

Licensing Hearing 2023/01413/LAPR Chelsea Football Club

Barclay Road Residents Supplemental Agenda - 08 Nov 2023, Licensing Hearing Zoom 18:30 2023/01413/LAPR Rose & Ball CFC

On the following pages, we outline for the Sub-Committee vital evidence to support our request to protect our residential communities, our rights to residential amenity, and rights to quiet enjoyment of homes in one of the busiest cities in the world, London.

In short: We respectfully request the Sub-Committee to reject the Application outright.

The 2003 Act and its S.182 Guidance doc states the decision of the Licensing Committee must be evidence-based*. This is also reflected in the LBHF Lic Policy 2022-2027, on page 15, at '8 Licensing Committee,' ...steps for consideration', point c)

(*From S. 182 Guidance August 2023

"9.43 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.")

Link to S. 182 Guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1178789/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_removal_of_minor_variation_relating_to_off_sales.pdf

Tonight, residents are providing the following evidence for the Sub-Committee.

EVIDENCE A — Site visit by a resident

EVIDENCE B — Hours

EVIDENCE C — Articles

EVIDENCE D — S. 182 Guidance (Aug 2023), 2003 Licensing Act regarding planning hours and 'earlier' hours when different from licensing hours.

EVIDENCE E — USA The Second Gentleman's Convoy, 1 November 2023, Britannia Road

EVIDENCE F — LBHF Licensing Policy 11

CONCLUSION G — Why we are requesting the Sub-Committee tonight to reject

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EVIDENCE A— Site visit

On Saturday, the 28th of October 2023 at approximately 10:16 in the morning I began leaving my house to walk quickly to Chelsea football ground for a site visit before the 12:30 kick off Chelsea-Brentford match. Suddenly a red rescue helicopter was overhead. It seemed to be heading towards Chelsea football ground and in fact when I arrived there at Britannia Gate, the red helicopter had landed on the yellow-bricked concourse, directly in front of the West Stand. The excited but peaceful crowd built up quickly in Fulham Road, outside Britannia Gate. Fulham Road was already closed (closes 2.5 hours before kick-off).

At one point one of the helicopter 'servicemen' ran from the helicopter to the Fulham Road and at the same time a Police van with blue lights/sirens wizzed to meet this man in front of Britannia Gate. He handed over a long heavy bag into the Police van and ran back to the helicopter. By 10:39 it was lift-off and the crowds were allowed into the Concourse again. I have photos of all this if needed.

I proceeded to the far right back of the grounds where the Museum and Health Club Building ('The Building') is located. It is a tight corner down there! No wonder there were concerns of the H&F Council Planners back in the late 1990's about there being no pavement for fans/pedestrians to be separated from moving vehicles. This area unquestionably needs to be clear at all times for emergency vehicles.

It was unclear to me where a smoking area could be for the usual approximately 5-10 percent of the planned 600 ticketed drinkers of the Proposed first floor fitness rooms Premises, as well as the 60 ticketed drinkers allowed on the ground floor, according to fire regs capacity shown on the plan attached to the Application.

It seemed a smoking area might be squeezed in somehow to the right of The Building, literally in the far corner of the grounds; BPC residents with balconies and windows facing The Building would easily hear those 30-66 or so smokers and those accompanying their mates outside.

I observed the state-of-the-art running track encompassing the building at first floor level and wondered if the new-ish and very close by Fulham Boys School, or The Oratory School or even Lady Margaret's had been invited to use this excellent extension of community floorspace.

I observed The Royal Parks Brompton Cemetery from this corner of the plot vantage point as well as the very close by balconies of Brompton Park Crescent (BPC) 300 flats in low rise buildings behind. I felt one could almost reach out from behind the building and be very close to these balconies.

I or my representative have been asked to represent several of the BPC residents who made Representations against this application.

The Building was open but I was not allowed inside. Others who know The Building will be at the 8 Nov hearing.

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EVIDENCE B — Hours as per Inspectorate Decision 07:00-22:00

On Inspectorate’s Decision the Applicant’s opening times are 07:00-22:00 on planning permission. The Applicant needs to know that these are the hours that must be adhered to.
Please see 9.3. below

APPEAL DECISION

Appeal 9: T/APP/H5390/A/98/299625/P5

CONDITIONS ATTACHED TO THE SPORTS & LEISURE CLUB & MUSEUM

- 9.1 The development hereby permitted shall not commence later than the expiration of five years beginning with the date of this planning permission.
- 9.2 The development hereby permitted shall be used only for the purposes of a sports and leisure centre and museum and for no other purpose including any other purpose in Classes D1 and D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Those areas on the first floor (drawing number 528:P008) described as studios 1, 2 and 3 shall only be used for health and leisure purposes.
- 9.3 Except for maintenance purposes the development hereby permitted shall not be used before 0700 hours and after 2200 hours on any day.
- 9.4 The external running track shall not be used before 0800 hours and after 2000 hours Mondays to Saturdays or before 0900 hours and after 1800 hours on Sundays and Public Holidays.
- 9.5 On Match Days, the Sports and Leisure Centre and Museum shall be closed 45 minutes before the scheduled time of commencement of the match and shall not be opened until 45 minutes after the match ends unless the Local Planning Authority gives prior written approval for any lesser period.
- 9.6 The Sports and Leisure Centre and Museum shall not be occupied until it has been sound insulated in accordance with a scheme submitted to, and approved in writing by, the Local Planning Authority.
- 9.7 The rating level of the noise emitted from machinery and equipment on the Application Site shall not exceed 40dB between the 2300 and 0700 hours and 50dB otherwise measured at the facing elevations of the nearest residential property in Brompton Park Crescent to the noise source. The rating level shall be determined according to BS4142:1997
- 9.8 The development hereby permitted shall not commence until particulars and samples of materials to be used in all external faces of the building and surface treatments have been submitted to and approved in writing by the Local Planning Authority.
- 9.9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no flues, extract ducts or equipment, fans, pipes (other than rainwater pipes), lighting or public address system, nor satellite or terrestrial receiving equipment (excluding CCTV) shall be fixed to the external elevations of the development

Restrictions of use

Matchday use

Design - 2 Acoustic report

out of hours shut down

Approvals



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APPEAL DECISION

hereby permitted without full details first being submitted to and approved in writing by the Local Planning Authority.

- 9.10 The building hereby permitted shall not be occupied until the car parking spaces marked No.1 to No.60 have been laid out as shown on COR 112D Plan 5 (Rev 16/06/99). These parking spaces shall be retained and shall be clearly marked.
- 9.11 The car parking spaces at location A identified on Plan No. 3 (Rev 25/06/99) shall not be used after 2200 hours on any day and before 0700 hours between Monday and Saturday and before 0930 hours on Sunday except on Sunday match days when OBU's may gain access from 0700 hours.
- 9.12 The removable bollards shown on COR 112D Plan 3 (Rev 25/06/99) between the North Stand and the Sport and Leisure Centre and Museum shall be in place from 2200 hours each day and shall remain in place until 0700 hours each day except on Sunday when they shall remain in place until 0930 hours and except to allow access to Outside Broadcast Units on match days after 0700 hours.

Note:

- i. This decision does not convey any approval or consent which may be required under any enactment, by-law, order or regulation other than Section 57 of the Town & Country Planning Act 1990.
- ii. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by any condition in this planning permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
- iii. Attention is also drawn to the enclosed note relating to the requirements of the Building Regulations 1991 with regard to access for disabled people.

EVIDENCE C — Articles

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Cocaine fuelling surge in fan violence at stadiums

Plus, fan disorder is on the increase across the land - and here are the reasons why

By Jeremy Wilson and Tom Morgan

Date: 24 January 2022

The article continues [here](#).

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„Cocaine traces found at Arsenal, Tottenham and Chelsea stadiums amid rise in fan violence

All three London clubs were said to have discovered traces of the class A drug inside their respective stadiums as fan violence within English football looks to be on the increase

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By

Josh O'Brien Sports Writer

- 10:03, 29 Dec 2021

... Chief Constable Mark Roberts, a senior policeman with experience of dealing with football fan-inspired disruption, explained how more fans than ever were taking the drug, leading to a "toxic mix" of drug-fuelled violence.

Roberts said: "As we see more violent incidents, cocaine is one of those factors along with alcohol that will make it worse, and make people more violent."

The investigation found that lines of cocaine had been up on top of toilet roll holders at both Chelsea and Tottenham.

The article continues [here](#).

- Football

CRYSTAL METH

Crystal Palace top table for fans taking drugs at games – with Chelsea and Liverpool in top ten

- Dave Fraser
- Published in *The Sun*: 17:26, 12 Jun 2019
- Updated: 9:48, 13 Jun 2019



The article continues [here](#)

EVIDENCE D — Police-suggested hours are not in line with Existing Condition hours, nor do they addresses' specific Residential Amenity of Brompton Park Crescent Residents as well as altering traffic characteristics planning permission hours

The Sports & Leisure Centre & Museum

- 11.I.1 Use of the Sports and Leisure Centre and Museum for purposes other than those intended and described could alter traffic generation characteristics that are critical to the mix of uses in Chelsea Village. Restriction of the uses is therefore necessary notwithstanding the presumption against doing so.
- 11.I.2 Mitigation of noise and traffic impact would be achieved by restriction of the hours of use. I feel that 0700 hours is a more appropriate time to allow the building to open bearing in mind that coincides with the end of the night-time regime, except on Sundays, and the fact that many people find early mornings to be particularly convenient to use such facilities in a busy schedule. The night-time regime would not permit parking beside the centre before 0930 on Sunday by placement of the removable bollards and by prohibiting use of this block of parking (block A on COR 112D Plan 3). With other measures this opening time should not cause adverse effects. Because the closure time of 2200 hours agreed for the building accords with commencement of the night-time regime I do not consider that closure of the East Stand concourse and other night-time measures can reasonably be required of this development. For similar reasons I do not consider that comprehensive stadium signage should be required of the construction or use of the building on its own.
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SOURCE: Page 88 of Appeal Decision Dated 12th Nov 1999 (ref. T/APP/H5390/A/98/299625/P5)

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EVIDENCE E

Wed 1 November 2023

Chelsea vs Blackburn Rovers

The USA Second Gentleman's Convoy preparing to leave

USA Vice President's husband's Met Police escorted (Met motorbike and 1 Met Police marked sedan) 8 vehicle convoy

"Britannia Road is now in total lockdown from a convoy of 6 or 7 SUVs idling in the middle of the road. The drivers said they couldn't tell me who they worked for but said they are with the police. The plates are US gvt. So we're in lockdown so that some fancy American can enjoy a game of football."

"Happy if you want to use my name. Just spoke to a more friendly policeman who said it was "the second US gentleman." Which makes me think Vice President but that's Kamala. Which makes no sense. Am going to watch out of my window now to see if I can see who it is."

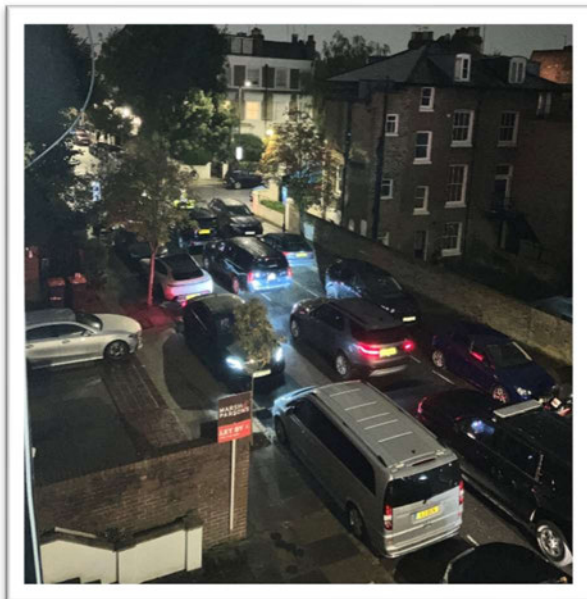
I replied: "He is called exactly that!!". Thus I was explaining that the USA Vice President's husband is termed 'The Second Gentleman of the United States of America'.

She WhatsApp'd further:

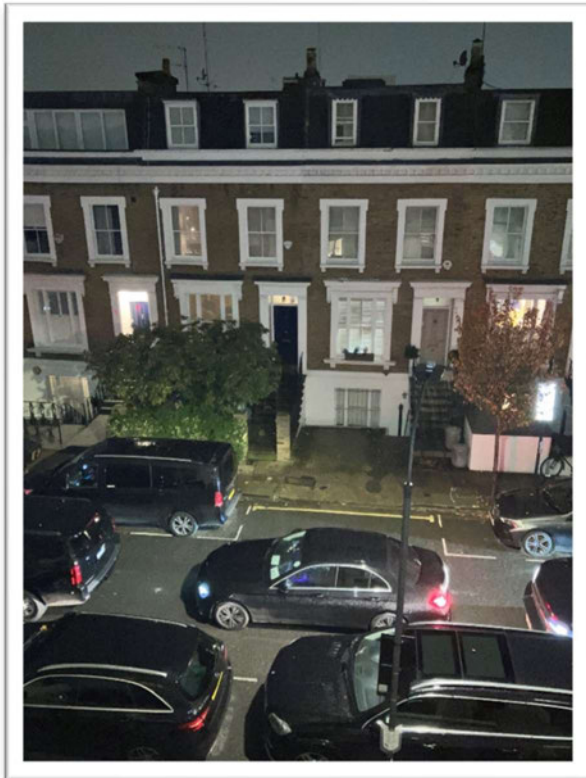
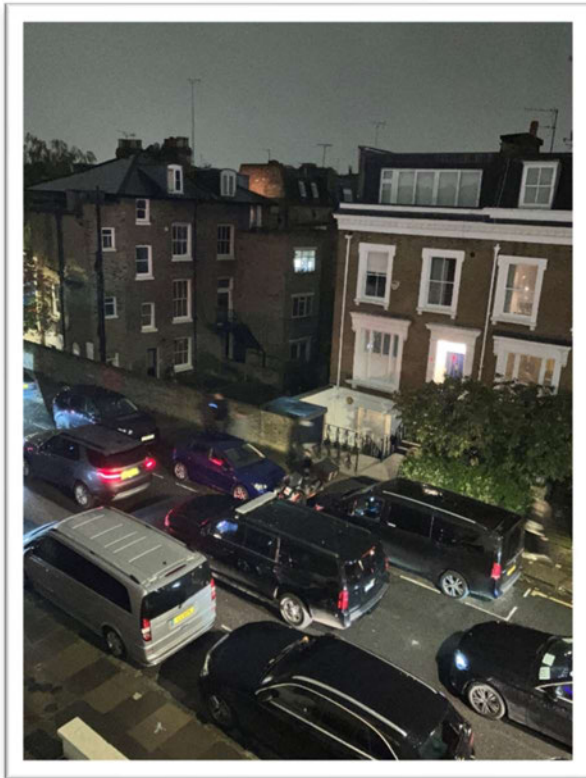
"...the Americans are all plain clothes and so are most of the UK police, just a uniform Met motorcycle at the front and uniform Met car at the back."

What we would like the Sub-Committee to understand is that this is an example of Met Police being complicit in what amounts to endangering public safety, actually committing a crime blocking the public highway etc. What if an ambulance needed to get into Britannia Road, or a fire engine?! ———This is mentioned specifically in the H&F Council's Licensing Policy at Policy 4: A&E departments etc.

At the start of the match they were facing North

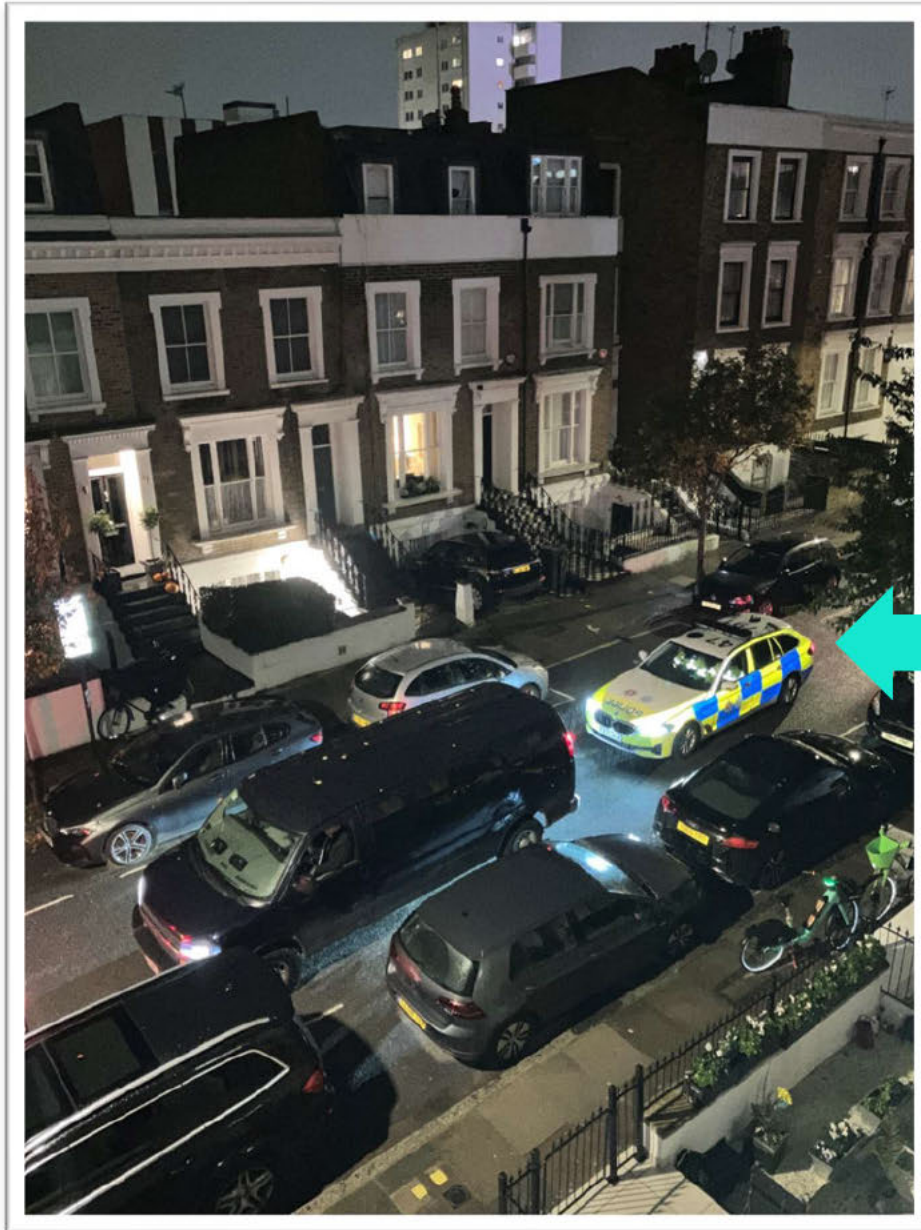


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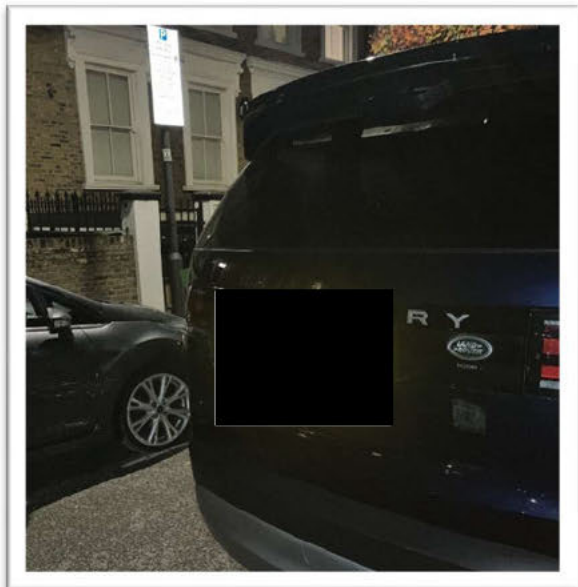
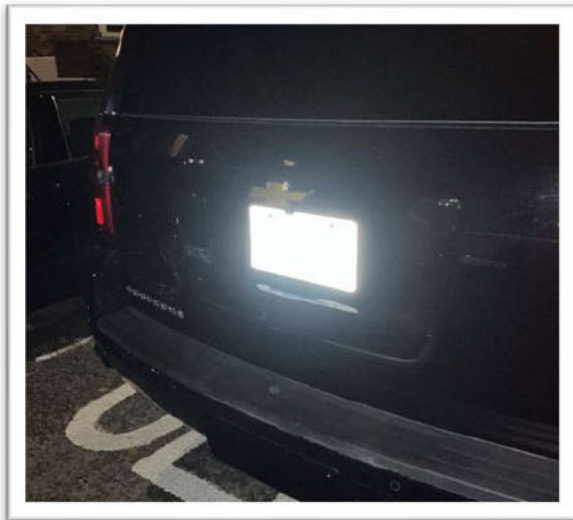
Met Police vehicle as part of USA Vice President's husband, 'The Second Gentleman of the USA' convoy/security detail in Britannia Road, Wed 1 Nov 2023 before, during and after match. Convoy left approx 22:28.



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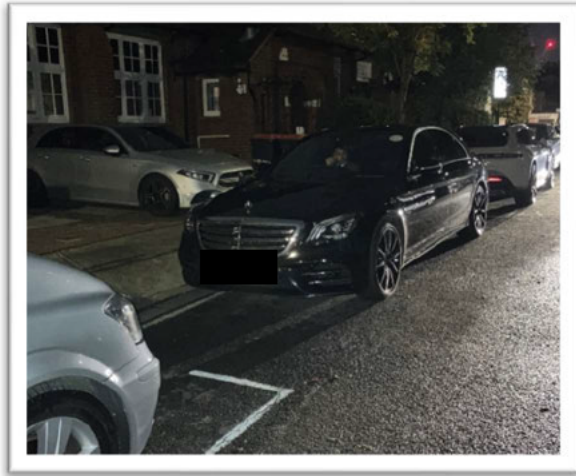


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Not part of the convoy, just sitting on the yellow lines and blocking in residents' cars:



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Evidence F — LBHF Licensing Policy 11

LBHF Licensing Policy 11: Consideration of our residents. (pp 29-30)

https://www.lbhf.gov.uk/sites/default/files/section_attachments/lbhf-statement-of-licensing-policy-2022-2027-150722.pdf#page29

POLICY 11: CONSIDERATION OF OUR RESIDENTS

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

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour caused by people once they are away from the licensed premises and, therefore, beyond the direct control of the licensee. However, licensing is a key aspect of such control and licensing law is part of a holistic approach to the management of the night time economy.

As a matter of policy the council expects every holder of a licence, certificate or permission, to accept and be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their premises by taking appropriate measures and action consistent with that responsibility.

Licensees and certificate holders should take reasonable steps to prevent the occurrence of crime and disorder and 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.

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 and 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.

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Conclusion - G

Why are the Barclay Road residents and those I am representing tonight requesting the Sub-Committee tonight to reject?

1. The Additional Impact of **660 drinkers** will negatively impact Key Licensing Objectives: Crime & Disorder, Noise & Nuisance and Protecting Children from Harm.
2. It's clear CFC are not engaging with residents regarding the ACUTE traffic and noise problems that Residents are experiencing in the Moore Park area residential roads.
3. Existing planning appeal conditions (Hours, 07:00-22:00) were well thought out to protect residents – particularly Brompton Park Crescent Residents (approx. 300 flats) that will be affected should this venue cater for large crowds dispersing at 22:00.
4. There are real concerns regarding the lack of SIA security numbers for over 600 persons – particularly needed as there are lots of sqm concourse areas whereby customers could loiter and thus disturb Brompton Crescent residents.
5. There is no designated outside smoking area on floor plans or agreed numbers at any one time? Having large numbers of persons smoking, talking being loud which comes with alcohol consumption impacts on noise.
6. There is no mention of 30mins drinking up time – this absolutely would need to be put in place to assist with staggered dispersal. However, we request rejection in full.
7. The 1 November 2023 example of the USA Second Gentleman's convoy blocking Britannia Road for several hours is evidence that both Chelsea Football Club as well as Metropolitan Police are very aware that residential roads across from Chelsea Football ground are the place of choice for VIPs to park as well as place convoys directly in the road, illegally. This is a huge public safety issue.
8. The already licensed venues within Chelsea Football ground must be seen as a whole versus separate distinct parts. Adding 600-660 more drinkers in a new first floor, fitness centre venue would compound the already existing problems experienced by residents in Hilary Close, the so-called Italian Village between Bovril Gate and Stamford Bridge Gate, and the residents across from Chelsea Football ground in the Moore Park Conservation Area. Barclay Road experiences similar problems.

Residents have spent at least 200 hours working on this specific application, making site visits, researching and preparing evidence, liaising with legal advisors, gathering crime stats, collating local information, teaming up to create presentations for tonight's hearing, and explaining the licensing process to scores of concerned residents.

We have done all this work in order for the Sub-Committee to take an informed decision based on the evidence required by your own H&F Licensing Policy which is informed by the S. 182 Guidance of the Licensing Act 2003.

Please reject this application

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To the Sub-Committee tonight for your careful consideration, thank you from Barclay Road Residents (via our Barclay Road Conservation Area Neighbourhood Watch) and from all residents here present tonight, as well as the thousands of families and individuals for whom we are speaking on behalf of tonight, all of whom proudly call Fulham their home.

[REDACTED] with and for Barclay Road Residents

(Barclay Road Conservation Area Neighbourhood Watch), and representing specific residents who asked me, or my representative, to represent them at this hearing, from Hilary Close, Brompton Park Crescent, Britannia Road, Moore Park Road, and Seagrave Road Residents Association.