

 the low tax borough	London Borough of Hammersmith & Fulham TRANSPORT, ENVIRONMENT AND RESIDENTS SERVICES SELECT COMMITTEE 12 February 2014
TRADITIONAL PUBLIC HOUSES IN THE BOROUGH	
Report of the Head of Governance and Scrutiny	
Open Report	
Classification: For Scrutiny Review & Comment Key Decision: No	
Wards Affected: ALL	
Accountable Executive Director: Executive Director for Transport and Technical Services	
Report Author: Owen Rees Committee Coordinator	Contact Details: Tel: 020 7532088E-mail: owen.rees@lbhf.gov.uk

1. EXECUTIVE SUMMARY

- 1.1. This report, following a request from the Committee, sets out the position with regards to traditional pubs in the borough, and the Council policies that apply to them.
- 1.2. Officers have also sought input from those working in the pub trade and those who campaign on issues relating to it, to give members the fullest possible picture.

2. RECOMMENDATIONS

- 2.1. That the Committee review the report and decide whether any recommendations are necessary.

3. INTRODUCTION AND BACKGROUND

- 3.1. Following up on the resolution made by Full Council at its meeting on Wednesday 28th October 2009 (attached as appendix 1), which recognised that “such establishments have long been a valuable

community asset, providing a focus for many communities which satisfies their social needs and offers a means of support for many people the Committee” asked for an item reviewing the position of traditional pubs in the borough, with a view to identifying what, if anything, could be done to help protect traditional pubs.

Traditional pubs

- 3.2. A traditional pub could be defined in a number of ways. In planning terms, pubs come under the A4. Drinking Establishment use classification; however, this would also include premises that operate as bars and wine bars. For the purposes of this report, the Council’s Licensing Team have checked the database of licensed premises in the borough, and, having discounted those premises which operate as bars and clubs, identified 109 traditional pubs in the borough.
- 3.3. A list of those pubs is attached as appendix 2, and is broken down by ward and areas (between the north, south and the middle of the borough). It includes pubs based in town centres and in residential areas.
- 3.4. The assessment made by Licensing officers is subjective, and should not be considered be considered definitive or exhaustive.

4. PUBS AND THE PLANNING SYSTEM

- 4.1. In the Council's Development Management Local Plan, pubs have been included within the definition of community services on the basis that some pubs provide a community use, and policy D1 seeks to retain such uses unless there is no longer an identified need.
- 4.2. However, whilst this allows for some consideration of the future of pubs when a change of use is applied for, the Council must be able to provide evidence to counter any evidence supplied by developers and their clients which show falling sales and suggest that the pub is not viable. Appendix 3 shows a list of pubs closed as a result of applications for change of use since 2007. The Licensing team estimate that, in all, 15 traditional pubs have closed since 2009.
- 4.3. The Council’s Development Management Local Plan also includes policies which seek to manage the length of frontage in town and local centres that can change use to non-A1 uses. In theory, this could preclude the provision of additional drinking establishments (A4 uses) in those frontages where the maximum amount of non-A1 frontage has already been met; in prime retail frontages in town centres no more than 2 adjoining premises or a frontage in excess of 15 metres, whichever is the lesser width of frontage, will be allowed to be used by uses other than those within class A1. The Development Management Local Plan also includes a policy that seeks to control hours of operation of uses such as pubs. As stated above, however, A4 use encompasses bars and wine bars, and these provisions may have little effect on those wishing to operate traditional pubs.

- 4.4. Further, the council cannot control change of use where there are permitted development rights. The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. Pubs (Use Class A4) have a permitted change to a shop (Use Class A1), a financial or professional service (Use Class A2) or a restaurant or cafe (Use Class A3). In addition, since 2013, buildings under 150 metres within Class A1- A5, B1, D1 and D2 are permitted to change to a flexible use falling within Class A1 (shops), A2 (financial and professional services), A3 (restaurants) or B1 (business) for a temporary period of two years.

Permitted development rights for a public house (class A4) include change to classes A1 (shops), A2 (financial and professional services) and A3 (food and drink premises) without the need for planning consent. Appendix 3 does not include premises where such a change has occurred .

- 4.5. Boroughs including Barking and Dagenham and Lewisham are considering creating further guidance on public houses; this is not currently proposed in Hammersmith & Fulham.

4.6 It should be noted that the Mayor of London published Further Alterations to the London Plan (FALP) in January 2014, with consultation until April. A new policy has been included to prevent the loss of “valued local community assets justified by robust evidence”. The Mayor notes that community assets can include public houses, and boroughs are encouraged to bring forward policies to maintain, manage and enhance public houses where there is sufficient evidence of need, community asset value and viability in pub use.

Compiled by: Trevor Harvey, Principal Officer (Development Plans)

5. LICENSING AND TRADITIONAL PUBS

- 5.1. Under the Licensing Act 2003, the Council has responsibility for issuing licences for the sale of alcohol, along with other activities regulated under that Act.
- 5.2. The act sets out four licensing objectives which must be taken into account when a local authority carries out its functions. They are:
- the prevention of crime and disorder,
 - public safety,
 - prevention of public nuisance, and
 - the protection of children from harm
- 5.3. The act has the presumption that applications will be allowed, with those objecting to a Licensing application required to demonstrate that one of those objectives will be infringed if it is to be refused.
- 5.4. The Council established Cumulative Impact Policies in Shepherds Bush Town Centre in June 2011 and Fulham Town Centre in May 2009. Both

policies were introduced to deal with a high volume of anti-social behaviour, and, after both areas were thoroughly researched prior to their introduction, they were held to be saturated with licensable activity. The policies require that any applicant seeking an increase in licensable activity, including hours for the sale of alcohol or a new premises licence, must demonstrate that the objectives would not be infringed were the licence to be granted.

- 5.5. While these policies could affect the prospects of a new pub opening in the areas encompassed by the Cumulative Impact Policies, they do not affect the licences of existing pubs, nor do they have an effect outside their limited areas.

Compiled by: Patrick Crowley, Bi-Borough Licensing Manager

6. THE NATIONAL POSITION

- 6.1. According to research conducted by the British Beer and Pub Association, across Britain, there were 17,000 fewer pubs in 2011 than in 1982. Pubs continue to close in high numbers each year.

- 6.2. A number of factors have been cited by lobby groups as contributing to these closures, including:

- Levels of duty on beer, and in particular the Beer Duty Escalator introduced in 2008 and removed in 2012.
- The ban on smoking in public places initiated by the Health Act 2006.
- Supermarket pricing strategies, with off-sales cheaper for customers than on-sales.
- The policies of pub companies towards tenant landlords.
- Changing social habits, with a greater range of alternatives available to younger drinkers and an emphasis on weekend drinking.
- The state of the wider economy, particularly in the period after the financial crisis.

- 6.3 Officers have invited the Campaign for Real Ale and the British Beer and Pubs Association if they wish to contribute to the meeting. CAMRA's contribution is attached as Appendix 4; BBPA's is forthcoming. The general manager of the Sands End pub has agreed to attend on the night to give the perspective of a local operator.

LOCAL GOVERNMENT ACT 2000

LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
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LIST OF APPENDICES:

APPENDIX 1 – Council Resolution of 28th October 2009

APPENDIX 2 - List of Traditional Pubs in The Borough

APPENDIX 3 - List of Pubs who have surrendered A4 licences, excluding those who have exercised their permitted development rights.

APPENDIX 4 – Submission from the Campaign for Real Ale (CAMRA)

APPENDIX 5 – Submission from BBPA- to follow

Appendix 1- Special Motion agreed at the meeting of Full Council on 29th October 2009

25.8 Special Motion No. 8 - Traditional Public Houses

9.50pm - Councillor Wesley Harcourt moved, seconded by Councillor Colin Aherne, the special motion standing in their names:

“This Council notes the number of traditional public houses that are closing. Such establishments have long been a valuable community asset, providing a focus for many communities which satisfies their social needs and offers a means of support for many people. Council resolves, therefore, to develop a local planning guidance that aims to preserve our traditional public house which is a much-loved aspect of our heritage.”

Speeches on the motion were made by Councillors Harcourt and Aherne (for the Opposition) and Councillor Gore (for the Administration) before it was put to the vote:

FOR Unanimous
AGAINST 0
ABSTENTIONS 0

The motion was declared CARRIED.