

From: Matthew Phipps
Sent: 07 February 2023 13:07
To: Mckenna Lorna: H&F
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.

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.

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 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.

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.

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.

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

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

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

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

Environmental Protection Legislation

All licensable activities are essentially overlayed 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

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.

Noise Management Plan

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

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.

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

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