

Richard and Lucinda Clayton



Elizabeth Macdonald
Licensing Officer
Regulatory Services Partnership
London Boroughs of Merton and Richmond upon Thames
Civic Centre,
London Road,
Morden
SM4 5DX

By post and email (elizabeth.macdonald@merton.gov.uk/Licensing@merton.gov.uk)

Attn: Elizabeth Macdonald

06 February 2018

Dear Ms Macdonald

Licensing Application WK/2017112261 (the "Application")
28 Ridgway, Wimbledon SW19 4QW (the "Premises")
The Bloody Restaurant Group Ltd (the "Applicant")

Thank you for the further information you have provided in connection with the Application.

Interested Party

We are the owner/occupiers of [REDACTED] ("Our Property") and wish to make representations as an "Interested Party" within the terms of section 13 of the Licensing Act 2003 (the "Act"). Our Property is opposite the Premises and as such in their vicinity and likely to be affected by their operation.

Background

The Premises forms part of a terrace of 19th century or early 20th century properties. The ground floors of the terrace are used as commercial premises consisting of a hairdressers, Headmasters and an Indian restaurant, Wimbledon Tandoori, as well as the Premises. The first and upper floors of these properties are, as far as we are aware, residential. The Premises is undergoing some renovations but currently has retractable windows.

Our Property forms part of a locally listed terrace at 19 – 27 Ridgway of similar sized, tall 19th century, terraced residential properties which sits opposite the Premises and the connected properties. Those properties and surrounding properties are predominantly residential in nature and occupied by families and children.

Technical Issues

(a) Advertising

Although we conducted searches on the internet via Google on 20 February including on the Wimbledon Guardian web-site, we were unable to locate a notice in a local paper circulating in



the vicinity of the Premises advertising the Application, contrary to section 25(b) of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulation 2005.

(b) Cumulative Impact Zone

The Premises are located within the Wimbledon Village Cumulative Impact Zone.

Contrary to section 7.8 of the London Borough of Merton's Statement of Licensing Policy dated 6 January 2016 (the "Policy") however, no information has been provided in the Application and the related operating schedule as to how and/or why the proposed license will not add to the cumulative impact already experienced in this area. In particular, the Application and operating schedule do not address how the Applicant will address the prevention of public nuisance caused by the proposed extension of hours during the Wimbledon Championships.

On either basis, (a) or (b) above, the Application has not been made properly within the terms of the Act and/or the Policy and should not therefore be granted.

Prevention of Public Nuisance

Standard Operating Schedule

Merton Council's strategic objectives include improving the quality of life for residents.

Wimbledon Village is a Cumulative Impact Zone and already has a high density of leisure and entertainment venues.

The Act requires Merton Council to carry out its licensing functions with a view to promoting the licensing objectives, including, most pertinently in this context, the prevention of public nuisance.

Public nuisance for these purposes includes:

- noise and vibration escaping the premises;
- music and human voices, particularly later at night;
- disturbance caused by customers arriving at or leaving the Premises and customers standing outside the Premises waiting for taxis or smoking, again particularly later at night;
- vehicular movements associated with people arriving at or leaving the Premises and cars and taxis keeping their engines running while waiting to pick up, again particularly later at night.

As things stand the Applicant's operating schedule does not say how it will deal with these issues. In a predominantly residential area where the potential for public nuisance caused by any and all of these issues is significant it is appropriate and proportionate that conditions should be attached to the licence and the operating schedule to mitigate and address them and to satisfy the Council's obligations under the Act and the Policy.

The following conditions attached to the licence and the operating schedule are all within the control of the Applicant and would address the public nuisance issues to which the Premises and



the grant of a licence would give rise. As such they fall within the terms of the Council's policy and obligation to promote the licensing objectives:

1. All doors and windows shall be kept shut whilst regulated activities are taking place, except for access and egress;
2. Whilst regulated activities are taking place, patrols shall be undertaken each hour at the perimeter of the premises to ensure that there is no sound escape, they shall also address any noisy patrons. Any sound escape from the premises shall be addressed immediately and reduced to a level that is not audible at the nearest residential property;
3. A logbook shall be kept in which the dates & times of the patrols in 2 above shall be recorded. Incidents requiring the action of management and/or that of Police shall also be recorded in a similar manner;
4. A clear sign, minimum A4 size, shall be placed immediately adjacent to the exit door(s) stating "This is a residential area, please leave quietly";
5. Sales of alcohol for consumption off the premises shall be in sealed containers only and supplied ancillary to a takeaway meal for home delivery only;
6. The premises licence holder shall ensure that refresher training is provided, at least every six months, to new and existing staff on the law relating to underage sales of alcohol;
7. The premises licence holder shall keep written records of all training provided on the law relating to underage sales of alcohol. Staff shall sign and date the records to confirm that the training has been completed. Training records shall be retained on the premises for a minimum of one year and produced to an authorised officer of the Council on request.

Extended Opening and License during the Wimbledon Championships

The Applicant has sought an extension to the opening hours and hours that late refreshment and alcohol can be served and recorded music played until 1am during the Wimbledon Championships.

In a predominantly residential area which has been designated a Cumulative Impact Zone where the houses, Premises and other buildings are in close proximity an extension of this sort is clearly inappropriate and will inevitably compromise the achievement of the licensing objectives by the Council including, and in particular, the prevention of public nuisance of the sort described above. The public nuisance itself will clearly be exacerbated by the late hour during this period at a time when residents have a legitimate expectation of quiet and rest. For all these reasons the proposed extension to the licence during this period should be refused.

Richard and Lucinda Clayton



If you have any queries in connection with the above, please contact Richard Clayton on



Richard and Lucinda Clayton