

BEFORE HAMMERSMITH AND FULHAM LONDON BOROUGH COUNCIL  
LICENSING SUBCOMMITTEE

APPLICATION FOR A PREMISES LICENCE

CONCOURSE OUTSIDE OF THE WEST STAND TOWARD BRITANNIA GATE - CHELSEA  
FOOTBALL CLUB, STAMFORD BRIDGE, FULHAM ROAD, LONDON SW6 1HS

LICENSING ACT 2003

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**CASE SUMMARY**  
**(HEARING 8 FEBRUARY 2023)**

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***Introduction***

1. This Case Summary is lodged on behalf of Kate Reardon of Britannia Road, London SW6, who has made written representations on application by Chelsea Football Club Holdings Limited for a premises licence to provide licensable activities inside a marquee on the concourse within the club grounds.
2. She is supported by those named below, who did not make representations because they had not seen any notice displayed at the premises, many of whom have made valid representations on a subsequent application in respect of the concourse only. **These further supporting documents are set out in the supplementary agenda bundle of Kate Reardon at pages 3-47.** There will also be further names to be added to this list that have been submitted to the council.

**James and Eileen Marchbanks** - Britannia Road SW6 2JR

**Jo Gidden** - Britannia Road SW6 2JR

**Kate Thornton** - Kempson Road SW6 4PU

**Luo Aaron** - Hillary Close SW6 1EA

**Thaddeus Beczak** - Britannia Road, London SW6 2RJ

**Rupert Hume-Kendall** - Kempson Road SW6 4PU

**Dr Adrienn Tomor** - Kempson Road SW6 4PX

**Christian Kortlang** - Fulham Road SW6

**Sarah Long** - Musgrave Crescent SW6 4PT

**Michael Ridley** - Musgrave Crescent SW6 4QE

**Caroline Marston** - Kempson Road SW6 4PX

**Deirdre Cooper** - Hillary Close, Fulham Road SW6 1EA

**Adriana Ennab and Johannes Graf von Schaesberg** - Hillary Close SW6 1EA

**Sarah Hardy** - Musgrave Crescent, London SW6 4PT

**Malika Amleng** - Kempton Road SW6 4PX

**Lucy Valpy** - Lucas House, Kings, Chelsea

**Amabel Ealovega** - Harwood Road SW6 4PY

**Benjamin Ealovega** - Harwood Road SW6 4PY

**Nicholas Courtney** - Kempston Road SW6 4PX

**Carol Begley** - Moore Park Road SW6 2HH

**Ysenda Maxtone Graham** - \valon Road SW6 2EX

**Kitty Jenks** - Novello Street SW6 4JB

**Belinda Coats** - Kempson Road SW6 4PU

**Emma Vickers** - Kempson Road SW6 4PU

### **Overview**

3. The above named live in very close proximity to the application site and will be referred to collectively in this Case Summary as 'the Residents'. A Google Earth view of the site is attached **in the supplementary agenda of Kate Reardon at page 2 of 47** with some of their homes and distances indicated. It will be seen that the proposed marquee is exceedingly close to the residents at Hillary Close and at one point the corner of the marquee as proposed will be no more than a few feet away from the garden and bedrooms of the Hillary Close residents.
4. The Residents' principal concerns go to the scale of the Applicant's proposals, which, if permitted, will inevitably have a substantial adverse impact on their residential amenity. **Their statements are included in the supplementary agenda of Kate Reardon at pages 3- 47** to this Case Summary sets out the emails from some of the most affected residents named above. Furthermore, there is also a further application made by the same Applicant in respect of the extended use of the concourse around the ground for live music and the sale of alcohol for up to 29,999 people and it is

submitted that this application also has to be seen as very much linked to the other application in terms of the significantly increased adverse impacts on the amenity.

5. It is submitted that the proposed numerous events in the marquee site, which could amount to one every week or weekend, will cause significant noise nuisance at a level resulting in sleep disturbance (including the waking up of small children) and adults perhaps having to wear earplugs when going to bed, given the very close proximity of the marquee to bedrooms in Hillary Close and even as far as Britannia Road. The proposed late hours of termination, up to 01:30, will also increase substantially the nuisance factor to local residents, as can clearly be seen in the letters they have submitted in support of our client.
6. The Courts have long recognised the rights of householders to the quiet enjoyment of their homes, now found in Article 8 of the European Convention on Human Rights. In Hampstead and Garden Properties v Diomedous [1968], McGarry J was dealing with music from a restaurant. He said -  
  

*"It is the home rather than the meal table which must prevail. A home in which sleep is possible is a necessity, whereas loud music as an accompaniment is for those who enjoy it a luxury".*
7. The Judge's comment is no less pertinent to music played at, for example, wedding receptions, hen parties, popup bars, barbeques, corporate events or any other of the proposed range of entertainments which might be proposed under the application. Reference is made in the application to pre-reception spaces, a post-reception space and "prebooked Christmas-related events", as well as events related to World Cup competitions and perhaps even European Championship competitions.
8. The supporting emails from some of the most affected residents are contained in the supplementary bundle. Having regard to the obvious vulnerability of their houses and gardens to noise nuisance from this site, they suggest that it is utterly unrealistic to expect events of the kind proposed and on the scale proposed in the application to take place without undermining the 'prevention of public nuisance' licensing objective. However, they also refer throughout their supporting evidence to the protection of children and public safety. They have also made reference to other noise which will be associated with events held in the marquee, including the noise of up to 400 people exiting into their street or past their residences at 01:30 in the morning, causing disturbance to sleep, and also the sheer volume of vehicles that will be needed to ferry people away given that the Tube station at Fulham Broadway will be closed at that hour. They are already very aware of all the difficulties caused by black cabs, limousines and Uber vehicles manoeuvring in their street in Britannia Road and parking up for significant periods of time before people exit the club, with radio systems playing in cars or drivers talking to each other in the street. This will be an enhanced problem during the later hours proposed by this application.

### **Location Plan**

9. A premises licence plan was submitted with the application to the authority and, whilst it shows the location of the marquee, it fails to show the houses immediately on the

opposite side of the wall from the concourse, which will be directly affected by loud music and customers consuming alcohol. Hillary Close is a matter of a few meters away from the proposed location of the marquee. **The submitted Google Earth aerial photograph shows the proximity of Hillary Close residents to the proposed site when read together with the application plan. This photograph is included in the supplementary agenda of Kate Reardon at page 2 of 47.** The residents of Britannia Road and the other streets referred to in App 2 are also in extremely close proximity to the marquee and any loud music played within it will travel down Britannia Road to the disturbance of residents. Further, if that noise does not disturb them then the egress of 400 people at 01:30 will almost certainly have a deleterious effect upon the Residents' quiet enjoyment of their properties at this very sensitive hour of the early morning.

10. There is already in place a premises licence, number 2020/00772/LAPR, in respect of the concourse area upon which the marquee is proposed to stand. This licence is time-limited in a way which reflects earlier planning permissions for the venue in 1999. The hours for the sale of alcohol are limited to 10:00-21:30 and, by way of condition, such sales of alcohol may only take place on match days at the club during the three hours immediately before the kick-off of the match and during the period of ten minutes before half-time of the match and ceasing at the end of the match. There current proposal, therefore, represents a significant increase in the number of hours for which usage is permitted on the concourse and extends that use over a period greater than the number of home match days at the club. The Applicant's lawyer has suggested that there be only 28 such events in a marquee on this concourse during the year and that, combined with 20 possible temporary event notices, would take the number up to 48 in total, representing almost one event almost every weekend of the year. This application, therefore, moves significantly beyond what has been permitted to take place on this area of the concourse previously given the far later hour of operation, the injection of loud music effectively outdoors given a marquee provides little protection against sound escape, and a significant increase in numbers of up to 400 people.

### ***Consultation and Community Involvement***

11. Given all of the above, one might have expected this Applicant to have engaged in widescale consultations with local residents living in the streets immediately adjacent to the club and particularly those in Britannia Road and Hillary Close. However, no such consultation has been offered or proposed, giving a particularly unpromising vision of the future under the new management of the club. The Hammersmith and Fulham Statement of Licensing Policy calls for consultation with local residents and for engagement with them at an early stage and prior to applications being made. Even further proposed conditions which have arisen out of discussions with Police and Environmental Health have not been discussed with local residents, which the Council would almost certainly have expected on any project as large as the one proposed in this application. The residents are aggrieved by this lack of involvement and consultation, which runs counter to the policies of Hammersmith and Fulham, which seek to engage communities in the development of such proposals. For all these reasons it is suggested that the application be withdrawn and the Applicants return to

the drawing board to consider whether there is any more suitable proposal in a very different location which could form the basis of a discussion with the community.

### ***Intended Uses***

12. There is a paucity of information in the application as to the proposed styles of operation in the marquee. We are not enlightened as to whether there will be performances by live bands or DJs or any other kind of musical entertainment. What we do know is that any of these types of event will be run at significant volume levels and that there will inevitably be escape from the marquee, which is not a building constructed of bricks and mortar, to the residents living in Hillary Close and in Britannia Road. No measures have been set out to address this issue and no acoustic report has been presented to residents until the very last minute on 6<sup>th</sup> February. There is little time for residents to examine this report but it is hoped to have an acoustic expert look at it and report in time for the committee meeting. We will comment further at the hearing.
13. With regard to alcohol sales, it is not made clear whether there will be any bars in the marquee for which sales will take place. There is a reference in the application form to the marquee being used for both pre-reception and post-reception events relating to occasions in the great hall of the west stand. However, there is no indication as to whether there will be standalone events within the marquee in addition to those taking place in the great hall. There have been no proposed conditions set out in respect of these matters and for these reasons the application is unreliable.
14. There is a further reference in the application form to the marquee being used for World Cup-related events. Because of the timing of the application, the club has indicated that those proposals cannot go ahead as the World Cup has now passed. However, there is again no indication as to whether it is proposed that the marquee be used for future World Cup events or European Championship events and no conditions are proposed to address this issue.

### ***Statement of Licensing Policy***

15. The sub-committee will be very familiar with its own licensing policy. The Residents respectfully draw attention to the following paragraphs in particular:

(a) Policy 11: Consideration of our residents

*“The licensing authority expects that any licence applicant will give due consideration to the needs of Hammersmith and Fulham residents and any negative impacts from licensable activities and business operations and with reference to activities taking place in their premises and how these may impact in the direct locality and further afield.”*

*“Population densities in this borough are high, with many residential premises located above or in close proximity to licensed premises. This means that the*

*public nuisance and crime disorder objectives will be of paramount concern when evaluating operating schedules. Licensing committees will place high regard on the control measures put in place by the applicant to ensure that our residents are protected from the potential detrimental effects of any licensed premises”.*

(b) The prevention of public nuisance

*“The licensing authority will require the applicant to demonstrate within the operating plan how they intend to prevent nuisance arising, prevent disturbance and protect amenity so far as appropriate to ensure that the licensing objectives are met. Where there is a relevant representation regarding extended hours, the licensing authority will not permit an extension unless it is satisfied that the licensing objectives would be met.”*

It highlights sensibly the matters to which it will have regard and many are relevant to this application as follows:

- (i) Dispersal policies
- (ii) Proximity of residential accommodation
- (iii) Types of use proposed and the numbers
- (iv) The steps taken to prevent noise escaping
- (vii) Smoking areas
- (ix) Staff leaving
- (xi) Provisions for public transport in the locality
- (xii) Disturbance from other vehicles
- (xix) Any other activity giving rise to nuisance
- (xx) Relevant representations from police and environmental health officers.

## **Conclusions**

16. In the operating schedule section of the application there are no proposals but simply a reference to an appendix of model conditions and some further conditions which may have been agreed with environmental health officers without any reference whatsoever to residents. In respect of the very serious concerns about public nuisance, the hours, the capacity and the proximity to local residents which is all part of the licensing policy statement, the applicant merely offers the following in bold type:
- **Notices to be put up reminding people to leave quietly** – a condition very often honoured in the breach than in the undertaking as committee members will be aware.

- **Amplified music not to be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity** - However, there is no sufficient acoustic report to back this proposed condition and there is no definition of what “unreasonable disturbance” to the occupants will consist. No research on this point has not been attempted and the acoustic report does not address this issue and cannot address it successfully without any reference at all to the residents who are making objections in this case. They have been singularly excluded from the whole process, notwithstanding the fact that representations were submitted during the consultation period.

**“If officers of the Council witness noise at a level which causes unreasonable disturbance to the occupants of any properties in the vicinity then a meeting will be called with the responsible authority officers to discuss noise attenuation measures”** – this depends very much upon officers being around at the precise moment in time when the so called “unreasonable disturbance” is being caused to the occupants of properties in the vicinity. It further proposes no decisive action but rather suggests meetings with the responsible authority officers again excluding those most affected by noise disturbance namely the residents.

**“A noise management plan should be submitted to and approved in writing by the Noise and Nuisance Team, the plan to include details relating to the control of noise from patrons entering and leaving the premises as well as controls to ensure that noise from use and activities within the premises does not cause nuisance to neighbours”** - Again, there has been no consultation with Residents immediately adjacent to the stadium including those a mere few feet away from the proposed marquee in Hillary Close and those who will be affected by the noise in Britannia Road. There should be a noise management plan drafted and placed before the committee as there are in many countless applications for events, nightclubs and any venue offering music. There is simply no analysis of the nature and style of events that are to be held within the marquee and the impact in terms of sound levels that this will have on the Residents of Hillary Close and Britannia Road and there has been no reaching out to the community in this respect. In our respectful submission, an independent expert should be appointed by both parties to discuss firstly whether such a marquee holding events until 0100 hours with live music, recorded music and the sale of alcohol, can feasibly exist in any event on this concourse given it is so close to Hillary Close and Britannia Road and would be operating so late into the early hours of the morning.

**Not only do the Residents feel that this is an inadequate response, having regard to the scale of the proposals and the Council’s policy respecting residential amenity, but they are genuinely concerned that the applicant could have thought it was adequate. The sub-committee is invited to share that concern. It gives an unpromising vision of the future should this application be granted.**

17. Chelsea Football Club is situated in the middle of what Hammersmith and Fulham Council have described as a mixed use area which ranks between a town centre and an exclusively residential area. It means that whilst there are considerable activities connected with the football club, particularly at weekends when there are home

matches, there are, nevertheless, very quiet streets just off Fulham Road including Britannia Road which will be directly impacted by this marquee proposal. Those supporting Kate Reardon's representation have indicated this in the supporting emails and particularly those in Hillary Close adjoining the ground. Residents who have moved to this area are well acquainted with the club and expect noise including music and crowd noise on matchdays and have, of course, learned to live with this activity and objection is not made here in regard to the normal activities of the football club.

18. However, this application for a marquee and the sister application for an event space on the concourse accommodating 29,999 people represents a significant increase in the order of magnitude of disturbance and nuisance caused to the Residents. The new activities proposed would take place very close to family homes with young children as well as homes which some have chosen specifically for how quiet and peaceful they are notwithstanding that they run onto Fulham Road. Whilst it is admitted that there are many licensable activities contained within the football complex it is submitted this is simply the wrong place for an all year round multi-function entertainment and hospitality suite of the kind proposed even. Even on the reduced proposals from the applicant's solicitor, which indicate that events will be held on no more than 28 days per year, (notwithstanding the fact that 20 temporary event notices could take this up to 48 events) it still means that there will be at least one event every one or two weeks in the outdoor part of the ground at 0100 hours in the morning for 400 people which is simply a licensing bridge too far.

Gareth Hughes  
Barrister  
Keystone Law  
Chancery Lane  
Monday 6 February 2023