in the Shepherds Bush Cumulative Impact Area.

NB: complaint volumes during this period were significantly impacted by government COVID-19 restrictions.

Graph 2: Temporal Analysis



Summary

The data shows some indication that the issues in Shepherd’s Bush in terms of ASB, Public Order and Violence and Sexual Crimes has continued and to an extent possibly increased despite some easing off during the pandemic. In terms of noise complaints, the data shows noise complaints for Shepherd’s Bush are earlier in the evening, but continue to be an issue for residents in later parts of the evening and night.

Fulham Town Centre

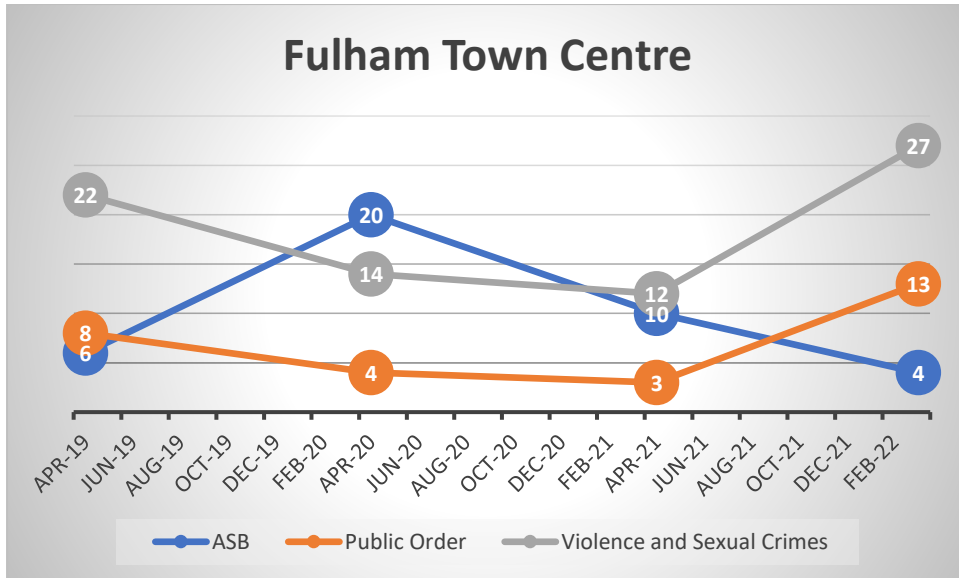
The data for ASB, Public Order and Violence and Sexual Crimes in Fulham Town Centre indicates a continuation of these from 2019 and 2020 in 2022, with some increases notable. The decrease in 2021 is likely due to lockdown restrictions only recently having been eased.

It is notable that ASB has fallen after a high in April 2020. However, the numbers of incidents are relatively small and may not be significant.

Table 1: Fulham Town Centre – ASB, Public Order and Violence and Sexual Crimes

Fulham Town Centre	April 19	April 20	April 21	March 22
ASB	6	20	10	4
Public Order	8	4	3	13
Violence and Sexual Crimes	22	14	12	27

Graph 3: Fulham Town Centre – ASB, Public Order and Violence and Sexual Crimes

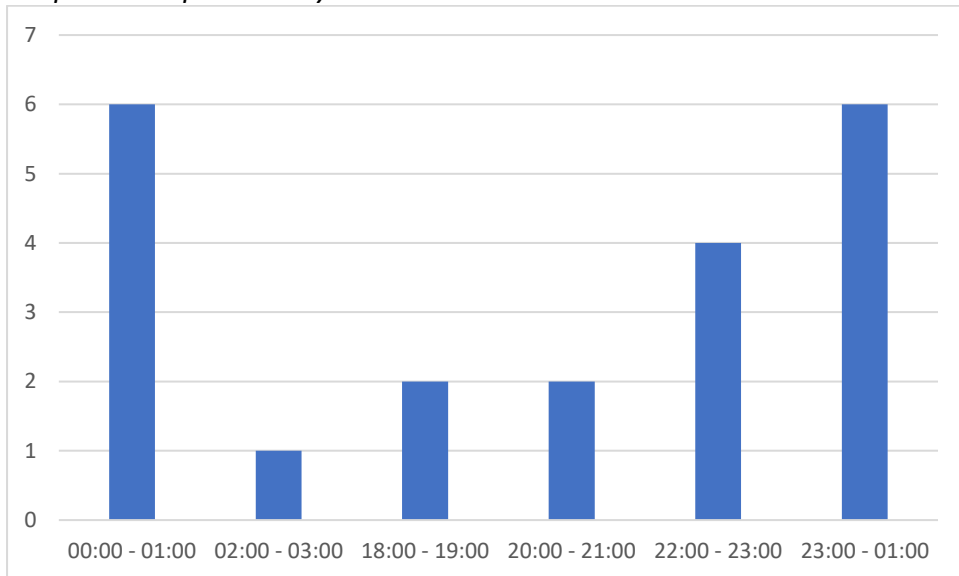


Noise and Nuisance Complaints – Entertainment noise from licensed premises

In the period 1st April 2021 – 31st March 2022 **21** night-time noise complaints were received in the Fulham Town Centre Cumulative Impact Area.

NB: complaint volumes during this period were significantly impacted by government COVID-19 restrictions.

Graph 4: Temporal Analysis



Summary

The data shows some indication that the issues in Fulham Town Centre in terms of ASB, Public Order and Violence and Sexual Crimes has continued and to an extent possibly increased despite some easing off during the pandemic. In terms of noise complaints, the data shows noise complaints for Fulham Town Centre are more prevalent for residents late at night and in the early hours of the morning.

H&F Crime Assessment Summary 2022

Crime patterns in H&F and across the country were hugely affected by the coronavirus (COVID-19) pandemic and government instructions to limit social contact. During the first national lockdown, crime in London and H&F fell to unprecedented levels. Between April 2020 to June 2020 the number of all crime fell to its lowest since met stats began in April 2010.

The second and third lockdowns led to another sharp drop in crime offences between November 2020 and February 2021, which have since risen above pre-pandemic levels. The same trends occurred in London.

After the end of the third lockdown, which coincided with the easing of restrictions on licensed premises, there were increases in the number of crimes and incidents for the following crime types:

- violence against the person
- gun crime
- knife crime
- domestic abuse
- sexual offences
- hate crime
- residential burglary

From Oct 2020 – Sept 2021 there were 103.2 crimes committed per 1,000 residents in H&F, compared 83.8 per 1,000 in London. This rate ranks H&F as the 5th highest in London (1st rank is the highest/worse crime rate).

Shepherd's Bush Green and Hammersmith Broadway wards had the highest crime rates in H&F of 218.0 and 173.7 per 1,000 respectively. Munster had the lowest crime rate with 58.0 per 1,000.

Most crime types fell in H&F, with the exception of homophobic hate crime (17% rise) gun crimes (8% rise), homicides (50% rise) and sexual offences (17% rise). Lockdown had an opposite effect on the number of ASB incidents, where there were increases in Police ASB calls as well as in ASB cases managed by the council.

Serious Violent Crime: Violent crime fell by 1% in H&F but rose by 2% in London. As result H&F's rank improved from 5th to 10th highest in London. Knife crime fell by 38% compared to 20% in London, and hospital admissions due to violence-related injuries fell by 43% compared to 24% in London. The number of knife crime victims aged under 25 decreased by 46% compared to last year, compared to a decrease of 6% in London.

Violence Against Women and Girls: Domestic abuse crimes fell by 1% in H&F and stayed the same in London. As result H&F's rank improved from 20th to 21st in London. Sexual offences

however increased by 17% in H&F and increased by 15% in London, as a result H&F's rank increased to 10th from 13th.

Hate Crime: Hate crimes fell by 2% in H&F but rose by 3% in London, ranking the borough 6th highest among the London boroughs (no change from the previous year). Amongst these crimes, Faith hate crime saw the largest decline of 16%; this is followed by Racist and Religious crime (-4%).

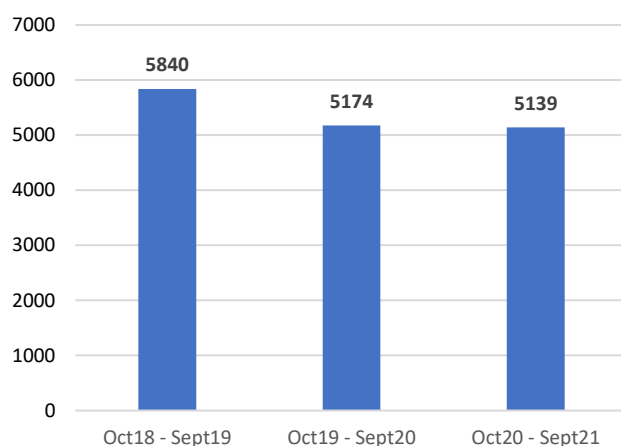
Antisocial Behaviour: Between April and May 2020, the number of police recorded ASB incidents for the first time outstripped the number of crimes. As lockdown eased between March and September 2021 the number of reports of ASB decreased. H&F showed a 1% increase in ASB this year compared to 2% decreased across London.

Key strategic priorities include: reducing and preventing violence; increasing trust and confidence; better supporting victims; and protecting people from exploitation and harm

Outline of Crime and Antisocial Behaviour in the Borough

Violent Crimes

Year on year violent crimes, H&F Oct - Sept



Violent crimes changes to year Oct 20 – Sept 21

Change from last year, H&F: ▼ -1%

Change from last year, London: ▲ +2%

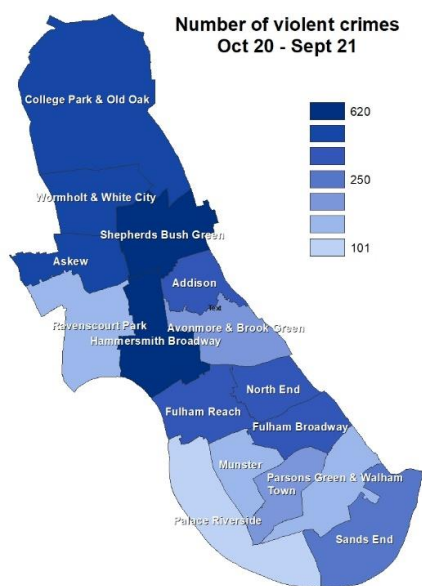
H&F crime rate per 1000: 26.9

Our rank of rate: ▼ 10th (5th last year)

In the 12 months to September 2021 the number of violent crimes in H&F fell by 1% to 5,139 crimes, whereas there was a 2% rise of these crimes in London in the same period. The violent crime rate in H&F was 26.9 per 1,000 residents the 10th highest in London, down from 5th rank in the previous year. The violent crime rate in London was 24.7 per 1,000.

The top three wards where violent crimes occur are Shephard's Bush Green, Hammersmith Broadway and College Park and Old Oak. However, in North End there were 55% more violent crimes committed compared to the previous 12 months, the highest rise amongst the wards.

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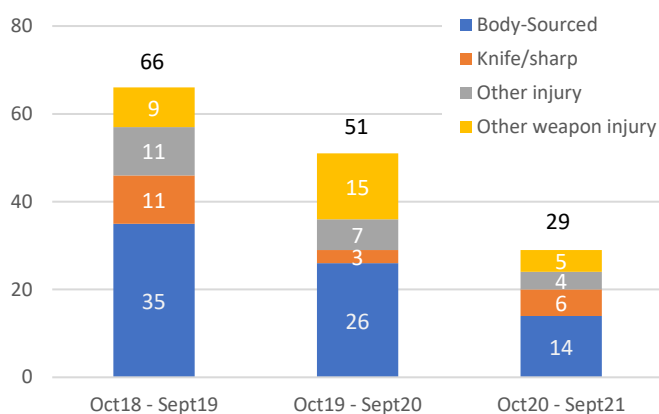


No. of violent crimes by ward Oct 20 - Sept 21 and the percentage change from the previous years

	Oct 2020- Sept 2021	Crime rate per 1,000 residents	Change since Oct 19-Sept 20	% change since Oct 19-Sept 20	% change Oct 18-Sept 19 to Oct 19-Sept 20
Shepherd's Bush Green	620	47.5	-46	-7%	-6%
Hammersmith Broadway	501	36.3	-32	-6%	-8%
College Park & Old Oak	412	38.9	-26	-6%	-7%
Wormholt & White City	375	27.8	19	5%	-2%
Askew	363	24.8	19	6%	1%
Fulham Broadway	340	27.7	23	7%	9%
Fulham Reach	323	26.9	15	5%	-9%
Addison	319	28.1	-12	-4%	-5%
North End	314	27.3	11	4%	20%
Sands End	286	19.5	-35	-11%	0%
Avonmore & Brook Green	252	21.3	-13	-5%	-1%
Town	231	20.9	-24	-9%	-7%
Ravenscourt Park	206	19.1	3	1%	-18%
Munster	197	17.9	70	55%	-15%
Parsons Green & Walham	162	14.5	-30	-16%	-24%
Palace Riverside	101	13.7	-29	-22%	13%

Admissions to Emergency Departments for Injuries due to Violence Incident

Injuries recorded in emergency departments due to violent incidents, year on year, Oct - Sept



Number of emergency department admissions due to injuries from violent incidents to year Oct 20 – Sept 21

Change from last year, H&F: ▼ -43%

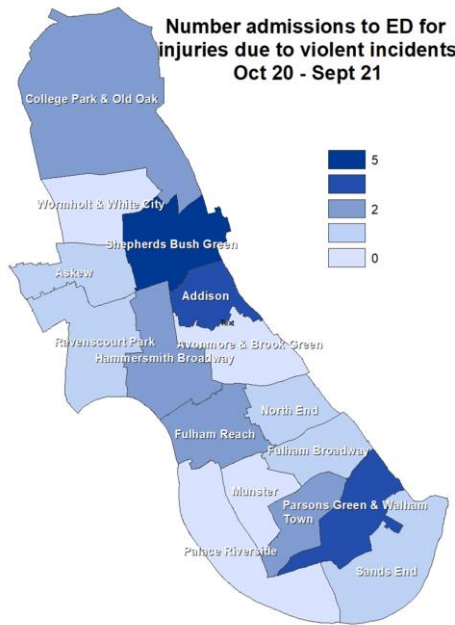
Change from last year, London: ▼ -24%

H&F crime rate per 1000: 0.16

There were 29 victims of violent incidents that occurred in H&F and were admitted to emergency departments (EDs) in London in the period from Oct 2020 – Sept 2021. This was a 43% fall compared to the previous year, and a larger decrease compared to the 24% fall in London. The rate of ED violent crime injuries from Oct 2020 – Sept 2021 was 0.16 per 1,000 lower than the London rate of 0.48 per 1,000.

In the last two year periods (Oct - Sept) most injury types were body-sourced i.e. punches, kicks, but these fell from 26 to 14, whilst injuries due to knives or sharp objects rose from three to six.

Over the past two years there were 21 ED admissions due to violent incidents that took place in Shepherd’s Bush Green and this was a third of all incidents in the borough, mainly around two of its three tube stations. From October 2019 to September 2021, 25% of all admissions were in Charring Cross hospital, followed by King’s College and St Mary’s hospitals (14% each).



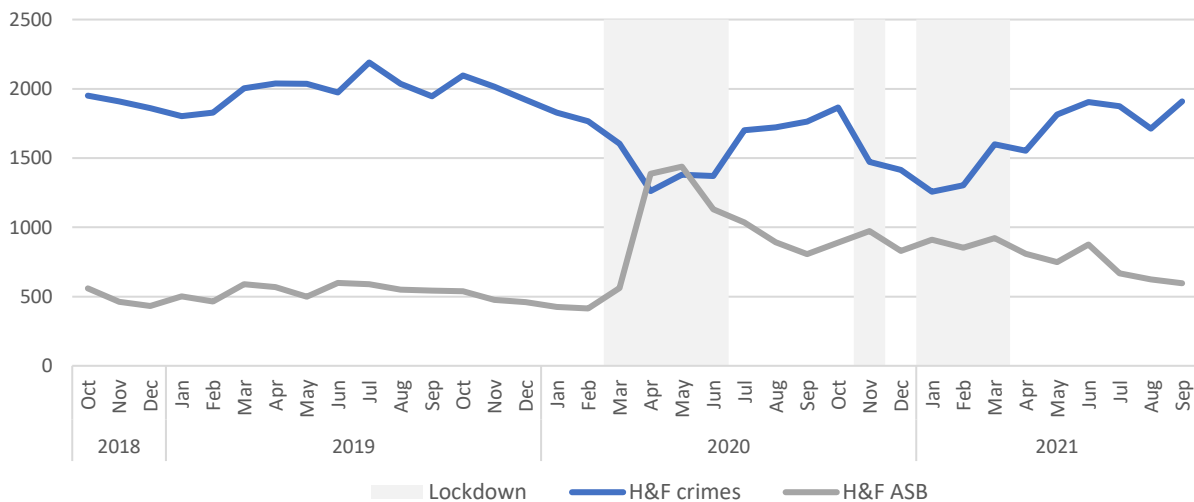
Number admissions to emergency departments for injuries due to violent incidents by ward, Oct 18 - Sept 21 and the percentage change from the previous year

	Oct 2020- Sept 2021 residents	Crime rate per 1,000	Change since Oct 19-Sept 20	% change since Oct 19-Sept 20	% change Oct 18-Sept 19 to Oct 19-Sept 20
Shepherd's Bush Green	5	0.4	-11	-69%	-24%
Addison	3	0.3	2	200%	-50%
Parsons Green and Walthe	3	0.3	2	200%	100%
College Park and Old Oak	2	0.2	-4	-67%	-25%
Fulham Reach	2	0.2	1	100%	-67%
Hammersmith Broadway	2	0.1	-3	-60%	-17%
Town	2	0.2	2	100%	-100%
Askew	1	0.1	0	0%	0%
Fulham Broadway	1	0.1	0	0%	0%
North End	1	0.1	-1	-50%	-50%
Ravenscourt Park	1	0.1	1	100%	-100%
Sands End	1	0.1	-1	-50%	0%
Avonmore and Brook Grex	0	0.0	0	0%	-100%
Munster	0	0.0	-1	-100%	100%
Palace Riverside	0	0.0	-1	-100%	100%
Wormholt and White City	0	0.0	0	0%	-100%
Ward data missing	5	0.4	-8	-	-

Antisocial Behaviour

Police incidents

Number of crimes compared to Antisocial Behaviour incidents, Oct 18 - Sept 21, H&F

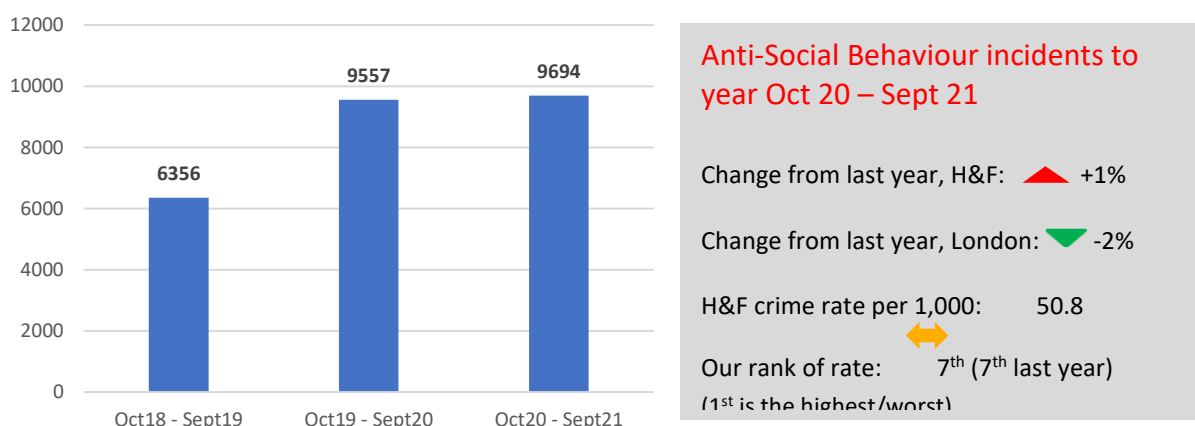


APPENDIX 4

Patterns of crime and anti-social behaviour have been significantly affected by the coronavirus pandemic and government instructions to limit social contact. Between April and May 2020, the number police recorded anti-social behaviour incidents have for the first time outstripped the number of crimes. As lockdown measures eased between March and September 2021, crime rates in H&F, and across the country, started to rise and ASB incidents started to fall to pre-pandemic levels.

This resulted in the year Oct 20 – Sept 21 recording 9,694 ASB incidents; 1% increase compared with the previous 12 months. During the same period, the number of ASB incidents decreased in London by 2%. The number of ASB incidents in the borough represents a rate of 50.8 per 1,000, higher than the London rate of 40.2 per 1,000.

Year on year Anti-Social Behaviour incidents reported to the police, H&F Oct - Sept



The main two reasons for reporting ASB remained rowdy or inconsiderate behaviour (57% of all incidents), followed by rowdy / nuisance (17% of all incidents). All other incident types which saw a rise compared to the previous year were generally consistent with problems residents whilst on lockdown, such as ASB nuisance (6% rise) and noise (5% rise).

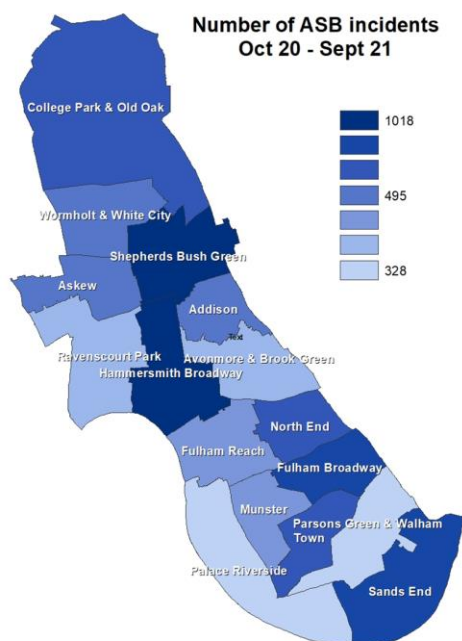
Number of police ASB incidents by ward, Oct 20 - Sept 21 and the percentage change from the previous years

	Oct 2020- Sept 2021	Change since Oct 19-Sept 20	% change since Oct 19-Sept 20	Oct 18-Sept 19 to Oct 19- Sept 20
Rowdy/ Inconsiderate Behaviour	5501	35	1%	9%
Rowdy/ Nuisance Neighbours	1657	15	1%	13%
Not Mapped	1146	92	9%	-4%
Noise	534	16	5%	16%
Begging/ Vagrancy	250	-16	-6%	-9%
Veh Nuisance/ Inappropriate Use	227	-10	-4%	20%
Trespass	119	-14	-11%	31%
Fireworks	77	-1	-1%	-30%
Littering/ Drugs Paraphernalia	44	3	7%	29%
Veh Abandoned - Not stolen	28	-6	-18%	-25%
Street Drinking	17	-6	-26%	19%
ASB Nuisance	18	1	6%	0%
Animal Problems	6	-2	-25%	-13%
Prostitution Related Activity	8	0	0%	23%
ASB Personal	5	-1	-17%	-11%
ASB Environmental	4	-1	-20%	0%

Similar to all crimes Shepherd's Bush and Hammersmith Broadway wards had the highest number of ASB incidents in the borough whilst Palace Riverside and Parsons Green and Walham wards had the least. Despite this, there was a 4% rise in incidents in Palace Riverside, while the highest percentage rise in the borough was in Munster ward (19%). Askew and Sands End wards had the highest numbers of rowdy/ nuisance neighbour

APPENDIX 4

incidents, whilst begging/ vagrancy was reported mostly in Hammersmith Broadway. College Park and Old Oak had the highest number of Vehicle nuisance incidents.



Number of ASB incidents, Oct 20 - Sept 21 and the percentage change from the previous years

	Oct 2020- Sept 2021	Crime rate per 1,000 residents	Change	
			since Oct 19-Sept 20	% change since Oct 19-Sept 20
Shepherd's Bush Green	1018	78.1	77	8%
Hammersmith Broadway	940	68.1	-126	-12%
Sands End	669	45.5	51	8%
Fulham Broadway	596	48.6	14	2%
Town	547	49.5	-45	-8%
College Park & Old Oak	529	49.9	-52	-9%
North End	509	44.2	-58	-10%
Wormholt & White City	495	36.7	-196	-28%
Askew	471	32.1	-164	-26%
Addison	458	40.3	-164	-26%
Munster	433	39.3	70	19%
Fulham Reach	431	35.9	-207	-32%
Avonmore & Brook Green	406	34.3	-79	-16%
Ravenscourt Park	382	35.4	-56	-13%
Parsons Green & Walham	336	30.0	-88	-21%
Palace Riverside	328	44.4	14	4%

Number of CCTV captured incidents in H&F Nov 20 - Oct 21

	Grand Total	% police informed	% arrested / cautioned
Anti-Social Behaviour	433	78%	2%
Begging	352	76%	0%
Acting Suspicious	249	91%	3%
Welfare	230	94%	0%
Request to Monitor	224	65%	0%
Disturbance	211	99%	3%
Road Traffic Collision	201	96%	4%
Assault	185	98%	21%
Police Stop	178	99%	6%
Fighting	170	98%	7%
Shoplifter	170	78%	11%
Abusive Behaviour	139	93%	4%
Total	4,760	90%	10%

Between Nov 2020 and Oct 2021 there were 4,760 incidents captured on CCTV in the borough. In nine cases out of ten the police were informed, and in one out of ten cases arrests were made.

Overall, 433 ASB incidents were captured on CCTV in H&F. In 78% (337) of all these cases the police were informed, and from all 433 incidents captured 9 (2%) arrests were made.

Incidents relating to Assault had the highest proportion of arrests made (21%), followed by shoplifter incidents (11%) and fighting (7%).

APPENDIX 4

Appendix 1. Crime rates/ offences per 1,000 residents by wards

Ward	Total crimes (TNO)	Violent crimes	Knife crimes	Robberies	Serious youth crimes	<25 knife crime victims	Ambulance callouts <25s	Domestic abuse	Sexual offences	Hate crimes	Modern slavery crimes	ASB incidents	Residential burglaries	Theft or Taking of MV	Theft from MV	Interfering with MV	Fire Brigade callouts
Addison	106.2	28.1	1.3	2.1	0.7	0.2	5.4	12.5	3.2	2.0	0.6	40.3	6.9	3.0	7.6	1.0	3.0
Askew	80.1	24.8	1.0	2.2	0.5	0.1	1.8	9.1	1.6	2.7	0.1	32.1	6.3	3.1	9.1	1.7	1.8
Avonmore & Brook Green	76.0	21.3	1.1	1.6	0.1	0.0	0.8	7.3	2.4	3.1	0.5	34.3	4.0	1.7	5.6	0.6	2.3
College Park & Old Oak	119.7	38.9	2.0	3.5	1.4	0.3	5.9	13.1	4.0	5.2	0.3	49.9	5.2	4.3	8.0	1.1	9.5
Fulham Broadway	91.1	27.7	1.1	1.9	0.7	0.2	1.1	10.9	0.9	4.7	0.2	48.6	5.7	3.5	4.8	0.4	2.3
Fulham Reach	90.2	26.9	0.5	1.2	0.2	0.0	1.7	6.3	2.7	4.1	0.0	35.9	4.3	2.5	9.4	1.2	3.2
Hammersmith Broadway	173.7	36.3	2.1	5.4	1.2	0.1	2.4	12.0	3.8	8.1	0.6	68.1	8.1	2.5	10.7	1.7	4.5
Munster	58.0	17.9	0.4	1.3	0.5	0.0	0.8	5.2	1.0	2.6	0.0	39.3	5.5	3.2	7.5	1.0	1.6
North End	80.2	27.3	0.7	0.5	0.3	0.1	1.2	7.8	3.6	3.5	0.1	44.2	7.1	2.1	5.4	0.3	2.5
Palace Riverside	60.5	13.7	1.4	2.0	1.1	0.0	0.0	4.5	1.8	1.1	0.0	44.4	4.1	3.8	6.8	0.9	2.1
Parsons Green & Walham	80.5	14.5	1.0	1.9	0.4	0.3	1.1	5.6	1.5	1.6	0.0	30.0	4.5	5.0	8.8	0.8	1.8
Ravenscourt Park	91.5	19.1	0.6	2.1	0.3	0.0	1.9	7.5	2.6	2.7	0.0	35.4	7.0	2.0	16.6	1.7	1.8
Sands End	58.1	19.5	1.1	1.5	0.5	0.3	3.2	10.4	1.7	1.3	0.1	45.5	5.5	1.8	3.9	0.5	2.3
Shepherd's Bush Green	218.0	47.5	2.0	5.0	2.1	0.2	5.3	14.3	4.9	10.3	0.2	78.1	5.2	3.3	9.7	1.3	2.8
Town	89.8	20.9	0.5	1.4	0.5	0.1	2.5	8.9	2.9	2.5	0.2	49.5	7.1	3.4	9.6	2.0	3.6
Wormholt & White City	82.7	27.8	0.6	1.9	0.9	0.0	1.6	15.0	2.2	2.4	0.2	36.7	5.7	2.8	9.5	1.6	2.1

General and comparative information about the scale of the Night-Time Economy (NTE) in H&F

The figures below show that H&F has a large number of NTE businesses and employees which is comparable with the average for the whole of London and much larger than the WLA average. In terms of licensed premises, as we are only a small borough, we have a lot of licensed premises comparative to our size.

Number of NTE businesses

Hammersmith and Fulham	1555
West London Alliance (avg.)	1362
London (avg.)	1582

Number of employees in NTE sector

Hammersmith and Fulham	18,100
West London Alliance (avg.)	15,171
London (avg.)	18,006

Total number of licensed premises

Hammersmith and Fulham	836
West London Alliance (avg.)	807
London (avg.)	959

Number of licensed premises for regulated entertainment (live music venues, theatres, live sports etc.)

Hammersmith and Fulham	317
West London Alliance (avg.)	498
London (avg.)	344

NTE Covid impact

- Due to the repeated lockdowns and forced closures, footfall in retail and recreation- which includes the NTE- is down 38% since the beginning of the pandemic. Resident spend on leisure and cultural activities is down 10% from pre-pandemic levels, but this is expected to bounce back.
- In terms of property, hospitality and entertainment vacancy rates have risen by nearly 2%, market rent asking price down 4.5% and net absorption (difference between floorspace being taken and becoming available) is down 7.4k sqft. These are very small figures and show that the sector has stayed resilient. I would suggest that this because of interventions by the Government including the various grant schemes, business rates holiday and temporary protections for commercial tenants.
- Arts, entertainment and recreation is a sector that has been badly damaged by the crisis and which is over-represented in Hammersmith & Fulham, reflecting a range of nationally important sporting and cultural venues in the borough.

1 Are you a:*

Hammersmith and Fulham Resident
Owner / Manager / Employee of a licensed premises
Owner / Manager / Employee of a non licensed premises
Other (please specify)

2 Hammersmith & Fulham currently has a good balance between the regulation of licensed business and the needs of residents.*

Strongly agree
Agree
Neither agree nor disagree
Disagree
Strongly disagree

3 Hammersmith & Fulham has a diverse, cultural entertainment offer for its residents and visitors.*

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree

The following 3 questions relate to the key themes in the proposed policy.

Theme 1 - A sustainable, well-run licensed sector

Theme 2 - Hammersmith and Fulham as a good place to live, work and enjoy leisure

Theme 3 - A safe licensing environment and night-time economy

These themes are outlined in more detail in section 2 of the draft policy.

Draft statement of licensing policy [pdf] (opens in new window).

We would recommend reading this document before completing the rest of this survey.

4 Theme 1 - A sustainable, well-run licensed sector, should be treated as a focus for the council's new licensing policy. *

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree
Other (please specify)

5 Theme 2 - Hammersmith and Fulham as a good place to live, work and enjoy leisure, should be treated as a focus for the council's new licensing policy. *

Strongly agree
Agree
Neither agree or disagree

Disagree
Strongly disagree
Other (please specify)

6 Theme 3 - A safe licensing environment and night-time economy, should be treated as a focus for the council's new licensing policy. *

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree
Other (please specify)

7 One of the main changes to the new draft policy has been to move the legal requirements to the end of the policy to make it more useable and to focus on key principles and themes. Do you think the new proposed policy is clear ? *

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree
Other (please specify)

8 There is enough advice in the draft licensing policy to help with the process of applying for a new licence. (Annexes 1 to 4)*

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree

9 There is enough clarity on the enforcement options (such as reviews, warning letters etc) open to the council and in what circumstances different options might be used. (Draft Policy 9)*

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree

10 The timeframes and processes for applying for a Temporary Event Notice are clear. (Draft Policy 7)*

Strongly agree
Agree
Neither agree or disagree
Disagree
Strongly disagree

11 The impact of large outdoor events and outdoor areas in licensed premises is well covered in the draft licensing policy.

(Draft Policies 8 and 11)*

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

12 The draft licensing policy has a clear message in relation to how underage sales will be prevented and enforced if and when they occur.*

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

13 The draft licensing policy has sufficient information concerning vulnerable people working in and/or visiting licensed premises.*

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

14 I agree that the council should continue to keep a Cumulative Impact Policy in Fulham Broadway*

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

Other (please specify)

15 I agree that the council should continue to keep a Cumulative Impact Policy in Shepherd's Bush *

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

Other (please specify)

16 I agree that the Shepherd's Bush Cumulative Impact Policy should specifically relate to off licensed premises only *

Strongly agree

Agree

Neither agree or disagree

Disagree

Strongly disagree

Other (please specify)

17 What do you feel can be done to support businesses to understand licensing processes? Which areas of the draft policy are currently clear and which may need more information?*

Please add your comment here...

18 What do you feel should be included in the draft licensing policy to help ensure there is a balance between the needs of residents and businesses ?*

Please add your comment here...

19 What else could be included in the draft licensing policy to support a safe and accessible night time economy in Hammersmith & Fulham?*

Please add your comment here...

20 How do you feel the licensing policy can best support the safety of young people, women and vulnerable people in the night time economy?*

Please add your comment here...

21 Further information - Please include any written submissions or additional evidence you would like to be considered as part of the consultation process.*

Please add your comment here...

Finding out more about you

The following questions are all optional and they ensure we can monitor and analyse how we deliver our services now and in the future. This part of the survey will only take a few minutes of your time to complete.

These questions are asked as part of our commitment to equalities monitoring and will help us to ensure that we are reaching a wide range of people with different backgrounds and experiences. The information that you give us will help us to make sure that everyone is treated fairly. We do not use it to identify individuals.

We ask these questions to ensure that:

our engagement activity reaches all sections of the community to understand possible differences in views between sections of the community (for example to consider if the level of support for a scheme varies between age groups) and to improve the effectiveness of the way we communicate with you. All personal details will be kept confidential. Further information is available in our privacy policy.

22 What is your home postcode? This helps us identify which areas have responded.

Please add your comment here...

23 What is your connection to the area?

I live here

I work here

I study here
Other (please specify)

24

What is your age group?

Under 18

18-24

25-34

35-44

45-54

55-64

65-74

75-84

85-89

90+

Prefer not to say

25 What is your gender? This helps ensure that a balanced group of people have been reached.

Agender / Gender neutral

Male

Female

Non-binary

Trans man

Trans woman

Prefer not to say

Other (please specify)

26 What is your preferred title?

Mr

Mrs

Ms

Miss

Mx

Prefer not to say

Other (please specify)

27 What is your name?

Prefer not to say

Please provide your first name and surname

Please help us reach all the community

Hammersmith & Fulham Council would like to hear from all the community. We can only do this if you help us by providing information about your background. If any group in the community is under-represented, we can initiate other outreach activities to ensure they are heard.

The answers you provide here are considered to be ‘special category’ data and, like the questions above, are optional. You can answer all the questions, some, or none of them.

We keep it separate and safe

Your answers are anonymised. This means it cannot be linked to your comment or your email address. For more information read Engagement HQ’s privacy policy and the councils’ privacy policies.

Please answer as many questions as you feel comfortable with.

Please tell us your ethnic group

Why we are collecting this data

You are much more than a statistic to us. We would like to better understand the ethnicity of those we serve and work with.

These categories are not about nationality, place of birth or citizenship. They relate to ethnic group categories based on the Census.

We recognise that these ethnic groups may not represent how you identify yourself. If you feel you don’t identify with any groups in the suggested list, we encourage you to write your ethnicity using your own words in the free text box.

28 Please tick the box that most accurately describes you, or use the free text box if appropriate.

Asian or Asian British - Bangladeshi

Asian or Asian British - Chinese

Asian or Asian British - Indian

Asian or Asian British - Pakistani

Another Asian or Asian British background

Black or Black British - African

Black or Black British - Caribbean

Another Black or Black British background

Mixed - Asian and White

Mixed - Black African and White

Mixed - Black Caribbean and White

Mixed - Another Mixed background

White - British, English, Northern Irish, Scottish or Welsh

White - Irish

White Irish Traveller, Gypsy or Roma

Another White background

Other - Arab

Other - Another ethnic group

Prefer not to say

Other (please state if you wish)

29 How would you describe your faith or belief?

Atheist
Buddhist
Christian
Hindu
Jewish
Muslim
Sikh
None
Prefer not to say
Other (please specify)

30 Do you consider yourself to be a disabled person? (This is based on the social model of disability that recognises people are disabled by barriers in society, not by their impairment or difference. This definition includes non-visible impairments and long-term health conditions).

Yes
No
Prefer not to say
Other (please specify)

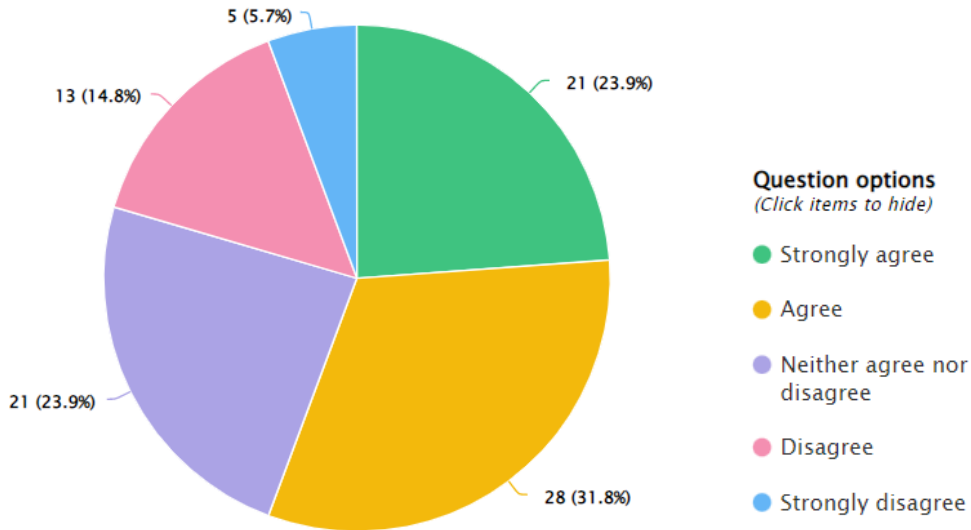
31 How would you describe your sexual orientation?

Asexual
Bisexual
Gay/Lesbian
Heterosexual
Prefer not to say
Other (please state if you wish)

Thank you for taking the time to complete this survey!

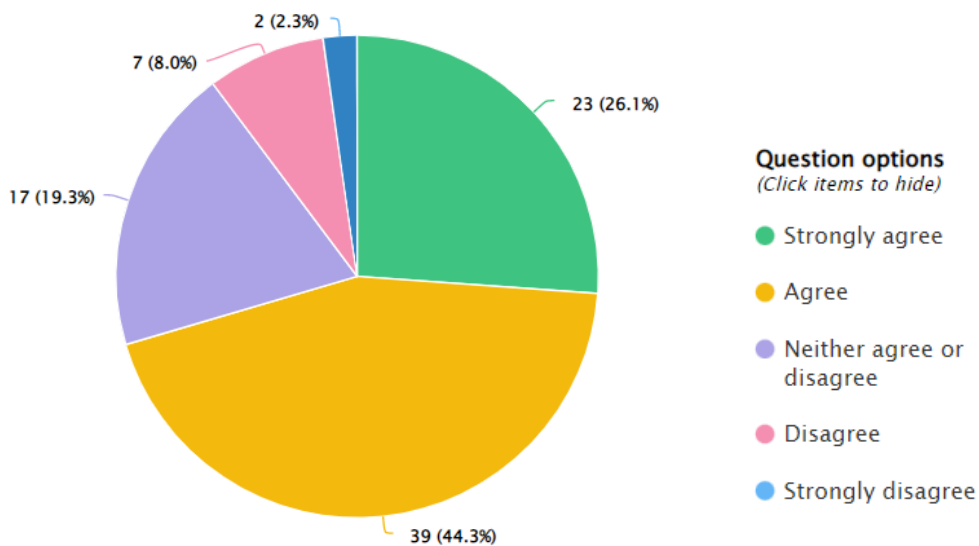
Statistical consultation results received for the public 6-week statutory consultation

Q2 Hammersmith & Fulham currently has a good balance between the regulation of licensed business and the needs of residents.



Mandatory Question (88 responses)

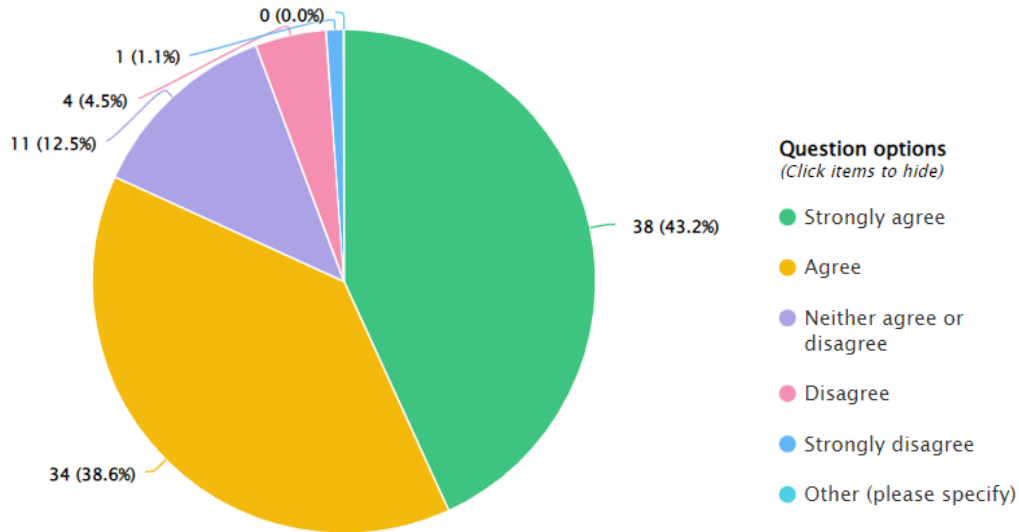
Q3 Hammersmith & Fulham has a diverse, cultural entertainment offer for its residents and visitors.



Mandatory Question (88 responses)

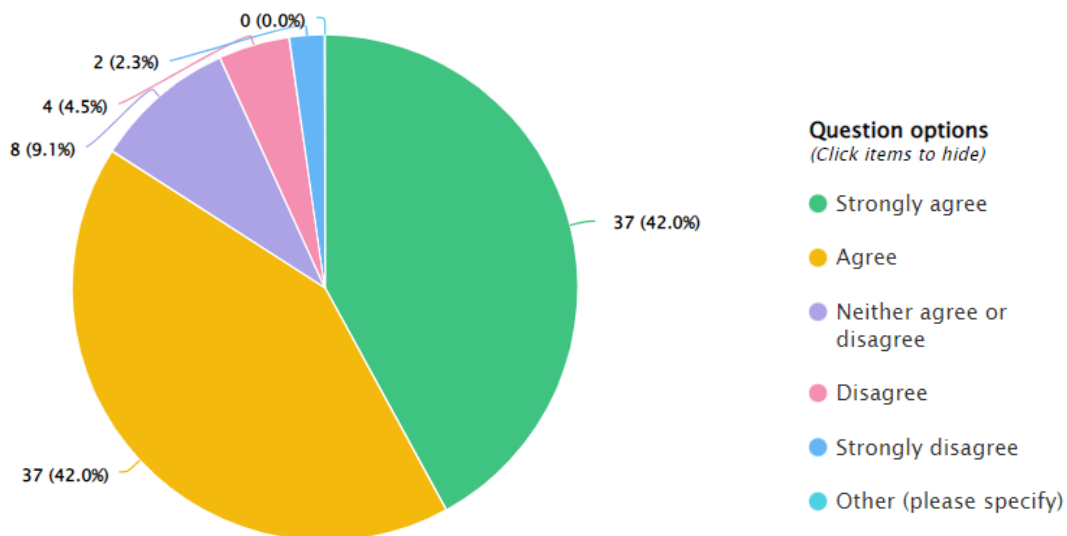
Statistical consultation results received for the public 6-week statutory consultation

Q4 Theme 1 - A sustainable, well-run licensed sector, should be treated as a focus for the council's new licensing policy.



Mandatory Question (88 responses)

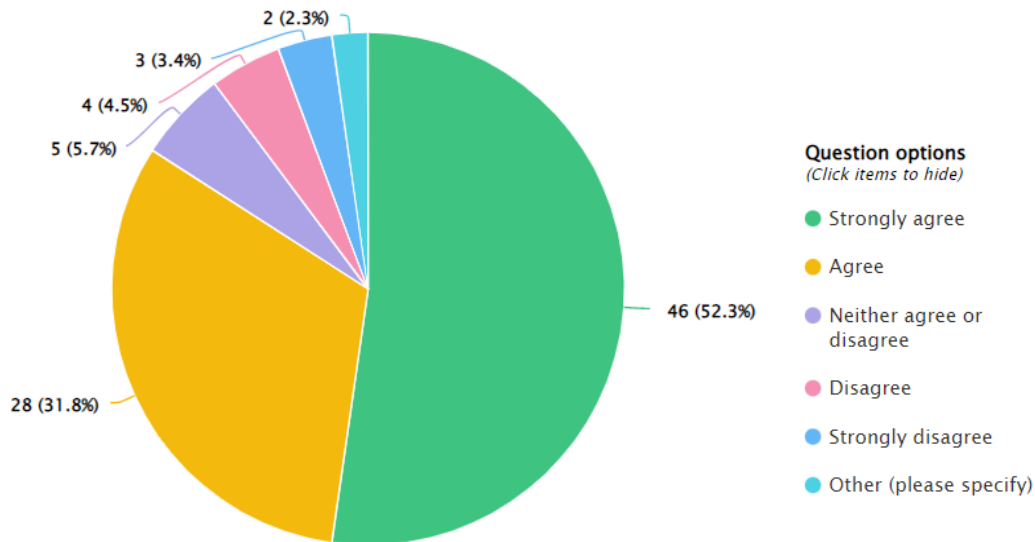
Q5 Theme 2 - Hammersmith and Fulham as a good place to live, work and enjoy leisure, should be treated as a focus for the council's new licensing policy.



Mandatory Question (88 responses)

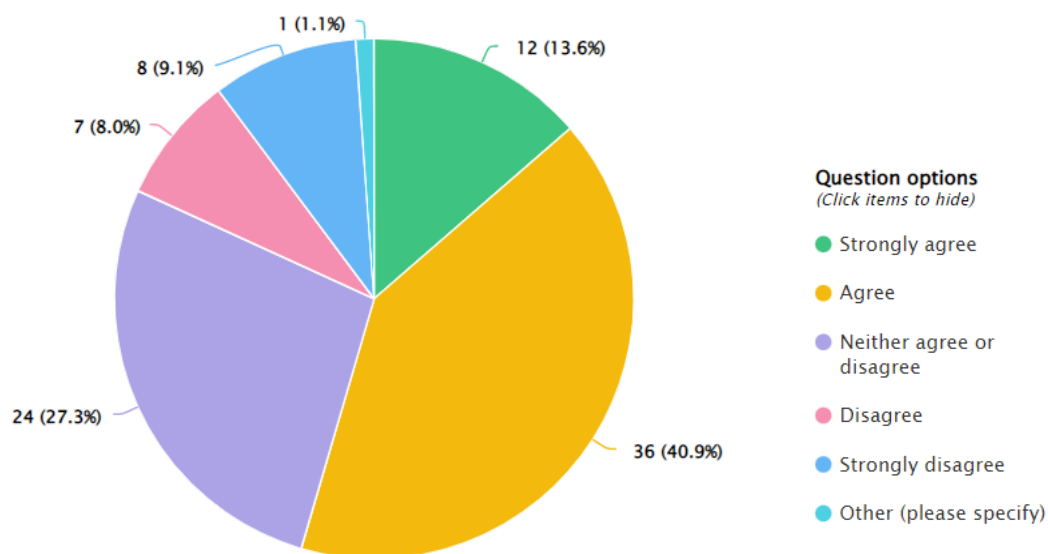
Statistical consultation results received for the public 6-week statutory consultation

Q6 Theme 3 - A safe licensing environment and night-time economy, should be treated as a focus for the council's new licensing policy.



Mandatory Question (88 responses)

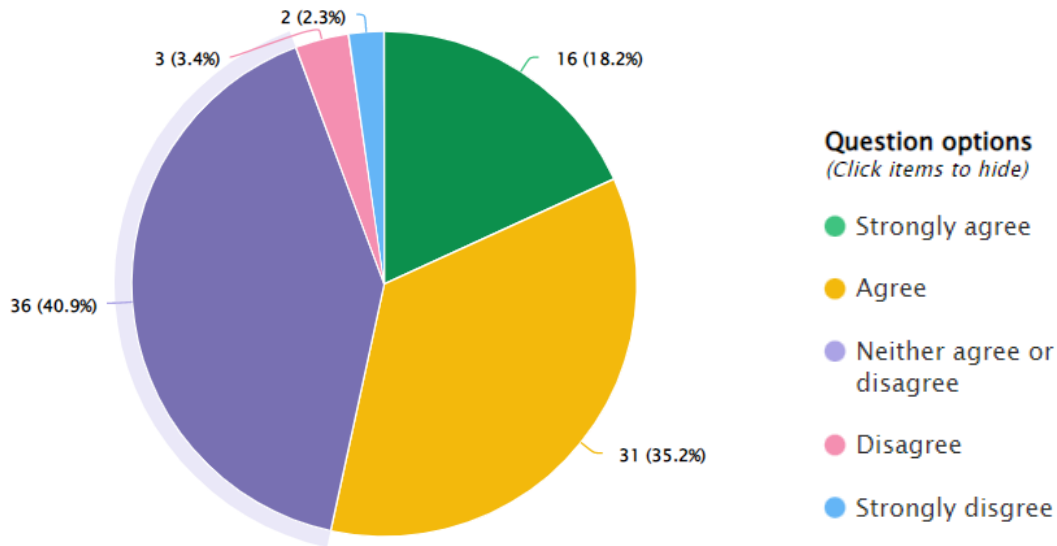
Q7 One of the main changes to the new draft policy has been to move the legal requirements to the end of the policy to make it more useable and to focus on key principles and themes. Do you think the new proposed policy is clear?



Mandatory Question (88 responses)

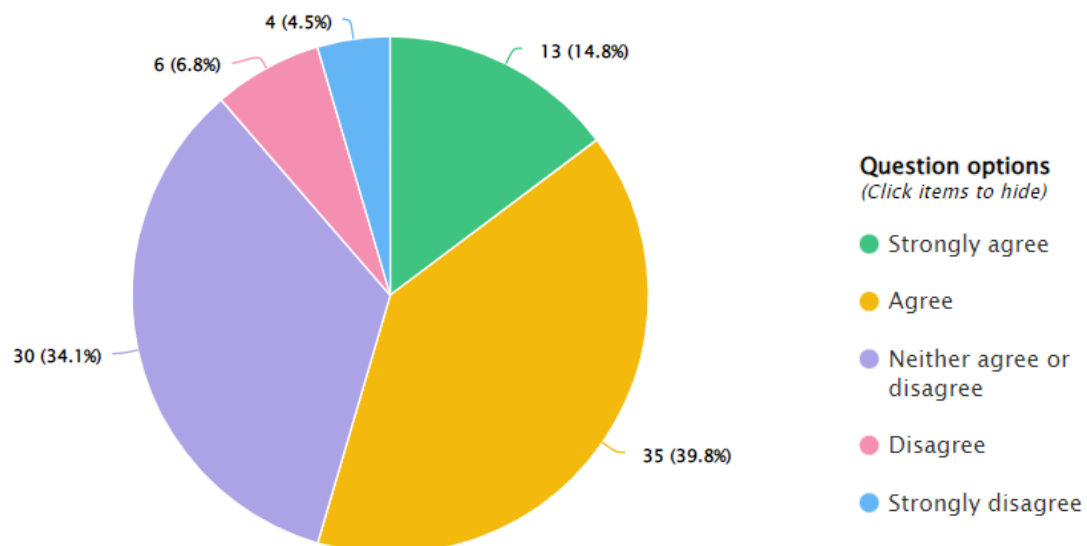
Statistical consultation results received for the public 6-week statutory consultation

Q8 There is enough advice in the draft licensing policy to help with the process of applying for a new licence. (Annexes 1 to 4)



Mandatory Question (88 responses)

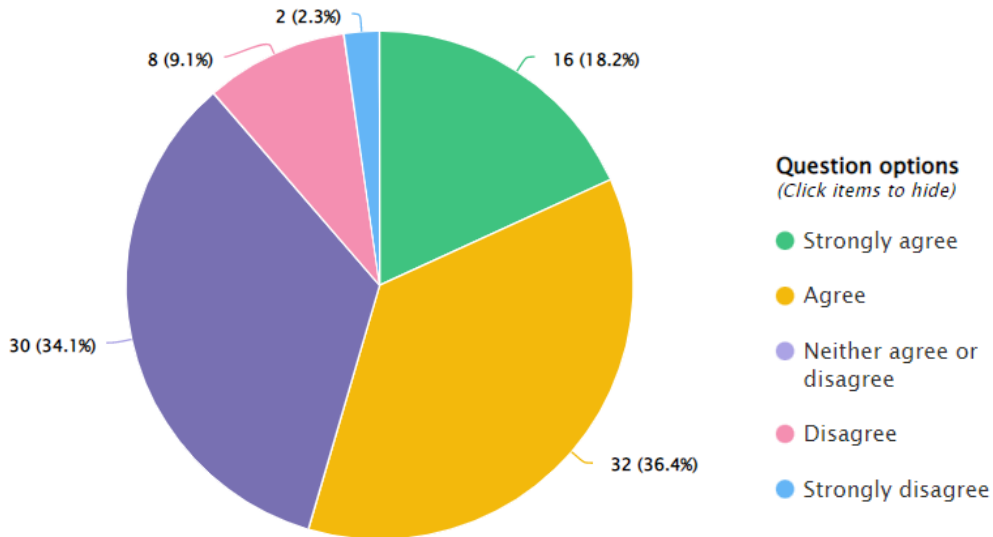
Q9 There is enough clarity on the enforcement options (such as reviews, warning letters etc) open to the council and in what circumstances different options might be used. (Draft Policy 9)



Mandatory Question (88 responses)

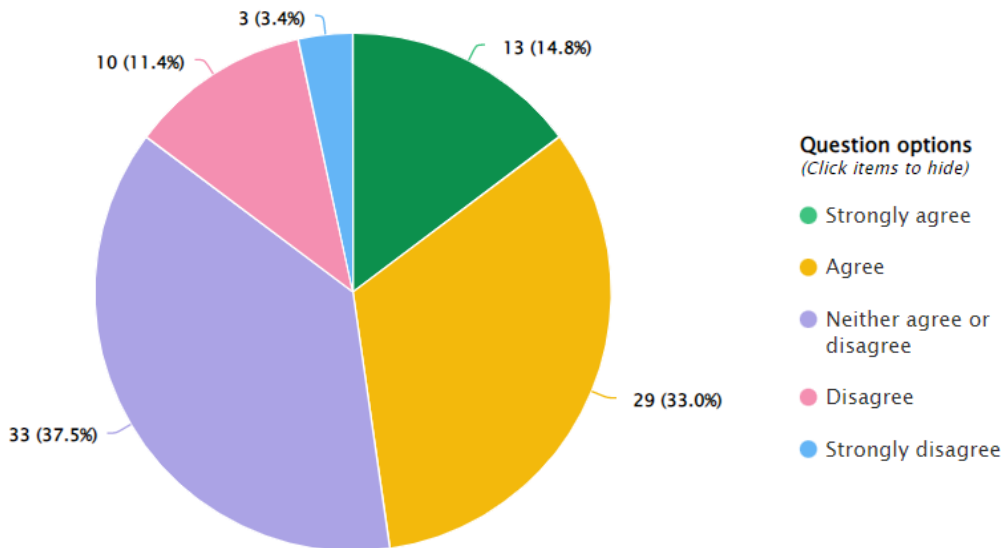
Statistical consultation results received for the public 6-week statutory consultation

Q10 The timeframes and processes for applying for a Temporary Event Notice are clear. (Draft Policy 7)



Mandatory Question (88 responses)

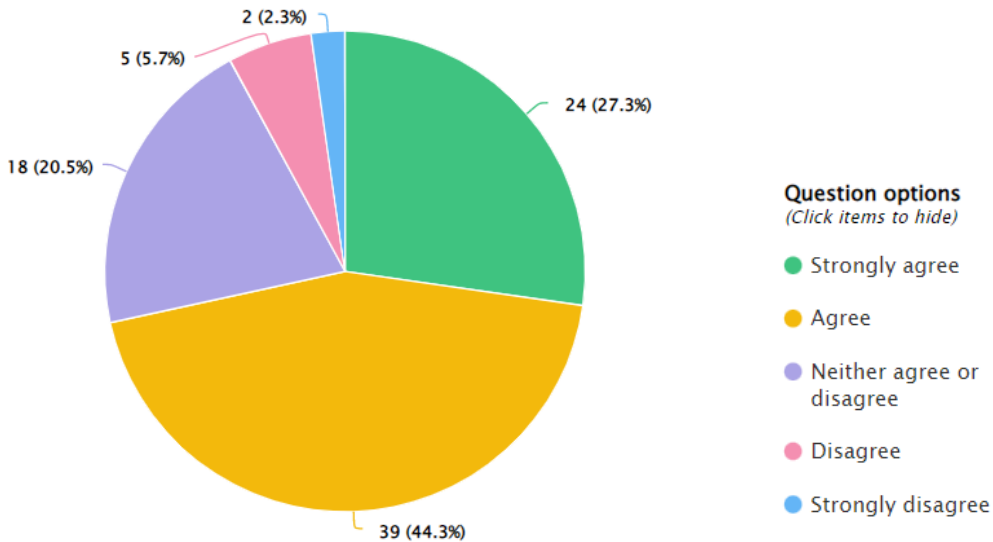
Q11 The impact of large outdoor events and outdoor areas in licensed premises is well covered in the draft licensing policy. (Draft Policies 8 and 11)



Mandatory Question (88 responses)

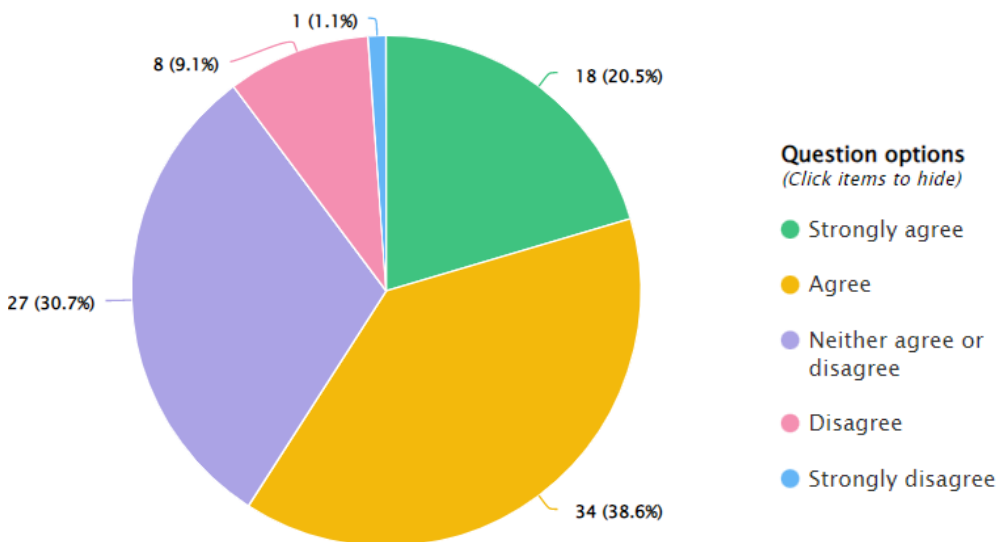
Statistical consultation results received for the public 6-week statutory consultation

Q12 The draft licensing policy has a clear message in relation to how underage sales will be prevented and enforced if and when they occur.



Mandatory Question (88 responses)

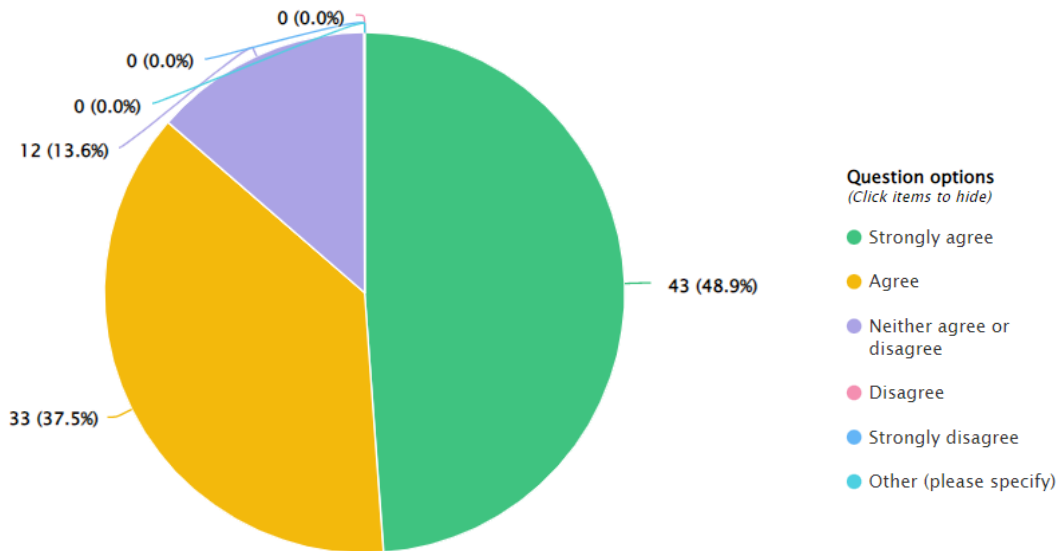
Q13 The draft licensing policy has sufficient information concerning vulnerable people working in and/or visiting licensed premises.



Mandatory Question (88 responses)

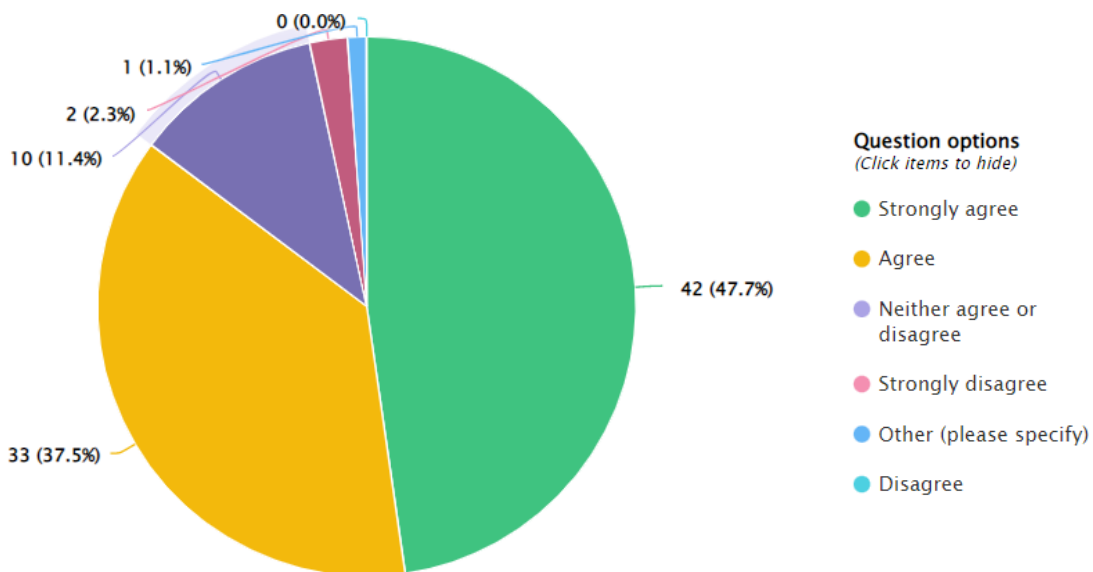
Statistical consultation results received for the public 6-week statutory consultation

Q14 I agree that the council should continue to keep a Cumulative Impact Policy in Fulham Broadway



Mandatory Question (88 responses)

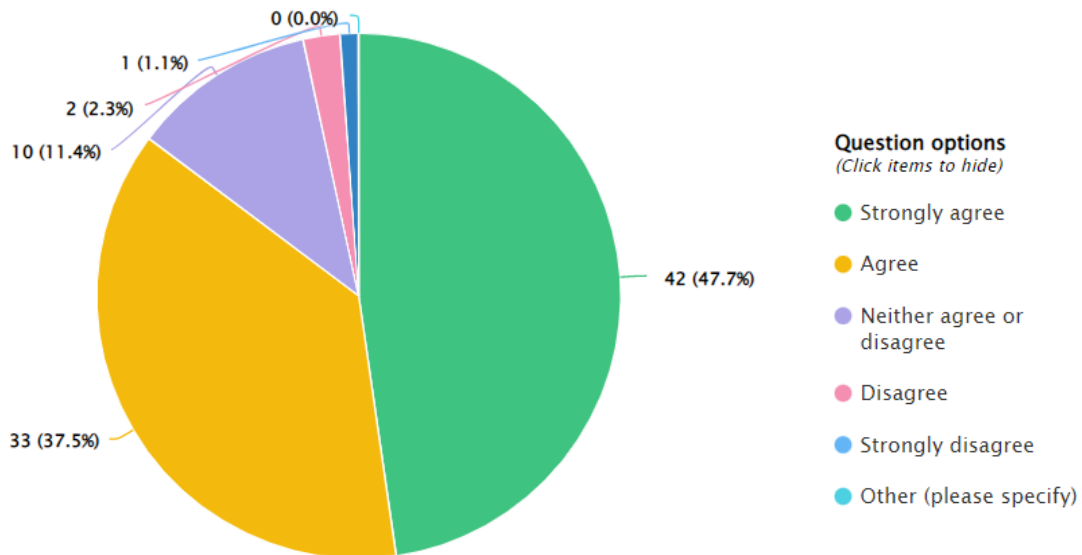
Q15 I agree that the council should continue to keep a Cumulative Impact Policy in Shepherd's Bush



Mandatory Question (88 responses)

Statistical consultation results received for the public 6-week statutory consultation

Q16 I agree that the Shepherd's Bush Cumulative Impact Policy should specifically relate to off licensed premises only



Mandatory Question (88 responses)

APPENDIX 7

STATEMENT OF LICENSING POLICY (SLP 2022 - 2027)

RECORD OF RESPONSES AND COMMENTS TO PUBLIC CONSULTATION

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
<p>Alexander Ryan Service Manager, Highway Works Coordination and Licensing</p>	<p>I have had a read through the policy and had had a discussion with Karen when this was being sent out following a comment from Bram to try to tie in pavement licences (or anything else relevant to highways).</p> <p>I can see there is reference to highways with regards to TENs and there is also reference to licensing outdoor spaces (although presumably not on the highway). I wondered if somewhere within the policy there could be reference to treating areas that have been licensed to businesses on the highway with the same conditions/policy as you would to the business premises itself. Think that would provide a link between the area in which the two departments do overlap.</p> <p>I haven't provided a response on the consultation form itself as there were many other questions relating to licensing that you may not want highways feedback on (seeing as in many areas we may be more detached than say businesses) but let me know if you would rather I recorded this comment on that forum.</p>	<p>Yes</p>	<p>Yes</p>	<p>Policy 12 amended to include a reference to treating areas that have been licensed to businesses on the highway with the same conditions/policy as you would to the business premises itself???</p> <p>We would expect licensees to duplicate their licence conditions to any licensable area covered on any highways that apply for, to help minimise any noise or nuisance.</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
Karen Layug Licensing Administration Team Leader, Licensing	Remove reference to 11pm from draft SLP: 19.To ensure that residents are protected from the negative impact of late-night local licensing activities the Licensing Authority may decide to adopt a special area cumulative impact policy; where the number, type and density of premises providing licensable activities after 11pm is having a serious negative impact on the local community and local amenities.	Yes	Yes	Removed reference to 11pm from draft SLP
Shaafiek Christian Environmental Health Practitioner, Health and Safety	I would recommend that a prerequisite checklist be included at inception of the licencing application process to inform applicants of the requirement to provide evidence that relevant public safety requirements have been met. Reference is made and including Fixed Electrical Wiring, Fire Risk Assessment, Gas Safety checks, PAT testing, Passenger lift safety requirements. In order for the review of the public safety element of the licensing application to go smoothly and without delay, it is essential that the key information be provided by the applicant before the last date for representations to be logged.	Yes	Yes	We will signpost to encourage applicants to do this, in Annex 1.
Anna Pater Environmental Health Officer, Health and Safety	I second what Shaafiek had said. A list of pre-requisites would be extremely useful as many businesses leave these until the last	Yes	Yes	As above, we will signpost to encourage applicants to do this, in Annex 1.

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>moment which then involves us chasing repetitively for documents. It is a waste of time and all the businesses should have the basics in place prior to lodging an application. While it may not be a legal requirement, it is common sense and would be great if this is reflected in our new procedure.</p> <p>The second issue I wish to raise is the preparedness of the business to trade safely. This can only be truly verified via a site inspection undertaken after the refurbishment phase has been completed. However, I have made several visits where a business was still a building site. I then had to re-book and come back to see the end outcome. Again, this is a waste of time and resources and it would be very useful if businesses were advised against lodging their application unless very close to project completion and ready for an inspection which would enable us to verify all the factors relevant to Public Safety objective. Of course, inspections take place only in selected instances, mostly for higher-risk premises but are, nevertheless, indispensable in these few cases.</p>			
Laura Seamons Community Safety Team	<p>Policy 5: Alignment with other policies and strategies</p> <ul style="list-style-type: none"> • Add the VAWG strategy • Modern slavery strategy <p>Modern Slavery</p>	Yes	Yes	Changes to the Policy in relation to drink spiking and the safety of woman and girls in licensed settings have been made

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<ul style="list-style-type: none"> • Include more about what the responsibility of the license holder is, and where support can be found. @Giammarresi Caterina: H&F to provide link to toolkit for businesses. • Consider adding prevention and awareness of modern slavery to the pool of conditions – Posters in establishments for example <p>Cumulative Impact Zone</p> <ul style="list-style-type: none"> • The Safer Neighbours Policing team should be consulted on the new policy, specially the Cumulative Impact Zones. They may be able to provide data that justifies the additional restrictions in the two areas. • Fulham Broadway Cumulative Impact Zone – consider extending the zone to include North End Road. Reports have been received from residents around ASB, drug use and dealing some of which is in relation to licensed premises at the top of North End Road. This view is likely to be support by the Safer Neighbourhood Policing Teams. As there is planned regeneration of this area having the CIP in place would allow control over the type of number of premises that will inevitable apply for a licenses over the next 5 years. <p>Drink spiking issues</p>			

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<ul style="list-style-type: none"> • More focus on taking a zero tolerance approach towards perpetrators of drink spiking and establishments having a policy in place where drink spiking is suspected. At the moment it is felt that the text reads about what potential victims of drink spiking should do rather than the focus being on preventing it taking place in the first place. The Safety of Women and girls in licensed settings • Currently reads ‘Licence applicants and existing licence holders are encouraged to include in their operating schedules clear policies relating to violence against women and girls’ can ‘encouraged’ be changed to ‘should’ • Recognised that ‘Ask for Angela’ programme might be advertised in premises but not all staff are aware of what it means and have not received training. Include a script of what they should do in this situation. Include information on how premises can receive training from the police. 			
Dr Nicola Lang Director of Public Health	I think the controlled areas in Shep Bush are good. If you can add something along the lines of: Proximity to any drug and alcohol treatment site, A&E department or homeless hostel should also fall under the CDZ type remit ie applicants need to	Yes	No	

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	make the case for how they would not increase further problems for residents/clients nearby			
Responses to Q17 (Part 1) - <i>What do you feel can be done to support businesses to understand licensing processes?</i>	<p>1)Have a class (online) to help go through the licensing process with the employee's so they can fully understand the policy.</p> <p>2) Clarity on enforcement and by whom</p> <p>3)Visiting premises in person to brief them about the changes.</p> <p>3)More training in security and how to handle large groups.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>Yes</p> <p>No</p> <p>No</p>	<p>This will be raised with the Night Time Economy Working Group and Pubwatch.</p> <p>We will clarify this in the new policy</p> <p>Policy 12 has been amended to include 121 visits, venue and employee training, workshops, business as available training and support options.</p> <p>The Night Time Economy Working Group will look to conduct a review of current SIA licence holder training and encourage SIA licence holders to undertake further training including the latest techniques in de-escalation, crime reporting, women's safety and vulnerability management</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	4)One-to-one meetings if needed. Policy in different languages if needed.	Yes	Yes	This will added to our policy
	5)I welcome anything that helps clarify and reduces the legal jargon in this draft document	Yes	No	The policy has been designed with this in mind
	6)I don't like the idea that the idea that the council can itself issue itself licences for large outdoor events, as in "The council may itself seek premises licences for appropriate public spaces within the borough. This will make it easier for people to organise suitable cultural events. We will consider any request for permission to use such public spaces for cultural activities having regard to the promotion of the four licensing objectives."	Yes	No	When issuing any licenses for itself the Council has to do so in line with the requirement of the Licensing Act 2003. Any interested party will have the opportunity to make a comment
	7)Licensees should be required to attend a workshop that provides coverage of the Licensing Policy and includes specific advice and training on how licensees and licensed premises can fulfil obligations and responsibilities.	Yes	No	
	8) Engaging businesses face to face always helps to communicate the message more effectively and allows them to ask questions where there is misunderstanding.	Yes	No	
	9) Ensure businesses train employees correctly at all levels.	Yes	No	

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	10) Businesses should have a residents' forum for all applications so they can engage with people who live nearby and are affected by the licensing hours of the premises. They need to build a rapport with locals, explain what business they have, how they run it and how they will be considerate to us.			Officers will raise the issue of a residents' forum with local Pubwatch schemes.
Responses to Q17 (Part 2) - <i>Which areas of the draft policy are currently clear and which may need more information?</i>	<p>1)I'm not in the business but in my experience all policy documents should totally clear so there is no room for misunderstanding. The way it's written should be free of jargon and use straight-forward language. I see that the Council are proposing this approach for the new policy.</p> <p>2)I believe that in order to endure companies need to write only key points on the license regulation. This is a clear point: 1.3 The legislation provides a clear focus on the promotion of four statutory licensing objectives which must be promoted when licensing functions are undertaken, these are: • The prevention of crime and disorder; • Public safety; • The prevention of public nuisance; and • The protection of children from harm.</p> <p>3)This point i think needs more information: 24.1 This Licensing Authority recognises that certain licence holders e.g. Limited companies have a number of premises within and outside the borough. In order to ensure compliance issues are</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>Yes</p>	<p>The policy has been specifically designed to be accessible and business friendly. Any technical information has been moved to the rear of the policy</p> <p>Please find a link to Primary Authority guidance as follows : Primary Authority guidance</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>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, licence holders 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.</p> <p>4)Engaging businesses face to face always helps to communicate the message more effectively and allows them to ask questions where there is misunderstanding.</p> <p>5) I believe that very concise information should be sent to companies. Point 5. Licensing hours is clear. Point 14.2 is not very clear to me.</p> <p>6) Environment pollution: Weakness in the areas concerning safeguarding control of residential noise, cleanness of commercial premises. There is not clear enough policy on the policing/fines of litter.</p> <p>7) The rationale that there are a lot of premises in Shepherd's Bush is not sufficient evidence of an issue and there should be NO IMPACT POLICY in Shepherds Bush</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p></p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p></p> <p>We will certainly be looking to increase our face to face interaction in future and are also looking to recruit a new licensing enforcement officer to help with this</p> <p></p> <p>Members of the Full Council will give consideration to the future of our CIP policies</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>8) Ensure businesses train employees correctly at all levels .</p> <p>9) It should very clear that refused applications are unlikely to be subsequently approved if appealed/not properly modified.</p> <p>10) Shepherd's Bush especially the green and Uxbridge rd is saturated with late night takeaways and restaurants, everyday a new one opens. Anti social behaviour is rife, residents are kept await with cars parking in residential streets into the early hours 3/4am , people eating takeaways throwing the litter on our streets. Delivery drivers parking their motorcycles, groups gathered. It's a nightmare the council needs to stop this constant granting of Kate night licenses being granted. As the impact on the local community is detrimental. Just count how many are trading on Uxbridge rd.</p> <p>11) Businesses should have a residents forum for all applications so they can engage with people who live nearby and are affected by the licensing hours of the premises. They need to build a rapport with locals, explain what business they have, how they run it and how they will be considerate to us.</p> <p>12) Licensing to premises in totally residential areas should be avoided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p></p> <p></p> <p></p> <p></p> <p></p> <p>This is something which is covered in our new hours policy table</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
Responses to Q18 - What do you feel should be included in the draft licensing policy to help ensure there is a balance between the needs of residents and businesses?	1) Ensuring policy is directly in line with national law, and that H&F fosters more higher value premises to kick start its non-existent Night-Time Economy.	Yes	No	The current policy is in line with national law
	2) a. Open windows, these should be closed in the evening where there are near-by residents b. Pavements, businesses should keep the pavement outside their premises clean and litter free c. Street drinkers, rowdy street drinkers should be brought inside d. Taxis, groups waiting for Ubers outside the premises should be broken up.	No	No	We will consider adding some of these suggestions to our pool of conditions
	3) Enforcement of licenses should be more actively followed by the council. Too many licensed premises operate outside the restrictions of their licenses. The 2 main causes of antisocial behaviour in residential areas are: A premise serving alcohol on its own when it should only be serving alcohol as ancillary to a meal. A premise staying open later than their allotted hours.	Yes	No	The Licensing Authority pro actively inspects licensed premises and carries out hundreds of licensing inspections each year. We are currently in the process of recruiting a new enforcement officer to increase the number of visits we carry out
	4) Requirement for businesses to interact regularly with local residents' associations.	Yes	No	Whilst we can encourage such interaction, unfortunately we cannot make it a requirement

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>5) No single premises or group of premises (i.e. in a geographical neighbourhood) should have any negative impact on quality of life of local residents (such as through noise, nuisance or anti-social behaviour of patrons on or off the premises, or impact negatively on local amenities of residents (i.e. by activities obstructing neighborhoods such as gathering crowds of patrons outside premises, or street furniture blocking walkways).</p> <p>6) If it's heavily residential then limiting the times people can purchase off sales should be a priority if it's inside then no changes.</p> <p>7) COPIED SECOND HALF OF THE COMMENT - Here are a few suggestions which may help. I'm encouraged that some of them are already being enacted by the Council and I hope that they appear in new policy document.</p> <p>a. The pub licence should stop at 11pm except on special occasions.</p> <p>b. The conditions of the licence for drinking outside any pub should be clearly and permanently displayed, not be a piece of paper stuck on the pub window. This will help the tenant manage the change of policy.</p> <p>c. Drinking outside the pub should stop at 10.00pm, as is the case in other pubs in residential</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p>	<p>We completely agree and hope that the new policy will help strike a balance between residents and businesses</p> <p>There is now a suggested hours table included in the policy. Any licensed premises in residential areas</p> <p>As mentioned above, a suggested hours table has now been included in the policy with the following suggested hours for pubs in residential areas being : Fri – Sat 23:00 Sun – 22:00</p> <p>This is something we will consider adding to our pool of conditions</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>areas in other London boroughs. I am pleased that this is now Council policy but have concerns as to how this will enacted.</p> <p>d. The tables/chairs should be taken back into the pub at closing time rather than be permanently fixed outside – the very act of taking them into the pub around 10.45 will make it clear that the pub is about to close.</p> <p>e. The Council Officers should be willing to contact Fullers regarding the concerns of the residents and work with the landlord on ensuring that action is taken if problems arise.</p> <p>8) More emphasis on The Delivery economy, inclusion of clear Pool of Conditions regarding delivery of alcohol from any Premises selling ‘off the Premises’ as well as from so-called dark/offsite kitchens to the doorstep via only online orders to</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>Yes</p>	<p>Unfortunately there is no way to add a condition to all licences in the borough at the same time. We can only suggest a 10pm closure to operators, and then review individual licences to add this condition where there is evidence of noise nuisance</p> <p>This is something which we will discuss with our Highways licensing team who can add conditions to tables and chairs licences</p> <p>Licensing officers at the Council do regularly contact Fullers and other landlords if we find that our advice and recommendations are not being followed</p> <p>There are now delivery conditions in our pool of conditions, including the use of electric vehicles after a certain time and age verification procedures</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>limit petrol motorbikes, to limit noise, nuisance, ASB, drug dealing by riders etc.</p> <p>9) As a resident concerned with anti-social behaviour in and around the Fulham Broadway end of Barclay Road, I feel frankly under siege with speculative licence applications. Firstly I have to be on guard and proactive - lack of vigilance will result in a creeping loss of rights. Secondly, there is no pre-filter. The application for a licence for a speculative alcohol distribution facility in a self-storage unit did not even have a contract for the unit, and the hours applied for were much later than the self-storage unit's hours. Now the PiriPiri chicken seller opposite the Redback, source of much disturbance, wants to extend his closing to 3am Sunday to Thursday and 4am Friday and Saturday. This falls firmly the "are you kidding me?" category. There should be a system of providing clear guidance on licensing applications, and a clear message as to what the ground-rules are. Such wildly speculative applications do no good for the licensing authority, the resident or indeed the applicant.</p> <p>10) As in other boroughs, Applicants should be encouraged to consult with residents before they even begin to apply for a licence or apply for extended hours. The 2003 Act does not require it but it encourages it and almost assumes that an</p>	<p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p>	<p>Unfortunately the Licensing Act 2003 specifies what is required to make a valid application. The Council receives many applications which have very limited information, but they are valid in the eyes of the law. We do offer a pre application advice service to improve the quality of applications, but applicants are not required to use this service. There is now a suggestion to make this service free for 1 hour (for small independent traders) so we are hopeful that this will improve the quality of applications in future</p> <p>As above, we always encourage applicants to consult with residents before they apply , and we we offer a pre application</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>Applicant will come to the Lic Authority with a robust Application/Operating Plan. Too often, this is not the case. Residents end up doing the work for the Applicant to seek out the Applicant, have a chat with him or his agent etc. A very time-consuming process. Applicants should know what the Planning Permission is for their building and state it in the Application so that they are aware of Conditions regarding amenity of neighbours.</p> <p>11) A limitation on the density of licensed premises & their types based on household / resident numbers locally</p> <p>12) Instead licencing policy have a football match policy.take the football match away if it will impacts our lives. Or create a barricaded entry and exit routes for football fans away from the shops. The urinate everywhere anyway in broad daylight.</p> <p>13) I think it's pretty clear at the moment, and in my experience the Licencing Committee has done a good job of balancing interests.</p> <p>14) Existing licensees have to jump through significant hoops to obtain and retain licences and to make sure that the local residents are respected. They do not want to see their businesses damaged by the council going into</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p></p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>advice service where we would mention this, but they are not required to follow our advice</p> <p>Our draft policy does include cumulative impact areas to tackle this issue</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>competition with them, nor, as residents, do they want to have large external events organised 'by the back door'.</p> <p>15) Culture and business transition is more common place and useful to keep in mind when developing policy</p> <p>16) More emphasis on The Delivery economy, inclusion of clear Pool of Conditions regarding delivery of alcohol from any Premises selling - 'off the Premises' as well as from so-called dark/offsite kitchens to the doorstep via only online orders to limit petrol motorbikes, to limit noise, nuisance, ASB, drug dealing by riders etc.</p> <p>17) Remove the Shepherds Bush Impact Policy</p> <p>18) The Fulham Broadway Cumulative Impact Policy should be reduced if possible. Also: delivery of alcohol from premises selling 'off sales' needs to be addressed. We are already plagued by constant scooters and motorbikes making noisy deliveries. Please limit hours, noise and alcohol deliveries which could lead to noise nuisance, ASB, etc.</p> <p>19) If you are a very well established music premises (like ours of over 20 years), account</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>This is something we will consider in our policy</p> <p>This is for consideration by Councillors at a forthcoming Full Council meeting</p> <p>As above this will be a decision for Full Council</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	needs to be made of 2 years of little or no trade and new residents viewpoints, as opposed to established residents of a good few years, who know how effectively our premises are run. So take a balanced view.			We are looking to take a more balanced view with the business friendly focus of our new policy
Responses to Q19 - What else could be included in the draft licensing policy to support a safe and accessible night time economy in Hammersmith & Fulham?	<p>1)Clear guidance on the penalties a premise will face if there is repeated issues relating to events such as: - Drink spiking - Violence -Antisocial behaviour</p> <p>2)Clear and accurate advice on what action is likely to take place if there is regular complaints of an unsafe night time economy operating or complaints of a lack of accessibility for disabled people to enjoy the night time economy as other users are able too.</p> <p>3)Requirement for public notices in premises stating zero tolerance for unacceptable or dangerous behaviour.</p> <p>4) Have a potential increase in security or police presence after a certain time so residents feel safe.</p> <p>5)Stronger process for a pre-review where residents' concerns and evidence are taken seriously and residents are part of the process.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>This is something we will consider adding to our pool of conditions</p> <p>We will make our colleagues in the LET (law enforcement team) and the Police aware of these comments</p> <p>The licensing authority has to very careful about sharing information in</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>Right now, residents raise concerns about a Premises licensed for on-sales or off-sales but are not informed about investigations at these physical or virtual Premises unless they themselves engage constantly and proactively with the Premises, Police and Licensing. Residents are left out of the loop of evidence gathering milestones towards a possible official Review of a Premises License."</p> <p>6) More emphasis on pre-application engagement of applicants with key stakeholders, residents, neighbours etc. I believe that several London boroughs strongly suggest this eg: in Westminster, Applicants only apply once they have agreed various conditions with residents, local businesses etc."</p> <p>7) We support the Council's focus on improving the local business community by enforcing against those businesses that don't operate well, are breaking the law and do not contribute to making the borough safe and orderly. We also note (a) that the council aims to ensure that appropriate dispersal policies are employed by licence-holders to minimise any nuisance to</p>	<p></p> <p>Yes</p> <p>Yes</p>	<p></p> <p>No</p> <p>No</p>	<p>relation to breaches of licensing conditions (which are criminal offences) with other parties. Especially as these allegations may be unfounded. We will always look to engage with residents where possible and are always very grateful for any information residents can offer in relation to potential licensing offences.</p> <p>We do encourage pre engagement and widely promote our pre application advice. However many applicants prefer to engage during the 28 consultation period set out in the Licensing Act 2003</p> <p>Please contact the licensing team on : licensing@lbhf.gov.uk if you believe that ASB issues in the surrounding area are being incorrectly associated with your premises. We would also</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>residents and (b) the council's stated intention to liaise with TFL and council officers responsible for Highways and the Public Realm concerning local transport issues and the need to disperse people from town centres late at night in order to avoid concentrations of people causing noise nuisance and possible crime and/or disorder.</p> <p>These are issues that have caused our business major problems because we are sometimes, but erroneously, blamed for late night noise and other nuisance caused by customers that have departed from licensed premises in the local area and by others making their way home by foot from the Hammersmith Broadway transport hub. Such persons pass immediately by our premises that trades lawfully until later hours in accordance with the terms of our licence.</p> <p>Our business attracts relatively few customers compared with the level of trade at other licensed premises in the vicinity. However, local residents disturbed at night by the noise and unacceptable behaviour created by these passers-by, who are often highly intoxicated, automatically but wrongly assume that it is our customers who are responsible for causing the problems. Our door supervisors do their best to minimise such nuisance occurring but sometimes they are unable to moderate the behaviour of persons who have no association, whether as customers or otherwise, with our business.</p>			<p>suggest keeping a good quality CCTV footage of your operation and diarised log of day to day activities so you can demonstrate to officers how you are operating</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>We should greatly welcome consideration by the Council – before its new Statement of Licensing Policy is finalised – of how this type of problem can be addressed by council officers because otherwise it represents a very considerable threat to our business, our licence and our employees.</p> <p>8) The Appendices might be better called 'sections' or 'guidance document; something that makes them sound important and a part of the whole, vs something tagged on at the back of a document. The second on Residents does not promise anything new, unfortunately. At least around Fulham Broadway and lower North End Road we need a far more robust approach that leans more in the directions of the thousands of residents trying to sleep at night vs Premises trying to make more money and unfortunately, thereby adding to the crime/disorder, public safety issues and noise and nuisance and even underage IDs etc that are apparently rampant. The requirement to ask for silent electric bicycles ('silent' needs to be added) is impossible because Deliveroo does not require them of their self-employed drivers and most of those drivers cannot afford them. UberEats is exactly the same. Only JustEats actually employs its drivers and thus also supplies them with vehicles; they are adding more electric bicycles, but they have very little incentive to do that. The DELIVERY ECONOMY needs to be addressed in this Policy.</p>	Yes	No	<p>We are increasing the size of our licensing enforcement team and one of our focuses will be the Fulham Broadway area</p> <p>The addition of the word 'silent' in relation to the electric bike condition might cause issues with enforceability as it is unlikely any bike could be completely silent.</p> <p>We hope that our new delivery policy will look to address the issues with the delivery economy</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	9) Requirement for public notices in premises stating zero tolerance for unacceptable or dangerous behaviour	Yes	No	
	10) The more restrictions you put on businesses the more will go out of business and originality of the area will be lost.	Yes	No	We are considering this point with the business friendly focus of our new policy
	11) We need more policeman to cover the busiest licensed pub and restaurant	Yes	No	
	12) Staggering the closing time for venues close together			
	13) Guidelines as to what hours are acceptable - see Q18.	Yes	Yes	This is something we will be suggesting in the new policy
	14) Reduce the number of late licenses issued especially to these takeaway restaurant	Yes	Yes	We have now included a suggested hours table in the policy
	15) This is Hammersmith and Fulham and not the West End. Therefore, closing hours of venues are likely to be between 11pm and 12 midnight. This might possibly to to 1-2am on weekends. Future licensing should cap Sun-Thurs hours to 12 midnight and weekends at 2am maximum for a few selected venues. Anything past these hours should ideally be banned unless there are exceptional factors and superb operators.	Yes	No	
		Yes	Yes	As above, we have now included a suggested hours table in the policy

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	16) More illustrations	Yes	Yes	Our new policy will have more diagrams, artwork and illustrations
Responses to Q20 - How do you feel the licensing policy can best support the safety of young people, women and vulnerable people in the night time economy?	<p>1) Increase knowledge to licence premises on what to look out for in the aid of young people, women and vulnerable people.</p> <p>2) Night Watchers patrolling busy locations like Fulham Broadway and Shepherds Bush Green Licensed places</p> <p>3) I welcome initiatives like "Ask For Angela" and would like to see more, smart, targeted campaigns to help vulnerable people in this way.</p> <p>4) By ensuring that licensing hours tie in with night time transport – when my 19 year old daughter worked in a pub I would collect her after her shift because of poor transport connections.</p> <p>5) Ensure businesses and staff are made aware of how they can see the signs and support someone keep safe at night. Ensure they know who to contact and process to follow and that they feel confident in action and feel supported by management.</p> <p>6) Better street lighting, more police around at night. More night buses.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>In relation to points 1 – 8. These are issues we will raise with our night time economy working group. We will also make our colleagues in the LET (law enforcement team) and the Police aware of any crime / safety issues</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>7) There should be well-publicised, extremely severe consequences for contraventions.</p> <p>8) By having a target maximum consumption of X units of alcohol per person and bringing the limits down over time. If you're vulnerable, drunk people shouting, arguing, fighting, falling over, randomly running across the street causing tyres to squeal and horns to honk, clogging pavements, throwing up, etc etc is scary. Drunk people are volatile and frightening to young people, women and vulnerable people. Very simply we need to have fewer very drunk people rolling out of drinking establishments.</p> <p>9) More stringent requirements regarding CCTV coverage of licensed premises, which should include the entrances and immediate vicinity. Penalties for management including review of the licence when they fail to report more serious incidents to the police. Comprehensive training for all staff (including security staff) for all licensed establishments including shops and collection points.</p> <p>10) Spiking is the latest problem that should be addressed in any Application, for instance. More proactive, unannounced surveillance of cctv at pubs in major roads where persistent problems are all too common, over days, months and years.</p>	<p>No</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>	<p></p> <p></p> <p></p> <p>We do have very stringent CCTV conditions already in our pool of conditions and these are suggested for any new applications</p> <p>We agree that drink spiking is an emerging issue in the hospitality sector and we are looking to improve and</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>Perhaps the Independent Advisory Group of the Met could become involved in such an initiative; again, staring at Fulham Broadway. More proactive testing/swabbing for drugs, unannounced, would go a long way in cleaning up many pubs including those around Fulham Broadway; knowing that such unannounced swabbing will happen on a regular basis will change the approach of management for a more positive more transparent Premises.</p> <p>11) I strongly agree and support the training of all licensed premise staff to be trained to recognise the signs of abuse including drink spiking and over intoxication.</p> <p>12) I welcome initiatives like "Ask For Angela" and would like to see more, smart, targeted campaigns to help vulnerable people in this way.</p> <p>13) By supporting responsible licensees and coming down hard on those whose activities or venues allow the safety of vulnerable groups to be compromised.</p>	<p></p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p></p> <p>No</p> <p>No</p> <p>Yes</p>	<p>strengthen the drink spiking section of our policy.</p> <p></p> <p>We will be exploring more campaigns to help vulnerable people</p> <p>We will be amending and improving the vulnerable people section of our policy</p>
<p>Responses to Q21 - Further information - Please include any written</p>	<p>1) My view is that current licensing privileges the license holder over local residents. Residents tend to close their windows and suffer in silence rather than complain about anti-social behaviour from licensed premises. Some license</p>	<p>Yes</p>	<p>No</p>	<p>The Licensing Act 2003 is very permissive legislation and allows for applications to be granted where there are no representations –</p>

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
<p><i>submissions or additional evidence you would like to be considered as part of the consultation process.</i></p>	<p>holders take advantage of and push the envelope, let things slide, put out extra chairs, allow rowdiness, dump rubbish on the pavement.</p>			<p>irrespective of any policy suggestions.</p>
	<p>2)It is clear that policies that LBHF have had in the past were necessary and that a theme based policy allows for more latitude, which is hard to enforce and so creates more problems.</p>	Yes	No	<p>We are hopeful that the specific sub policies within the policy itself should create clear expectations for licence holders , therefore helping with enforcement</p>
	<p>3)Along Munster Road a number of premises obtained premise licenses during COVID-19. At the time this was a decent idea in order to provide an extra revenue stream. However these venues have turned from what were cafes - which provided a good service to local residents, into bars and live music venues. The amount of fighting has increased noticeably, as have the amount of drunken arguments, littering, and antisocial behaviour. These licenses need to be looked at in the light of today - not what would have benefitted them during lockdown. Residential areas should be preserved as such - and not turned into a night time economy pitch.</p>	Yes	No	<p>We will carry out enforcement inspections to the premises on Munster Road to check for these issues. If you are being disturbed by a particular licensed premises please contact the licensing team on : licensing@lbhf.gov.uk and we will investigate</p>
<p>4) It is so scary to come back home at night.... The so called night economy should not be scary, but it is.</p>	Yes	No		

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>5) Request for evidence of noise complaints that have been quashed in support of businesses; Request for evidence that a large number of licensed premises has caused any adverse problems, specifically in Shepherds Bush Impact area: Request for evidence of the proportion of licenses granted vs rejected for any fully licensed premises to sell alcohol after midnight; request for evidence that LBHF has a night time economy of any value whatsoever beyond 10pm.</p>	Yes	No	
	<p>6) There is a lot of street drinking which goes on after hours along the river walk after 11pm especially the reach from Hammersmith Bridge to the Fulham Football Ground. We should have a dedicated nighttime patrol to deal with this as the LET does not seem to have enough staff to deal with this on a regular basis i.e. to have hourly patrols from say 11pm to 5am.</p>	Yes	No	<p>This is something we will raise with local SNT Police and our LET and community safety colleagues</p>
	<p>7) I have sat in on a few licensing committees now it really is essential to get a feeling behind who is running the business, how they operate it, what are their experience levels, how they deal with locals, and more. I would preferably like the council to arrange a meeting with all stakeholders for all applications. A dialogue with locals is essential.</p>	Yes	No	<p>We are now proposing free pre application for up to 1 hour so we are hopeful that more operators will now engage with the Council before making an application. Unfortunately there is no requirement in law for them to do so</p>
		Yes	No	

NAME/ ORGANISATION	COMMENTS	RELEVANT TO SLP	SLP REVISED YES/NO	NEW/AMENDED PARAGRAPH/RESPONSE WHERE REQUIRED
	<p>8) Residents support a healthy night-time economy but they should be much more involved in the licensing process such as in consultations and regular meetings for pubs and clubs.</p> <p>9) We welcome the Council's support for the borough's diverse cultural and entertainment offer, clear intention to help maintain an open, accessible, inclusive, safe and orderly wider licensed sector that caters to the diverse population of the borough and its desire that local business thrive and survive.</p> <p>10) Having lived in Hammersmith for nearly 2 years now, and watching the area grow, with new businesses, I feel very strongly about entering the community and being part of its development and giving something back to the community and its people.</p> <p>11) I like the new style and clear explanations</p> <p>12) When I work together with colleagues in places with many clients, I advise everyone to check their passport even for people who have a facial appearance of 27 years old</p> <p>13) The one off licensing application of Mission Hall is not acceptable to the residents living precisely next door.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>	<p>We would suggest that all residents sign up to our email alert system where they can obtain details of any application made in their area. If they want to meet with the applicant to discuss an application please contact the licensing team on : licensing@lbhf.gov.uk and we can arrange this</p>

Central West BCU
London Borough of Hammersmith & Fulham
Royal Borough of Kensington & Chelsea
City of Westminster

Adrian Overton
Licensing Policy and Enforcement Manager
Hammersmith & Fulham Council

Charing Cross Police Station
Agar Street
London
WC2N 4JP

21st June 2022

Dear Adrian,

Response to the consultation for the H&F Statement of Licensing Policy 2022-2027

Thank you for informing the Metropolitan Police Service of the consultation process Hammersmith & Fulham Council is currently undertaking, in relation to the Statement of Licensing Policy renewal for the forthcoming 5 year period.

I have studied the draft document and appreciate the time and effort put in to it by you and your team. We are fully supportive of the contents and the shaping of licensing policy for the forthcoming 5 years. I will detail below the MPS's primary concerns around licensing with consideration of the Crime & Disorder element.

Policy 2: Licensing Conditions

We are currently trying to create a set of flexible and consistent set of conditions in line with the Crime & Disorder objective. Once complete, we would be interested in integrating these within your local pool of conditions.

Policy 2: Football Conditions

We have assessed the policy around licensed premises in the vicinity of the three football stadia. We are happy that this policy sets sufficient expectations on applicants and licensees. It also falls in line with the MPS approach around football.

Policy 3: Licensing Hours

It is a belief that without core hours detailed in the Licensing Policy, it is and will be increasingly difficult to objectively oppose applications that have limited historical or comparable evidence to base those objections on. My officers have regularly found themselves in the difficult position of wanting to object to applications based on their extensive experience of the NTE, but been evidentially short in these representations. That is not to say we should steadfastly limit any applications to predefined hours, but have a starting point to help guide applicants as to what the Licensing Authority are

willing to accept, based on statistical data and local concerns. This I believe is particularly important around Late Night Refreshment and off sales/Off Licences, where the impact of street drinking and ASB is only as a result of longer opening hours.

It is appreciated, that there is a balancing act between both supporting businesses and shaping a safe enjoyable community landscape. There should always be the flexibility within the policy (outside of any defined CIA) that exceptions can be made based on type of venue including community/cultural significance, locality, resident density or nearby infrastructure.

Policy 14: Delivery Services

I agree with the assessment around this emerging trend and the difficulties around the lack of guidance. We have the same concerns around the potential risk of this type of licence but these are risks that can be suitably conditioned to mitigate. Currently we have not seen any significant crimes emanating from any of these operations when these conditions have been imposed.

Policy 15: Drink Spiking

Due to recent media coverage, this is a key area within Licensing that police are directly involved in. Historically there have always been reports of this nature, but the current increase has led this to be discussed at NPCC level. The approach to combatting these offences I believe will evolve over time and it is difficult to give definitive guidance to be placed on a 5 year document.

I believe emphasis should be put on licensees to continually revise any approach to this risk, based on their premises individual environment. There is currently various forms of guidance available and this will adapt over time in line with crime methods/patterns. My expectation on licensees would be that they adapt accordingly and supported by the MPS where necessary.

There is also a question of if this policy could be combined with Policy 16: Safety of Women and Girls in Licensed settings. That's not to say that the only victims within drink spiking are female, but there are overarching approaches very similar in the combatting of both.

Policy 16: Safety of Women and Girls in Licensed Settings

The MPS's biggest drive in licensing is currently VAWG (Violence Against Women and Girls). It is great to see H&F identify this as being a key concern within licensed premises.

From a preventative and reactive measure, staff training is key. There is already an expectation that premises will have policies and procedures in place in both detection and reaction to these incidents. However if the primary point of contact in dealing with these incidents aren't trained in these policies, then action isn't taken and victims aren't supported at the first opportunity. Similar to drink spiking, the approach is likely to

change throughout this policies lifespan and a flexible approach to adapt to what is occurring within the Night Time Economy will be vital.

As a preventative tool, WAVE (Welfare and Vulnerability Engagement) training is key. This is currently provided by a number of different bodies and there are variants that cover the same subject matter.

Reactively, we currently expect with any allegation of crime, for the licensee to safeguard the victim, call police, detain the suspect if safe to do so and facilitate any investigation.

I know there are concerns reported by licensees that significant levels of crimes reported at their premises will bring about undue attention from police licensing. This is a belief we are trying to reverse so that licensees can feel confident that if they are doing all they can in preventing and reacting, they will be fully supported by the MPS and any other responsible authority.

ANNEX 1

Fully supportive of the approach and guidance. However under the risk types sub heading Event Type at the bottom of page 33, I have concerns with the wording around providing risk assessments to police. With consideration of the problems highlighted when the MPS removed the 696 form, the only times the police should be receiving event risk assessments would be in a guidance capacity to help support the business in question. We would also be only using the local email mailbox to save confusion.

ANNEX 3 & Policy 2

The police are increasingly looking at “Bottomless Brunch” promotions with consideration for the mandatory condition irresponsible promotions. They are often highlighted in crime reports and are believed to be a significant contributing factor in some offences. We are still looking at the how

If further explanation or comment is required, please do not hesitate to contact my team or me.

Yours sincerely,



Sergeant Ben Chadwick
Licensing Department
Central West BCU

APPENDIX 9

From: Pater Anna: H&F <Anna.Pater@lbhf.gov.uk>
Sent: 24 June 2022 10:01
To: Overton Adrian: H&F <Adrian.Overton@lbhf.gov.uk>; Dimitriou Maria: H&F <Maria.Dimitriou@lbhf.gov.uk>
Cc: Souster Graham: H&F <graham.souster@lbhf.gov.uk>; Needham Stephanie: H&F <Stephanie.Needham@lbhf.gov.uk>; Christian Shaafiek: H&F <Shaafiek.Christian@lbhf.gov.uk>
Subject: FW: Comments to be considered for review of Premises License Application process

Dear Adrian and Maria,

I second what Shaafiek had said.

A list of pre-requisites would be extremely useful as many businesses leave these until the last moment which then involves us chasing repetitively for documents. It is a waste of time and all the businesses should have the basics in place prior to lodging an application. While it may not be a legal requirement, it is common sense and would be great if this is reflected in our new procedure.

The second issue I wish to raise is the preparedness of the business to trade safely. This can only be truly verified via a site inspection undertaken after the refurbishment phase has been completed. However, I have made several visits where a business was still a building site. I then had to re-book and come back to see the end outcome. Again, this is a waste of time and resources and it would be very useful if businesses were advised against lodging their application unless very close to project completion and ready for an inspection which would enable us to verify all the factors relevant to Public Safety objective. Of course, inspections take place only in selected instances, mostly for higher-risk premises but are, nevertheless, indispensable in these few cases.

Kind regards,

Anna

Anna Pater
Environmental Health Officer
Health and Safety
Hammersmith and Fulham Council
07551 680469
anna.pater@lbhf.gov.uk
www.lbhf.gov.uk

From: Christian Shaafiek: H&F

Sent: 23 June 2022 12:26

To: Overton Adrian: H&F <Adrian.Overton@lbhf.gov.uk>; Dimitriou Maria: H&F <Maria.Dimitriou@lbhf.gov.uk>

Cc: Souster Graham: H&F <graham.souster@lbhf.gov.uk>; Needham Stephanie: H&F <Stephanie.Needham@lbhf.gov.uk>

Subject: RE: Comments to be considered for review of Premises License Application process

Hi Adrian and Maria,

I am struggling to submit my comments onto the link provided. It would be much appreciated if you could add the following comments to be considered as part of the consultation:

- I would recommend that a prerequisite checklist be included at inception of the licencing application process to inform applicants of the requirement to provide evidence that relevant public safety requirements have been met.
- Reference is made and including Fixed Electrical Wiring, Fire Risk Assessment, Gas Safety checks, PAT testing, Passenger lift safety requirements.
- In order for the review of the public safety element of the licensing application to go smoothly and without delay, it is essential that the key information be provided by the applicant before the last date for representations to be logged.

Graham and Stephanie, please advise if there are any other points that you wish to be considered as the consultation period ends tomorrow.

Regards.

Shaafiek Christian
Environmental Health Practitioner
Health and Safety
Hammersmith and Fulham Council
07551680516
Shaafiek.christian@lbhf.gov.uk
www.lbhf.gov.uk

Report to: Full Council

Date: 13/07/2022

Subject: Hartopp & Lannoy Development – Building New Affordable Homes in Fulham

Report of: The Cabinet Member for The Economy – Councillor Andrew Jones

Report author: Niral Patel, Senior Development Manager

Responsible Director: Jon Pickstone, Strategic Director for the Economy

SUMMARY

This report concerns the proposed development of the site formerly occupied by Hartopp Point and Lannoy Point tower blocks, on the Aintree Estate (“Site”). The blocks were demolished in 2020/21 on health and safety grounds due to serious structural issues identified following extensive surveys.

The proposed development (“Development”) will provide 134 homes of which 112 (84%) will be affordable and for which a planning application was submitted in May 2022. Following extensive public consultation and co-production with residents of the Aintree estate, this development will be built to Passivhaus Classic standards, reducing on site carbon emission by about 86% and reducing residents’ energy bill by about 30%. As a pilot project within the council’s housing development programme, this scheme is a substantial step in meeting council’s ambition to deliver net zero carbon by 2030.

This report seeks approval of a further capital budget of £57,304,856 to enable the successful delivery of the Development from the construction phase to practical completion.

RECOMMENDATIONS

1. That Full Council agrees that Appendix 1 is not for publication on the basis that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information) as set out in paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended).
 2. That Full Council approve a further capital budget of £57,304,856 to deliver the new homes which will result in an overall Development budget, including contingencies, of £61,020,118 funded through a combination of HRA borrowing, GLA grant, Right to Buy receipts and capital receipts from private sales as set out in exempt Appendix 1.
-

Wards Affected: Munster

Our Values	Summary of how this report aligns to the H&F Values
Building shared prosperity	The Development of the site will bring about measurable local benefits including realisable benefits during construction stage where contractors, under the council's procurement policy, will be incentivised to provide Social Value that is aligned to council's strategies such as the Industrial Strategy.
Creating a compassionate council	The Development will help meet the acute need for affordable housing in the locality as well as the wider borough.
Doing things with local residents, not to them	The Development is being co-produced with residents in accordance with this value.
Being ruthlessly financially efficient	The delivery of high-quality residential homes that are operationally net-zero carbon through the use of external funding and incorporation of private sale homes demonstrates the ruthless financial efficiency of the Development while maximising the number and sizes of affordable homes.
Taking pride in H&F	The aim of the Development is to create a lasting and positive legacy through well-designed blocks and estate amenities while meeting both the climate challenge and the acute need for affordable housing in the borough.
Rising to the challenge of the climate and ecological emergency	The Development will deliver highly sustainable homes that are operationally net-zero carbon and so help create and sustain a low carbon community and neighbourhood.

Financial Impact

Development proposal

A summary of the proposed Hartopp Point and Lannoy Point scheme costs and sources of funding are outlined in Appendix 1 - Exempt. The total forecast scheme costs represent a significant capital investment in the HRA of £58,923,404 (including £3,715,262 already approved) and costs will need to be tightly managed within this envelope.

Greater London Authority (GLA) grant and Right to Buy (RtB) ringfence funding

The 2016-2023 Affordable Homes grant and RtB ringfence funding (both held at the GLA) are usually claimable in two tranches – at Start on Site (SoS) and Practical Completion. The GLA grant rate has been agreed at £100,000 per unit for Social Rent and London Affordable Rented tenures and £28,000 per unit for the Shared Ownership tenure. Both the GLA grant and RtB receipts are at risk of being lost if Start on Site is not achieved by the end of March 2023 so there is very little room for slippage from the current planned SoS of January 2023.

Costs of disposal

In the General Fund, up to 4% of the expected future receipts can be used towards the costs of disposal (legal and marketing fees directly related to private sale of units). There is no cap for the HRA but a costs of disposal budget of £585,600 is included within the overall additional budget request of £55,208,142. £585,600 is less than 4% of the expected future receipts.

Other risks and mitigation

The Housing Revenue Account (HRA) financial plan agreed by Cabinet on 7 February 2022 set out the significant financial pressures and annual deficit of the HRA requiring the delivery of £3.8m savings in 2022/23 rising to £8m by 2025/26. The financial plan modelled in the costs, financing and income expected from affordable housing development schemes, including the Development, and illustrated the importance of new developments and the resulting rental income to the financial sustainability of the HRA.

Due to the wider economic context and increases in inflation, there is a risk that the tenders received for the build contract will be higher than what is currently assumed in the financial appraisal and financial plan which will put added pressure on the HRA to finance the increased capital costs. Where this is the case, this will need to be mitigated as far as possible through value engineering.

The financial appraisal also assumes the Council will be able to borrow at an interest rate of 2% in the long term. Due to recent increases in interest rates, this needs to be monitored closely as, as an increase in the interest rate would impact on the potential future financial benefits of the scheme and add further pressure to the HRA. A fuller outline of financial risks is set out in Appendix 1 - Exempt.

If the scheme is no longer considered viable and the decision is taken for the development not to proceed, any works completed would be abortive and capital spend incurred up to that point would need to be written off to revenue. Also, if the forecast Shared Ownership and Private Sale receipts do not materialise, any costs of

disposal incurred to date would also be written off to revenue as these costs can only be funded by capital receipts.

VAT implications

There are no adverse VAT implications relating to construction of social housing. The contractor should apply a zero-rate of VAT to construction of new dwellings. There is no commercial space being created in the proposed scheme so there is no risk of contribution to the Council's VAT Partial Exemption Requirement.

Finance implications completed by Nick Falcone, SLT Finance Trainee (Economy), 9 March 2022

VAT implications completed by Joanna Monaghan, Principal Accountant (Taxation), 9 March 2022

Verified by Emily Hill, Director of Finance, 17 March 2022

Legal Implications

The recommendations in this report can be exercised subject to the following powers.

The Local Government Act 2003 sections 1 and 7 provides the local authority with the power to secure funding 'for any purpose relevant to its functions under any enactment, or for the purposes of the prudent management of its financial affairs' and 'the authority shall be taken to have entered into a credit arrangement where it enters into a transaction which gives rise to a liability on its part, and the liability is a qualifying liability'.

Section 8 of the Housing Act 1985 places a duty on Local Housing Authority to carry out a review of their housing needs and provides that 'every local housing authority shall consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation' and Section 9 of the Housing Act 1985 permits a local housing authority to provide housing accommodation.

The general power of competence in Section 1 of the Localism Act permits the Council to exercise their powers under the Act for a commercial purpose or otherwise for a charge, or without charge, and provides the power to do it for, or otherwise than for, the benefit of the authority, its area, or persons resident or present in its area.

In exercising its powers, the Council must have regard to its fiduciary duties and in securing the housing needs of the Borough it must ensure that it acts in the best interests of its taxpayers. The Council must ensure that it establishes a clear governance process for the monitoring and compliance with the conditions and milestones set out in the GLA grant funding agreements.

A Cabinet report dated 6th June 2022 with separate legal implications provides the authority to commence the delivery of this development in line with the budgetary approvals in this Full Council report.

Jane Astbury (Chief Solicitor Planning and Property) 1 March 2022

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

Background

1. The council embarked on a major development programme that will see 1,800 homes delivered over 10 years under the **Building Homes and Communities Strategy (2019)**. The strategy dictated three principles to underpin all development projects:
 - a. no development to proceed without substantial resident involvement and support
 - b. an interdependency between the Building Homes and Communities Strategy and the Defending Council Homes policy; and,
 - c. the establishment of a resident panel to be an integral part of the development approval process and to provide input on development proposals and oversight regarding consultation with residents.
2. The Hartopp and Lannoy site became vacant following the demolition of two 14 storey Tower Blocks. They were located in Munster Ward and were built in early 1970s, using a construction method called a Large Panel System (or LPS).
3. Routine inspections of the blocks highlighted fire safety issues, following which the council immediately employed 24 hour watching briefs on every floor of the blocks. The council also offered tenants concerned of living there, the ability to move to other council homes in the borough. For concerned leaseholders, the council offered to buy back their properties.
4. Simultaneously, the council initiated extensive surveys to understand the condition of the blocks, as well as the causes, and potential remedies to the fire safety issues.
5. The final structural report was published in February 2019, which highlighted serious structural deficiencies of the blocks due to their construction using the Large Panel System. This report highlighted the need for either immediate remediation of the structural issues or demolition of the blocks.

6. The safety and wellbeing of the residents is always the council's priority. In April 2019, and following resident consultation, the council took the decision to demolish the blocks and acted immediately to decant tenants and empty the blocks as quickly as possible. To enable a speedy decanting of the blocks and payment of compensation, the council made a Compulsory Purchase Order which was granted in December 2019.
7. Plans for what to do with the site did not commence until the blocks were emptied and their demolition had reached a safe stage (blocks were demolished between May 2020 and February 2021). Following this, a budget was approved for a development of the site and architects and professional consultants were appointed (in December 2020) to work with residents to co-produce designs for a follow-on redevelopment of the site.
8. Substantial site enabling works followed completion of demolition, to prepare the site for development, to minimise the programme of construction and impact to residents living in the area. These works included ground remediation, removal of demolition debris and site surveys. These works took place between May 2021 and February 2022.

Co-production

9. The council's approach to development is co-production where estate residents have a direct involvement and influence over developments in accordance with council's Defend Council Homes Policy (DCHP).
10. In line with the First Notice under the DCHP, a Residents Panel of Aintree estate was created in January 2021 and the Panel was invited to work with the appointed architects to produce designs for the Development. The council also extensively consulted with and engaged residents in the wider area in line with the council's value of "*doing things with local residents, not to them*".
11. So far, the Aintree Estate Residents Panel held 10 formal meetings in addition to three public consultation events which were attended by about 140 residents.
12. Engagement and co-production with both estate residents and wider residents' groups have had a direct and material effect on the evolution of the design from a concept design to the planning submission stage.
13. The changes in the design after each engagement to incorporate residents' views and preferences meant the residents' strong support or support for the Development which initially started at 60% has reach 80% by the time the planning application was submitted.
14. Some notable changes in the design as a direct result of residents' views include lowering the height of the blocks on Pellant Road, setting back the upper floor of the blocks on Pellant Road, redesign of balconies especially on William Close and extensive planting of trees and shrubs across the site.

New homes

15. In terms of homes, the final design will deliver in 134 homes of which:
 - a. 67 homes will be social rent/London Affordable Rent;
 - b. 45 will be affordable rent and affordable homeownership; and
 - c. 22 will be private sale homes.
16. The delivery of these 112 new affordable homes equate to 84% affordable housing provision in this Development. The delivery of 22 private homes is in line with the **Building Homes and Communities Strategy** principle to a self-financed affordable development. The Development is also partly financed by Greater London Authority and Right to Buy receipts.
17. The Development was selected early on in the process to be one of first sites to be delivered under the Council's **Climate and Ecology Strategy** and transitional targets. It is the first of three planned projects that will achieve not only Passivhaus classic standards but also be operationally net zero carbon.
18. Based on design, the Development is estimated to reduce on-site carbon emissions by about 86%, and in doing so, help bring down residents' energy bills by about 30%, thereby helping meet a significant commitment for the council to reduce fuel poverty.
19. Accessibility and inclusiveness of the design has been one of the core principles underpinning the Development brief from the start. The council engaged specialist accessibility consultants to maximise accessibility within the Development. The final design deals well with a complex site with significant level changes ensuring all new and existing homes can be reached via level access and new amenity space is inclusive and welcoming. Notably, Hammersmith & Fulham Disability Forum Planning Group were engaged and were given the opportunity to feed into the design. Their feedback was valuable and overwhelmingly positive. Secure by Design principles were followed to ensure the safety and wellbeing of all residents.
20. A number of other key design principles that have underpinned the Development are optimising urban greening and ecology of the Site; providing a high level of permeability across the Site, linking the Site to the existing parts of the estate and to its surrounding; ensuring level access across the Site and providing a range of facilities, including recreational provision for all age groups.
21. This Development supports the council's 2018-2022 Business Plan objectives and aspirations and will accelerate the delivery of much needed affordable housing.
22. Importantly, the Development meets the council's financial viability tests while maximising the number of affordable homes and utilising external funding. The Development achieves a positive Net Present Value [at year 50] and Internal Rate of Return above 4%.

23. Planning application for the Development was submitted in May 2022 with a decision expected in early autumn 2022.

Next Stage

24. Following on from design and submission of a planning application, the next stage of the development is the appoint a principal construction contractor. In June 2022, Cabinet approved a Procurement Strategy to procure a principal construction contractor for the Development as well as other recommendations that are critical to the successful delivery of the Development.
25. This report seeks approval of a development budget to fund the construction stage and other development activities through to completion. Detailed finance comments are set out in Appendix 1 (exempt).
26. Appointment of a construction contractor and successful delivery of this Development are dependent on the approval of this report's recommendations. The Development budget will also fund further enabling works that may need to be carried before construction can start on site including pre-commencement of planning conditions, decommissioning of an electrical sub-station and installation of a temporary sub-station before incorporating a new sub-station within the new development.
27. In line with the DCHP, a Second Notice will be issued to residents following the granting of the planning permission and after the appointment of the construction contractor. This Second Notice will include a statement of substantive commitments to residents on matters such as how residents may continue to be involved and co-produce the Development; the timing and phasing of the construction programme; site conditions and security; engagement and consultation including on any temporary works or diversions, on-site communications and complaints including named officers residents may contact.
28. The main milestones of the Development are outlined below with practical completion being anticipated on or around August 2025.

Development's Main Milestones	Month
Cabinet approval (including Procurement Strategy)	June 2022
Commencement of the Procurement Stage	June 2022
Council approval - Development Budget (This report)	July 2022
Anticipated Planning Application Decision	Autumn 2022
Conclusion of procurement stage with an Award Decision	December 2022
Construction contractor to start on site (on or before)	March 2023
Practical completion of the Development	August 2025

29. Due to the size of the Development, a phased practical completion may be adopted which would allow sections of the Development to be ready for occupation before the rest are completed.
30. Officers will continue to update members on the progress of the construction phase of the Development through existing channels as well as holding periodic briefing sessions.

Options analysis

Option 1: Do nothing (not recommended)

31. The “do nothing” option would either mean not proceeding with this decision or not proceeding with the Development.
32. Not proceeding with this decision but proceeding with the Development would result in a significant delay to the construction and start on site which would result in loss of external funding putting the whole Development in jeopardy.
33. Not proceeding with the Development would mean immediate write-off of costs incurred by the council thus far, as well as leaving a significant part of a council estate hoarded off following demolition of the existing buildings.
34. Not proceeding with this Development will also mean restarting a new process to help decide the future of the Site and so extend the period in which the site will continue to be hoarded off further increasing risks associated with hoarded sites including vulnerability to trespass and vandalism. This may also put at risk the council’s commitment under the Compulsory Purchase Order granted in December 2019 to delivering a quantitative enhancement to housing provisions on site within 10 years of that order.
35. Ultimately not proceeding with this decision or the Development would indefinitely postpone the delivery of much needed genuinely affordable housing in the Borough.

Option 2: Approve this report’s recommendations (recommended)

36. This is the recommended option as it will allow the Development to proceed to the construction stage; deliver on the council’s commitment to increasing provision of genuinely affordable homes in the borough; safeguard the council’s investment so far; and help ensure a key external funding requirement for a start on site before April 2023 is met.

Reasons for Decision

37. To allow the Development to proceed to construction stage so as to achieve the council’s overall objectives including increasing the provision of affordable housing in the borough.

Equality Implications

38. An Equalities Impact analysis has been completed and officers are satisfied that there are no direct implications on any group with protected characteristics, under the terms of the Equality Act 2010, from the approval of recommendations outlined in this report.

Risk Management Implications

39. This is the first of the council's modern era development programme. The fact that it has been over 40 years since the council had an active development programme raises contractual, financial, and operational risks. However, these could be mitigated against through the use of external experts and consultants. While this may mitigate against contractual and operational risks, it may result in council development cost being marginally higher than comparable private developers. However, these risks have been considered by the project team and adequate mitigations have been put in place to deal with such risks.
40. The report identifies a number of risks including the currently volatility in the construction sector which could impact on the affordability of this scheme once tenders are received, potential increases in interest rates which would drive up the cost of the scheme. Officers will need to monitor the risks very closely and seek to take mitigating action wherever possible. If as either or both these risks do materialise and the scheme is considered to be no longer viable then there is a risk that costs already incurred could no longer be treated as capital and grant funding received may be lost or have to be returned. As set out in the Legal Implications, officers must ensure a clear governance process is established for the monitoring and compliance of the project as a whole and specifically in respect of the conditions and milestones set out in the GLA grant funding agreements.
41. Subject to a procurement exercise being successfully concluded, appropriate programme and governance will need to be put in place to ensure that the programme is delivered, to budget, on time and the required outcomes are achieved. This will include maintaining a programme risk register.
42. Clarification is required in respect of insurance for future works. The expectation would be that as the site is cleared this would effectively be a new development with contractor responsible for both construction and site liabilities until handover. This point should however be resolved.

Risk implications verified by David Hughes, Director of Audit, Fraud, Risk and Insurance, 9th March 2022

Climate and Ecological Emergency Implications

43. The proposals for Hartopp and Lannoy will target operational net zero for the new development and address the climate emergency via a variety of different

methods using council's sustainability tool kit. The proposals strongly support delivery of the council's Climate and Ecology Strategy, and the implications of the precise approach are dealt with in greater detail in the Procurement Strategy taken to Cabinet.

44. Approval of the budget will allow this work to proceed and does not hold further climate and ecological emergency implications.

Verified by Jim Cunningham, Climate Policy & Strategy Lead, 8th March 2022

LIST OF APPENDICES

Appendix 1 - Exempt finance comments

Agenda Item 8.1

SPECIAL MOTION NO. 1 – REVERSE PARKING CHARGES

Standing in the names of:

- (i) Councillor Victoria Brocklebank-Fowler
- (ii) Councillor Andrew Dinsmore

This Council welcomes the announcement made by the leader of the Administration, ahead of the May 2022 local government elections, that a Labour administration would reverse parking charges.

This Council endorses comments made by the Leader on 14 April that “the parking charge increases were a mistake at the time and they are even more of a mistake now that the pandemic has eased. I want to apologise for getting this wrong and promise that we will get it right if residents hire us again to run the Borough.” This Council notes that this U-turn took place several months after the Conservative Opposition had themselves pledged to reverse increases to parking charges if elected.

This Council welcomes the bipartisan agreement that a reversal of the parking charges increase is the right thing to do. However, this Council notes with concern that, over two months since the elections, this has not yet happened. This Council therefore calls upon the Administration to provide a clear and detailed plan of how and when these charges will be reversed.

SPECIAL MOTION NO. 2 – TRAFFIC, CONGESTION AND POLLUTION REDUCTION (TCPR) EXTENSION

Standing in the names of:

- (i) Councillor Adrian Pascu-Tulbure
- (ii) Councillor Jose Afonso

This Council notes existing proposals to extend the existing Traffic, Congestion and Pollution Reduction (TCPR) scheme to the west of Wandsworth Bridge Road following resident engagement.

However, this Council also notes considerable local controversy about the merits of introducing such a scheme as expressed in a recent petition which has gathered over 4000 signatories.

This Council therefore calls upon the Administration to ensure that such a scheme is only implemented on the back of a comprehensive and broad consultation across South Fulham residents and businesses, including those beyond the areas directly covered by the proposed scheme, as well as a traffic engineers' report setting out how such a scheme would affect traffic across South Fulham.

This Council additionally requests that the Administration provides a clear and detailed plan setting out the timing and breadth of the consultation. Finally, this Council calls upon the Administration to ensure that any consultation allows residents and businesses to propose other solutions to managing traffic flow in South Fulham, as well as measures to ensure the impact of any TCPR is focused and proportionate.

Agenda Item 8.3

SPECIAL MOTION NO. 3 – PROTECTING THE UK'S PARLIAMENTARY DEMOCRACY

Standing in the names of:

- (i) Councillor Patricia Quigley
- (ii) Councillor Bora Kwon

This Council recognises the obligation of every member of the government to follow the Ministerial Code, which codifies important constitutional principles that are central to the United Kingdom of Great Britain and Northern Ireland's democratic system of government.

This Council believes that knowingly misleading Parliament is an extremely serious offence because it destabilises the legislature's central role and undermines our democracy. It is, therefore, right that any minister at any level of government who is proven to have lied to Parliament must resign.

This Council believes that the core principle of telling the truth is an essential part of our way of life and one that must be taught to all children growing up or being educated in Hammersmith & Fulham.

The Council therefore considers that if the Committee of Privileges concludes that he has knowingly misled Parliament, Prime Minister Boris Johnson must immediately resign.

SPECIAL MOTION NO. 4 – SUPPORTING RESIDENTS IN THE COST-OF-LIVING CRISIS

Standing in the names of:

- (i) Councillor Rowan Ree
- (ii) Councillor Rebecca Harvey

This Council recognises that Britain is in the middle of a cost-of-living crisis.

- Inflation is currently above 9%, its highest level since 1982.
- Household bills are rising, with energy bills likely to rise significantly higher in October when the energy price cap is increased.
- Interest rates have increased from 0.1% to 1.25% since December, with further increases likely, putting pressure on borrowers, including mortgage payers.

The Council recognises that people across our borough are struggling to make ends meet and are in need of support.

- One in five adults in the UK has less than £100 in savings.
- Nearly four million children in Britain live in poverty.
- Areas of Hammersmith & Fulham are among the most deprived in the country.
- Hammersmith & Fulham Foodbank is distributing record numbers of meals to residents who cannot afford to feed themselves and their families.

The Council thanks the many organisations across our borough who are providing much-needed financial support or advice to those who need it. We are blessed to have such caring, compassionate and dedicated residents who are prepared to go out of their way to help their neighbours and communities, and we praise this vital work.

This Council also recognises the need for government at all levels to step in and provide support for those who cannot bear the increasing costs that rising bills and prices bring.

H&F Council is playing its part by taking action to support residents through the cost-of-living-crisis. Although the Conservative government has cut 54% of the Council's general grant funding in real terms since 2010, action by the Labour administration since 2014 has so far included:

- A real terms council tax cut of 9%;
- A generous and comprehensive council tax support scheme;

- Free breakfasts for primary school children, and free food for children who need it through school holidays;
- Abolition of home care charges for elderly and disabled residents;
- A freeze in other charges in children's and adults' services;
- Significant funding for local charities and the Hammersmith & Fulham Foodbank; and
- Expanded advice services for residents in need of support.

The Council is now working with its partners to develop a wide range of further support, including an extensive Financial Inclusion Strategy to improve access to financial information, advice and services for residents.

By contrast, we regret that where Boris Johnson's government has acted, support has been poorly targeted and insufficient for those struggling the most.

- Measures such as the regressive increase in National Insurance will push local residents deeper into financial difficulty.
- The £20 per week cut to Universal Credit was a disastrous step just as the country became gripped by the-cost-of-living crisis.

This Council urges central government to take as proactive an approach to the cost-of-living crisis as Hammersmith & Fulham Council has done.

This Council calls on the government to reverse the £20 a week cut to Universal credit.

It also calls on the government to fund local authorities adequately as these are often best placed to understand the direct needs of their residents through their work in the community. As a first step, this should mean increasing the general grant to councils and funding for payments such as Discretionary Housing Payments that allow councils to support those in the greatest need.

SPECIAL MOTION NO. 5 – GOVERNMENT-FORCED CUTS TO LONDON'S BUSES

Standing in the names of:

- (i) Councillor Ben Coleman
- (ii) Councillor Lisa Homan

This Council deeply regrets that Conservative ministers have told Transport for London to cut services after it lost money during Covid. Essential bus routes across Hammersmith & Fulham are now threatened with closure or severe reductions in service.

- The C3, 11, 14, 72 and 74 will be scrapped.
- Night buses N27 and N74 will be scrapped, and the N72 will no longer serve Hammersmith.
- The 23, 27, 211, 272, 283, 328 and 430 will operate a reduced timetable or be rerouted.

Other governments from New York to Paris are funding public transport after the pandemic to maintain services and keep fares low. This is even more important in the cost-of-living crisis. Boris Johnson's Conservatives, however, are requiring TfL to reduce services in return for a partial bailout.

This Council urges TfL to maintain the essential routes on which Hammersmith and Fulham residents depend.

This Council regrets that Fulham's Greg Hands, a Conservative minister, is seeking to divert people's attention from the real reason for the proposed bus cuts by attacking Transport for London. It calls on Mr Hands not to let his constituents pay for the pandemic but instead to campaign for his government to provide the investment that London's transport needs.

Agenda Item 8.6

SPECIAL MOTION NO. 6 – THE CONSERVATIVE GOVERNMENT’S FAILING JUSTICE SYSTEM

Standing in the names of:

- (i) Councillor Rebecca Harvey
- (ii) Councillor Max Schmid

The Council is deeply concerned that crime is rising nationally.

- The crime rate is up by 5.86%.
- Police-recorded violence is up 13% from nearly 1.8 million cases to more than 2 million in 2021.
- The number of police-recorded sexual offences has increased to its highest level at 183,587 cases, a 22% increase on 2020.
- 37% of sexual offences recorded are rape and more rape is being reported, yet according to the Victims Commissioner for England and Wales the number of prosecutions has fallen nearly 60%.

The Council is concerned that there are insufficient police due to the government’s ideological programme of austerity. There are now only 142,526 police officers, a reduction of nearly a fifth from the 172,000 officers in 2009 under the last Labour Government.

The council notes that there is a disastrous Court backlog of 58,271 cases waiting to be heard, with closures of courts and underfunding of the criminal justice system, court buildings in disrepair and court estates being sold off when there is clearly a need for them. Last year, 567 criminal trials could not go ahead as there were no barristers to prosecute and defend the cases.

The Council supports the proactive measures that Hammersmith & Fulham’s Labour administration has taken to mitigate the damaging performance of the Conservative government on crime and make our streets safer. These include:

- Investing £5.5 million on CCTV to improve and grow the borough’s 24/7 network of [CCTV](#) cameras over the next five years;
- Creating the country’s largest council Law Enforcement Team, with 72 LET officers who are working to make our streets safer and have responded to more than 4,000 calls from residents and businesses;
- Investing in a specialised Gangs Unit dedicated to safeguarding children and young people; and
- Engaging dedicated officers to support women and girls.

The council recognises the dedication and the effectiveness of its Community Safety and Law Enforcement Teams in working to make residents safer.

The council calls on the government to fund the police and criminal justice system so that residents and those that come to work in and visit Hammersmith and Fulham feel safe and protected.

Agenda Item 9.1

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 13/07/2022

Subject: Special Urgency Decisions – Monitoring Report

Report of: Councillor Stephen Cowan – The Leader of the Council

Responsible Director: David Tatlow, Director of Corporate Resources and Monitoring Officer

SUMMARY

This report presents details of decisions taken by the Leader under the urgency provisions of the Constitution. The report covers the period 1 April 2021 to 31 March 2022.

RECOMMENDATIONS

1. That Full Council note the decisions taken by the Leader under the urgency provisions attached as Appendix 1.

Wards Affected: None

H&F Priorities

Our Priorities	Summary of how this report aligns to the H&F Priorities
Doing things with residents and not to them	This report increases transparency for the public around the decisions made under the urgency provisions of the Council's constitution.

Financial Impact

There are no direct financial implications.

Andre Mark, Head of Finance (Corporate Services), signed on 13 June 2022

Verified by Emily Hill, Director of Finance on 15 June 2022

Legal Implications

The legal implications are contained within the body of the report

Adesuwa Omoregie, Assistant Director, Legal Services, signed on 13 June 2022

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

1. Two general exception and no special urgency decisions were taken by the Leader under the urgency provisions.

General Exception Decisions

2. If a matter which is likely to be a Key Decision has not been included in the Key Decisions list, then subject to Rule 17 (Special Urgency), the decision may still be taken if:
 - (a) the proper officer has informed the Chair of a relevant Policy and Accountability Committee, or if there is no such person, each member of that Committee, in writing, by notice, of the matter about which the decision is to be made and the reason why the matter should be classified as urgent;
 - (b) the proper officer has made copies of that notice available to the public at the offices of the Council and on the Council's website, stating why the requirements of Rule 13 cannot be complied with; and
 - (c) at least 5 clear days have elapsed since the proper officer complied with (b).

Where such a decision is taken collectively, it must be taken in public.

3. Two reports were taken undertaken under this procedure of which one was fully open, and one report was open with exempt appendices.

Special Urgency Decisions

4. Under Rule 17, the Leader or Cabinet can take a decision where the item has not been published on the Key decision list or where officers request that Call in be waived due to the urgency of the decision.

5. This type of decision can only be taken if the decision maker (if an individual), or the Chair of the body making the decision:
 - a. obtains the agreement of the Chair of the relevant Policy and Accountability Committee and the Mayor that it is reasonable to treat it as an urgent matter.
 - b. obtains the agreement of the Mayor to waive the call-in so that the decision can be implemented with immediate effect.
 - c. the proper officer makes available at Hammersmith Town Hall and on the Council's website a notice setting out why the decision is urgent and cannot reasonably be deferred.
6. There was no decision taken where the item was not placed on the Key Decision List.
7. The Mayor did not waive the call-in period for any decision due to its urgency over the period between 1st April 2021 to 31st March 2022.

Reasons for Decision

8. The Leader is required to submit reports to the Council on Executive decisions taken using the urgency procedure. The reports must include the number of decisions so taken and a summary of the matters in respect of which those decisions are taken.

LIST OF APPENDICES

Appendix 1 – List of Urgent Executive Decisions made by the Leader

Appendix 1 – List of Urgent Executive Decision made by the Leader

Decisions from 1st April 2021 to 31st March 22

1. PROJECT FOR THE COMPLETION OF THE STABILISATION WORKS TO HAMMERSMITH BRIDGE

Status – Open Report with exempt appendices

Summary of Report:

The report will detail the timeframes, estimated budget, funding and methodology required to undertake stabilisation of Hammersmith Bridge.

Recommendations:

1. That Appendices 2 and 3 to this report are not for publication on the basis that they contain information relating to the financial or business affairs of any particular person
2. To approve the solution for the stabilisation of Hammersmith Bridge as set out in the report by the independent external reviewer (included at Appendix 2)
3. To approve capital expenditure of up to £6m for the stabilisation works for Hammersmith Bridge to be funded by Council borrowing.
4. To approve the procurement strategy (included at Appendix 1) for the appointment of a contractor to implement the solution included at point 2
5. To delegate to the Strategic Director for the Environment the decision as to which of the frameworks referred to should be used to procure the works.

Reasons for urgency:

It is imperative that the stabilisation work is completed expeditiously to stabilise the bridge following the re-opening on the 17 July (for all non-motorised uses and traffic).

The work will ensure the continued safety and well-being of all users of the bridge and minimise any potential adverse risks.

It will allow the Council to maximise funding contributions from DfT and TfL and thereby minimise financial risks to the Council and optimise value for money.

Date: 16/08/21

2. ROLL OUT OF ELECTRIC VEHICLE CHARGE POINTS (EVCPS)

Status – Open Report

Summary of Report:

This report recommends the installation of 1,268 new electric vehicle charging points across the borough by 31 March 2022 at a maximum total cost of £2.7m. It is expected that these capital works will be fully funded by external grant funding, however confirmation of this grant funding is not expected until the end of December 2021. To allow the installation work to begin with immediate effect, the Council intends to progress the scheme in advance of the grant confirmation and in the event grant funding is not received or insufficient alternative funding sources will need to be identified.

Recommendations:

1. To approve a capital budget of £2.7m to be funded from expected external grant funding and if grant funding is not received or insufficient, to delegate final decision on funding to the Director of Finance in consultation with the Cabinet Member for Finance and Commercial Services.
2. To approve the installation of 1,268 new electric vehicle charge points across the borough by 31 March 2022 using the Council's existing term contract with FM Conway.

Reasons for urgency:

Vehicle emissions are one of the biggest contributors to carbon production across the borough. As such, the Council is striving to encourage the switch to electric vehicles as far as possible by aiming to have the most electric vehicle (EV) charge points in London before the end of 2021/22 (increasing from 732 to 2,000 charge points). This is vital to achieving the Council's target of net zero carbon by 2030.

Date: 16/12/21