Annex 9

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Our Ref: SED/TOT9/10
Your Ref:
Date: 23 January 2019

Dear Sirs

Relevant Representation against the issue of a new Premises Licence relating to Gas Works/Meridian Water Site and Warehouse, Enfield N18 3BW ("Gas Works Site"), and/or Unit 4, 5, 6 and Land to the South, Orbital Business Park, 5 Argon Road, Enfield N18 3BW ("Orbital Site").

Our Client/Objector: Tottenham Hotspur Limited and Tottenham Hotspur Football & Athletic Co Ltd, both of Lilywhite House, 782 High Road, London N17 0BX

We have been instructed by the above-named clients to lodge representations against two recent applications made by the Applicant (Broadwick Venues Limited) seeking Premises Licence(s) in relation to proposed licensed "Premises" as identified in the above heading.

Background

Our understanding is that in December 2018, an application was issued by the Applicant relating to the Gas Works Site, seeking, amongst other matters:

1. An **indefinite** Premises Licence allowing for licensable activities of all categories of Regulated Entertainment (including Boxing and Wrestling); the Sale of Alcohol by Retail and Late Night Refreshment, from 08:00 to 06:00 so for **22 hours** daily;

2. The proposed "Premises" involves a number of **warehouses/sheds** and a large expanse of **open land** bordered by waterways;

3. The authorisation sought would enable an **audience of up to 49,999** people at events;

4. Draft conditions have been proposed in section M of the LIC 2 Application Form to support the application – but see our later comments regarding these.

5. A Site Plan – with no address or postcode and not to scale, and not compliant with Regulation 23 of the 2005 Licensing Regulations – was provided by the Applicant

The above application was advertised in the local paper with a "Last Date for Representations" (LDR) of 18 January 2019.

Whilst considering a response to the above Application, we then discovered a second application on page 75 of your Authority's "License Register" webpage relating to the "Orbital Site" (as defined in the heading to this letter). This application appears:

1. To be in the **same terms** as the Gas Works Site application save that the "Premises" are given a different name and address (although the postcode remains the same);

2. To have been issued **without a plan** (or at least one could not be located on the register of applications).

3. To suggest that the LDR is **6 February 2019**, the application having been issued on 9TH January 2019.

Information provided by Licensing Authority on 17 January:
We have since spoken to one of your Licensing Officers who has kindly confirmed that:

1. The Gas Works Site application is no longer effective – it being rejected by the Licensing Authority due to the proposed "Premises" being inadequately described;

2. The effective application is that relating to the "Orbital Site" with a LDR of 6 February 2019;

3. Whilst the Licensing Officer could not open the plan on the system she believes that the plan is substantially the same as lodged previously;

4. The Orbital Site application seems to be in the same terms as the Gas Works Site application;

5. A provisional Committee Hearing date has been listed for 10am on **6 March 2019**.

In the event of any of the above information being inaccurate, kindly email the writer at Sue.dowling@blandy.co.uk as a matter of urgency.

Representation against the above application(s)
In any event, our clients hereby make Representations against the issue of a new Premises Licence (for the Gas Works or for the Orbital Site) on the basis of all four Licensing Objectives under the Licensing Act 2003. Our client is firmly of the view that if the proposed Premises Licence is granted allowing for events to take place with audiences of almost 50,000 people,

this is likely to have very significant, and serious, negative consequences for crime and disorder; public nuisance and public safety, and further could act contrary to the licensing objective that children be protected from harm.

Our client's Representation comprises three fundamental parts:

1. **General Principles** namely that the application is inappropriate (as being contrary to the four licensing objectives) when viewed in the context of existing licensed Premises in the vicinity;

2. **Procedural irregularities:** The Application is defective procedurally. Without limiting the aforesaid, the plan submitted fails to show any of the information required under Regulation 23(3)(a) to (j); and/or

3. **Inadequacy of information in the draft Operating Schedule and/or inappropriate conditions**: The information included in the LIC 2 Application (and in particular the Operating Schedule and draft conditions) is inadequate to ensure the promotion of the Licensing Objectives.

General Principles:

As Enfield Council is aware, our clients are supportive, in principle, of regeneration efforts in the vicinity of its new stadium (including the Meridian Water scheme specifically). They fully appreciate that the development of disused sites (such as the suggested "Orbital Site") for useful purposes to add value to the community (through the generation of jobs; development of culture etc.) will often be valuable and also that temporary 'meanwhile uses' can also contribute to place-making, pending the implementation of longer term redevelopment.

However, when a proposed Premises Licence is sought for what appears to be largely an open-air site for multi-use, large-capacity; late-night events (in a heavily populated city), it is, in our view, clearly insufficient for an Applicant to only consult with the Responsible Authorities for that Licensing Authority. Instead, it is reasonable to expect, the Applicant to conduct wider consultation with others who will obviously be affected by the application such as the operators of nearby substantial venues falling within nearby boroughs, and the Responsible Authorities for those venues. This principle is clear from the Revised Guidance to the Licensing Act (paragraph 8.13) and makes obvious sense to ensure a joined-up approach to the co-ordination of large scale events, and their impact on public resources. Our clients, as operators of the new Tottenham Hotspur Stadium, and other local (and city-wide) Authorities and organisations have an obvious (and crucial) role to play in any consultation relating to the Orbital Site application. To issue a formal application seeking a new Licence in such wide-reaching terms without first completing comprehensive consultation (beyond the statutory minimum) is arguably irresponsible.

Our understanding from our clients is that **no such meaningful consultation has taken place** prior to, or following, the lodging of the licence application. Indeed, the current application was brought to our client's attention by a third party. The submission of the first licence on 24 December 2018 immediately ahead of the Christmas and New Year holiday period, without any notification suggests little appetite for engagement with our client. If they had been invited to participate in any consultation, it would have been apparent that the current application, for the Orbital Site, is not viable as it takes no account of the fact that:

1. The new Tottenham Hotspur Stadium (situated less than a mile from the Orbital Site and sharing many public transport facilities) will be operating (and has a Premises Licence, and appropriate planning consents to do so) "Bowl" Events on at least 46 occasions per annum. These large scale events will include unlimited football matches; other sporting Events (e.g. NFL) and up to 6 music concerts.

   The capacity of the new Stadium is over 62,000, and with such large numbers of spectators/audiences coming to and from the Stadium on an almost weekly basis, considerable planning and consultation has already taken place between our clients and numerous agencies to ensure that the Stadium (including the licensed operation therein) can be operated safely. These multiple agencies include (but are not limited to) The Metropolitan Police (various levels from local Police to HQ/Gold Command); Transport for London; Network Rail; Emergency Services providers; The Fire Authority and the Responsible Authorities for Haringey Council – with input taken from those agencies to ensure that the Stadium can operate effectively and safely for all those visiting and working there. In addition, considerable planning work has been undertaken by a number of experts in the field of operating large scale events (for example crowd-modelling experts; acoustic consultants; transport planners), and their expert opinions have been fed into transport; noise management and other operational plans – again with a view to ensuring that the Stadium events are enjoyable for those attending and working at them but minimising the risk of local residents and businesses being negatively impacted as they go about their business in the locality (including using public transport).

   One of the more significant challenges faced by our clients has been the delay to the completion of both the Network Rail and London Underground Limited works at Tottenham Hale station, meaning a limited station capacity. Whilst Tottenham Hale is one of four stations serving our client's new Stadium (in addition to the enhanced transport services it is laying on separately), any events at the Orbital Site would be almost wholly depending upon that station, particularly in advance of the completion and commissioning of Meridian Water station and Enfield Council's access works around it.

As well as the Stadium having the benefit of a Premises Licence, it will also have a General Safety Certificate as required for an open-air sports ground, and again that Certificate has been developed after months of consultation and discussion with the various Authorities mentioned above. Access to and egress from the Stadium is a fundamental aspect of the GSC and of course, in practice this means the availability of a reliable (and available) public transport system.

The Premises Licence for the Stadium was granted in June 2018, after considerable work was undertaken by numerous individuals and organisations – with bespoke licence conditions to ensure that the licensing objectives are promoted.

2. If a large-scale event (i.e. involving c 3,000 or more spectators) was held at the Orbital Site on the same day/evening as a Stadium Bowl Event – this would not only (in all likelihood) bring the public transport system to a standstill, but would also result in the Authorities being over-stretched in the community – putting at risk not only those attending events at the Stadium and/or the Orbital Site event but also those living in the community. It would in all likelihood subject the Police; Transport Authorities and Fire Authorities to an unacceptable level of operation and risk.

Defective Procedural Requirements

At the time of writing, we have not been able to obtain a copy of the plan which supports the Orbital Site application but the plan supporting the original Gas Works Site application is clearly not compliant with Regulation 23 – as explained above. In particular, the plan does not explain which licensable activities are likely to be conducted where in the proposed Premises.

Inadequate Operating Schedule and Draft Conditions

We have not as yet had sight of the LIC 2 form relating specifically to the Orbital Site application, so this aspect of the Representation may be amended in due course.

We have assumed for now that the LIC 2 Application form is in similar terms to the form which related to the Gas Works Site application. Our observations in relation to the latter are as follows:

1. We note that the Applicant seeks an indefinite Premises Licence for licensable activities for 22 hours a day for up to 49,999 people – indoors and outdoors. Without any history of successful trading at the proposed Premises and in view of the scant information in the LIC2 Application and the lack of comprehensive consultation, the Licensing Authority may be of the view that an indefinite licence is wholly inappropriate as such could seriously jeopardise the safety of those visiting

the proposed "Premises"; visiting other places (including, but not limited to, the Stadium) close-by and indeed even the safety of local residents and businesses in the locality who/which may need public facilities, whilst going about their daily business.

2. The information on page 4 regarding the size of planned events falling under three categories (a, b and c) and repeated on page 17 in section M(a)(1) to (4) differs from the capacity bands in proposed condition (2) also page 17 causing confusion; ambiguity and rendering the conditions ineffective and unenforceable.

3. Sections A to I (pages 5 to 12) – The Applicant has failed to provide any information relating to the planned licensable activities save for stating that they would take place indoors and outdoors for a maximum of 22 hours daily. Consequently if granted, the Licence would authorise extreme activities which clearly would not be acceptable to those in the community. For example, the Applicant is seeking permission to have Boxing entertainment outdoors for up to 49,999 people starting at 8 am and finishing at 6 am the following morning, on a daily basis without providing any further information regarding the proposed activity. The same applies in relation to the "sale of alcohol by retail" (see section J on page 14) – with the Applicant again providing no supplementary information (either in its plans or in the LIC 2 Form).

4. Section M – Page 17 – Our observations are that these measures/draft conditions are insufficient and/or inappropriate and/or ineffectual as unenforceable, due to the "general principles" set out above and the following specific points:

   Section M:
   (a)(1): The capacity bands are *not consistent* with those specified at (b)(2);

   (b):
   (4) This condition is vague and is dependent on a third party (the "Group") making a request, which is inappropriate (it being the Applicant's responsibility to run any licensable activities in a manner promoting the Licensing Objectives). The condition is unenforceable in its current draft;
   (5) The process referred to therein is not defined and consequently ambiguous and probably unenforceable;
   (6) This condition is not sufficiently precise. Further "submission" of plans etc.. is insufficient and again relies on third party actions;
   (7) One assumes that this is supposed to refer to the documentation set out in condition (6) rather than condition (5) but in our view, the condition is still meaningless and unenforceable. At the very least one would expect more precision about the approval process of the various operation plans; by whom and what process has to be followed (including full information regarding risk assessment

procedures). This condition also takes no account of the lack of resources from which many Licensing Authorities/Responsible Authorities and SAG Groups suffer. What protection is there if inadequate plans are submitted but the Authorities do not have the manpower or opportunity to revert to the Applicant?

(8) This draft condition is unenforceable and effectively meaningless. The obvious difficulty is what transpires if our clients do not support any event at the Orbital Site due (perhaps) to an Event taking place at the Stadium (or at one of its other licensed venues including the Southern Plaza near to the Stadium)? Phrases such as "having regards to" and "consulting with" are too vague.

(9) This draft condition means very little without sight of the "bespoke" plans – are a copy available?

(15) This condition is meaningless and unenforceable without the different areas of the Premises being clearly defined.

(16) It is unclear whether this condition is supposed to relate to SIA licensed door supervisors.

(19) No minimum staffing levels are provided; also there are no conditions relating to the use of appropriately trained stewards for the size of audience.

(29) First aid condition – this is insufficient in view of the fact that an event may hold 49,999 people.

At the very minimum for a proposed venue with a maximum capacity of over 50,000 with staff and performers and in close proximity to a Stadium (with a capacity of over 62,000) one would expect that any Premises Licence would not be issued or certainly would not be effective until such time as:

1. All of the plans listed in draft condition 6 have been provided in writing in draft form to (as a minimum) the Responsible Authorities for Enfield and for Haringey; to the MET (HQ/Gold Command as well as local licensing Police for both boroughs; Emergency Services; TfL and to our clients;

2. A comprehensive consultation process has taken place (in a sensible time-scale to allow for the existing commitments of all those involved) regarding those draft plans to ascertain whether the provisions contained therein are feasible and are consistent with the Licensing Objectives;

3. The Responsible Authorities for Enfield (having taken input from Haringey Responsible Authorities and other interested persons) have approved the plans listed in condition 6 for all Categories of events.

In view of the detailed Representation above and the very serious concerns that this premature Premises Licence application has raised, the Applicant may consider it best to withdraw its application, at least until such time as comprehensive consultation has taken place.

Kindly confirm safe receipt of this letter of Representation on behalf of Tottenham Hotspur Limited (of Lilywhite House, 782 High Road, London N17 0BX) and on behalf of Tottenham Hotspur Football & Athletic Co Ltd (of the same address). Please note that any correspondence or information relating to this matter should be sent to the writer or emailed to her at Sue.dowling@blandy.co.uk

Yours faithfully

Blandy & Blandy LLP.

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