

# Report to Council

27 JANUARY 2010

**DEPUTY LEADER  
(+ENVIRONMENT)**  
*Councillor Nicholas  
Botterill*

**CABINET MEMBER  
FOR CRIME AND  
STREET SCENE**  
*Councillor Greg Smith*

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

**Wards  
All**

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

Where the cumulative effect of many licensed premises gives rise to problems of public disorder and nuisance in the surrounding area, the Council may consider it inappropriate for any further licensed premises to be established or permitted hours of operation to be increased. Through adopting a special policy, the Licensing Authority will be empowered to reject new applications and restrict changes to existing licences following a valid representation.

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

**CONTRIBUTORS**

DENV  
DFCS  
ADLDS

**Recommendations:**

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

## 1. INTRODUCTION

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

## **2. CUMULATIVE IMPACT**

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

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

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

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

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

## **5. CONSULTATION PROCESS**

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

## **6. CONSULTATION RESULTS**

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

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

## **7. SCRUTINY**

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

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

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

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

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

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

## **10. RECOMMENDATION**

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

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

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

<b>CONTACT OFFICER:</b>	<b>NAME: Oliver Sanandres</b> <b>EXT: x2213</b>
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