

# Report to Council

APPENDIX 4

29 June 2011

**LEADER**

*Councillor Stephen  
Greenhalgh*

**Cabinet Member for  
Resident Services**

*Councillor Greg Smith*

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

**SUMMARY**

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

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

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

**Wards**

Addison

Shepherd's  
Bush Green

Askew

Hammersmith  
Broadway

Ravenscourt

Wormholt and  
White City

**CONTRIBUTORS**

Environmental  
Services

Legal and Democratic  
Services

Financial and  
Corporate Services

**RECOMMENDATIONS:**

Council is asked to :

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

## **1. BACKGROUND**

- 1.1 In October 2010 as a result of concern over problems with crime and disorder and public nuisance, a project was initiated to establish if the Shepherd's Bush area was suffering stress as a result of the cumulative impact of a concentration of licensed premises. The project objectives were to assess the level of evidence in favour of or against the creation and adoption of a special licensing policy.
- 1.2 "Cumulative impact" is not mentioned specifically in the Licensing Act 2003 (LA2003). It is however mentioned in the guidance issued by the Secretary of State under section 182. It is defined as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 1.3 Fulham Town Centre was previously identified as an area where the number, type and density of premises providing licensable activities after 11pm was having a serious negative impact on the local community and local amenities. For this reason a special licensing policy was consulted on and adopted in that area in January 2010.
- 1.4 The Council's Statement of Licensing Policy 2011 outlines 'Cumulative Impact' under section 6 and states "Where there is sufficient evidence that another particular area has reached a point where existing licensing activity is at such levels that if by granting a licence, it would contribute to the negative impact in the area, the council may adopt a further special licensing policy in relation to that area."
- 1.5 Section 13.29 of the Secretary of State's guidance states the following: 'The effect of adopting a special licensing policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives. However, a special licensing policy must stress that this presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation.'
- 1.6 Whilst special licensing policies have usually been adopted to address the impact of a concentration of licensed premises selling alcohol for consumption on the premises, statutory guidance does not prohibit the adoption of a special licensing policy on the basis of a concentration of all licensed premises from being included. Several authorities have successfully introduced cumulative impact policies that include both on and off licences and premises that sell late night refreshments.

## **2. REPORT**

### **2.1 Introduction**

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

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

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

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

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

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

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

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

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

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

## **2.3 Summary of Key Responses**

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

### 2.3.1 Initial survey of the Licensed Trade

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

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

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

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

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

### 2.3.2 Wider survey of Residents and Businesses

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

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

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

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

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

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

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

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

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

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

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

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

### **2.3.3 Observational Studies**

#### **Licensing Team**

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

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

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

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

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

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

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

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

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

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

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

### **Independent Specialist**

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

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

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

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

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

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

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

### 2.3.4 Summary – Data Analysis

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

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

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

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

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

In summary:

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



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

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

The crime and disorder incidents recorded, included the following:

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

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

### 2.3.5 Formal Consultation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2.4 Comments**

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

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

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

3.1 The licensing authority can only consider matters within the scope of the Licensing Act and statutory guidance documents and cannot become involved in the moral issues relating to licensing.

3.2 Considerations must be given to the four licensing objectives, as well as providing the necessary protection to residents, whilst promoting greater choice and flexibility to businesses and their customers. The four licensing objectives are:

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

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

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

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

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

### **4. CONCLUSION**

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

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

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

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

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

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

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

### **LIST OF APPENDICES**

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

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

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

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

**London Borough of Hammersmith and Fulham  
Special Licensing Policy for  
Shepherd's Bush Area**

1. The Council has decided to introduce a special policy relating to cumulative impact (as provided by the Secretary of State in the Guidance issued under section 182 of the Licensing Act 2003 (paragraphs 13.24 to 13.39) and the Council's own Statement of Licensing policy dated January 2011 (paragraph 6.1 to 6.7) to the Shepherd's Bush Area (being the area outlined and all premises which have a principal form of access onto the outlined area as shown on the attached map).

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

3. The four licensing objectives are:-

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

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

5. There is evidence that the cumulative impact includes serious problems of crime, disorder and public nuisance. Having regard to the evidence, the Licensing Authority has been satisfied that it is appropriate and necessary to include an approach to cumulative impact. The evidence for this special policy may be viewed on request at the Council Offices.

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

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

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







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

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

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

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

## Independent Specialist – Summary of Observational Data

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

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

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

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

**TABLE FIVE: Recorded incidences by day**

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

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

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

Adrian Overton

Licensing Officer

Hammersmith and Fulham Borough Council  
Hammersmith Town Hall Extension  
King Street  
W6 9JU

**FH - Hammersmith & Fulham  
Borough**

Fulham Police Station  
Heckfield Place  
London  
SW6 5NL

Telephone: 02082462886

Facsimile:

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

[www.met.police.uk](http://www.met.police.uk)

Your ref:

Our ref:

9th June 2011

Dear Mr Overton,

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

### **Shepherds Bush Geographical Area**

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

### **Police Crime Data**

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

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

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

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

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

### **Off licence Sales**

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

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

### **Take Away Food outlets**

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

## **Police Resources**

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

## **Fulham CIP**

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

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

Submitted for your information and consideration

Stuart Ratcliffe

Licensing Sergeant

Hammersmith and Fulham Borough Police