



**Response to Committee Coordinator, Committee Services,  
London Borough of Hammersmith and Fulham.  
30<sup>th</sup> January 2014**

**Q a. The national position in relation to pubs as CAMRA sees it**  
*Response from CAMRA West London branch:*

We believe that nationally 26 pubs are still closing every week. Amongst the main causes are:

(a) debt-ridden pub property companies (Pubco's) anxious to sell off pubs; often these are deliberately run down beforehand to make them less commercially attractive to those wishing to take them on as pubs. (CAMRA has its own pub viability test).

(b) conversions to supermarket convenience stores; around 100 have been lost in the last year alone.

(c) national planning loopholes that allow pubs to be converted to other uses or demolished without planning permission. The demolition of pubs is classed as "permitted development" meaning planning permission is not required. Between 2003 and 2012, 414 former pubs were demolished in London alone. Too many pubs are also being converted to betting shops which do not provide the same community amenity as pubs.

(d) the disinclination of councils to use Article 4 Directions to remove permitted development rights, which currently allows the conversion of pubs to other A class uses (but not vice versa), without planning approval. While in some cases restaurants or cafés may provide a similar community space to a pub, conversion to a restaurant (open only to diners) is a significant change from a pub where any adult can enjoy a drink without ordering food. In discussions with Government CAMRA has been advised to encourage local planning authorities to use Article Directions to protect pubs. Our understanding is that Regulations introduced in 2010 enable Council's to give 12 months' notice of Article 4 Directions taking effect, following which there would be no liability to pay compensation.

(e) the planning application "Trojan Horse": Pub use and future potential is always weakened by mixed use developments – consented or otherwise! Proposals to build accommodation above pubs rarely "works" in the long-term. The freehold is devalued.

CAMRA regards this as the thin end of the wedge towards extinguishing pub use on the premises.

(f) other developer tricks to bamboozle local councils including:  
Demolishing the pub!

Using addresses in planning applications and avoiding the word "pub".

Land banking – e.g. the Hope & Anchor (W6, very close to Town Hall).

Simply closing the pub and waiting.

Agreeing to A4 use as a planning condition then using Permitted Development after the event, backed up with noise complaints etc.

There is also a particular problem with Pubco restrictive covenants: according to the most recent figures, almost 600 pubs owned by large chains were permanently lost in just five years through being sold with restrictive covenants); the Local Government Association is arguing that not only do these covenants restrict competition but also undermine the Government's "Right to Buy" Policy.

In London pubs continue to be closed and converted to residential and other uses at an alarming rate all across London, with Enterprise and Punch the main culprits. Anyone interested in looking at the numbers' detail is advised to investigate the website [www.closedpubs.co.uk](http://www.closedpubs.co.uk) which can be searched by postcode. The combined list for SW6, W6, and W12 makes dismal reading!

**Q b. What does CAMRA feel can be done nationally and locally to address the closure of traditional public houses.**

***Response from CAMRA West London branch:***

1. CAMRA nationally is aiming for a goal of getting 300 pubs successfully listed as Assets of Community Value (ACV). As at end of January 2014 there are now 280 pubs listed. Pubs are the most listed community building. We believe that ACV listing can be a powerful tool and has been used as a material consideration in several planning cases. For instance, in October 2013 the Chesham Arms (Hackney Council area) was the subject of a landmark legal success. The developer tried to overturn the ACV listing by Hackney Council, and took the Council to First Tier Tribunal. The Judge ruled that the ACV listing stands which sets a powerful non-binding precedent.

2. As Secretariat to the cross-party parliamentary Save the Pub Group, CAMRA has sent a letter and survey to every Council Leader in England. The survey asks questions to gain an overview of Local Plans, pub protection by Councils, views regarding the use of Article 4 Directions and Assets of Community Value. This information will be used to contact those Councils lacking adequate pub protection and highlight examples of best practice.

3. In 2014 CAMRA nationally will be stepping up its campaign to persuade councils to nominate assets; working with local MPs to nominate pubs valued by their local communities; working with the relevant Government departments to iron out ongoing issues with Councils and encourage wider take-up of the community rights; working with other community-led organisations to promote the community rights available; encouraging Councils to grant business rate relief to pubs and other assets that have been listed as ACVs.

4. CAMRA is also building support from English Councils for its campaign to close the national planning loopholes that allow pubs to be converted to other uses or demolished without planning permission. One way CAMRA is taking this forward is by encouraging Councils and parish councils to submit proposals under the Sustainable Communities Act. The Sustainable Communities Act is a law that allows people to demand action from Government to help their community. This campaign seeks to use the Act to make Government make the change to planning law that CAMRA believes is needed. The Act is the perfect tool to do this because Government cannot just say "no" to ideas that are put forward; they must negotiate and reach agreement with an independent panel.

So far, CAMRA knows of 25 Councils, which have resolved to write to the Government putting forward proposals under the Sustainable Communities Act to make these reforms, with many more due to debate a motion in the coming months. (See next response).

**Q c. What other local authorities are doing on pub protection, over and above the measures that Mr Harvey identifies below, and whether those efforts have so far met with any success.**

***Response from CAMRA West London branch:***

There are very many local authority areas in England and their support for pub protection varies! But concentrating on councils in London:

1. Mayor Boris Johnson has very recently said that London councils should be actively introducing policies to protect pubs and he wants them to do more to safeguard locals from property developers. In the latest planning guidelines for the capital Mr. Johnson recognises "the important role London's public houses can play in the social fabric of communities". And he says "where there is sufficient evidence of need, community asset value and viability in pub use, boroughs are encouraged to bring forward policies to manage and enhance public houses."

2. An adjacent Council area, Ealing, on 15 October 2013 passed the following motion:

*Ealing Council notes the possibility of submitting the following proposal to the government under the Sustainable Communities Act:*

*That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.*

*The Council notes that if this power was acquired it would allow the council to determine if pubs should be demolished or converted into other uses and could save many valued community pubs.*

*The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.*

**3.** Another adjacent Council area, Kensington & Chelsea, has lost well over a third of its pubs since 1980. It faces a particular problem with “desertification” of its richer areas through overseas property buying; and relating to pubs, the ability of Chinese billionaires or Russian oligarchs to pay anything for the footprint of land on which a pub stands, to convert it to a luxury (and generally unused!) private residence.

K & C has recently been at the forefront in London of pub protection. In March 2012 it circulated a consultation Issues & Options paper for public houses, and in June 2012 issued a Public Houses Sustainability Appraisal and a Public House Draft Planning Policy. The Government's Planning Inspector approved this planning policy giving the Borough the power to stop pubs being converted to residential use where they make an important contribution to the community. CAMRA was involved in this work and submits that the example of K & C is well worth following. It is already bearing fruit in, for instance, the very high-profile recent success in stopping the Cross Keys (Chelsea, SW3) being sold for development and its reopening as a pub later in 2014.

**4.** Within London, CAMRA believes that Lewisham, Islington, Merton, Westminster, K&C, Southwark all have draft or adopted pub protection policies and Tower Hamlets is working on one.

### **5. CAMRA’s vision for pub protection in London is:**

A tougher National Planning Policy Framework.

A tougher London Plan.

Pub Protection Policies in all London Boroughs.

A default state of positive RESISTANCE.

CAMRA Pub Viability Test in every planning officer’s back pocket!

London-wide Article 4 Directions on Community Facilities.

A presumption of REFUSAL for Change of Use.

A clear message to developers – Hands Off Our Pubs!