

Merton Council

Licensing Sub-Committee

31 July 2017

Supplementary agenda

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Agenda Item 6

From: Leigh Terrafranca

Sent: 28 July 2017 09:16

To: Democratic Services; Guy Bishop

Subject: 14 Leopold New Premise Licence - Supplementary information

Dear Amy,

Attached is Supplemental Information for the above hearing scheduled for Monday, 31st at 1:30 pm at Merton Civic Centre. It would be helpful if the Applicant could be prepared to address the questions raised. I understand from the Applicant's representative that we shall be receiving a sample menu in advance of the hearing?

Thank you for your help.

Kind regards,

Leigh Terrafranca, for WEHRA

**Questions/Points of Clarification Requested by WEHRA
for Applicant**

Names of those Applying for Premises Licence:

The Applicant tells us their business is a separate and independent business, with nothing to do with **Ambience** restaurant next door. It appears Hasan Ozdemir has an interest in the 14 Leopold application, and also is a named Licence Holder in Ambience (see Attachment 1 below). May we have clarity on the relationship between 14 Leopold and Ambience.

Application Form: Section E, F and M: Issue of Music

The applicant has struck out both of these items on the Application Section E/F, confirming no live or recorded music will be used at the premises.

In **Section M** it reads: "We shall keep music to a reasonable level." Can the applicant confirm if music will be provided or not, and if so, what is being proposed.

Site plan on Page 25, submitted with Application:

The applicant has provided a site plan that appears to exclude a new rear extension across both 14 and 12 Leopold Road. May we have an accurate site plan with the new rear extension, identifying how the various spaces will be used. Photos below shows rear view in May 17, and new extension (July 2017), with very little space between their building and private gardens. The plan appears to now include large enclosed room to the rear, instead of out buildings.





Question for Licence Application: Is this a Restaurant, Bar or Takeaway

In a Wimbledon Guardian article from May 2017, The Ambience owner said “we currently expanding our space to create a brand new takeaway next door, that will continue to run in tandem with the restaurant.”

Because of this information, residents are anxious. Would the Applicant kindly provide a business summary and menu. The application suggests:

Large bar area ‘for storing and serving alcohol’

26 seats (tightly packed – see layout)

A full kitchen and new extraction/ducting system proposed (see plan on p. 25) – despite on-going problems with adjoining grill/extractor

A family member said it would be ‘burgers and tapas’

Already too many takeaways on Leopold, with associated problems of after-dark disturbance, noise, litter and loss of parking amenity

Meanwhile, recent newspaper article describes it as a ‘takeaway’ (A5), despite A3 application pending (see attached Ambience menu and customer comments - from all over SW London, even down to Kent.)

Type of Grill to be installed and Maintenance Conditions:

Local people question the owner’s intention to install & operate extractor, to ensure no nuisance to adjoining residents (See ‘smoke video’ from 12-14 Leopold- sent by separate email to Licensing Committee on 27/7/17).

Apparently this is a special type of grill/grilling method (mangal) that emits a great deal of smoke.

NB: Ad hoc cleaning of 12 Leopold chimney recently with broom stick, trying to remove blockage. Man fell thru flat roof resulting in injury. We request a Condition requiring regular, professional maintenance of kitchen fumes, to ensure no nuisance to adjoining homes. (A video of 'smoke/grease/oil particles' emerging from existing extraction is being circulated separately, to show the amount of intrusion current methods impose on adjoining homeowners.)

Residents request rationale for staying open after 11 pm

This is one of the borough's most successful Local Shopping Parades. (It is also a handsomely maintained Conservation Area.) Most venues in the Parade open around 9/10 am and close at 6 or 6:30 pm. The three main restaurants on Leopold Rd all shut by 11 pm (Ambience, Holy Smoke and Café Rossi (10 pm)); see Attachment 1 below. To our knowledge, no other business in the Shopping Parade operates after 11 pm. This 'co-supportive' arrangement maximizes friendship and support between the diverse local businesses and the local community, and minimizes problems.

While not formally designated a Cumulative Impact Area, if the Committee allows one of the many food/drink establishments to stay open after 11 pm, it creates a precedent whereby other venues will rush to stay open later, to compete. This would mean an increase in nuisance for locals, eg: cooking/smells would continue until later in the evening; noise, even laughter/talking travels far in the quiet of the evening, plus later night parking disturbance, with doors slamming, litter being dropped etc.

This is an area of white collar working families, many with school aged children who need to be in bed early and up with the dawn, to get to work or school. Should this venue prove very successful (and there is every chance, being linked to Ambience, it would be), the amount of Public Nuisance would increase, and our Right to Quiet Enjoyment would be diminished.

WEHRA has proposed an 11 pm closing, and after a period of time, should everything be working well, consideration could be given to an extra 30 minutes' opening time. The Applicant refused, saying we should trust them, and if we weren't happy we could do a Review. (It is our experience Licence Reviews are very time consuming, costly and often involve solicitors.) We feel that if the Applicant wishes to establish as a local business, they need to earn our trust first.

We do not feel it is fair for the onus to be on the local community, to have to monitor the behaviour of a new Licencee, with all of these concerns unanswered.

From Agenda Item 5: Supplementary Information: Operating Schedule

Page 2: A Duty Manager shall be at least 18 years old: It is worrying that the Applicant would want in writing a Duty Manager could be as young as 18. From our experience, very few 18 year olds could handle this responsibility. We would like this phrase deleted from the Operating Schedule, and replaced with the words “an experienced and responsible adult”.

Page 3: 30 minute dispersal time: Where is there any other example of the need for dispersal time, in such a small venue? This is an excuse in our view, to stay open until 11:30 and midnight (for cleaning up). Dispersal times are for much larger venues, open late into the night, and are irrelevant here.

Page 5: Commercial waste movement: The Applicant says he may move commercial waste between the hours of 8 am and 10:30 pm. This is grossly unfair to adjoining homeowners, as the waste alley is directly behind bedroom windows. The maximum time for movement of commercial and indeed any waste should be between 8 am and 6:30 pm.

Noise vibration: Merton noise officers have been involved in noise complaints recently, as there is a distinct, perceptible vibration emitted from Ambience. Given it looks like ‘the family builders’ are doing building works, it is likely a similar extraction system is being installed. Please could a noise officer from Merton Council be required to approve any equipment prior to purchase/installation, as this is a significant long-term investment for the owner. If it is low/inadequate quality and noisy, it will be a public nuisance.

Attachment 1: Submission of Opening Hours of other main Leopold Rd Parade restaurants

Holy Smoke

Licence Number LN/000001225

Address 21 Leopold Road, Wimbledon Park, London, SW19 7BB

Licence Holder(s) Holy Smoke Restaurants Ltd [since at least 31 October 2014] **Designated Premises Supervisor** [since at least 31 October 2014]

Supply of Alcohol

On and Off the premises

10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00

10:00 _ 23:00 12:00 _ 22:30

Monday to Sunday

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, between 10.00 and 23.00 hours.

On Sundays, other than Christmas Day or New Year's Eve, between 12.00 and 22.30 hours.

On Good Friday, between 12.00 and 22.30 hours.

On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.

When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day, except when New Year's Day is on a Sunday, then the sale of alcohol shall cease at 22.30.

When New Year's Eve is on a Sunday, from 12.00 on New Year's Eve until 23.00 hours on New Year's Day. On Christmas Day, alcohol may be sold between 15.00 and 19.00 hours when ancillary to a table meal.

On days, other than Christmas Day, alcohol may be sold for one hour after the hours stated above when ancillary to a table meal.

Premises Opening Hours

Whole Premises

10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00

10:00 _ 23:00 10:00 _ 22:30

Monday to Sunday

Monday to Saturday: 10:00 until 23:00 hours and until 12 midnight when alcohol is served ancillary to a substantial meal.

Sunday: 10.00 until 22.30 and until 23.30 hours when alcohol is served ancillary to a substantial meal. The premises may also provide private entertainment for the purposes of gain at any time.

Cafe Rosi

Licence Number LN/000002493

Address 8 Leopold Road, Wimbledon Park, London, SW19 7BD

Licence Holder(s) Mr Giuseppe Prestigiacomo [since at least 25 March 2013]

Designated Premises Supervisor Giuseppe Prestigiacomo [since at least 14 January 2013]

Supply of Alcohol

On and Off the premises

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00

08:00 _ 22:00 09:30 _ 22:00

Premises Opening Hours

Whole Premises

Monday Tuesday Wednesday Thursday Friday Saturday Sunday

08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00 08:00 _ 22:00

08:00 _ 22:00 09:30 _ 22:00

Annex 3

Conditions attached after a hearing by the licensing authority

1. An incident log book shall be fully maintained and will detail all incidents relating to licensing and any refusals to sell alcohol to any customers. This shall be made available to the Police and authorised officers from the London Borough of Merton upon request.
2. CCTV shall be installed and in operation during opening hours and all footage will be retained for 31 days. CCTV recordings shall be made available to the Police and authorised officers from the London Borough of Merton upon request in a format that can be viewed by them.
3. A Challenge 21 policy will be in operation, whereby any individual reasonably suspected of being under 21 years of age shall be requested to produce photographic identification in the form of a driver's licence, passport or a PASS card stating the holder's date of birth.
4. A clearly visible and legible A4 notice or sign shall be displayed to customers at the entrance and exit point stating that the Challenge 21 policy or CCTV recording is in operation.
5. A clearly visible and legible notice or sign shall be displayed to customers at the exit requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. Management will participate in the local Pubwatch scheme, if available.
7. Any music played will be background music only.

Ambience Restaurant & Cocktail Bar

Licence Number LN/000001270

Address 12-14 Leopold Road, Wimbledon Park, London, SW19 7BD

Licence Holder(s) Hasan Ramadan Ozdemir, Taner Ramadan Ozdemir [since at least 4 March 2009] 2009]

Supply of Alcohol

On & Off Sales

10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00

10:00 _ 23:00 12:00 _ 22:30

Monday to Sunday

On Good Friday, between 12.00 and 22.30 hours.

On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.

When New Year's Eve is on a weekday, from 10.00 on New Year's Eve until 23.00 hours on New Year's Day

Premises Opening Hours

Whole Premises

When New Year's Eve is on a

10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00 10:00 _ 23:00

10:00 _ 23:00 10:00 _ 22:30

Monday to Sunday

On Good Friday, between 12.00 and 22.30 hours.

On Christmas Day, from 12.00 to 15.00 and 19.00 to 22.30 hours.





★★★★★
Just amazing every single time. Every thing hits the right spots. Just perfect! Well done guys.
A, SM4 June 30

★★★★★
Really enjoyed the food
Melissa, SW1 June 30

★★★★★
Everything perfect, just a little delay with the delivery.
anu, SW1 June 24

★★★★★
Best kebab takeaway ive ever had!!!
anu, SW1 June 21

★★★★★
Incorrect order, arrived cold and late
Mahim, SW1 June 8

★★★★★
Delicious food, I wish mixed grill's portion was bigger.. Loved the option of beer/alcohol .. fast delivery... yummy food for a take way! And we are a fussy couple highly recommended!!
Rosa, SW2 June 6

★★★★★
It was very tasty , big portion. Delicious!:)
Ruda, SM3 June 1

★★★★★
Excellent as usual.
Chey, CR4 May 24

★★★★★
it's okay
Seption, SW1 May 20

★★★★★
Fantastic range of food. All tasted sensational. Just wish it had arrived a bit quicker.
Jan, SW1 May 19

★★★★★
One of the best burgers I've had in my life. Will definitely be ordering again. Very happy customer.
conrad, CR4 May 16

★★★★★
Stunning food: so tasty, so plentiful and absolutely delicious. Deserves every accolade- new favourite
Tanaya, SW1 May 6

★★★★★
Good tasty food, they always send extras... have used them several times now and food always on time
Asad, KT4 April 29

★★★★★
Simply amazing. The best take away I have ever used.
Iovan, CR4 April 26

★★★★★
First place we ever ordered from when we moved to tooting and we love it!
Camellia, SW1 April 24

Order Takeaway Online

Order online We deliver Enjoy

About Ambience

Lovers of Halal, Kebab, Lebanese, Turkish, Vegetarian will adore Ambience. Our restaurant offers the freshest homemade food made daily. Our aim is to provide genuine and authentic Halal, Kebab, Lebanese, Turkish, Vegetarian to our customers at reasonable rates. With a menu that is influenced by traditional Halal, Kebab, Lebanese, Turkish, Vegetarian, you're sure to find what you want to eat.

Delivery hours
 4:25 PM - 11:00 PM
 Last order 19 mins before closing

Phone
 02088479110

Address
 12-14 Leopold Road
 Wimbledon, SW197BD

Reviews of 2,223 reviews 4.5

Favourite Menu Items

vegetarian aubergine kebab
£10.95

grilled aubergine, tomatoes, mixed vegetables

vegetable moussaka
£11.25

mixed vegetables topped with cheese, bechamel sauce

chicken kofta iskender
£12.95

grilled chicken shish served on bread with yoghurt and tomato sauce

[See takeaway menu](#)

lamb moussaka
£12.50

minced lamb, aubergine, potatoes, courgettes topped with cheese, bechamel sauce

lamb kofta iskender
£12.95

grilled minced lamb served on bread with yoghurt and tomato sauce

sea bass
£12.95

pan fried sea bass fillet

Agenda Item 7

Additional Information from Ruben Osie, agent to the applicant, for 14 Leopold Road

- **Names of those applying**

The licensing application which has been submitted states the names of the applicants for this licensing application. As previously stated to the interested party we have no commercial relationship with Ambience Restaurant and I am not quite sure what relevance this question has in regards to determination of a licensing application at licensing sub - committee.

I would urge that the interested party is made aware that there are data protection and privacy laws which pertain to sharing of information of this nature.

As per the application which has been submitted a Premises Licence Holder and Designated Premises Supervisor has been proposed. I am not quite sure what further information as per the boundaries of the licensing Act 2003 the interested party seeks us to further provide.

- **Application Form: Section E, F and M: Issue of Music**

I can confirm that we propose to operate ambient background music at the premises.

- **Site Plan**

We have submitted plans in accordance with the licensing Act 2003.

I note no objections to the plans submitted with the licensing application has been made by any of the Responsible Authorities.

I also note that the interested party **until now** has made no objection to the plans submitted with the licensing application.

- **Question of Licence application**

As per the licensing application page 8. A general description of the premises has been provided as a restaurant with bar area for storing and serving alcohol.

A menu from the proposed premises will be available to Members at the licensing sub - committee. It would be helpful if the interested party is basing objection on the basis of our menu as opposed to the licensing application we have submitted and proposed operating schedule conditions.

Whilst I am unsure what relevance our menu has in regards to determination of our application, if it does some how provide some assistance to Members at the licensing sub committee we are more than happy to provide this at the hearing.

- **Type of Grill to be installed and Maintenance Conditions**

This is a Planning related question and a question which would be more appropriate to raise at a planning committee as opposed to a licensing sub - committee.

If the licensing committee were minded to grant this application this would fall under the remit of Planning / Environmental Health and Health & Safety.

Conditions imposed at licensing sub - committee are in regards to licensing objectives. The condition proposed by the interested party in regards to our proposed grill and our cooking methods should also be enforceable by the licensing authority.

- **Residents request rationale for staying open after 11pm**

Robust and self imposed conditions have been proposed by the applicant and conditions have been accepted which have been proposed by the interested party.

The proposed premises is not in a Cumulative Impact Area.

No concerns in relation to the licensing objectives have been raised by any of the responsible authorities.

For clarity of the interested party and for Members of the licensing sub - committee **all licensable activities at the premises will terminate Monday to Saturday at 23:00hrs and on Sunday at 22:30hrs.**

From Agenda Item 5: Supplementary Information:Operating Schedule

- **Page 2**

A Designated Premises Supervisor / Personal licence holder should minimum be of the age of 18 to hold this title.

Should the interested party wish or if the licensing sub - committee are minded we are happy for this age to be increased for the purpose of a condition which appears on any licence if the licensing sub - committee were minded to grant.

We are concerned that we could potentially be breaking laws concerning ageism. I will elect to refer this matter to the licensing Sub - Committee legal advisor.

- **Page 3: 30 minute dispersal time**

Best practice.

Advice received from the Police at a licensing application site visit advised us that a dispersal policy of 30 minutes would be regarded as best practice. This could be utilised to disperse patrons and minimise any noise nuisance related issues to members of the public.

Dispersal times are widely used by responsible operators to minimise any nuisance issues which could be caused by a crowd leaving one venue at the same time.

- **Page 5:Commercial waste movement**

The times suggest for removal of commercial waste were actually suggested by the interested party. We merely accepted the proposed times for commercial waste removal.

- **Noise Vibration**

This is a Planning Question

I can confirm that the premises is non operational.

No noise abatement notices have been served.

It would be helpful if the interested party can confirm how she has obtained this information and from what source. Can the specific correspondence which the interested party refers to be disclosed at licensing sub - committee so we can comment.

- **Attachment 1: Submission of Opening Hours of other main Leopold Rd Parade Restaurants**

There is a licensing premise that in licensing each licensing application much be judged on it's own individual merits.

I note that the interested party has chosen a more favourable cross section of licenses to compare. I would again like to reiterate that this premises is not located in a cumulative Impact Zone.

I would also like to confirm that we have accepted proposed conditions by the interested party and proposed our own robust set of conditions to satisfy any concerns and which actually promote the licensing objectives.

Having had regard to the licensing Policy of the this authority we are yet to be advised of any Policy relating conditions preventing this licensing application to be granted with the current conditions proposed and accepted by all parties.

I trust that I have been point specific and answered all questions raised by the interested party.

A menu will be available to be circulated at the hearing. I can confirm that I will have 10 copies of the menu available at the hearing.

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