

Licensing Sub-Committee

Supplementary Agenda B

Wednesday 8 February 2023 at 6.30 pm

This meeting will be held remotely

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MEMBERSHIP

Administration:	Opposition:
Councillor Paul Alexander (Vice-Chair) Councillor Patrick Walsh	Councillor Dominic Stanton

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Public Notice

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Speaking at Licensing meetings is restricted to those who have submitted a representation and registered to speak.

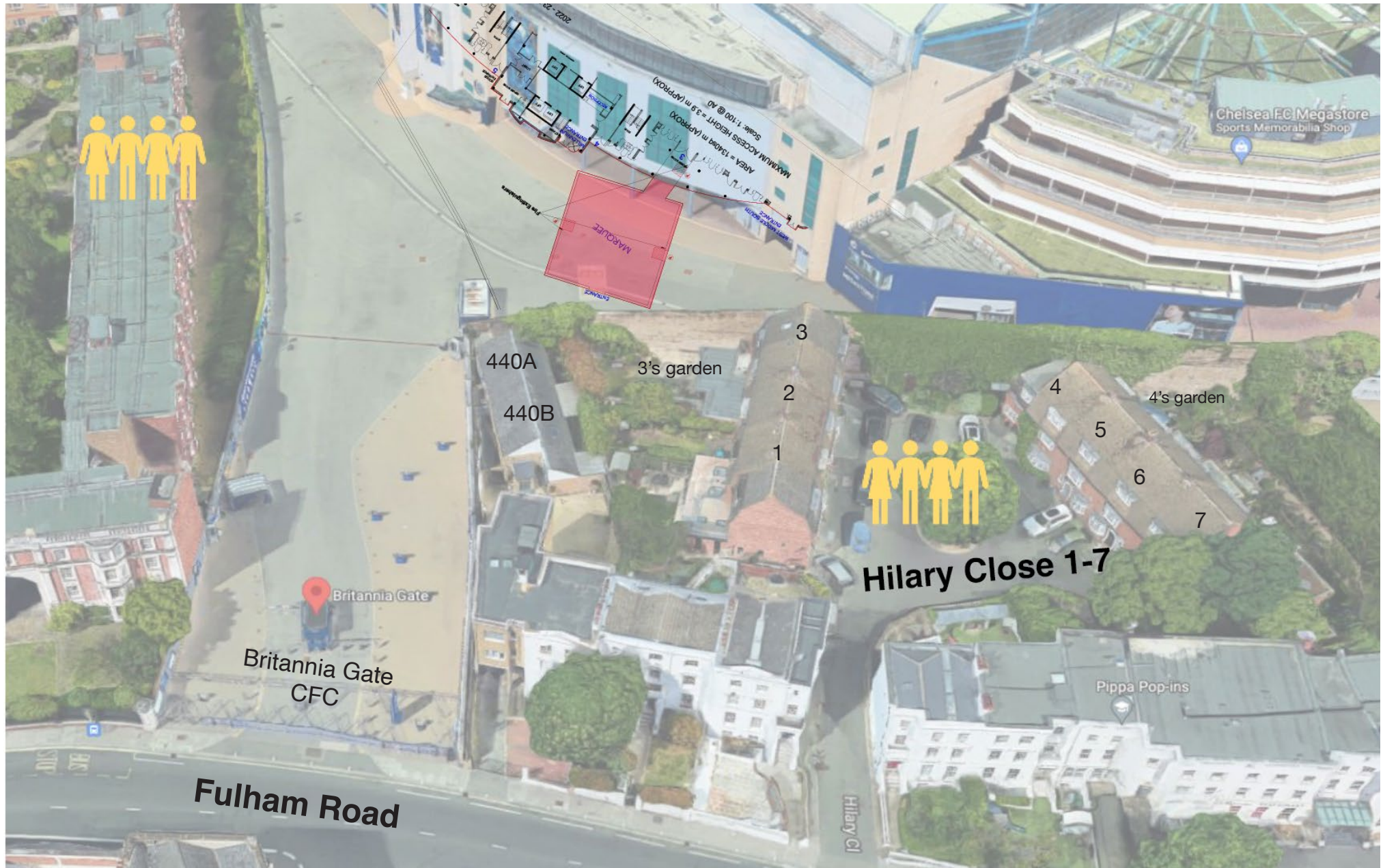
Date Issued: 08 February 2023

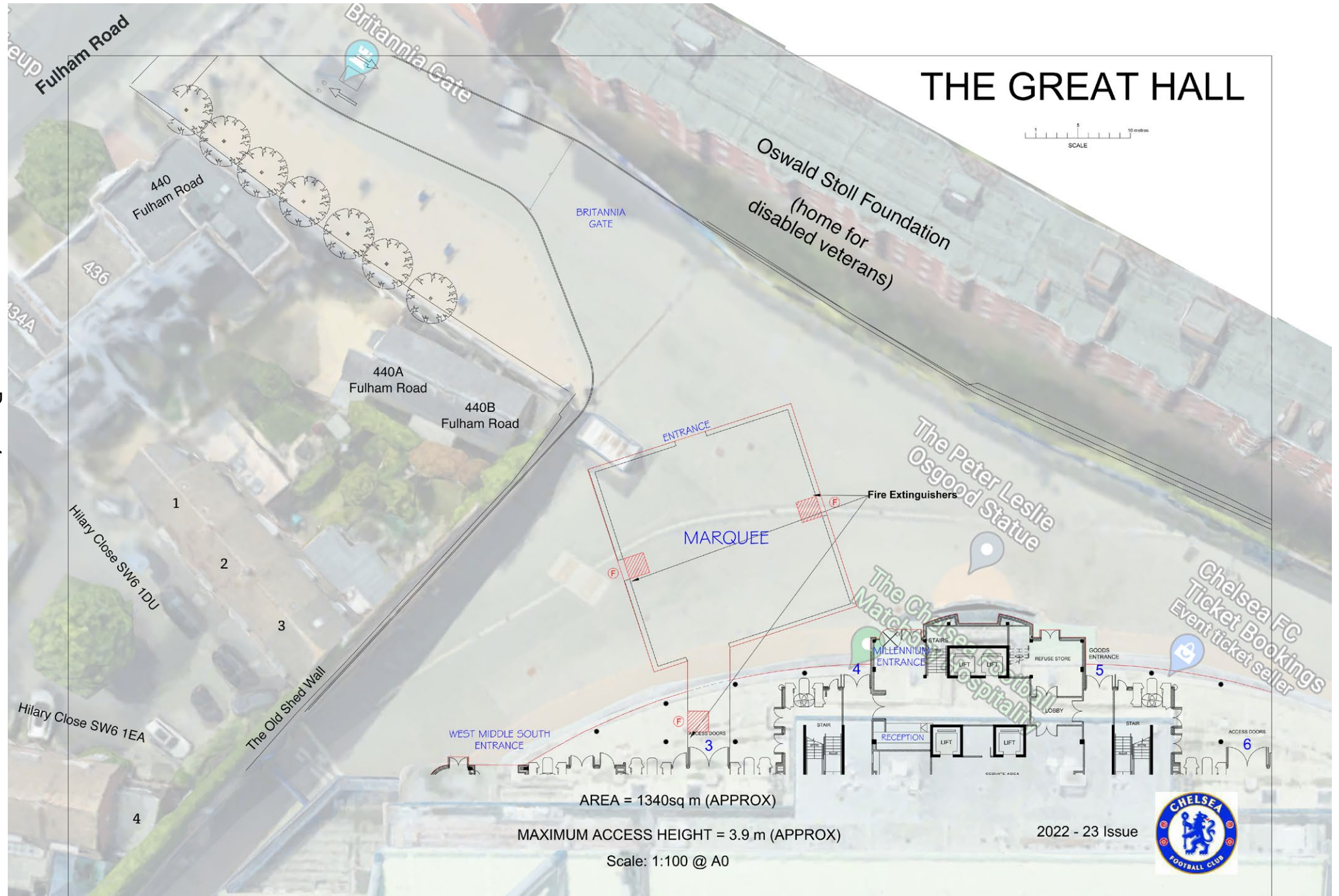
Licensing Sub-Committee Supplementary Agenda B

8 February 2023

<u>Item</u>		<u>Pages</u>
8.	MARQUEE CHELSEA FOOTBALL CLUB - OUTSIDE THE WEST STAND TOWARD BRITANNIA GATE - ADDITIONAL INFORMATION FROM KATE REARDON AND GARETH HUGHES	3 - 25

Overlay on Joynes Nash, Noise Management Strategy 23.10.2022, to show proposed marquee in situ, at scale, created Feb 6th 2023.





From: Kate Reardon

Sent: 07 February 2023 15:52

To: Overton Adrian: H&F <Gareth Hughes <Licensing HF: H&F <licensing@lbhf.gov.uk>

Subject: New concerns re the actual marquee - application 2022/01464/LAPR

Dear Licensing team,

I would like to bring the following new concerns and questions to the attention of the Licensing Sub/Committee after seeing the Supplementary Agenda published yesterday, 5 Feb.

1 The 1-page red-square Marquee Plan ('The Plan') (in the Agenda on Page 39, and attached PDF 1) submitted by the Applicant as part of the Application 2022/01454/LAPR states a figure of 1340 sq m2 which means a 36m x 36m Marquee.

For a comparison, our Fulham Victorian houses in our LBHF protected Moore Park Conservation Area are about 6 meters wide, so six houses width x six houses width, to imagine the super size of this Marquee.

I would wish for the Committee to know that several of us residents went over to the Concourse and marked it out in situ.

2 -The new '8-pg Marquee brochure' (attached PDF 2) which the Applicant submitted Mon 5 Feb as a Supplemental item to the Agenda for the 8 Feb hearing shows a similar square Marquee diagram on page 3 but states 20m on each side, so 400 sq m.

-We are now very confused because the brochure portrays a different size than is on The Plan. Could the Committee please clarify this for us.

3 -in the same new '8-pg marquee brochure' page 6 shows a rectangular circus-type tent with no dimensions stated.

-What is this rectangular circus tent-type structure?

-We objectors to this Application 2022/01464/LAPR had never seen this brochure until yesterday and we knew nothing about a rectangular circus tent.

-I am sure that the Committee will be able to help us with our questions:

Has the circus tent already been erected on certain occasions? Is it allowed? Is there yet another new application in the wings to licence it?? Will there be the 1340 m2 Marquee as well as the circus tent up at the same time?

The possibilities seem to be expanding by the minute. This is all very concerning to residents, especially my seven neighbours in Hilary Close as well as those at 440a and 440b (shown on the 'Overlay # 1' plan), attached.

4. I also attach two helpful Overlay plans that we objectors have created to better assist us at the 8 Feb 2023 hearing.

Attached are 3 PDFs

Please could you acknowledge receipt by return?

With thanks,

Kate Reardon

1. Kate Reardon

February 7, 2023 at 3:04:27 PM

The existing CFC indoor licences are for brick and mortar indoors. New 01464 is for outdoors in a so-called canvas 'indoor' structure that sits outdoors on a concourse with a license (2020/00772/LAPR 10:00-21:30 limited to only Match Days and only 3 hours before a match and 10 minutes before halftime and for clarity, ceasing after a match and only until 21:30. Effectively the 21:30 is never used because a Match never starts later than about 20:00.

2. Kate Reardon

February 7, 2023 at 3:08:48 PM

The Applicant did not ask to visit the gated residences of Hilary Close on the other side of the Shed Wall. Nor did the Responsible Authorities. No one engaged the residents of Hilary Close, nor of 440a and 440b (Fulham Road but on the Shed Wall, at corner). No one asked anyone to help contact these residents. No one engaged with Britannia Road or Moore Park Road or even Pippa Poppins Nursery. The Licensing Authority did not reach out to any residents who are active in following licensing applications around Fulham Broadway. Apparently,, none of this is required in the 2003 Lic Act, but common sense would say that Responsible authorities need to take into consideration the surrounding residents when it comes to assessing noise levels, the risk of crime and disorder, overall public safety.

3. Kate Reardon

February 7, 2023 at 3:11:46 PM

No site visits were made to affected residents directly on other side of Shed Wall. No tests were done by acoustic specialists.

4. Kate Reardon

February 7, 2023 at 3:12:36 PM

They forgot the residents! They have not fulfilled their duty to consider ALL aspects of the consequences of this application for something very new, an 'outdoor' venue to host parties, live music, recorded music, alcohol.

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M Phipps submission

07 February 2023 13:07

From: Matthew Phipps <[redacted]@stamfordbridge.com>

Sent: 07 February 2023 13:07

To: McKenna Lorna: H&R

Cc: Gareth Hughes <[redacted]>

Subject: RE: CFC residents case summary for members

Dear Sir/Madam

I thought it would be helpful to the Licensing Sub-Committee to set out some observations about the application in advance of the premises licence hearing now listed for Wednesday 8pm

Gareth Hughes who is recently instructed to represent one of the five objectors, kindly advised me on Monday evening that he was likely to prepare and serve on the Licensing Sub-Committee a submission or document on behalf of his client and so I trust it appropriate to provide something similar.

Nature of the application

This is an application for a Marquee to be positioned on a limited number of occasions in the Western Concourse of the Stamford Bridge ground. The space will act as a function suite, and support activities in the Great Hall (already licensed within the West stand licence).

Hours of operation

The hours of operation mirror the premises licences that already regulate licensable activities across the various elements of the stadia at Stamford Bridge. The one exception is the Under the Bridge Nightclub licence that has later hours. However most if not all of the other premises licences match that requested within this application. There is no extension to hours here.

1

2 Pre-application Consultation

Prior to the submission of the application, we engaged with the Licensing Authority, the Metropolitan Police and the Environmental Health Service through the formal LBHF Licensing application procedure. This involved dialogue and discussion on email, in conversation and ultimately a visit and site inspection. Further advice was provided by the licensing service which recommended conditions to form part of the licence application, which in their view would promote the licensing objectives. These were all incorporated within the application prior to submission.

3

4 None of the responsible authorities have objected to this application. The committee and legal advisor will be familiar with paragraph 9.12 of the Guidance issued under section 182 Licensing Act ('The Guidance') (updated in December 2022, but which also appeared in the 2018 version that preceded it) which reads:

Each responsible authority will be an expert in their respective field, and in some cases, it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have a good working relationships with those operating in their local area. The police

5. Kate Reardon

February 7, 2023 at 3:14:33 PM

This needs professional testing. Rhetorical hypothesis must be aborted.

6. Kate Reardon

February 7, 2023 at 3:15:56 PM

Needs Conditions for the number of people partying to not disturb the residents within feet of the Marquee. Sound bounces in mysterious ways. Where does the number 400 come from? A thumbnail guess? Need professional analysis by a sound expert.

7. Kate Reardon

February 7, 2023 at 3:17:27 PM

Need Conditions that say this.

8. Kate Reardon

February 7, 2023 at 3:18:14 PM

There is no robust plan. There is no mention of SMOKING AREAS outside the Marquee which sits on the Concourse, and the smoking area would be on the concourse. We know from pubs around here that just a few people chatting gleefully can create an amazing amount of sound that carries over buildings, down roads etc. Inadequate promises.

9. Kate Reardon

February 7, 2023 at 3:20:23 PM

This is because the crowds for the matches need this space for safe passage in and out of the curtilage of CFC. Yes, it must therefore be conditioned in exacting detail

Page 2 of 4

M Phipps submission

07 February 2023 13:07

should usually therefore be the licensing authorities' main source of advice on matters relating to the promotion of the crime and disorder licensing objective.

Structure of the marquee

We anticipate that it may be said that the fabric of the marquee is a concern as it will only have limited sound attenuating qualities. Our clients are entirely cognisant of that fact which in turn controls and restricts the volumes at which any entertainment may be played. In simple terms those volumes, given the structure of the marquee, will need to be modest. It would be, I submit, disingenuous to suggest there is no music level that would be low enough to prevent public nuisance, if indeed that is now suggested.

5

6

Capacity

We propose that the capacity of these premises is limited to no more than 400. However, when the premises is laid out to tables and chairs the capacity will reach no more than 200.

If, as is anticipated, the premises were to operate the marquee in conjunction with the great hall as a reception space before a function, then 400 would be the limit.

7

To be clear it is not proposed that this premises will provide an additional 400 persons within the Western concourse or stand, to the capacities already permitted by the existing licences, when operating in conjunction with that space it will act as a meeting point and a meal congregation space, as when the Great Hall is laid out to tables and chairs the space allowing congregation away from the tables is limited.

Egress

After 10pm there is no egress through the Western concourse and out through Britannia Gate. All egress will be directed along (and within) the South Stand up to the corner of the East Stand by the Millennium Hotel.

We should add that all facilities available within the Western concourse that you would expect, such as lavatories, will be available whenever the marquee is in use. No external lavatories or facilities will be provided.

8

Security and stewarding.

The Licensing Sub-Committee will note that there are a number of conditions attending to issues of security and stewarding. Our clients have many years' experience of monitoring and supervising customers across a variety of spaces and licences at Stamford Bridge. They undertake risk assessments for all of their events, whether match days, or other non-football related events. Engagement with all the various responsible authorities is significant and commonplace.

Matchdays

9

It is not proposed that this marquee would be in situ on matchdays, the licence can be conditioned accordingly.

10. Kate Reardon

February 7, 2023 at 3:22:07 PM

Should be Conditioned, so that no-one forgets. What is not in the License is long forgotten, quickly.

11. Kate Reardon

February 7, 2023 at 3:22:49 PM

Needs conditions along the lines of no third-party functions via apps such as DesignMyNight, EventBright or however similar are organised in the future as times change.

12. Kate Reardon

February 7, 2023 at 3:23:54 PM

Possible loophole to first sentence as any event, including Third Party Economy events can easily be 'under the auspices of Chelsea Football Club' by requiring a small donation to CFC charities and the like.

13. Kate Reardon

February 7, 2023 at 3:26:07 PM

The LBHF Noise Nuisance team only deals with defining decibel levels that are a statutory nuisance. Therefore, this sentence is saying that in fact, public nuisance is not statutory nuisance (??) Far more clarity needed and Conditions that make it clear to the Premises Licence Holder and to his/her staff what they are aiming for as far as limiting 'nuisance' is concerned.

14. Kate Reardon

February 7, 2023 at 3:28:43 PM

Operating Schedule needs to offer Conditions:

(1) SMOKING AREA (how many allowed at one time, until what time, the plan should show a specific smoking area marked out clearly. Should be on far side of residential walls for both Fulham Road addresses as well as Oswald Stoll disabled veterans apartments along far inside wall from Fulham Road down to Tube line. Smoking area should close at least one hour before closing, if the Licence is granted, which we believe it should not be for lack of ability to uphold the Lic Obj Prevention of Noise Nuisance (2) NO RE-ENTRY after a certain time. Buying of drugs on Fulham Road and in neighboring residential roads is big business. People leave a Premises to buy and then return. This needs limiting by a NO RENTRY Policy that is typical on Licences around Fulham Broadway. It would be 'enforced' by SIA security guards on duty at the door with various tried and tested systems to mark/denote who is exiting and therefore not reentering.

15. Kate Reardon

February 7, 2023 at 3:33:38 PM

Totally inadequate. Places the

Page 3 of 4

M Phipps submission

07 February 2023 13:07

10 28-day limit

Whilst the objector's representative may seek to suggest that the premises may wish to utilise temporary event notices in addition to the 28 days proposed to limit the operation of this marquee, we would observe that planning restrictions would prohibit that. No additional temporary event notices will be applied for, nor could they, utilising this marquee space.

Events within the marquee

- 11 Chelsea FC are not going to be hiring the space for external promoters to conduct their
12 own events. All events within the marquee will be under the auspices of Chelsea Football Club and managed by them accordingly.

Environmental Protection Legislation

- 13 All licensable activities are essentially overlaid with a secondary layer of regulation, namely the environmental protection legislation, to which Chelsea Football Club would be entirely observant. Whilst the licensing authority will be concerned with public nuisance, statutory nuisance would not be permitted to be created by the operation of these premises via legislation outside the scope of licensing matters. The Guidance refers expressly to how licensing and other legislation need not duplicate these functions (para 1.19).

Conditions

- 14 The operating schedule, as touched on above, is comprehensive. For the avoidance of doubt, it touches on a variety of matters including comprehensive CCTV conditions, comprehensive training conditions, comprehensive door security risk assessment and engagement conditions, incident report register, the requirement that a personal licence holder be present at all times sales of alcohol take place, noise management plan and proactive noise assessments being conducted during operations and a suitable and appropriate age control, namely Challenge 25.

15 Noise Management Plan

- 16 We invite the committee's attention to the Noise Management Plan which has been produced in accordance following the advice provided by the Environmental Health Service. Practical sensible matters are provided herein attending to the primary concerns about noise escape and public nuisance.

Risk

- 17 The Licensing Act 2003 and The Guidance is not concerned with eradicating all risk and concerns that may be directed toward a licence premises operator. The proper test is to consider whether the licensing objectives will likely be undermined by the licensable activities. It is legitimate to look at proposed premises licence holder in order to consider whether the licence conditions will be observed, and the licensing objectives promoted. There is nothing, respectfully, to suggest that Chelsea Football Club are anything other than legitimate, upstanding and committed stakeholder who use their very considerable talents to deliver activities to the very highest standards.

burden on residents to use a complaint flow chart which ends, "Sound level reduction not affected....Premises License Holder allows situation to continue" Entire burden of noise nuisance lies with action by residents as inadequate staff cannot take decisions. Nor can they ring Police because Police do not deal with noise.

16. Kate Reardon

February 7, 2023 at 3:39:16 PM

Totally inadequate with no mention of any testing accomplished in this unique residential area with a football club complex. Such as the dinosaur-era suggestion that stewards hand out mini-cab numbers to affect supposed orderly egress of Marquee attendees.

17. Kate Reardon

February 7, 2023 at 3:42:01 PM

The Prevention of Nuisance will not be promoted adequately by the Premises License Holder if live music is licensed. LBHF has strict rules at Fulham Palace and even at Fulham Football Club regarding no live music and no recorded or amplified music. The Applicant might have shown us a comparison chart.

18. Kate Reardon

February 7, 2023 at 3:43:50 PM
False. Unfortunate, misleading comment to the Committee.

19. Kate Reardon

February 7, 2023 at 3:44:50 PM
Totally incorrect. Objectors go to great lengths to express concern about no limit on how often the Marquee could be used. 365/7 is assumed by all four objectors.

20. Kate Reardon

February 7, 2023 at 3:53:11 PM
The letters to Ms Reardon are further evidence, as per the 2003 Lic Act, expressing concern about a proposed Marquee with any number of hundreds of people on an outdoor Concourse until 1:30 plus dispersal time, such Marquee to offer live music, recorded music, amplified music, the sound of hundreds of people partying away, a smoking area outside with more people gleefully attending to their night out etc.

21. Kate Reardon

February 7, 2023 at 3:50:12 PM
Describing it is "a secondary" application (01904 Concourse 365/7) then defines by default this Marquee on the Concourse application 01464 as 'primary'. This application, were it to be granted in part or in whole, would act as a first step in defining part of the Concourse with different hours than on the existing licence 2020/00772, as the Marquee is simply a canvas sided thing sitting on the Concourse which has a very restricted alcohol licence and no licence for live music, recorded music.
—To remind, the restrictions via Conditions on the existing Concourse Licence 2020/00772/ LAPR alcohol 10:00-21:30 but only on Match Days, only from 3 hours prior to start of Match, only 10 minutes before end of halftime, and ceasing after end of Match.

Page 4 of 4

M Phipps submission

07 February 2023 13:07

Resident representations

Whilst we are entirely respectful of the fact that there are five representations to this application and the committee will have seen the responses to each of those representations provided within the licensing committee papers, it is significant to note that a substantial focus of these objections appears to be to protect against the marquee operating on match days.

Indeed, none of the representations raise issues of concern about the operation of the premises outside of matchdays. The numerous functions and other activities associated with Stamford Bridge, outside of home games, are essentially absent from the objector's commentary. It is neither legitimate nor appropriate for such issues to now be raised, if indeed they are.

Additional letters of objection

It may be suggested that the various letters that have been provided by Ms Reardon will disclose "representations" objecting to the application. They do not. The application was correctly advertised in both the press and on site with notices displayed at a number of perimeter points.

A secondary application for the licensing of the external plaza has caused some consternation in the local community and a significant number of representations have been received to that application. As this Committee will understand, that is a separate application and the representations to that other application are not relevant to this application.

Conclusion

We trust the above is of some assistance to the committee and look forward to addressing you in full at the hearing.

Matthew

Matthew Phipps
Partner
Head of Licensing England and Wales
for TLT LLP
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[Linkedin](https://www.linkedin.com/company/TLT-LLP)
www.TLT.com

The Home Office is consulting on extending the impact of the Late Night Levy to include Late Night Refreshment Premises. A copy of the consultation document can be found [here](#)

Responses to the consultation are due by 3 April 2023

EVIDENCE from Hilary Close

I would like to assist the Committee by stating where the further evidence, specifically from Hilary Close residents, is to be found in the papers for the 8 Feb 2023 hearing for the LBHF Licensing Application **2022/01464/LAPR Marque**.

I have deleted house numbers, as required by the Act.

Also, I would like the Committee to know that, along with three further objectors Briony, Tyler and Sylvia, I visited our Fulham neighbours in Hilary Close and went inside their houses and gardens to observe first hand that two of the houses and their deep gardens abut the Old Shed Wall. A third house's angled garden abuts this Wall as well.

We learned from the residents about sound bouncing off an inside garden wall into the garden of one of the houses. We learned a lot in person, using our observation skills and listening skills to understand and hear first-hand from the owners/residents the potential impact of the sound of a party Marque on the other side of the wall.

I also instructed my legal counsel to visit, and he did visit two of these houses, including the Hilary Close house of Aaron Luo, with objector Briony and several other neighbours who have submitted further evidence to me.

It is very unfortunate that the residents of Hilary Close did not know to be on constant lookout for blue notices regarding Licensing. They tell me that they are accustomed to receiving Planning Notices by post as they are in a Conservation Area. Luckily, I learned in early January, and was later advised on this point, that the 2003 Licensing Act allows an objector to supply further evidence for the Committee, to support an original objection. So, I have added to the papers for this hearing their specific evidence emails sent to me, explaining in detail their concerns about the proposed Marque and noise from the Concourse where there should be an outside smoking area for the Marque (missing from the Plan), movement and noise of attendees of the Marque, possible build up of onlookers hearing the live music from the Marque etc). There are so many concerns about this outdoor Marque; they are clearly stated in all the evidence. Hilary Close especially cannot understand how The Plan does not show their houses, critically situated on the other side of the Shed Wall.

Their evidence may now be found as follows,

1)
in the Supplemental Agenda 5th Feb, my 47-page bundle with page 2 overlay plan on G-map:

xx Hilary Close, Deidre and Paul Brosnan (and children)
their evidence is found in 'Supplemental Agenda', **marked page 87 in footer**, marked Page 17 of 47 in top right corner

xx Hilary Close, Martin Rudge,
their evidence is found in 'Supplemental Agenda', **marked page 94 in footer**, marked Page 24 of 47 in top right corner

xx Hilary Close, Aaron Luo, on page 26 (garden abuts angled Shed Wall, upper bedroom at Shed Wall)
their evidence is found in 'Supplemental Agenda', **marked page 96 in footer**, marked Page 26 of 47 in top right corner

xx Hilary Close, Rebecca Cody

her evidence is found in 'Supplemental Agenda', marked page 109 in footer, marked Page 39 of 47 in top right corner

2)

In the 66-page 'Agenda Pack' for 8 Feb hearing 2022/01464/LAPR Marquee:

xx Hilary Close, Maria Malas/Ramiz Mroueh (3 children)
their evidence is found on page 58

xx Hilary Close, Sam/Camilla Johnson, (house of double house, and rear garden abut Shed Wall)
their evidence is found on pages 59, 60

3)

Sent separately by Kate Reardon directly to LBHF

xx Hilary Close, Adrianna Ennab/Johannes Schaesberg (5 children). House and garden abut Shed Wall.

Their email to Kate of 1st Feb 8:46pm. Kate Reardon forwarded Mon 5th Feb 11:18 directly to Licensing@ and Adrian.Overton@

Thank you for including this email in a further Supplemental Agenda for tonight's hearing.

Kate Reardon



Application for a premises licence for the concourse
outside of the West Stand toward Britannia Gate
Stamford Bridge, Fulham Road, SW6 1HS

Technical review of
Noise Management Strategy document dated 23rd October 2022

Prepared by: Richard Vivian, Big Sky Acoustics Ltd
On behalf of: Kate Reardon
Document Ref: 23021113
Date: 8th February 2023

Big Sky Acoustics document control sheet

Project title:	Application for a premises licence for the concourse outside of the West Stand toward Britannia Gate Stamford Bridge, Fulham Road, SW6 1HS Technical review of Noise Management Strategy document dated 23rd October 2022
Technical report number:	23021113
Submitted to:	Gareth Hughes Keystone Law Limited 48 Chancery Lane London WC2A 1JF acting on behalf of Kate Reardon
Submitted by:	Richard Vivian Big Sky Acoustics Ltd 60 Frenze Road Diss IP22 4PB 01206 330000 r.vivian@bigskyacoustics.co.uk
Prepared by:	Richard Vivian BEng(Hons) MIET MIOA MIOL

Document status and approval schedule

Revision	Description	Date	Approved
0	Approved for issue	08/02/2023	RV

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1.0 Qualifications and experience

- 1.1 My name is Richard Vivian. I am the founder and director of Big Sky Acoustics Ltd. Big Sky Acoustics is an independent acoustic consultancy that is engaged by local authorities, private companies, public companies, residents' groups and individuals to provide advice on the assessment and control of noise.
- 1.2 I have a Bachelor of Engineering Degree with Honours from Kingston University, I am a Member of the Institution of Engineering & Technology, the Institute of Acoustics and the Institute of Licensing.
- 1.3 I have over thirty years of experience in the acoustics industry and have been involved in acoustic measurement and assessment throughout my career. My professional experience has included the assessment of noise in connection with planning, licensing and environmental protection relating to sites throughout the UK. I have given expert evidence in the courts, in licensing hearings, in planning hearings and inquiries on many occasions.

2.0 Introduction

- 2.1 Big Sky Acoustics Ltd was instructed by Mr Gareth Hughes of Keystone Law Limited, acting on behalf of Kate Reardon, to carry out a technical review of the noise evidence prepared for the applicant by Mr Simon Joynes of Joynes Nash Ltd.
- 2.2 In order to address the most significant issues I have not sought to rebut all the points in Mr Joynes' evidence with which I disagree. The fact that I do not expressly rebut a point is not an indication that I accept it.

3.0 The application

- 3.1 The premises licence application is for the following licensable activities within a marquee proposed to be erected on the concourse outside of the West Stand toward Britannia Gate at Stamford Bridge:
 - The playing of amplified live music from 10:00-01:00hrs seven days a week.
 - The provision of hot food and drink from 23:00-01:00hrs seven days a week.
 - The supply of alcohol from 10:00-01:00hrs seven days a week.
 - The premises to be open from 10:00-01:30hrs seven days a week.

4.0 The site and surrounding area

- 4.1 I am familiar with the site location and the wider area.
- 4.2 I have carried out noise assessments in the area around this application site, and across the wider borough of Hammersmith & Fulham, for many years.

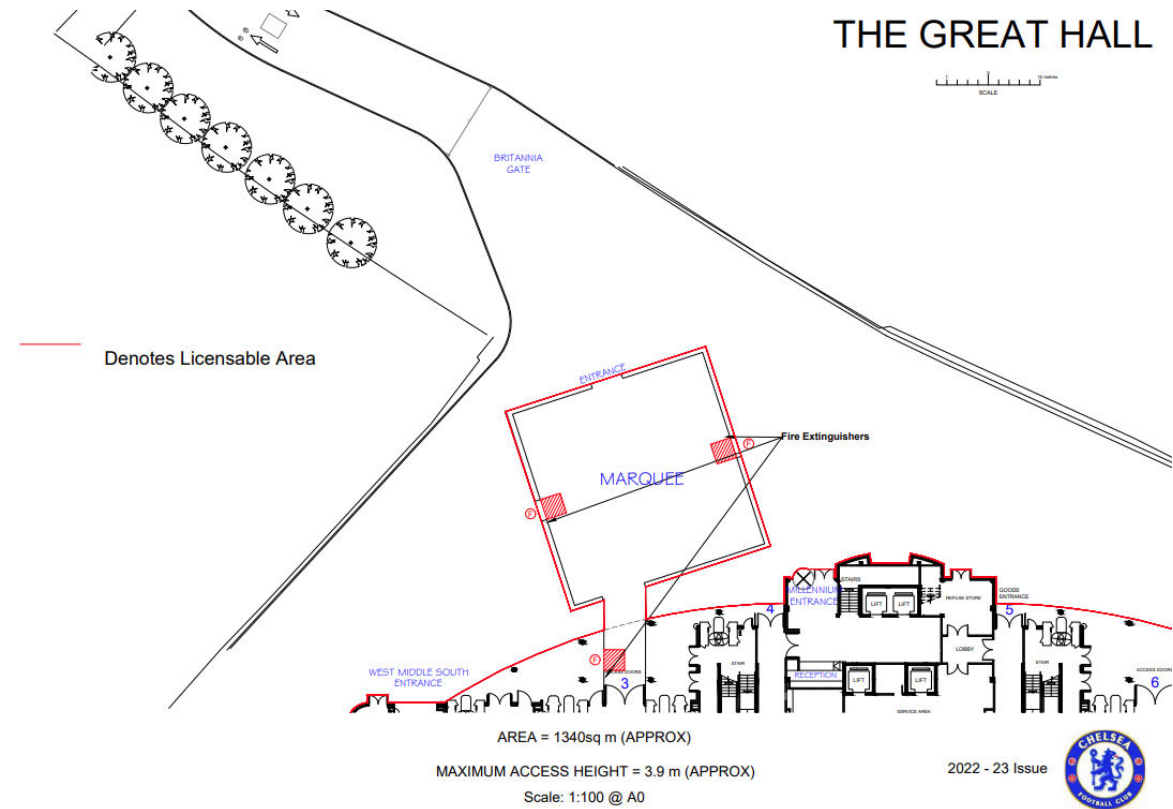


Figure 1: Proposed location of marquee (as presented in application).



Figure 2: Marquee location marked on aerial image (North up).



Figure 3: View of properties on Fulham Road looking north along Hilary Close, with further properties at the end of Hilary Close that are closer to the marquee location. The West Stand is in the background.



Figure 4: View of the approximate location of the marquee. Roofs of residential properties on Hilary Close can be seen (note Velux roof windows visible), as can windows of rear façades of properties on Fulham Road. Britannia Road is in the background across the Fulham Road.

5.0 Noise Management Strategy by Mr Simon Joynes

- 5.1 The following comments given are not exhaustive and are intended to inform in respect of the technical aspects of the Noise Management Strategy document presented by Mr Joynes in his report dated 23rd October 2022 and marked as Version 1.2, with the status: "*Client Draft*".
- 5.2 In section 3 of his report Mr Joynes explains that the marquee's primary focus will be for "*corporate events, including functions, experiential, hospitality event or social activities*".
- 5.3 Mr Joynes correctly identifies there are a number of noise sensitive receptors in the vicinity and names residential units on Fulham Road, and the flats in the Sir Oswald Stoll Foundation¹ which is adjacent to, and overlooks, the proposed marquee site. He also mentions the residential properties situated in Hilary Close which almost abut the application site and are partially screened by a wall.
- 5.4 Mr Joynes does not provide an indication of the separation distance to these nearby properties from the proposed marquee location. This is important information when predicting noise levels from a noise source as sound is attenuated over distance and therefore, if the separation distance is large enough, noise from activity in the marquee may have a reduced impact at residential properties at larger distances due to this physical separation.
- 5.5 Reference to an OS Map for this location gives the separation distance from the proposed marquee site to these closest noise sensitive properties as:
- Sir Oswald Stoll Mansions: 20 metres with clear line of sight from windows. There are approximately 174 windows in this development that overlook the application site.
 - Hilary Close: 25 metres to the rear façades of residential properties with partial line of sight obscured by a wall.
 - Fulham Road: 30 metres to the rear façade of these properties with clear line of sight to second and third floor windows from the application site.
- 5.6 Mr Joynes does not provide any evidence that he has visited the site. He does not provide any photographs, or any description of the noise climate at the site. There is no noise measurement survey data provided for the site or estimate of the typical ambient noise levels to be expected at residential façades at this location.
- 5.7 In section 5 of his report Mr Joynes makes some noise control proposals. His approach is inconsistent suggesting first that noise complaints should be responded to in a "*timely manner*", but then that an independent noise consultant should attend any unresolved complaints within "*5 working days*".
- 5.8 In section 6 he comments on the risks of amplified music and advises that "*any amplified music will be ambient/incidental music*".

¹ The Sir Oswald Stoll Mansions are 157 flats providing housing for veterans who have served in the British Armed Forces or Reserve Forces or the Merchant Navy under Arms and have support needs due to physical disability, mental health issues, substance misuse issues, homelessness or ongoing health conditions.

- 5.9 Section 7 proposes that traditional speaker systems will not be used but instead *"directional or zone array systems will be deployed to provide a narrow beam of focussed sound to a desired area"*. No indication is given as to where this *"narrow beam"* starts or ends. It is not clear to me what technical solution Mr Joynes is proposing as he makes no suggestion of any equipment specification, makes no reference to any manufacturer or model numbers, and provides no information as to where the speakers will be located or how they will be controlled. There are no photographs or drawings of how this system will be installed and no indication of the source sound levels produced by such a system. Critically there is no prediction of the sound levels that would be experienced at noise sensitive façades of the residential properties.
- 5.10 Section 8 is a meandering discussion on the subjective word *inaudibility* with no concluding definition as to what it could mean, or what an acceptable level at a noise sensitive receptor would be. Mr Joynes only suggestion is that *"should any residences contact the venue to enquire of noise or make a complaint, they are offered the opportunity for consultants at an appropriate time to attend their property during an event to observe the noise and make any necessary improvements"*.
- 5.11 At Section 9.0 Mr Joynes states that *"venues are from time to time expected to receive complaints"*.
- 5.12 The Noise Monitoring Procedure at Section 10 is vague and suggests boundary checks of noise levels once an hour but provides no indication of how those checks are carried out and what is being checked other than *"any form of impact"*. If Mr Joynes is suggesting there should be a boundary noise condition then I would expect him to propose that noise level, in decibels, stating how it will be measured and how the noise sources will be controlled so that in normal operation it would not be exceeded.
- 5.13 In Section 11 Mr Joynes suggests that there is no mechanism for evaluating or controlling crowd noise. This is at odds with common practice amongst professionals working in this field as the noise from people talking can readily be modelled as a number of discreet sources and that noise level increases as the number of people talking increases. International standards² provide references for human speech sound levels and the total sound level from a crowd can then be derived from the logarithmically sum of multiple sources. Academic papers³ also provide peer-reviewed studies of crowd-noise investigations and calculation methods for predicting crowd noise. This is a common methodology that is regularly applied in the assessment of crowd noise from licensed premises.
- 5.14 Using the formula $L_{Aeq} = 21 \cdot \log(N) + 43$ a crowd of 400 people talking at typical speech levels is predicted to generate noise of a 98dB.

² ISO 9921:2003 Ergonomics - Assessment of speech communication, Annex A, Table A1 shows the vocal effort of a male speaker and related A-weighted speech level (dB re 20 µPa) at 1 m in front of the mouth. The table indicates that relaxed vocal effort is 54dB, and normal vocal effort is 60dB.

³ Growcott, D (Consideration of Patron Noise from Entertainment Venues, Australian Association of Acoustical Consultants Guideline, Australia, 2009)

- 5.15 Sound is attenuated in air and in a free field for every doubling of distance from a noise source the sound pressure level L_p will be reduced by 6 decibels. This is calculated using the following formula:

$$\begin{aligned} L_{p2} - L_{p1} &= 10 \log (R_2 / R_1)^2 \\ &= 20 \log (R_2 / R_1) \end{aligned}$$

where

L_{p1} = sound pressure level at location 1 (dB)

L_{p2} = sound pressure level at location 2 (dB)

R_1 = distance from source to location 1

R_2 = distance from source to location 2

A "free field" is defined as a flat surface without obstructions.

- 5.16 The calculation predicts a resultant noise level from crowd noise of 72dB at the façade of the Sir Oswald Stoll Mansions, 70dB at the rear façades of Hillary Close with line of sight to the marquee, and 68dB at the rear façades of properties on Fulham Road. Such high noise levels at this location would be clearly noticeable, would require residents to keep all windows and doors shut, and even with typical glazing closed this would still result in internal levels significantly in excess of the relevant British Standard⁴ for acceptable internal ambient noise level in dwellings.
- 5.17 The remainder of Mr Joynes' report appears to have been extracted from a festival-style noise management plan with references to generators, off-site monitoring, stage managers, and arenas: all terms which are not relevant to this application.

6.0 Discussion

- 6.1 No evidence is given that Mr Joynes has visited the site and he does not make any reference to the existing noise levels at the site. With the exception of match days, the dominant sources of noise in the area are road traffic and some commercial aircraft activity in the day and evening. Later into the evening, and at night, noise levels at the façades of properties facing the application site will have dropped to the extent that people will be able to sleep with their windows open for ventilation and not be disturbed.
- 6.2 The applicant's noise management strategy report meanders though a selection of vague suggestions for noise control which may have some relevance to a one-off festival-type event, but do not promote relevant best-practice processes for this application where licensable activities are sought, out of doors, for regular use of the site throughout the year.
- 6.3 Mr Joynes gives no indication of noise source levels for the sound system, attenuation due to distance separation to the noise sensitive receptors, and therefore the resultant noise levels at receptor positions. Without this information it

⁴ BS8233:2014 states that for steady external noise sources, it is desirable that the internal ambient noise level in dwellings does not exceed the guideline values of 35 dB L_{Aeq} during the day and 30dB L_{Aeq} at night.

is not possible for officers, residents, or the licensing sub-committee, to assess the potential impact from the proposed licensable activities.

- 6.4 In section 6 of his report Mr Joynes states that any amplified music will be ambient/incidental music. This statement appears at odds with other elements of the application which speak of corporate events, including functions, experiential, hospitality event or social activities. However his statement is to be welcomed amongst the contradictions of his report as the use of low-level background music, at such a level that would not be classed as regulated entertainment, is a sensible approach: the physical structure or a marquee provides little, if any, attenuation of sound and therefore only very low-level music would be acceptable at this location.
- 6.5 Mr Joynes' failure to calculate crowd noise, particular of a large crowd of up to 400 people, is a significant shortcoming of the report. My own calculations indicate that crowd noise alone is so significant as to have a marked and detrimental impact on a number of residents near to the application site.
- 6.6 Mr Joynes also fails to reference the Hammersmith & Fulham Statement Of Licensing Policy⁵. A marquee provides very little attenuation to noise and effectively no attenuation of low frequency sounds from music. Mr Joynes, sensibly, does not suggest otherwise. A marquee should therefore be treated as an outside space. The H&F SLP states that *"Licensees and certificate holders should take reasonable steps to prevent the occurrence of ... public nuisance immediately outside their premises, for example on the pavement, in a beer garden or in a smoking area, to the extent that these matters are within their control"* (page 30). The SLP recommends in the section on public nuisance, *"Limiting the number of people permitted to use a garden or other open-air areas, including those for the use of smoking, at any one time"* (page 39, b, vi.). The SLP also advises *"Restricting the use of a garden or other open-air areas, including those for the use of smoking, after a particular time e.g. 11:00pm (or such earlier time as may be considered appropriate)"* (page 39, b, vii.). Finally the advice from the SLP on external areas is *"External areas such as gardens can be the source of noise disturbance to surrounding premises. Consider limiting the use of the garden to a reasonable time and number of people"* (page 40, n.). It is essential that the caution with which outside spaces are considered in the SLP is extended to the use of marquees as, in acoustic terms, a marquee is an outside space as it provides insignificant levels of attenuation to sound.

7.0 Conclusions

- 7.1 Big Sky Acoustics Ltd was instructed by Mr Gareth Hughes of Keystone Law Limited, acting on behalf of Kate Reardon, to carry out a technical review of the noise evidence prepared for the applicant by Mr Simon Joynes of Joynes Nash Ltd.
- 7.2 The failure of Mr Joynes to reference existing noise levels at this location and to predict the source noise levels from use of the marquee, including the noise from

⁵ London Borough of Hammersmith & Fulham Statement of Licensing Policy 2022 - 2027

amplified music and speech, and also from crowd noise, does not assist the licensing committee in evaluating the impact from noise. This application introduces a significant new noise into the area at times outside the traditional match-day noises, and this new noise source is in close proximity to residential façades. The proposal would likely result in noise at a level that would be a statutory nuisance, and a public nuisance, and there is no numerical evidence presented by Mr Joynes to indicate that this would not be the case or that it could be controlled.

- 7.3 No details are provided of the proposed loudspeaker system, where it would be located and how it would be controlled. There are no details of the source noise level (i.e. how loud it would be) or calculations of the noise level from 400 people in a marquee. Mr Joynes does state, in Section 6 of his report, that **"any such provision will be ambient/incidental music"** and that is a point on which we agree: anything louder than the lowest level background music, would not be acceptable. It is not clear why the application is applying for regulated entertainment in the form of live and recorded music when the applicant's own expert's recommendation is to only have ambient/incidental music in the marquee.
- 7.4 Mr Joynes makes no reference to Hammersmith & Fulham's SLP, but the SLP is clear that both numbers of patrons, and hours of use, are important considerations when it comes to the use of outdoor spaces. I am not aware of any pub beer garden in the Borough that would allow 400 patrons, and regulated entertainment, until 01:00hrs and certainly nothing of this size and scale within 20 metres of residential properties.
- 7.5 My professional opinion is that the application as presented would have the potential to cause changes in behaviour such as closing windows, not being able to use external amenity spaces such as gardens, and not being able to rest or sleep in rooms with façades facing the application site even with windows closed. There remains a possibility that a marquee could be used during the daytime for low-key events without amplified speech and music, but a detailed survey of the site would still be required to demonstrate that such a use would promote the licensing objectives and that information is not in front of the committee at this time.
- 7.6 The location of a marquee for events with up to 400 people at a close proximity to residential properties is very likely to be detrimental to the licensing objectives and result in noise that will be a public nuisance. No satisfactory evidence is presented by Mr Joynes to suggest that the prevention of public nuisance objective would be upheld and therefore the application should be refused.



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Appendix A - Terminology

Sound Pressure Level and the decibel (dB)

A sound wave is a small fluctuation of atmospheric pressure. The human ear responds to these variations in pressure, producing the sensation of hearing. The ear can detect a very wide range of pressure variations. In order to cope with this wide range of pressure variations, a logarithmic scale is used to convert the values into manageable numbers. Although it might seem unusual to use a logarithmic scale to measure a physical phenomenon, it has been found that human hearing also responds to sound in an approximately logarithmic fashion. The dB (decibel) is the logarithmic unit used to describe sound (or noise) levels. The usual range of sound pressure levels is from 0 dB (threshold of hearing) to 140 dB (threshold of pain).

Frequency and Hertz (Hz)

As well as the loudness of a sound, the frequency content of a sound is also very important. Frequency is a measure of the rate of fluctuation of a sound wave. The unit used is cycles per second, or hertz (Hz). Sometimes large frequency values are written as kilohertz (kHz), where 1 kHz = 1000 Hz. Young people with normal hearing can hear frequencies in the range 20 Hz to 20,000 Hz. However, the upper frequency limit gradually reduces as a person gets older.

A-weighting

The ear does not respond equally to sound at all frequencies. It is less sensitive to sound at low and very high frequencies, compared with the frequencies in between. Therefore, when measuring a sound made up of different frequencies, it is often useful to 'weight' each frequency appropriately, so that the measurement correlates better with what a person would actually hear. This is usually achieved by using an electronic filter called the 'A' weighting, which is built into sound level meters. Noise levels measured using the 'A' weighting are denoted dBA. A change of 3dBA is the minimum perceptible under normal everyday conditions, and a change of 10dBA corresponds roughly to doubling or halving the loudness of sound.

C-weighting

The C-weighting curve has a broader spectrum than the A-weighting curve and includes low frequencies (bass) so it can be a more useful indicator of changes to bass levels in amplified music systems.

Noise Indices

When a noise level is constant and does not fluctuate over time, it can be described adequately by measuring the dB level. However, when the noise level varies with time, the measured dB level will vary as well. In this case it is therefore not possible to represent the noise level with a simple dB value. In order to describe noise where the level is continuously varying, a number of other indices are used. The indices used in this report are described below.

- L_{eq}** The equivalent continuous sound pressure level which is normally used to measure intermittent noise. It is defined as the equivalent steady noise level that would contain the same acoustic energy as the varying noise. Because the averaging process used is logarithmic the L_{eq} is dominated by the higher noise levels measured.
- L_{Aeq}** The A-weighted equivalent continuous sound pressure level. This is increasingly being used as the preferred parameter for all forms of environmental noise.
- L_{Ceq}** The C-weighted equivalent continuous sound pressure level includes low frequencies and is used for assessment of amplified music systems.
- L_{Amax}** is the maximum A-weighted sound pressure level during the monitoring period. If fast-weighted it is averaged over 125 ms, and if slow-weighted it is averaged over 1 second. Fast weighted measurements are therefore higher for typical time-varying sources than slow-weighted measurements.
- L_{A90}** is the A-weighted sound pressure level exceeded for 90% of the time period. The L_{A90} is used as a measure of background noise.

Example noise levels:

Source/Activity	Indicative noise level dBA
Threshold of pain	140
Police siren at 1m	130
Chainsaw at 1m	110
Live music	96-108
Symphony orchestra, 3m	102
Nightclub	94-104
Lawnmower	90
Heavy traffic	82
Vacuum cleaner	75
Ordinary conversation	60
Car at 40 mph at 100m	55
Rural ambient	35
Quiet bedroom	30
Watch ticking	20

Appendix B - Application site

