

#### 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.

Page 1 of 4

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  
020 7493 9999  
m.hipps@tltlaw.com  
[Linkedin](#)  
[www.TLT.com](http://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