



London Borough of Hammersmith & Fulham

# Environment and Residents Services Select Committee Minutes

Tuesday 7 September 2010

## PRESENT

**Committee members:** Councillors Robert Iggulden (Chairman), Wesley Harcourt (Vice-Chairman), Rachel Ford, Lisa Homan, Matt Thorley and Peter Tobias

**Other Councillors:** Nicholas Botterill (Deputy Leader and Environment and Asset Management) and Greg Smith (Cabinet Member for Residents Services)

**Officers:** Nick Boyle (Transportation and Development Manager), Chris Bunting (Acting Head of Parks and Recreation), Valerie Ellison (Head of Commercial Operations), Michael Hainge (Interim Assistant Director, Parks and Culture), Sanju Manji (Trading Standards Manager), Gary Marson (Principal Committee Coordinator), Stephanie Needham (Commercial Services Manager)

## ADJOURNMENT

At the commencement of the meeting the Committee resolved to adjourn until the conclusion of a meeting of the Licensing Sub-Committee which had been the subject of delay in order to ensure that a quorum was present throughout the proceedings.

The meeting subsequently resumed at 7.45pm

## 12. MINUTES AND ACTIONS

### **RESOLVED that;**

- a) The minutes of the meeting of the Environment and Residents Services Committee held on 5 July 2010 be confirmed and signed as a correct record; and
- b) Progress with the acceptance and implementation of recommendations be noted

## 13. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Jean Campbell, Jane Law and Ali De Lisle.

#### **14. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **15. PARKS AND OPEN SPACES STRATEGY - PROGRESS REPORT**

The Committee reviewed progress with implementation of the Council's Parks and Open Spaces Strategy and gave consideration to the challenges facing the Parks service.

The ten year Strategy, adopted in 2008, outlined the Council's commitment to the ongoing improvement of residents' quality of life through the sustainable management of the boroughs 386 hectares of parks and open spaces. Michael Hainge, Interim Assistant Director, Parks and Culture, introduced details of the strategy; its vision, priorities, and key actions, the successes achieved to date including both national and regional awards, projects due for delivery in 2010/11 and outlined the main challenges ahead.

The Committee expressed particular interest in the arrangements for managing the use of parks and open spaces by schools. Councillor Lisa Homan had some concern at the extent of school usage, particularly private schools, in South Park during the summer months and the potential conflict of interest between school and public access. She enquired as to levels of usage, booking arrangements and the fees and levels of affordability.

Chris Bunting, Acting Head of Parks and Recreation, confirmed that the use of parks for school sports had increased dramatically in recent years with sports day usage doubling between 2007/08 and 2009/10. Ravenscourt Park and South Park had seen particularly high usage by schools. Booking was on a first come first served basis and state schools were charged rates 20% below those applied to private schools. Price was not generally considered to be a barrier for most schools at £15 per hour although resistance sometimes occurred from schools which had not previously followed the appropriate booking procedure. Detailed usage figures, including fees paid by each school, would be provided to the Committee separately.

In response to a question from the Chairman, Mr Bunting informed the Committee that usage was monitored by the Council's three sports officers who would notify the Sports Booking team of any schools usage which had not been properly pre-booked. Contact would then be made with the school to encourage booking and payment.

Councillor Iggulden also enquired how Officers distinguished between formal chargeable and bookable usage and informal free activities. Michael Hainge emphasised that this was broadly a matter of judgment but where there was a formal pitch laid out the facility should always be booked and paid for. Usage of open spaces was more likely to be informal although there were recurring activities that took place on a commercial basis, such as private football coaching, which needed to be identified and charged. Councillor Greg Smith,

Cabinet Member for Residents Services, was of the view that where a recurring usage generated a cost, for example the need to re-seed, it would be legitimate to apply charges.

The Committee felt that more schools should pay booking fees where there was regular informal usage of the parks. It was recognised that Parks Officers were already attempting to build relationships with the schools in order to support this objective and discussions had taken place with some schools regarding formal investment in the parks facilities. Nevertheless, Members were of the opinion that this should be underpinned by a clear formal strategy to develop and manage the relationship with schools, including an implementation plan and timelines.

Councillor Homan, in noting that one of the key elements of the Parks Strategy was to tackle obesity, asked whether the parks were currently used for any events to this end. Mr Hainge confirmed that Officers were working the Police, schools and other partners to build the capacity to enable them to deliver activities of this type. The borough's professional football clubs ran large and very successful community and coaching schemes in the parks each summer. In response to a question from Councillor Peter Tobias, he informed Members that efforts were being made to properly target the programmes and ensure that they were not simply aimed at those who were already inclined towards exercise and healthy activities. It was acknowledged that this was an early stage in the journey in respect of obesity but the football based anti social behaviour project KICKS provided a good example of a multi agency scheme delivered through the parks which was already producing tangible results.

Finally, Members were pleased to note that the borough had been awarded a Silver Gilt in the London in Bloom competition which recognised high standards of horticultural display and management while four parks had now been awarded Green Flag status which provided the benchmark national standard for parks and open spaces.

**RECOMMEND that;**

Officers develop a formal strategy to develop and manage the relationship with schools in respect of the usage of parks and open spaces, including an implementation plan and timelines.

**16. A TRANSPORT PLAN FOR HAMMERSMITH AND FULHAM (LIP2)**

The Committee gave consideration to the objectives which it was proposed to include in the draft Transport Plan for Hammersmith and Fulham and the shape of the associated public consultation exercise.

Members noted that all London boroughs were obliged to produce a Transport Plan (Local Implementation Plan) to demonstrate how they intended to implement the Mayor of London's Transport Strategy locally. The Implementation Plans were to include objectives which underpinned the Strategy's goals, a delivery plan for the period 2011-14 and a performance

monitoring plan which took account of indicators such as mode share, bus reliability, asset condition, road traffic casualties and CO2 emissions.

Nick Boyle, Transportation and Development Manager, informed the Committee that the seven suggested objectives were based on the content of the Community Strategy, the Mayor's Transport Strategy, the emerging Local Development Framework and the West London sub regional Transport Strategy. He concurred with Councillor Rachel Ford that the Plan largely represented a formalisation of the Council's existing approach to transportation. Much of the activity intended to support the seven objectives was already being undertaken.

Councillor Peter Tobias enquired about the prospects for the potential High Speed 2 hub at Old Oak Common which would connect with Crossrail, the Great Western main line and the West London line. Councillor Nicholas Botterill, Deputy Leader and Cabinet Member for Environment and Asset Management, suggested that the indications were now more promising. It was a logical location and ministerial attitudes appeared to be positive although it remained uncertain whether the high speed network would itself be approved in the current economic climate.

Councillor Wesley Harcourt commented that some elements of the Plan were not directly achievable; the Council, for example, could not compel Transport for London (TfL) to enhance bus services. Councillor Botterill acknowledged the point but was of the view that the document should be considered aspirational in nature.

In response to a question from Councillor Lisa Homan, Councillor Botterill confirmed that there were proposals to extend the Barclays bike hire scheme in to the borough as part of a later phase in the rollout of the project.

The Chairman asked whether there were currently any proposals to improve tube services. Councillor Botterill informed the Committee that TfL was examining a range of measures including enhancement of capacity through the use of more carriages and accessibility issues. The Council and neighbouring boroughs met with TfL quarterly in order to discuss underground and bus service issues and was using the opportunity to promote modernisation of the District Line and the introduction of new rolling stock.

Councillor Iggulden also raised the issue of speed limits and whether they were subject to periodic review. Nick Boyle confirmed that this was the case, consistent with the objective to reduce the number of people injured and killed on the roads. There were, however, limitations on the speed restrictions which could be achieved, especially on the trunk road network, and it was necessary to obtain Police support for proposals. The Council funded engineering and education projects designed to reduce casualties.

Mr Boyle advised that there was still a demand amongst many residents for 20mph speed limits but these often required engineering solutions, such as speed cushions, which were not popular. Councillor Botterill stated that as the accident blackspots which were most likely to benefit from initiatives of this nature had already been addressed, the introduction of further 20mph

schemes would bring only marginal benefits. There was a need to seek more intelligent solutions. In some areas traffic calming had not worked and there might be a case for its removal.

Members endorsed the Plan's objectives in principle but expressed a desire for sight of some of the detail at a later date. It was noted that the draft Plan would be submitted to the Committee for comment early in the New Year ahead of final approval in April 2011.

Finally, the Committee noted that statutory consultees and community groups which had previously expressed an interest in transport issues had already been invited to comment upon the approach to preparation for the Implementation Plan and the proposed objectives. The second stage consultation was now about to be undertaken with details of the proposals due to be sent to a wider range of groups and publicised in H&F News and on the Council's website. Members requested a full list of the organisations that had been consulted and expressed some concern that local residents groups were not due to be approached directly. The Committee agreed that such organisations should be pro actively contacted and invited to comment rather than relying on their response to media publicity.

**RECOMMEND that;**

Residents' organisations be directly consulted on the proposals contained within the Implementation Plan.

**17. REVIEW OF STATEMENT OF LICENSING POLICY 2010**

Members gave consideration to the Council's draft revised Statement of Licensing Policy together with both the form and outcome of the public consultation exercise which had been undertaken in respect of the proposed policy changes contained within the document.

The Committee noted that the Licensing Act 2003 required the Council to review its Statement of Licensing Policy every three years and the revised Statement was due to be presented for approval to the meeting of the Council on 27<sup>th</sup> October 2010. An extensive 12 week public consultation exercise on the content of the draft Statement had been conducted during the summer with a questionnaire circulated to over 2,000 stakeholders, public advertisements placed online and in newspapers and the proposals posted on the Council's consultation portal. In addition Officers had also sought the views of the Police, Licensing Authority, licence holders and a wide range of interested organisations.

Councillor Wesley Harcourt enquired whether the Statement was compatible with policy in related areas of Council service. Valerie Ellison, Head of Commercial Operations, confirmed that there had been widespread consultation with other departments and as a consequence the content was consistent with overlapping policy and practice. However, Members were reminded by Councillor Greg Smith, Cabinet Member for Residents Services, that the Licensing Authority was not permitted to take account of compliance with other regulatory regimes in the consideration of an application. Councillor

Smith was of the view that the legislation was in need of substantial reform in order to rebalance the relationship between the Licensing Authority/Police and the licensees. The Licensing Authority and Police presently had insufficient power to intervene to address local problems and concerns. The Government had signalled its intention to amend the legislation and the Council and Police had submitted a joint response to consultation on the matter.

The Committee noted that the proposed amendments to existing practice included the introduction of a pool of conditions that could be applied to different types of premises and a list of standard measures to deal with crime and disorder issues in order to promote consistency, a special cumulative impact policy for the Fulham Broadway area, conditions around irresponsible drink promotions and tighter controls on the sale of alcohol by off licenses. New conditions were to be introduced concerning consideration to residents and enhanced guidance was to be provided to various categories of licence holders including the promoters of large outdoor events and community premises.

Members were informed that the proposals had been favourably received during the consultation exercise with most measures supported by at least 70-80% of the 48 respondents. Some 88% agreed with the suggested proposals to prevent crime and disorder and the control of drugs and weapons while 79% were supportive of tighter controls on off licences.

Councillor Matt Thorley expressed support for proposals to pro actively pursue unpaid licence fees and time limit licenses where annual maintenance fees were outstanding. He did, however, express some concern that this might increase the work load of the Licensing Sub-Committee if premises were constantly being called in for non-payment of licence fees and enquired as to the impact the approach would have on the capability and resources of the Licensing Authority team. Valerie Ellison clarified that applications from licence holders in arrears would not automatically be placed before the Sub-Committee. Attention would simply be drawn to the issue if the matter was before Members as a result of representations submitted in the normal manner. Some 80 of the 900 licence holders in the borough were presently in arrears.

In response to a question from the Chairman regarding options for enforcement action concerning unpaid fees, Ms Ellison confirmed that Licensing Officers were presently working with finance colleagues on appropriate debt recovery measures. Councillor Tobias asked whether collection of the fees would be cost effective and was informed that the exercise would be worthwhile despite the modest sums recoverable because of the need for fair treatment of those businesses which paid promptly and the fact that non payment of fees was often an indicator of other licence irregularities.

Councillor Lisa Homan, commenting on the relatively small public response to the consultation, commended the newly introduced use of an email alert system to notify residents of forthcoming applications but enquired whether there were further publicity measures that could be undertaken. Councillor

Smith explained that difficulties arose because the responsibility for advertisement lay with the applicant rather than the Council and thus there was an inevitable tendency for notice to be given in the smaller circulation paid for newspapers rather than the more prominent H&F News. Unlike the Planning regime, the Licensing Authority was not permitted to explicitly give notice of applications in writing. Without legislative change the onus would have to remain on residents to follow matters through.

**RESOLVED that;**

the revised draft Statement of Licensing Policy be endorsed.

**18. SEXUAL ESTABLISHMENT VENUES AND SEX ESTABLISHMENT LICENSING POLICY**

Members gave consideration to proposals to adopt powers which would enable the Council to more effectively regulate sexual entertainment venues and reviewed the content of an associated draft Sex Establishment Licensing Policy.

The Committee noted that Section 27 of the Policing and Crime Act 2009 introduced a new type of sex establishment called a sexual entertainment venue. Adoption of the new legislation would potentially offer the Council and local residents greater powers to control the number, location and operation of lap dancing clubs and similar venues in the borough.

Extensive consultation had been undertaken during the summer, concurrent with the exercise in respect of the draft Statement of Licensing Policy referred to earlier in the meeting, on a new draft policy which set out the Council's position in respect of the licensing of sex establishments. The definition of sex establishments included sex cinemas, sex shops and sexual entertainment venues, including any premises where live performances or displays of nudity were presented for the purpose of sexually stimulating any member of the audience. This would encompass lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows. There were currently three businesses operating in the borough as sex establishments, namely the lap dancing club 'Secrets', the adult sex shop 'Simply Pleasure' and the Olympia Exhibition Centre in respect of the annual Erotica exhibition.

Members were informed that 83 responses to the consultation had been received. These indicated substantial support both for the adoption of the new legislation (73%) and the content of the draft policy. Some 81% agreed that that it would be inappropriate to issue a licence near residential accommodation, schools, nurseries or youth clubs, 76% concurred with the position that it would inappropriate to do so near access routes to and from schools, nurseries and similar premises and 66% agreed that licences should not be issued near places of worship, community centres and swimming pools.

The majority of respondents felt that relevant factors for consideration in determining an application should include the cumulative adverse impact of premises in the proposed vicinity, proximity to areas with high crime rates and

the possession of appropriate planning consent. It was felt that the applicant should be a 'fit and proper person'.

The Committee expressed its satisfaction with the proposals, in particular the intention to prescribe the number of permitted establishments within each ward at the current levels, thereby indicating the Council's view that it would be inappropriate to set up any new establishments within the borough. Councillor Peter Tobias enquired whether there was a danger that this approach might drive establishments underground but was assured that each application would continue to be considered on its own merits.

Members noted details of the likely licence fees to be applied and advice that these could only be set at such a level as to recover the Authority's reasonable costs.

**RESOLVED that;**

the adoption of Section 27 of the Policing and Crime Act 2009 and the content of the draft Sex Establishment Policy be endorsed.

**19. WORK PROGRAMME AND FORWARD PLAN**

The Committee reviewed its work programme for the 2010/11 Municipal Year. The list of items had been drawn up in consultation with the Chairman having regard to previous decisions of the Committee and relevant items within the Forward Plan. At the request of Councillor Tobias it was agreed that consideration should be given at a later date to the regeneration of eyesore properties and land.

Members indicated that they were satisfied with the proposed arrangements for the statutory annual community safety meeting in November which was to consider the work of the Crime and Disorder Reduction Partnership (CDRP) and a range of related community safety issues. Invitations to attend the meeting would be extended to all key stakeholders in the CDRP and other relevant partner agencies.

The Committee also noted details of forthcoming relevant key decisions which were due to be taken by the Cabinet and would be open to scrutiny by the Committee.

**RESOLVED that;**

- i) the work programme as amended be approved, subject to updates at subsequent meetings; and
- ii) the proposed arrangements for the statutory annual community safety meeting be approved.

**20. DATE OF NEXT MEETING**

The Committee noted that the next meeting was scheduled to be held on Tuesday 9<sup>th</sup> November 2010.



Meeting started: 7.00 pm  
Meeting ended: 9.20 pm

Chairman .....

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