

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Tuesday, 7th February, 2023, 7.00 pm - (watch the live meeting [here](#) and watch the recording [here](#))

Members: Councillors Ajda Ovat (Chair), Lester Buxton and Nick da Costa

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 7 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. SUMMARY OF PROCEDURE

The Sub-Committee will first hear from the Licensing Officer. After that, the applicant will present their application and the Sub-Committee and objectors will have the opportunity to ask questions. Then, the objectors will present their case and the Sub-Committee and objectors will have the opportunity to ask questions.

All parties will then have the opportunity to sum up, and then the meeting will conclude to allow the Sub-Committee to deliberate and reach a decision. This decision will then be provided in writing within five working days of this meeting.

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT RAKKAS 365-369 GREEN LANES, LONDON N8 (HARRINGAY) (PAGES 1 - 192)

To consider an application for a review of a premises licence.

7. NEW ITEMS OF URGENT BUSINESS

To consider any items of urgent business as identified at item 3.

Nazyer Choudhury, Principal Committee Co-ordinator
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Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Tuesday, 31 January 2023

Report for: Licensing Sub Committee 07th February 2023

Item number: 6

Title: Application for a Review Of a Premises Licence - Rakkas 365-369 Green Lanes, London N8

Report authorised by : Regulatory Services Manager

Lead Officer: Daliah Barrett – Licensing Team Leader -Regulatory Services.
0208489 8232. Daliah.barrett@haringey.gov.uk

Ward(s) affected: Harringay

**Report for Key/
Non Key Decision:** Not applicable

1. Describe the issue under consideration

1.1 This report relates to an application for the Review of Rakkas Premises License brought by the ASB Enforcement Noise RA the responsible authority designated under Section 13(4)(e) of the Act as being responsible for “minimising or preventing the risk of pollution of the environment or of harm to human health”.

1.2 Summary of review received:

i) The operation of the premises has failed to uphold and promote the prevention of crime and disorder, public safety, prevention of public nuisance licensing objectives. In this regard the licensing objectives are being undermined by the operation of the premises.

The application raises concerns that:

- The provision of entertainment and use of the shisha lounge area at the rear of the premises is causing a nuisance to members of the public;
- Non compliance with licensing conditions
- The Shisha smoking are is not managed to comply with the provisions of the Health Act 2006 (Smoke free premises);
- Council officer have been prevented/delayed from accessing the premises to check compliance

1.3 The full review application and supporting documentary evidence can be found at **Appendix A**. This includes emails to Mr Toprak from the Licensing Service warning of the need to comply with the licence conditions. Warning from the ASB Team and witness statement from officers who have interacted with the business in the process of dealing with complaints.

1.4 The current Premises Licence – APPENDIX B The premises is a restaurant which is authorised to provide regulated entertainment, late night refreshment and the supply of alcohol. Its main activity is the provision for smoking Shisha.

Supply of Alcohol

Late night refreshment

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Thursday 1100 to 2230

Friday to Saturday 1100 to 2330

Late Night Refreshment

Friday and Saturday 2300 to 2330

The opening hours of the premises:

Sunday to Thursday 0600 to 2300

Friday and Saturday 0800 to 0000

Any external area can only be used during the following times:

All external areas must be closed and cleared of customers by 2100 hours.

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **ON** the premises only.

- 1.5 The LSC will note from the documents and footage submitted that entertainment is also being provided at the premises. This is being provided during its operating hours under deregulation. Section 177A of the Licensing Act 2003 provides that any condition on a premises that relates to live or recorded music is not applicable if that music takes place between 08:00am and 23:00 and the premises holds a premises licence and is open for the sale of alcohol. This section also provides that on review the Licensing Authority can dis-apply this provision and condition any regulated entertainment if it is minded to do so to ensure the licensing objectives are upheld and promoted.

1.6 RELEVANT ADDITIONAL INFORMATION IN RELATION TO THE LEGAL

PROVISIONS REGULATED ENTERTAINMENT

The Legislative Reform (Entertainment Licensing) Order 2014 amended the 2003 Act so as to categorise Live and Recorded Music as not being “regulated entertainment” when provided at licensed premises between 8am and 11pm and where audiences number less than 500 people. Any conditions imposed on a premises licence in do not apply when music is provided within these limits. Section 177A (4) states that “On a review of a premises licence ... a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to music as if— (a) the music were regulated entertainment, and (b) the licence or certificate licensed the... music” In order for the Licensing Authority to be able to control the noise from the premises caused by live and recorded music at all times, the Licensing Authority need to endorse the premises licence with a condition, as suggested in the application, that all entertainment held at the premises is to be considered as regulated entertainment. The sub-committee should note that the premises has been alleged to be causing a nuisance between 8am and 11pm when licence conditions are not applicable as well as after 11pm when they are applicable. This may mean that the current conditions are still not sufficient to control the alleged concerns even if applicable throughout the entirety of premises trading hours.

1.7 HEALTH ACT 2006 SMOKE FREE PREMISES

Smoke-free legislation in the Health Act 2006 came into force in England on 1 July 2007. It made virtually all indoor public places and work places smoke-free. It is a criminal offence to smoke in a smoke-free place (section 7 of the Health Act 2006). It is also the legal duty of any person who controls or is concerned with the management of smoke-free premises to stop any person smoking on the premises (section 8 of the Health Act 2006). It is also an offence not to display no smoking signs in a smoke-free workplace or public place (section 6 of the Health Act 2006). The law applies to smoking any substance, or being in possession of lit tobacco or any other lit substance in a form in which it could be smoked, such as: manufactured cigarettes, hand-rolled cigarettes pipes, cigars, herbs, water/shisha pipes. Smoke-free premises The legislation covers all premises, which are wholly or substantially enclosed, and used as a place of work by more than one person, and/or open for use or access by the public. 'Enclosed' means an area with permanent walls and doors without any gaps. Windows and doors are not classed as gaps. 'Substantially enclosed' would be a structure (with a roof/ceiling) with an opening in the walls where the opening would make up less than half of the area of the total wall space. Again doors and windows are not classed as gaps. Therefore - smoking is banned in all enclosed or substantially enclosed public and work places. This includes the smoking of shisha through a water pipe. Water pipes can only be smoked outside in the open air, or where a smoking shelter is at least 50% open to comply the smoke-free regulations 2006.

The Environmental Health Officers have advised that the shisha area is compliant with the Health Act 2006 only with the retractable roof open 50%. Allbeit the shisha lounge area itself is unauthorised under Planning.

- 1.4 Representations must relate to particular premises for which a Premises Licence is already held and must be relevant to the promotion of the Licensing Objectives. The Licensing Committee, in determining a review, may exercise the range of powers given to them to promote the Licensing Objectives. The Authority will seek to establish the cause or causes of the concern and remedial action will be targeted at such causes. Any action will be proportionate to the problems involved. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that the revocation of the licence- even in the first instance – will be seriously considered (Amended Guidance, paragraph 11.27).

Revocation also remains an option if other licensing objectives are being undermined.

2 Recommendations

- 2.1 Determination of this application (Options) Section 52(3) of the Act provides the options that the Licensing Authority must, having regard to the application and any relevant representations, take such of the steps listed below, if any, as it considers appropriate for the promotion of the licensing objectives.

(a) to modify the conditions of the licence; Modifying the conditions of a licence includes the addition of new conditions as well as the removal or re-wording of any existing conditions.

(b) to exclude a licensable activity from the scope of the licence; To remove any activity presently authorised by the licence, either to have permanent effect or for such period the Licensing Sub-Committee may specify for such period not exceeding 3 months.

(c) to remove the designated premises supervisor;

(d) to suspend the licence for a period not exceeding three months;

(e) to revoke the licence;

The Sub-Committee, acting for and on behalf of the Licensing Authority, is bound by Section 4 of the Act to carry out its duties with a view to promoting the four licensing objectives and, in carrying out its functions, have regard to its own Statement of Licensing Policy and any guidance issued to Licensing Authorities by the Home Secretary under Section 182 of the Act.

- 2.2 The Licensing Sub – Committee are reminded of their duty under Section 17 of the Crime and Disorder Act 1989 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to cooperate in the reduction of crime and disorder in the Borough.

3. Background

- 3.1 The original Rakkas premises at 369 Green Lanes was initially licensed in March 2012. It had the following operating times:

- 3.2 The premises was transferred in November 2012 to a Mr Osman who then applied to vary the hours in June 2013:

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Sunday 1100 to 0130

Live Music

Monday to Sunday 1800 to 0130

Recoded Music

Monday to Sunday 1100 to 0130

Late Night Refreshment

Monday to Sunday 2300 to 0200

The opening hours of the premises:

Monday to Sunday 0800 to 0200

The external rear area can only be used during the following times:

Sundays from 10am to 9pm

Monday to Thursday from 8am to 9pm

Friday and Saturday from 8am to 10.30 pm

- 3.3 In January 2014 the licence was transferred to Mr Ali Ozbeck. Mr Ozbeck then applied to vary conditions on the licence and to extend the shisha area and hours.

The variation was granted as follows and the shisha area had a 30 minute increase on a *Friday and Saturday night*:

Supply of Alcohol

Monday to Sunday 1100 to 0130

Live Music

Monday to Sunday 1800 to 0130

Recoded Music

Monday to Sunday 1100 to 0130

Late Night Refreshment

Monday to Sunday 2300 to 0200

The opening hours of the premises:

Monday to Sunday 0800 to 0200

The external rear area can only be used during the following times:

Sundays 1000 to 2100

Monday to Thursday 0800 to 2100

Friday to Saturday 0800 to 2300

- 3.4 The LSC noted at the time that due to the fact that the licence holder had been found to have breached the licence on at least three occasions, the Committee felt that it would be inappropriate to grant the variation in full as requested.
- 3.5 In September 2016 a review was initiated against Mr Ozbek by the Noise Team RA. Mr Ozbek received a number of warnings to take steps to prevent noise nuisance which was impacting on the residential properties above the premises. The late hours of the enlarged rear shisha area had led to music being provided in this area to customers and a marked increase in nuisance complaints. The LSC at the time imposed a one month suspension and conditions added to the licence. Mr Ozbek appealed but that appeal was later withdrawn and dealt with by way of a Consent Order granted by the Court in May 2017. The conditions determined by the LSC were imposed. These were for a noise limiter and engagement with residents.
- 3.6 In February 2021 the licence held by Mr Ali Ozbek was revoked following ongoing noise Nuisance, at this time the public nuisance was affecting a wider area and residents to the rear of the business were also being affected. This was coupled with ongoing breaches of the licence conditions as well as breaching Covid regulations in place at the time.
- 3.7 A new application was received in June 2021 with Mr Garip Toprak as the applicant. Mr Ali Ozbek however, remains the named person responsible for business rates payer from 2014 to date at 365-369 Green Lanes and 399 Green Lanes.
- 3.8 The current Rakkas at 365-369 Green Lanes is said to be a restaurant. Its isis authorised to provide regulated entertainment, late night refreshment and the supply of alcohol. It also provides a large area for the smoking Shisha across the three units at the rear of the premises. The Premises licence was issued in July 2021 following a hearing with the LSC. A copy of the minutes and the resolution from that meeting is attached as Appendix E. The premises has ongoing enforcement actions related to breaches of Planning Permission, the use of the premises as a shisha lounge is not authorised under Planning. Whist, the applicant will state that these are separate regimes, the Planning permission granted in particular for the rear area required an enclosed conservatory to be installed. Mr Toprak has instead built a shisha lounge which does not have Planning permission and would also require by law to be 50% open to the elements. As a result the activities that take place in this area was likely to lead to noise nuisance from both people and music noise, due to this factor the LSC determined that the area should be closed to the public at 21:00 each day in order to ensure the prevention of noise nuisance would be upheld and promoted. This existing condition has not been observed by Mr Toprak.

- 3.2 The Planning permission for this 'new' 3 unit Rakkas placed a **requirement** for rebuilding the rear single storey back extensions, to be fully enclosed, with roof windows specifically required to be non opening to prevent noise nuisance. The Licensing Authority sought clarity from the applicant and the agent as to whether the intention was to use the rear garden area shown on the plan for shisha smoking activity. The agent responded to say that they are separate matters and he wished to focus on the alcohol licence application being sought at the time in July 2021. The email response from the agent at the time stated that the rear external lounge area of the restaurant would be used for fine dining, but if smoking was to take place the premises would be compliant with tops and sides being open. There are emails from other residents stating that they have not experienced public nuisance from the premises.

The matters highlighted in the review and residents complaints point to the people noise and music noise emanating from this area to be the main cause of the nuisance being experienced. There are various pieces of footage /video filmed by a resident which gives a sense of the sounds emanating from the rear area, regardless of the roof being open and compliant or not.

- 3.3 From a Licensing Authority perspective it is a relevant matter as the offering of shisha smoking whilst not a licensable activity can give rise to public nuisance and can have a very serious impact on the objective of preventing public nuisance from licensed premises. Such activity is required by law to take place in premises that are 50% open. Therefore, there is more of an opportunity for nuisance from people noise socialising whilst smoking shisha at the venue to impact on nearby residents. The previous business that used to operate at 369 Green Lanes (also known as Rakkas) received a number of complaints from residents affected by noise arising from the use of the rear garden as a shisha lounge by that particular venue. The current larger operational Rakkas has also had complaints lodged since the licence was granted in July 2021, see appendix F. It is therefore a matter that the LSC requires clarity from the applicant on and therefore engages their discretion on the prevention of public nuisance on the licensing objective.
- 3.4 Mr Toprak has recently applied to vary the existing licence to gain later hours of operation citing a list of other venues not like for like operating with slightly later hours than Rakkas. A number of residents made representation to this application and the matter was refused by the LSC on 19th January 2023. Appendix G – Resolution.
- 3.5 Within the report pack are completed survey forms initiated by the business to interact with residents. These forms have then been used as the basis to ask residents to submit emails of support for the business. All parties that have submitted a valid representation during the consultation period have been notified of the hearing.

4. Licensing Policy

- 4.1 In carrying out their licensing functions a licensing authority must have regard to the licensing authority's Statement of Licensing Policy and the Secretary of State's Guidance issued under Section 182 of the Licensing Act 2003 ("s.182 Guidance"). In relation to "Reviews", the s.182 Guidance recognises that:
- 11.1- The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- The review process – Section 11.1 – 11.11, Page 89-90
 - Powers of a licensing authority on the determination of a review – Section 11.16 – 11.23, Page 92

- 4.2 Similarly, the s.182 Guidance points out, in the context of reviews arising in connection with crime, that the duty of a licensing authority is to make decisions in the interests of the wider community and not simply those of the individual licence holder:

11.26- Where the licensing authority is conducting a review on the grounds that he premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

- 4.3 Hearsay evidence is admissible although the High Court has observed that:
"Some evidence such as gossip, speculation and unsubstantiated innuendo would be rightly disregarded. Other evidence, even if hearsay, might by its source, nature and inherent probability carry a greater degree of credibility. All would depend on the particular facts and circumstances."

- 4.4 Given these are administrative/civil proceedings, where a factual issue falls to be decided the standard of proof is the balance of probabilities.

The promotion of the licensing objectives is ultimately a forward looking exercise. Deterrence is also a proper consideration. In *East Lindsey District Council v Abu Hanif*, (Admin), a licensing case involving the employment of illegal workers, the High Court (Jay J) made important observations of more general application to licence review decisions:

"The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and deterrence."

- 4.5 Similarly, in *R (Bassetlaw District Council) v Worksop Magistrates' Court* [2008] EWHC 3530 (Admin), the High Court considered a case where a licence review followed sales of alcohol to underage test-purchasers. Slade J (at §32), referred to deterrence as a proper consideration in the context of licence reviews. Responsible operators are expected to be compliant with the law.

- 4.6 The committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003:

4.7 Powers of a Licensing Authority

Powers of a Licensing Authority on the Determination of a Review s11.23 Licensing authorities should also note that modifications of conditions and licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence

could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises.

- 4.8 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

5. Other considerations

5.1 Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area".

5.2 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

6 Use of Appendices

Appendix 1- Review application form and supporting Documentation.

Appendix 2 – Copy of Premises licence.

Appendix 3- Copy of representations in support of review

Appendix 4 – Emails in support of Rakkas and Survey responses.

Appendix 5 - Copy of resolution from July 2021 hearing-(new application)

Appendix 6 – Complainants log since new licence granted

Appendix 7- Variation hearing resolution.

Appendix 1

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London Borough of Haringey, Licensing Team, River Park House, Level 1, 225 High Road, Wood Green, London, N22 8HQ

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Noise & Nuisance Officer RA – Festus Akinboyewa

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

Rakkas 365 – 369 Green Lanes

Post town Hornsey

Post code (if known)

N4 1DY

Name of premises licence holder or club holding club premises certificate (if known)

Garip Toprak

Number of premises licence or club premises certificate (if known)

LN/000024997

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

✓

3) a member of the club to which this application relates
(please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Haringey Council 9 th Floor, Alexandra House Wood Green London N22 7TY
Telephone number (if any) 07792437283
E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- | | |
|---|---|
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | ✓ |
| 3) the prevention of public nuisance | ✓ |
| 4) the protection of children from harm | |

Please state the ground(s) for review (please read guidance note 2)

Below are the current operating hours permitted under the premises licence:

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Thursday 1100 to 2230

Friday to Saturday 1100 to 2330

Late Night Refreshment

Friday and Saturday 2300 to 2330

The opening hours of the premises:

Sunday to Thursday 0600 to 2300

Friday and Saturday 0800 to 0000

Any external area can only be used during the following times:

All external areas must be closed and cleared of customers by 2100 hours.

The premises operates a smoking area for shisha which has not been managed in compliance with the provisions of the Health Act 2006. In addition, the premises continued to use the rear external area for shisha smoking after the permitted time of 21.00 hours causing noise nuisance to local residents.

On more than one occasion, attempt have been made to prevent officers from accessing the premises when attending to inspect whilst the premises were trading. Officers believe this is due to the premises and its management knowing that it was in breach of certain legislation and undermines the public nuisance objective.

There have been 21 complaints alleging noise nuisance at the premises from March 2022.

Noise and Nuisance Officers attended the premises on the 05th March 2022 at approximately 19.22 hours following complaint about loud music. Issues noted were:

- Loud music
- unlawful use of the external rear area

Noise and Nuisance Officers attended the premises on 10th March 2022 at approximately 23.02 hours following complaint about loud music, banging and fireworks. Issues noted at the time:

- Unlawful use of the rear external area
- People noise from a large number of patrons in the rear external area.

- Door staff obstructed Officers from entering the business and made to wait outside until manager came out even when ID was shown and powers of entry explained.

Noise and Nuisance Officers attended on 22nd July 2022 at approx. 17.47
Issued note at the time:

- Loud music

Noise and Nuisance Officers attended the premises on 11/08/2022 at 00.04 hours following complaint about loud music. Noise has stopped when officers arrived.

Noise and Nuisance Officers attended on 23rd September 2022, at approximately 23.10 hours. Issues noted at the time:

- A door staff attempted to prevent officers entering the premises
- People noise
- 10-11 patrons in the rear external area smoking shisha inside an enclosed space.

Noise and Nuisance Officers attended on Sunday the 25th September 2022, at approx. 21.45 hours. Issues noted at the time:

- The rear external area was full to its capacity.
- Patrons smoking shisha in an enclosed place.

Noise and Nuisance Officers attended the premises on Saturday 1st October 2022 after 21.00 hours. Issues noted at the time:

- Unlawful use of the rear external area.
- Rear external area occupied by patrons smoking shisha inside enclosed place.

Officers attended the premises on the 14th November 2022. Issues noted at the time:

- Customers in the rear area after 21.00 hours.
- Customers smoking shisha when the retractable roof was fully closed.

Other complaints made by local residents were not substantiated due the reporting after the event. However, due to what has been witnessed by Noise and Nuisance officers highlighted in detail above, it provides credibility to the complaints received and that there is poor management practice which is causing nuisance to the local residents.

As part of investigation into breaches of the conditions of licence, Council Officers requested the CCTV footage for Friday 23rd September 2022, Sunday 25th September 2022, 30th September/1st October 2022. The footage have not been supplied to date.

That the premises licence holder continued to permit customers to smoke shisha in a substantially enclosed rear area, despite having a retractable roof,

contrary to The Health Act 2006 is a clear disregard to public safety by the management.

Officers have sought to work with the premises management but complaints and the unlawful use of the rear external area for shisha smoking after 21.00 hours continued. Officers have given the management word of advice several times. Also, the management has been issued with two verbal warnings and a warning letter – Copies attached.

The management requested a site meeting with Officers and the meeting held on 13th October 2022 during which Officers talked them through the licence conditions. The management was warned again that they must not use the rear external area after 9pm. However, the use of the rear area for shisha smoking after 9 pm continued.

Recommendation:

While we are not asking for trading in the rear shisha lounge to cease, we would like the Licensing Committee to amend the following conditions highlighted below, which are currently on the premises licence.

The amendment will give the management of the premises the opportunity to continue to operate, but ensure nuisance is not caused to neighbours whilst also providing the Council with more options for further enforcement in future, such as prosecution, should the premises licence holder fail to promote the licensing objectives.

Annex 2:1 should be amended to read:

The rear area shisha lounge shall be closed and cleared of customers by 21.00 hours. Adequate notices shall be displayed to inform patrons of this requirement. A closable door shall be installed in the rear The external rear area, and the area shall not be used at any time after 21.00 hours. Access to this area will only be permitted in the event of emergency evacuation becoming necessary. The licensee shall ensure that no customers are permitted to use this area after 21.00 hours.

Annex 2:3(i) should be amended to read:

Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD so that Police can make an evidential copy of the data they require. Copies must be made available to an Authorised Officer or Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system

malfunctions and will not be operating for longer than one day of business, the Police and the Council must be informed.

Please provide as much information as possible to support the application (please read guidance note 3)

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Festus Akinboyewa

.....

Date 09/12/2022

.....

Capacity

.....Noise & Nuisance Officer.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Environment and Neighbourhoods

Director: Stephen McDonnell



Mr Garip Toprak
Rakkas
365-369 Green Lanes
London
N4 1DY

Our ref: E&N/ENF WK/000552771
Date: 17th November 2022
Contact: ASB Enforcement Team

Dear Mr Toprak

Re: Licensing Act 2003
Rakkas, 365-369 Green Lanes, Hornsey, London, N4 1DY

Following the observations of Council officers who visited the above premises on 23/09/2022, 25/09/2022, 01/10/2022 and 14/11/2022, we are of the opinion that Licensing Act 2003 offences have been committed.

I refer to the licensing warning letter previously sent to you dated 3rd October 2022 under Section 136 of the Licensing Act 2003 – See copy attached

The use of the rear external area of your premises after 21:00 hours is a breach of the conditions of your premises licence.

Annex 2.1 of your premises licence states *"All outside areas must be closed and cleared of customers by 2100hours. Adequate notices shall be displayed to inform patrons of this requirement. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion."*

The Council will now start legal proceedings against you, and a review of your current premises licence.

"You do not have to say or write anything but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say or write may be given in evidence".

Yours sincerely,

Festus Akinboyewa
Noise & Nuisance Officer

Community Safety & Enforcement

1st Floor North, River Park House
225 High Road, Wood Green
London N22 8HQ

F: 020 8489 5133
T: 020 8489 1335
E: asb.enforcement@haringey.gov.uk

[Type here]

Environment & Neighbourhoods

Director: Eubert Malcolm



Mr Garip Toprak
Rakkas
365-369 Green Lanes
Hornsey
London
N4 1DY

Our ref: ENF/ENF WK/000538867

Date: 3rd October 2022

Contact: ASB Enforcement Team

Final Warning Letter: Licensing Act 2003

Address: Rakkas, 365-369 Green Lanes, Hornsey, London, N4 1DY

Following on from the visit I made on 10th March 2022 at approximately 23:02 hours, the rear external area of your premises was in full capacity when it was supposed to have been closed by 21.00 hours, which was a breach of the conditions of your premises. I gave the manager on duty a verbal warning.

On March 10, 2022 at approximately 2:32pm, the Licensing Team Leader emailed you and reiterated the condition of your licence, which states that the rear external area was restricted to closure and cleared of the public at 21.00 hours each day.

On the 4th August 2022, at approximately 22.55 hours, Council officers visited your premises, and observed the outside area that was supposed to have been closed at 21.00 hours, was still open for your patrons, and notices about leaving the premises quietly were missing, these are contrary to the conditions of your licence. Subsequently, Licensing Team Leader emailed you and reiterated that the external area must be closed to the public at 21.00 hours. The Team Leader emphasised, in the email, that it is an offence not to comply with the conditions of your licence.

On Friday 23rd September 2022 at approximately at 23:10 hours Council officers visited your premises, went to the external area at the back and observed the area was full to its capacity contrary to the conditions of your licence.

On Sunday 25th September 2022 at approximately 21:45 hours,

Community Safety & Enforcement

1st Floor North, River Park House
225 High Road, Wood Green
London N22 8HQ

F: 020 8489 5133

T: 020 8489 1335

E: asb.enforcement@haringey.gov.uk

[Type here]

Council officers visited your premises, went to the rear external area and observed it to be in full capacity, and around 10-11 shishas in total were around different tables, which were being smoked by your patrons.

The use of the area after 21.00 hours was a breach of the conditions of your licence.

In light of the above breaches of the conditions of your licence, you are, therefore, requested to stop using the rear external area from the date of this warning letter. The external area must be closed and cleared of the public by 21.00 hours each day. If you fail to comply with this instruction, we will consider enforcement action, which includes prosecution for the offence.

If you have any queries please do not hesitate to contact me on the above details.

You should familiarise yourself with the activities permitted under your current License & such unauthorised use of the premises must cease immediately.

This Authority may seek to prosecute if this or future unauthorised activity is identified. It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification please contact the Licensing team on 020 8489 8232 or email asb.enforcement@haringey.gov.uk

Yours sincerely

ASB Enforcement Team

Community Safety & Enforcement

1st Floor North, River Park House
225 High Road, Wood Green
London N22 6HQ

F: 020 8489 5133

T: 020 8489 1335

E: asb.enforcement@haringey.gov.uk

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Environment and Neighbourhoods

Director: Stephen McDonnell



Mr Garip Toprak
Rakkas
365-369 Green Lanes
London
N4 1DY

Our ref: E&N/ENF WK/000552771

Date: 17th November 2022

Contact: ASB Enforcement Team

Dear Mr Toprak

Re: Licensing Act 2003
Rakkas, 365-369 Green Lanes, Hornsey, London, N4 1DY

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“You do not have to say or write anything but it may harm your defence if you do not mention, when questioned, something which you later rely on in court. Anything you do say or write may be given in evidence”.

Yours sincerely,

Festus Akinboyewa
Noise & Nuisance Officer

Community Safety & Enforcement

1st Floor North, River Park House
225 High Road, Wood Green
London N22 8HQ

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E: asb.enforcement@haringey.gov.uk

[Type here]

Environment & Neighbourhoods

Director: Eubert Malcolm



Mr Garip Toprak
Rakkas
365-369 Green Lanes
Hornsey
London
N4 1DY

Our ref: ENF/ENF WK/000538867

Date: 3rd October 2022

Contact: ASB Enforcement Team

Final Warning Letter: Licensing Act 2003

Address: Rakkas, 365-369 Green Lanes, Hornsey, London, N4 1DY

Following on from the visit I made on 10th March 2022 at approximately 23:02 hours, the rear external area of your premises was in full capacity when it was supposed to have been closed by 21.00 hours, which was a breach of the conditions of your premises. I gave the manager on duty a verbal warning.

On March 10, 2022 at approximately 2:32pm, the Licensing Team Leader emailed you and reiterated the condition of your licence, which states that the rear external area was restricted to closure and cleared of the public at 21.00 hours each day.

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On Friday 23rd September 2022 at approximately at 23:10 hours Council officers visited your premises, went to the external area at the back and observed the area was full to its capacity contrary to the conditions of your licence.

On Sunday 25th September 2022 at approximately 21:45 hours,

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225 High Road, Wood Green
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[Type here]

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The use of the area after 21.00 hours was a breach of the conditions of your licence.

In light of the above breaches of the conditions of your licence, you are, therefore, requested to stop using the rear external area from the date of this warning letter. The external area must be closed and cleared of the public by 21.00 hours each day. If you fail to comply with this instruction, we will consider enforcement action, which includes prosecution for the offence.

If you have any queries please do not hesitate to contact me on the above details.

You should familiarise yourself with the activities permitted under your current License & such unauthorised use of the premises must cease immediately.

This Authority may seek to prosecute if this or future unauthorised activity is identified. It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification please contact the Licensing team on 020 8489 8232 or email asb.enforcement@haringey.gov.uk

Yours sincerely

ASB Enforcement Team

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STATEMENT OF WITNESS

*(Criminal Procedure Rules 2005 r27.1(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)*

Statement of: Festus Bankole Akinboyewa

Age of Witness (If under 18): Over 18

This statement consisting of two pages signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution, if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Signature: -



Date: -

14/3/2022

1. I am Festus Bankole Akinboyewa; I am employed by the London Borough of Haringey as an Anti-Social Behaviour Enforcement Officer. Part of my duties involve carrying out investigations under the Licensing Act 2003.
2. Rakkas 365 – 367 Green Lanes N4 applied for a new premises licence on 6th May 2021. The Licensing Sub-Committee carefully considered the application for the premises licence for 365-369 Green Lanes, London, N4 and decided to grant the application for a new premises licence with conditions. One of the conditions is that the licence holder must close the rear external area by 21.00 hours to reduce the risk of the premises undermining the licensing objective with respect to public nuisance.
3. On Thursday the 10th of March 2022, the council received a complaint from a resident that the business is operating and causing noise and ASB issues, and that the garden area that is supposed to be closed by 21.00 hours is still occupied and fireworks are being let off from this area.
4. On Thursday the 10th March 2022, my colleague Maria Barbeito and I visited RAKKAS 365 – 369 Green Lanes London N4 1DY at about 23.02 hours to investigate whether the licence holder was in breach of their premises licence in regards to the use of the rear external area.
5. On arriving at the premises at 23.02 hours, I introduced myself and showed my ID to the security staff at the entrance. I requested to speak with the Designated Premises Supervisor. A male who identified himself as the manager came out to speak with me. I introduced myself again and showed him my ID. I then requested to inspect the rear external area. During my inspection, I observed a large number of patrons sitting and consuming alcohol in the rear external area that is supposed to have been closed by 21.00 hours, which is a breach of their premises licence. I gave the manager a verbal warning.

Signed: -



Date: -

14/3/2022

6. On Friday the 11th March 2022 at about 22.48 hours, my colleague Maria Barbeito and I revisit Rakkas 365 – 369 Green Lanes London N4 and carried out inspection of the rear external area. During my inspection, I again observed a large number of patrons sitting and consuming alcohol in the rear external area that was supposed to have been closed by 21.00 hours which was a breach of their premises licence.
7. I attempted to speak with the manager but he was argumentative and dismissive.
8. I am available to attend court and give evidence.

Signed: -



Date: -

14/3/2022

STATEMENT OF WITNESS
(Criminal Procedure Rules 2005 r271(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of Sarah Greer

Age of Witness: Over 18

This Statement, consisting of three pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Signature:

Date: 13th January 2023

1. I am Sarah Greer, I am employed by the London Borough of Haringey as an Interim Enforcement Manager covering the east of the borough, this area includes Tottenham Hale Ward. Parts of my duties are to investigate offences under the Licensing Act 2003 and the Health Act 2006.
2. Under the Health Act 2006, Premises are deemed as being smoke free if they are open to the public; they are used as a place of work by more than one person and where members of the public might attend for the purpose of seeking or receiving goods or service from the person or persons working there.
3. It is the duty of any person who occupies or is concerned in the management of a smoke free premise, to ensure that smoke free signs are displayed in accordance with the Smoke free (Signs) Regulation 2012. Smoke free premises must have a minimum A5 sign on display in their business where members of the public have access too. The sign should display a no smoking symbol and warning that it is illegal to smoke on the premises.
4. The smoke free law covers the smoking of tobacco or anything that contains tobacco or smoking any other substance. This means that anything that is covered by smoke free law. The smoke free law includes, manufactured and hand-rolled cigarettes, pipes, cigars, herbal cigarettes, and water pipes (including shisha hookah and hubble-bubble pipes).
5. On Monday the 14th of November 2022, at approximately 22:04, I attended Rakkas, 369 Green Lanes, London, N4 1DY, with my colleagues Stephen Davies and Maria Barbeito, as part of a routine licensing inspection. As I approached the entrance of the premises, I observed two male SIA security standing in front of the door, I identified myself to them by showing my authorisation and informed them I would be carrying out a licensing inspection. I then proceeded to go into the premises.
6. As I walked into the business, I could smell shisha and see smoke from a room that appeared to be at the rear of the premises.

Signed:

Dated: 13th December 2023

1

7. I approached the bar area and identified myself to the person behind the bar by showing my authorisation and asked to speak to the manager.
8. Whilst I was waiting for the manager to arrive, myself and Steve Davies walked to the rear of the premises. As we walked into the room, I observed that it was filled with smoke and had a very strong smell of shisha, I also observed seventy people sitting at tables in the room and each table had at least one person smoking shisha.
9. I looked up to the ceiling and observed that the roof area was closed, I looked round the room and observed that only a small area of window on the top floor of the premises was open and was aware that this was not 50% open as the Health Act 2006, requires.
10. I was approached by a man who identified himself as Mr Has Yildiz, Mr Yildiz declined to give me his date of birth and home address. Mr Yildiz informed me that he was the manager of the business and gave me details of the owner as Mr Garip Toprak of Carnegie Close, Enfield, London EN3 6XX.
11. I informed Mr Has Yildiz, that I believed an offence had been committed under the Health Act 2016, as the premises was not 50% open. Mr Has Yildiz took us upstairs to the area where a couple of windows were open and whilst we went upstairs the roof started to open automatically.
12. Once upstairs he showed me windows that were open and informed me that he felt the business was compliant, he also said that he would like me to tell him what should be open for compliance. I informed him that what I observed was not compliant and that the side windows being open did not fit in with the requirements of the Health Act 2016. I suggested he get an architect to come into the premises and show him exactly what is 50% open and is complaint with the Health Act 2016.
13. I informed Mr Has Yildiz that I would be reporting him to the licensing department. **I exhibit photographs taken on the day as SG1.**
14. I am willing to attend court.

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From: EH - Out Of Hours <EH-OutOf.Hours@haringey.gov.uk>
Sent: 06 March 2022 19:59
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Cc: Barrett Jennifer <Jennifer.Barrett@Haringey.gov.uk>
Subject: Rakkas

Hi Licensing,

Mr ? called up a few times regarding noise from Rakkas. I left voicemail and called a few times but he never got back to me on Friday or Saturday.

I did manage to speak to him at 2232 hours on Saturday. He stated that he left due to the noise. I explained that the noise team had left voicemails. I advised him that we needed to witness the noise from his property. He agreed to answer his phone next time.

I went into Rakkas at 2315 hours. The patrons were leaving and no food or drink served. there was still music on but not excessive. I asked to see a copy of the licence but they stated that they had not received it through the post yet as they had no post box, so it was getting sent through to solicitor. Advised that they needed to stick to terms of their licence and to keep to times and conditions of their licence. Words of advice given on this occasion.

Kind regards

April

April Smart
ASB Enforcement Officer



Haringey London
River Park House, Level 1 North, 225 High Road, Wood Green, London, N22 8HQ
www.haringey.gov.uk
[twitter@haringeycouncil](https://twitter.com/haringeycouncil)
facebook.com/haringeycouncil

Please consider the environment before printing this email.

From: Service Account <admin@responseooh.onmicrosoft.com>
Sent: 05 March 2022 22:22
To: Noise Complaints <Noise.Complaints@haringey.gov.uk>; EH - Out Of Hours <EH-OutOf.Hours@haringey.gov.uk>; Patel Sabera <Sabera.Patel@haringey.gov.uk>
Subject: ENQ-98330 - LBHAR - Noise Report CRM:0001553

This is the out of hours team. The following job has been sent via Email to your noise team.

Caller First Name:
Caller Last Name:
Telephone Number:
Email Address:
Caller Address: REDACTED Green Lanes, N4 1DY

Address Location: 369 Green Lanes, Finsbury Park, London N4 1DY
Exact Location: Rakkas restaurant
What is the nuisance type: Music
Latest Call back time: ASAP
Notes: Ongoing issue with music coming from the restuarant below.
Vehicle Registration:
Vehicle Make:
Vehicle Model:
Vehicle Colour:

Handoff Created On: 05/03/2022 22:21:30
Reference Number: ENQ-98330

Thank You
Out of hours

From: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Sent: 04 March 2022 23:36
To: EH - Out Of Hours <EH-OutOf.Hours@haringey.gov.uk>; Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>; ASB.Enforcement@haringey.gov.uk; Brian Ellick <Brian.Ellick@haringey.gov.uk>
Subject: Rakkaa 365 369 Green Lanes

Hi

I have just had a resident on the phone to complain about the above business operating and causing noise and ASB issues. He was trying to reach the Noise Team .

The garden area is supposed to be used by 9pm but it is still occupied and fireworks are being let off from this area.

Can you please visit to send a message to the trader that this is not acceptable.

Thanks
Daliah

From: Barrett Daliah <Daliah.Barrett@haringey.gov.uk> **On Behalf Of** Licensing
Sent: 07 August 2022 13:08
To:
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>; ASB.Enforcement@haringey.gov.uk
Subject: FW: Rakkas

Dear Mr Toprak,

It seems that you are still operating in breach of the Premises License condition with regard the time by which the rear external area is permitted to be used.

For the avoidance of doubt it is reiterated to you again here: **The external area must be closed to the public at 21:00.** There is no ambiguity in this condition and therefore no room for doubt as to what it means or requires you to do to comply with the condition.

Be aware that the current Planning Enforcement matter has been highlighted to this Service and we have attached the enforcement notice issued you under Planning provisions.

Be clear that failure to comply with the conditions of the licence is a breach of the law., simply put it is an offence to not comply. Your Premises Licence may be at risk of review or prosecution for any non compliance.

Regards
Daliah Barrett
Licensing Team Leader

From: Barrett Daliah
Sent: Thursday, March 10, 2022 2:32:52 PM
To:
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: FW: Rakkas

Dear Mr Toprak,

It is extremely disappointing to note that you have now opened to the public and are already attracting complaint relating to noise nuisance and possible breach of the conditions of the terms of the licence.

The use of the smoking area as you are fully aware was restricted to closure and cleared of the public by 21:00 each day. This needs to be properly managed by yourself to ensure the prevention of public nuisance objectives are met. From complaints being received it seems that you are failing in this regard.

Be aware that as a licensed premises if you fail to comply with the conditions of the licence along with the promotion of the licensing objectives you will run the risk of the licence being reviewed.

As the licence holder and DPS it is your responsibility to have regard to the law and manage the venue accordingly.

Regards
Daliah Barrett
Licensing Team Leader



Haringey London
River Park House, Level 1 North, 225 High Road, Wood Green, London, N22 8HQ

www.haringey.gov.uk
[twitter@haringeycouncil](https://twitter.com/haringeycouncil)
facebook.com/haringeycouncil

 Please consider the environment before printing this email.

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

**London Borough of Haringey
Planning Enforcement Section 188 Register**

Notice Summary

Notice Type: Enforcement Notice

Enforcement Notice Reference:

UNW/2021/00543

Case Officer:

Alan MacPherson

Address:

365 - 369 Green Lanes Hornsey London N4 1DY

Date of Issue: 27 July 2022

Date of Service: 4 August 2022

Summary of Breach

Without planning permission:

1. The alleged unauthorised erection of a single storey rear extension with a retractable roof
2. The alleged unauthorised use of the premises as a mixed use restaurant/shisha lounge (sui generis)
3. The alleged unauthorised installation of 12 canopies at first and second floor levels on the front elevation of the building

Requirements of the Notice:

1. Remove the single storey rear extension with a retractable roof in its entirety OR modify the development to accord with the approved drawings associated with planning permissions HGY/2019/2317 and HGY/2021/0293
2. Remove all resultant debris
3. Cease the mixed use of the premises as a restaurant/shisha lounge
4. Remove all canopies that have been installed at first and second floor levels on the front elevation of the property in their entirety

Time for compliance: 5 month(s) after this notice takes effect.

Date Compliance Required:

The Date on which Notice Takes Effect

8 February 2023

8 September 2023

S.174 Appeal or Postponement:

Withdrawal of Notice?

Date complied with:

Planning Service

Rob Krzyszowski Assistant Director Planning, Building Standards & Sustainability Service



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

ENFORCEMENT NOTICE

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

ISSUED BY: London Borough of Haringey (herein after referred to as "the Council")

1. THIS IS A FORMAL NOTICE which is issued by the Council because it appears there has been a breach of planning control, under Section 171A (1)(a) of the above Act, at the land described below. The Council considers that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. THE LAND AFFECTED

The land and building(s) known as 365-369 Green Lanes, London, N4 1DY, shown edged red on the attached plan ("the premises").

3. THE BREACHES OF PLANNING CONTROL ALLEGED

Without planning permission:

1. The alleged unauthorised erection of a single storey rear extension with a retractable roof
2. The alleged unauthorised use of the premises as a mixed use restaurant/shisha lounge (sui generis)
3. The alleged unauthorised installation of 12 canopies at first and second floor levels on the front elevation of the building

4. REASONS FOR ISSUING THIS NOTICE

- i. It appears to the Council that the above breach of planning control has occurred "within the last "FOUR / TEN years" and that steps should be taken to remedy the breach by Section 173 4(a) or to remedy any amenity or injury which has been caused by the breach.
- ii. The unauthorised single storey rear extension with a retractable roof, by virtue of its excessive size, scale, height, and unsympathetic design and the inappropriate materials that have been used in its construction has resulted in a visually unacceptable and overly dominant form of development and one that detracts from the character and appearance of the subject property as well as neighbouring properties and it is not in keeping with the existing pattern of development that

EN
Enforcement Notice

Planning Service

Rob Krzyszowski Assistant Director Planning, Building Standards & Sustainability Service



prevails in the area. Furthermore, it also results in a loss of outlook for the occupiers of the residential flats who reside above the premises. Therefore, the development is contrary to the objectives of policy D3 of The London Plan 2021, policy SP 11 "Design" of the Haringey Local Plan 2017 as well as policy DM1 'Delivering High Quality Design' of the Haringey Development Management Development Plan Document 2017.

- iii. The unauthorised material change of use of the premises to a mixed use comprising a restaurant/shisha lounge has resulted in an unacceptable impact on the amenities of neighbouring residential occupiers, by reason of noise and general disturbance from the activities associated with the use during un-social hours, contrary to policy DM1 of the Haringey Development Management DPD 2017.
- iv. The unauthorised canopies that have been installed at first and second floor levels on the front elevation of the property by virtue of their unsympathetic design, inappropriate materials and prominent positioning result in an incongruous examples of development that have a detrimental impact on the aesthetics of the subject property, neighbouring properties as well as the wider streetscene. Therefore, the developments are considered to be contrary to the objectives of policy D3 of The London Plan 2021, policy SP 11 "Design" of the Haringey Local Plan 2017 as well as policy DM1 'Delivering High Quality Design' of the Haringey Development Management Development Plan Document 2017.

5. WHAT YOU ARE REQUIRED TO DO

1. Remove the single storey rear extension with a retractable roof in its entirety OR modify the development to accord with the approved drawings associated with planning permissions HGY/2019/2317 and HGY/2021/0293
2. Remove all resultant debris
3. Cease the mixed use of the premises as a restaurant/shisha lounge
4. Remove all canopies that have been installed at first and second floor levels on the front elevation of the property in their entirety

Time for compliance: 5 month(s) after this notice takes effect.

6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 8 September 2022 unless an appeal is made against it beforehand.

Dated: 27 July 2022

EN
Enforcement Notice

Planning Service

Rob Krzyszowski Assistant Director Planning, Building Standards & Sustainability Service



Signed:

A handwritten signature in black ink, appearing to be the letter 'A' with a stylized flourish.

Abiola Oloyede
Interim Team Manager - Planning Enforcement and Appeals
London Borough of Haringey
6th Floor River Park House
225 High Road
London N22 8HQ

EN
Enforcement Notice

Planning Service

Rob Krzyszowski Assistant Director Planning, Building Standards & Sustainability Service



YOUR RIGHT OF APPEAL

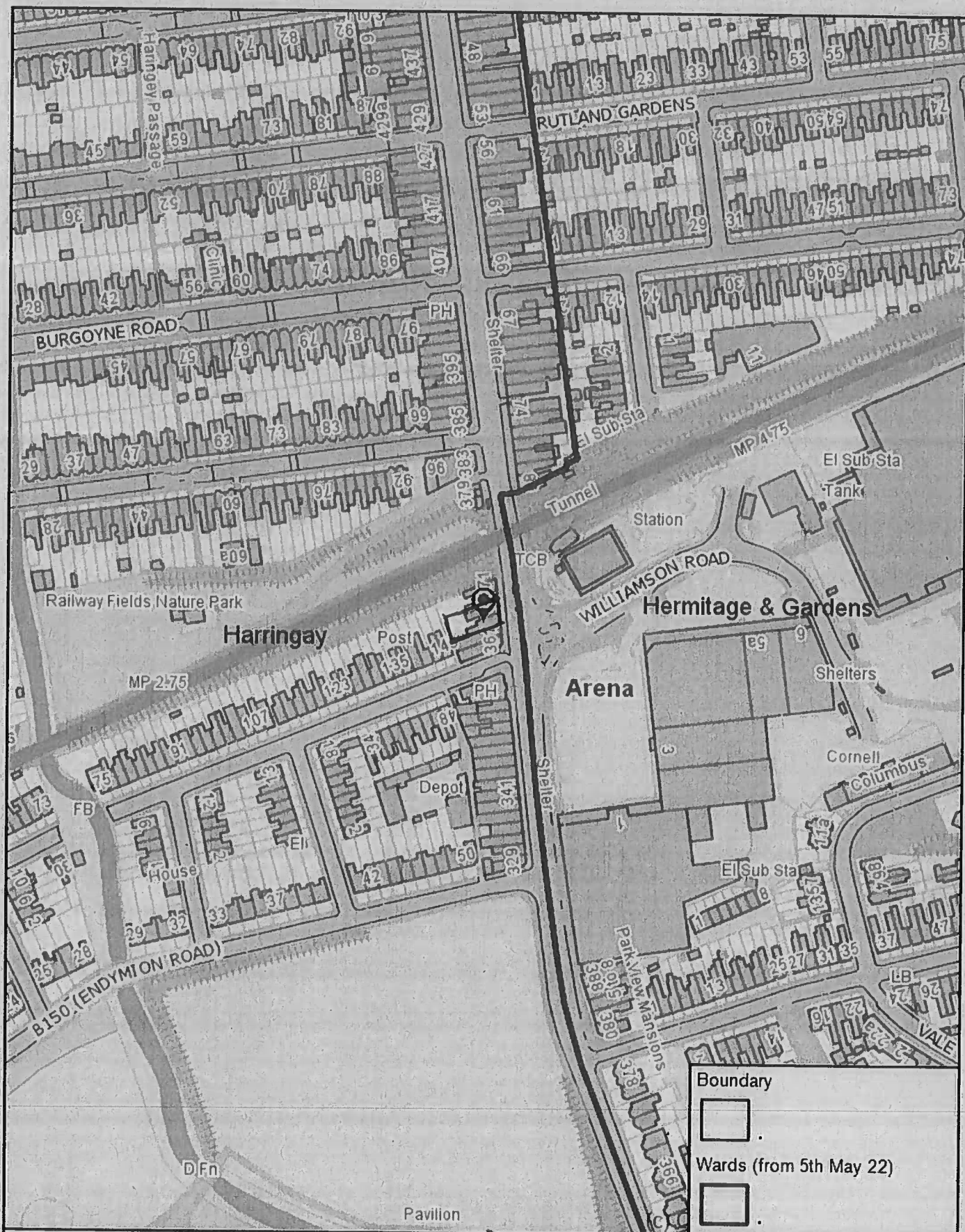
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 8 September 2022. The enclosed letter from the Planning Inspectorate sets out your rights and advises on the appeal procedure.

Under section 174 of the Town and Country Planning Act 1990 you may appeal on one or more of the following grounds that:

- A – That planning permission ought to be granted for what is alleged in the notice or, as the case may be, the condition or limitation ought to be discharged;
- B – That those matters have not occurred;
- C – That those matters, if they occurred, do not constitute a breach of planning control;
- D – That at the time the enforcement notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- E – That copies of the notice were not served as per the requirements of s172 of the Town and Country Planning Act 1990;
- F – That the requirements of the notice exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by such a breach;
- G – That any period specified in the notice in accordance with s173(9) of the TCPA 1990 falls short of what should reasonably be allowed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 8 September 2022 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the periods specified in the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.



365-369 Green Lanes, London, N4 1DY



N Scale: 1:2500

Printed on: 2022-08-04 14:31:25 by Alan.MacPherson@haringey.gov.uk

Haringey
LONDON

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Premise	Address	Type	Complaints	pending action	review?	Distance from Rakkas
Rakkas	365-369 Green Lanes, Hornsey, London, N4 1DY	Restaurant/ Shisha Lounge	19 noise complaints between Mar/ Sept 2022	review pending	Previous review by EHO March 21 (operating in Covid) licence revoked	
Toto Lounge	Harringay Green Lanes Railway Station, Green Lanes, Hornsey, London	Shisha Lounge	various complaints re: Shisha	ongoing investigations	None	100 ft
Diyarbakir Restaurant	69 Grand Parade, Tottenham, London, N4 1DU	Restaurant	no recent complaints	None	None	400 ft
Anteplilar	45-46 Green Lanes, Tottenham, London, N4 1AG	Restaurant	no recent complaints	None	None	0.2miles
Diyarbakir Kitchen	52-53 Grand Parade, Tottenham, London, N4 1AG.	Restaurant	4 noise complaints Jun/Jul 2022 - no action required	None	None	0.3miles
Gokyuzu	26-27 Grand Parade, Tottenham, London, N4 1LG	Restaurant	abatement notice service on April 2022 re smoke nuisance (cooking)		None	0.3miles
Devran	485-487 Green Lanes, Hornsey, London, N4 1AJ	Restaurant	no recent complaints	None	None	0.3miles
Selale	1-3 Salisbury Promenade, Green Lanes, Hornsey, London, N8 ORX.	Restaurant	6 noise complaint between Jan/ Mar 2022 - no action required	None	None	0.4miles
Café Ora	581 Green Lanes, Hornsey, London, N8 ORG	Restaurant	7 noise complaints Mar/ Sept 2022 - proactive visits resulting in sound limiter installed and contact given to residents	None	None	0.5miles
Beaconsfield Hotel	359 Green Lanes, Hornsey, London, N4 1DZ	Public House	4 noise complaints July/Aug 2022 - no action required	None	None	0.8miles
The Banc	261-263 West Green Road, Tottenham, London, N15 3BH	Restaurant/ Shisha Lounge	numerous noise complaints and public nuisance complaint since business set up	None	Review on 19/1/18 by residents for Crime & disorder, public safety & public nuisance - licence granted with reduced hours	1.4miles
Alici's	405-407 Lordship Lane, Tottenham, London, N17 6AG	Shisha Lounge	3 noise complaints in July 2022 - resolved by closing windows at time of officers visit	written warning issued re: smoking on 15/11/22	none - licence issued on 16/6/22	1.8miles

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Appendix 2

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PREMISES LICENCE**Receipt:** SELMS00008635**Premises Licence Number:** LN/000024997*This Premises Licence has been issued by:*

***The Licensing Authority, London Borough of Haringey,
1st Floor River Park House, 225 High Road,
Wood Green, London N22 8HQ***

COPY**Signature:****Date:** 27th July 2021**Part 1 – PREMISES DETAILS**

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**RAKKAS
365-369 GREEN LANES
LONDON
N4 1DY**

Telephone:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

Late night refreshment

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Thursday 1100 to 2230

Friday to Saturday 1100 to 2330

Late Night Refreshment

Friday and Saturday 2300 to 2330

The opening hours of the premises:

Sunday to Thursday 0600 to 2300

Friday and Saturday 0800 to 0000

Any external area can only be used during the following times:

All external areas must be closed and cleared of customers by 2100 hours.

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:Supply of alcohol for consumption **ON** the premises only.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Garip Toprak

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Garip Toprak

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence:

Issued by:

Annex 1 –Mandatory Conditions

Supply of alcohol.

1. No supply of alcohol may be made under the premises licence;

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

6. The responsible person must ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

Annex 1 –Mandatory Conditions

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. Prohibition on Sale of Alcohol below Cost of Duty plus VAT

(1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(2) For the purposes of the condition set out in paragraph (1) —

(a) —duty^{ll} is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);

(b) —permitted price^{ll} is the price found by applying the formula —

$$P = D + (D \times V)$$

Where —

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol

(c) —relevant person^{ll} means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence,
or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) —relevant person^{ll} means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) —valued added tax^{ll} means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) (a) Sub-paragraph (b) below applies where the permitted price given by Paragraph (b) of paragraph (2) on a day (—the first day^{ll}) would be different from the permitted price on the next day (—the second day^{ll}) as a result of a change to the rate of duty or value added tax.

(b) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Exhibition of films.

1. Admission of children to the exhibition of any film is to be restricted in accordance with the recommendations made by the specified film classification body.

2. Where —

(a) the film classification body is not specified in the licence, or

(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,

Annex 1 –Mandatory Conditions

admission of children must be restricted in accordance with any recommendation made by that licensing authority.

3. In this section –

—children means persons aged under 18; and —film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Door supervision.

1. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

1. All outside areas must be closed and cleared of customers by 2100 hours. Adequate notices shall be displayed to inform patrons of this requirement. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
2. Smoking Area: If patrons are to be allowed to use an outside area for smoking then:
 - (i) The area must be adequately monitored to ensure that the risk of crime and disorder in this area is adequately controlled.
 - (ii) Patrons must not be allowed to take drinks outside when they go to smoke.
 - (iii) The area must be provided with suitable ashtrays/bins.
 - (iv) The area must be regularly swept to remove cigarette ends.
 - (v) Adequate arrangements must be made to prevent overcrowding or disorder in the area.
3. A digital CCTV system must be installed in the premises complying with the following criteria:
 - (a) Cameras must be sited to observe the entrance doors from both inside and outside.
 - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
 - (d) Provide a linked record of the date, time of any image.
 - (e) Provide good quality images - colour during opening times.
 - (f) Have a monitor to review images and recorded quality.
 - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (h) Member of staff trained in operating CCTV at venue during times open to the public.
 - (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
4. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:

Annex 2 – Conditions consistent with the Operating Schedule

- (a) all crimes reported to the venue;
- (b) all ejections of patrons;
- (c) any complaints received;
- (d) any incidents of disorder;
- (e) seizures of drugs or offensive weapons;
- (f) any faults in the CCTV system or searching equipment or scanning equipment;
- (g) any refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service.

5.

- (a) A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number shall be made available to residents and businesses in the vicinity.
- (b) The premises licence holder shall ensure that all sales staff receive appropriate training in relation to managing conflict and health and safety of the public and staff. Training documents shall be signed and dated and will be held in a suitable hard-copy log, to be made available to a Police Officer or Council Officer upon request. Said records shall be retained for at least 12 months.

PUBLIC SAFETY

- 6 (a) The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
- (b) Two SIA registered door staff shall be employed daily between 8pm and closing time.

THE PREVENTION OF PUBLIC NUISANCE

7

- (a) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
- (b) All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
- (c) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- (d) No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
- (e) The direction of lighting in the rear area must be directed away from any domestic premises so as not cause any light intrusion.

Annex 2 – Conditions consistent with the Operating Schedule

- (f) Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
- (g) In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
- (h) Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

THE PROTECTION OF CHILDREN

8

The premises will operate the 'Challenge 25' proof of age scheme where:

- (a) All staff will be fully trained in its operation;
- (b) Only suitable forms of photographic identification, such as passport or UK driving licence, or holograph equipped 'PASS' scheme cards, will be accepted; and
- (c) No one under the age of 18 years will be admitted into the external area of the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

RESOLVED 27th July 2021

The Licensing Sub-Committee carefully considered the application for a new premises licence for 365-369 Green Lanes, London, N4. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, the Licensing Authority representation, the applicant's written and oral representations and the objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following operating hours and additional conditions:

All conditions imposed are reflected above in Annex 2.

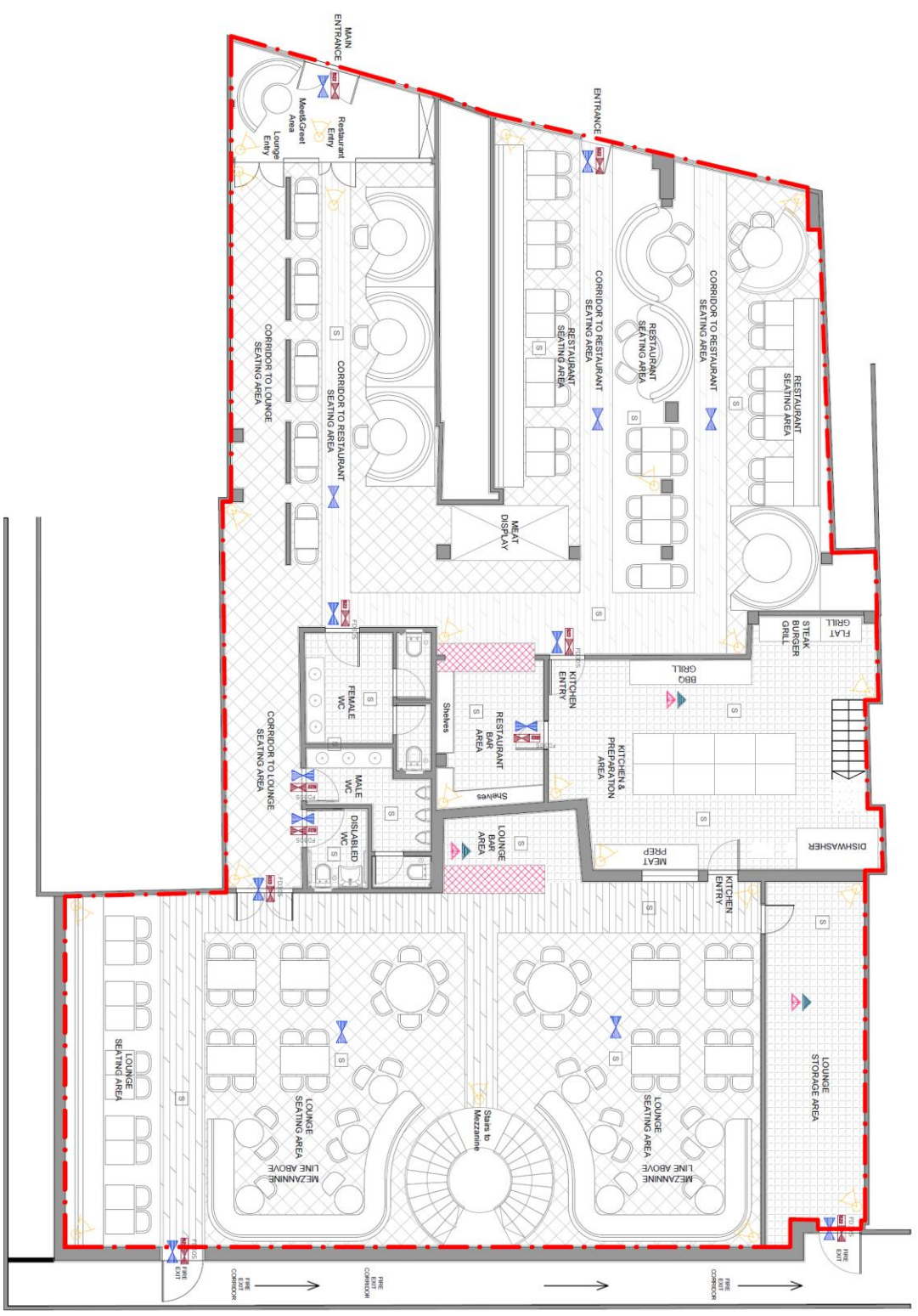
Reasons

The Committee considered that the concerns raised by the objectors in their written and oral representations were reasonable concerns. The Committee was satisfied that a premises of this size which would attract a lot of patrons and would need a comprehensive set of conditions to manage the likely impact of noise and other nuisance on local residents. The Committee accepted that the licence holder was offering a different business to the previous owner but retained some concerns about the manner in which it was proposed that the premises would operate.



The Committee felt that the applicants proposed layout plan needed additional clarification, in particular aspects of the plan dealing with the means of escape, which may need to be corrected by means of an application for a variation once the applicant has clarified his intentions as regards the layout.

In addition, although the Committee was not responsible for planning matters, it noted that there were some planning issues relating to the retractable roofing proposed and extraction system that required attention and wished as an informative matter only, to gently encourage the applicant to get planning matters resolved to the satisfaction of the planning authority without delay.

As regards the outside area, the Committee considered that the outside space needed to be managed in a way that would promote the licensing objectives with respect to nuisance, which had been a concern of the residents and decided that closing the outside area by 9pm would reduce the risk of the premises undermining the licensing objective with respect to public nuisance.

[illegible]

LEGEND

	AMBIG OF PREMISES
	LIQUOR SALES
	SAFETY LIGHTING
	SMOKE DETECTOR
	CARBON DIOXIDE FIRE EXTINGUISHER
	9 LIT. WATER FINE EXTINGUISHER
	INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
	30min FIRE RESISTANCE DOOR (FIRE DOOR TO HAVE INCULDESCENT STRIPS AND SELF-CLOSER) CCTV OPERATING SYSTEM

From: Amir Darvish <Amir.Darvish@haringey.gov.uk>
Sent: 25 September 2022 18:41
To: Festus Akinboyewa <Festus.Akinboyewa@haringey.gov.uk>; Charlene Thorneycroft <Charlene.Thorneycroft@haringey.gov.uk>; Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>; Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Subject: RE: Rakkas

Festus

We visited RAKKAS on Fri 23rd, approximately at 11:10 pm. The door supervisor tried to prevent my entry although I managed to get through the sliding door which he was trying to keep closed.

I went to the back area the restaurant; the retractable roof was fully closed and the restaurant was full to its capacity. The majority of the tables had Shishas on the side and I witnessed the customer smoking the shisha.

From: Festus Akinboyewa <Festus.Akinboyewa@haringey.gov.uk>
Sent: 23 September 2022 17:38
To: Amir Darvish <Amir.Darvish@haringey.gov.uk>; Charlene Thorneycroft <Charlene.Thorneycroft@haringey.gov.uk>; Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Subject: Rakkas

Dear friends,

Can you please visit Rakkas over the weekend to inspect the Shisha area at the back of the premises?

The Shisha area should not be operating after 21.00 pm. We are due to report back to Eubert by the 2nd of October and I'm not on nights until 6th October.

Kind regards,
Festus

Get [Outlook for Android](#)

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Kind regards,
Festus

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From: Jennifer Barrett

Sent: 14 October 2022 18:18

To: Garip Toprak <

Cc: Festus Akinboyewa <Festus.Akinboyewa@haringey.gov.uk>

Subject: Rakkas: Site visit yesterday

Dear Garip and Hassan

Rakkas: Site visit yesterday (09:00 to 10:10am)

Further to our meeting yesterday here is a summary of our discussion.

You said:

1. the rear shisha area is part of the licensable area (as outlined in red on the plan in your licence) but shisha is not a licensable activity. You believe you are complying with licence since no licensable activities are undertaken there after 9pm (no drinking, sale of alcohol, dancing).

We talked you through the licence conditions (and that in Annexe 2 of your licence which specifies the area must be cleared by 9pm). We explained to you that this condition serves to prevent public nuisance and reiterated our advice to you.

We suggested that you consider how you want to use the premises and consider applying for a variation if you wish to operate your premises differently to ensure you are operating lawfully. You were also advised to seek professional advice (from your barrister/ agent) about your plans and get advice about the same from the Licensing Authority as early as possible.

Until that is done YOU MUST not use the area after 9pm

2. the license was unclear about the use of 'outside' and 'external' areas

We discussed the 'outside' area referred to in the licence – the rear area that you currently use for shisha. This should not be confused with the outside / smoking area described in condition 2 which refers specifically to measures for smokers- you should assume this means cigarette/ tobacco smoking. Consideration of shisha smoking is not included in the licence.

3. some interactions with neighbours were unhelpful/ you were unfairly targeted (you described an incident with a black vehicle a resident flagged as a problem but was not associated with your premises)

We noted your concerns. Provided advice about how we investigate complaints and our legal duties to address complaints made. We included advice about how we deal with suspected malicious complaints.

4. you were concerned about the number of visits made by the council and described a recent visit where you said an officer pushed their way into the restaurant and was running about. You said this was a particular concern from a safety viewpoint as well as how this would look to your customers.

We explained to you we have visited you in response to complaints made about public or other nuisance. Residents have in the past months logged complaints about noise from patrons leaving and entering your premises, noise from people talking in the rear area, smoke or odour from your kitchen extract and use of the area outside the hours specified in the licence. We have observed breaches of the licence previously and advised you at the time we visited or in writing thereafter. We continue to receive complaints about the use of your rear area and have evidence that you have recently used this in Breach of the Health Act (permitting smoking in a closed environment rather than a structure that is 50% open). We are currently seeking legal advice about formal enforcement in respect of this offence.

We will continue to visit as often as is required until we are certain the issues we raise with you have been addressed.

We have noted the specific concern you raised regarding a recent visit. We await the CCTV footage you said will also evidence this. I will make further enquiries and update once this has been done.

5. you have met with the technician responsible for providing the CCTV footage we requested and expect that to be provided within a week.

Noted.

You are reminded that you must adhere to all conditions in the licence. If you are not able to do this, you are required to formally request a change your licence. You must not use the rear area after 9pm. We will continue to monitor your compliance with this as further visits to your premises, affected residents and the local area to verify your compliance with the licence. You risk enforcement action (for a breach of the licence) being taken against you if you do not.

I hope the above is clear but do not hesitate to contact us if you have additional questions.

Yours sincerely

Jennifer Barrett

**Noise and Nuisance Manager
Environment & Neighbourhoods**

M 07989 223 970

jennifer.barrett@haringey.gov.uk
www.haringey.gov.uk



For the latest updates on the Coronavirus visit www.haringey.gov.uk/news-and-events/haringey-coronavirus-covid-19-updates

If you need to report something please log it here: [Report It](#) or use our Online Service: [Contact Frontline](#) Why wait when you can [do it online](#)?



**1st Floor, River Park House
225 High Road,
London,
N22 8HQ**

[twitter@haringeycouncil](https://twitter.com/haringeycouncil)

facebook.com/haringeycouncil

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-----Original Message-----

From: Jennifer Barrett

Sent: 05 October 2022 17:48

To: Garip Toprak <

Cc: Festus Akinboyewa <Festus.Akinboyewa@haringey.gov.uk>

Subject: RE: Rakkas

Thanks and noted Garip

Yours sincerely

Jennifer Barrett

Noise and Nuisance Manager
Environment & Neighbourhoods

M 07989 223 970

jennifer.barrett@haringey.gov.uk
www.haringey.gov.uk

For the latest updates on the Coronavirus visit www.haringey.gov.uk/news-and-events/haringey-coronavirus-covid-19-updates

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1st Floor, River Park House
225 High Road,
London,
N22 8HQ

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facebook.com/haringeycouncil

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-----Original Message-----

From: Garip Toprak <
Sent: 05 October 2022 17:47
To: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Subject: Re: Rakkas

As spoken over the phone and confirmed

Thursday 13th - 9am at Rakkas

Regards

>

> On 5 Oct 2022, at 17:33, Jennifer Barrett <Jennifer.Barrett@haringey.gov.uk> wrote:

>

> Hello Garip

>

> I have meetings for most of the day but can meet at 12.30- 1.30pm or 3.15 - 4pm if you are able to come to the council offices in Wood Green?

>
> Festus will also be in attendance and I have copied him into this too.
>
> Yours sincerely
>
>
> Jennifer Barrett
>
> Noise and Nuisance Manager
> Environment & Neighbourhoods
>
> M
>
> jennifer.barrett@haringey.gov.uk
> www.haringey.gov.uk
>
>
> For the latest updates on the Coronavirus visit
> www.haringey.gov.uk/news-and-events/haringey-coronavirus-covid-19-upda
> tes If you need to report something please log it here: Report It or
> use our Online Service: Contact Frontline Why wait when you can do it online?
>
> 1st Floor, River Park House
> 225 High Road,
> London,
> N22 8HQ
> twitter@haringeycouncil
> facebook.com/haringeycouncil
> Please consider the environment before printing this email
>
>
>
>
> -----Original Message-----
> From: Garip Toprak <
> Sent: 05 October 2022 17:27
> To: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
> Subject: Re: Rakkas
>
> Hi,
>
> Thursday 13th shall we say 2 o'clock?
>
>>
>> On 5 Oct 2022, at 15:44, Jennifer Barrett <Jennifer.Barrett@haringey.gov.uk> wrote:
>>
>> Hello Garip
>>
>> When would you like to meet?
>> Next Thursday or Friday would be preferable
>>

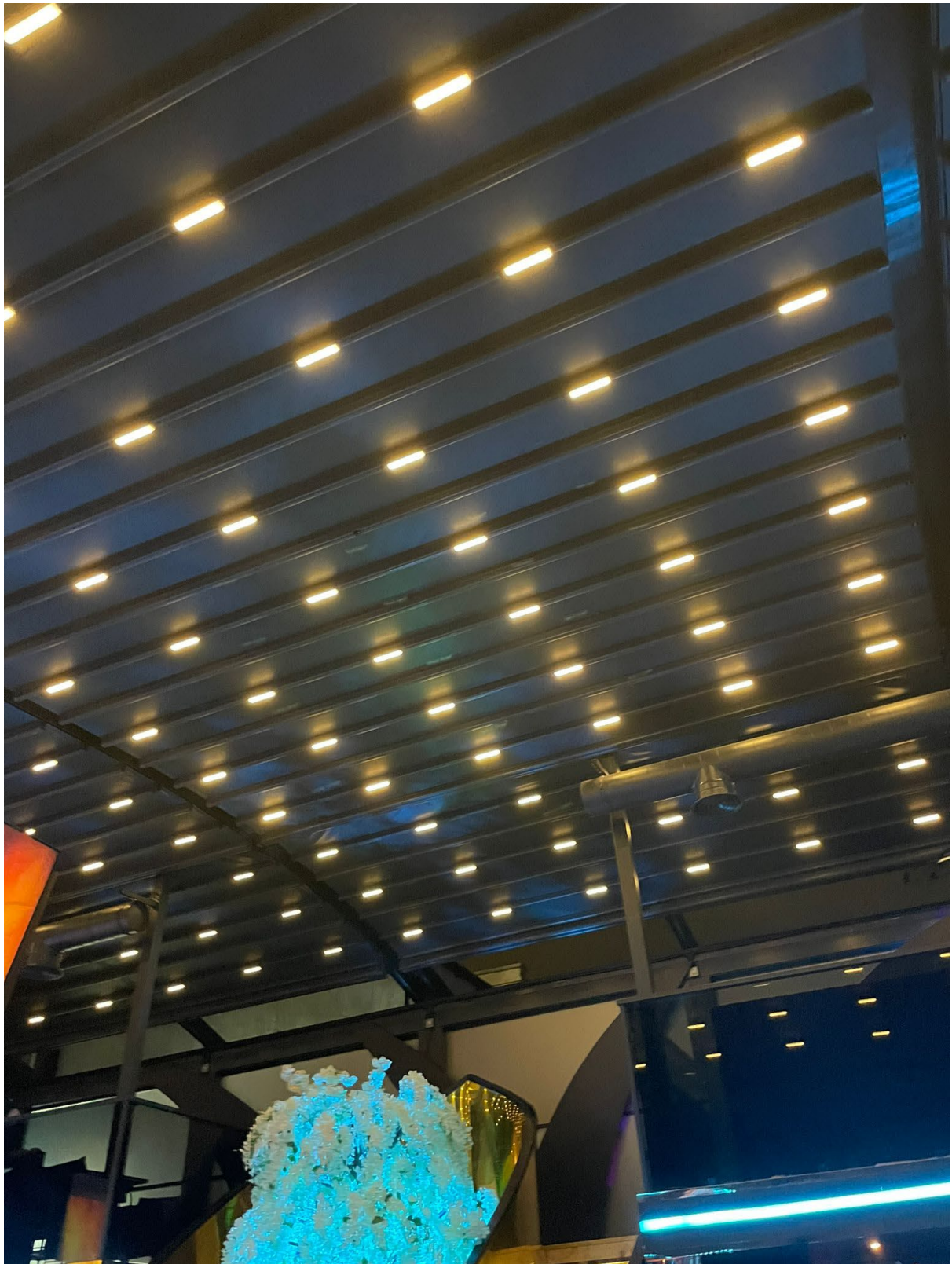
>>
>> Yours sincerely
>>
>>
>> Jennifer Barrett
>>
>> Noise and Nuisance Manager
>> Environment & Neighbourhoods
>>
>> M 07989 223 970
>>
>> jennifer.barrett@haringey.gov.uk
>> www.haringey.gov.uk
>>
>>
>> For the latest updates on the Coronavirus visit
>> www.haringey.gov.uk/news-and-events/haringey-coronavirus-covid-19-upd
>> a tes If you need to report something please log it here: Report It
>> or use our Online Service: Contact Frontline Why wait when you can do
>> it online?
>>
>> 1st Floor, River Park House
>> 225 High Road,
>> London,
>> N22 8HQ
>> [twitter@haringeycouncil](https://twitter.com/haringeycouncil)
>> facebook.com/haringeycouncil
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>>
>>
>>
>> -----Original Message-----
>> From: Garip Toprak <
>> Sent: 03 October 2022 20:21
>> To: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
>> Subject: Rakkas
>>
>> Dear Jennifer,
>>
>> I would like to discuss matters with you in regards to Rakkas, can you arrange a meeting or send
me your phone number to contact you.
>>
>>
>> Regards
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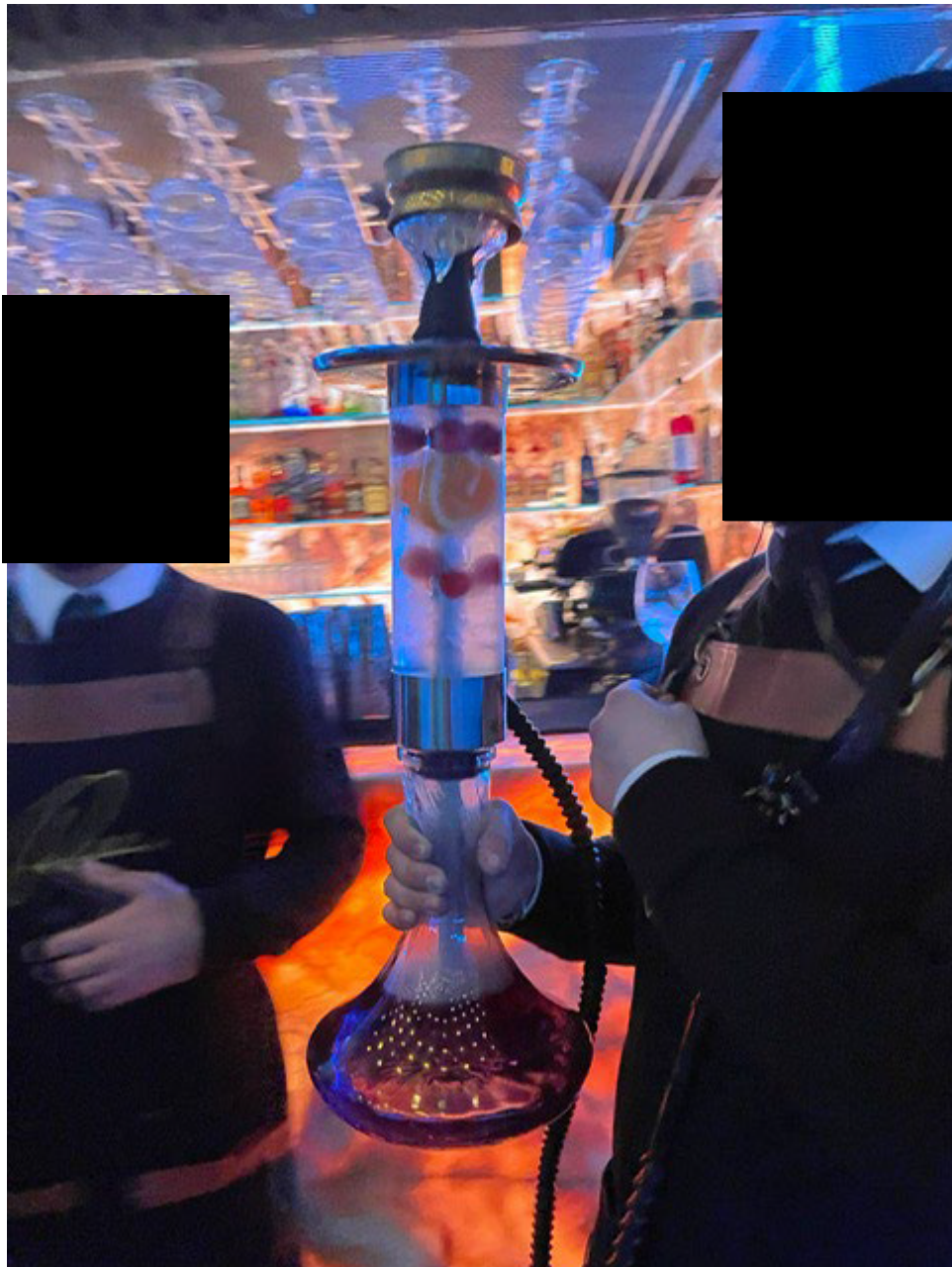


















Appendix 3

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From: XXXXXXXXXXXXXXXXXXXX
Sent: 04 January 2023 18:15
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Re: Support

XXXXXXXXXXXXXXXXXX

Sent from Yahoo Mail for iPhone

On Wednesday, January 4, 2023, 6:07 pm, Licensing <Licensing.Licensing@haringey.gov.uk> wrote:

Dear Ms Berry,

Please provide your address to make a valid representation.

Regards

Licensing Team

From: XXXXXXXXXXXXXXXX
Sent: 04 January 2023 18:02
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Support

Dear Licensing

My name is XXXXXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,

XXXXXXXXXXXX

Sent from Yahoo Mail for iPhone

From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 13:28

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Re: Rakkas

Dear Haringey Council,

I am a resident at XXXX Lothair Road North. I walk past Rakkas on a daily basis.

I believe, from my knowledge of the venue, that the business is addressing its licensing objectives well.

In the interests of public safety, prevention of crime and prevention of public nuisance, Rakkas has two door staff standing outside the entrance on Green Lanes. Each time I pass they are polite and welcoming.

I feel that the restaurant is a good feature of our community.

XXXXXXXXXX

On Wed, 4 Jan 2023 at 12:36, Licensing <Licensing.Licensing@haringey.gov.uk> wrote:

Dear Mr XXXXXXX

Thank you for the email,

Can you please say how you believe from your knowledge of the venue that it is promoting the licensing objectives, you may for instance frequent the venue or may have noticed things in passing that you thought represented good management practice that you can refer to here?

Can you also supply your address to make a valid representation that can be taken into account.

Kind regards

Licensing Service

Haringey Council

From: XXXXXXXXXXXXX

Sent: 04 January 2023 12:25

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas

Dear Licensing

My name is XXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,

XXXXXXX

--

XXXXXXXXXXXX

[Design](#) | [Music](#)

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--

XXXXXXXXXXXX

[Design](#) | [Music](#)

From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 15:27

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas (365-369 Green Lanes N4 1DY

Dear Licensing

My name is XXXXXXXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,

XXXXXXXXXXXX

XXXXXXX Lothair road N4 1ER

Sent from [Outlook for iOS](#)

From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 15:30

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas (365-369 Green Lanes N4 1DY)

Dear Licensing

My name is XXXXXXXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,

XXXXXXXXXX

XXXXXXXXXX Lothair road N4 1ER

From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 15:35

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Re: Rakkas (365-369 Green Lanes N4 1DY)

Thank you for your email.

My address is

XXXXXXXXXX

Green Lanes

N4 1DY

On Wed, 4 Jan 2023, 13:31 Licensing, <Licensing.Licensing@haringey.gov.uk> wrote:

Dear Sir

Thank you for the email,

We have the same email from XXXXXXXXXXXXXXXX, the same matters below apply.

Can you please say how you believe from your knowledge of the venue that it is promoting the licensing objectives, you may for instance frequent the venue or may have noticed things in passing that you thought represented good management practice that you can refer to here?

Can you also supply your address to make a valid representation that can be taken into account. Please note all valid representations go into the public domain.

Kind regards

Licensing Service

Haringey Council

From: XXXXXXXXXXXXXXXX>

Sent: 04 January 2023 13:28

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas (365-369 Green Lanes N4 1DY)

Dear Licensing

My name is XXXXXXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,

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From: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 04 January 2023 15:52
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Rakkas 365-369 Green Lanes, London N4 1DY

Dear Licensing

My name is XXXXXXXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Kind Regards

XXXXXXXXXXXXX She/Her - **Children's Placements & Quality Officer**

XXXXXXXXXXXXXXXXXXXXX

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From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 22:48

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Support Rakkas

Dear Licensing

My name is XXXXXXXXXXXXXXXXXXXX Lothair rd London N41ER I am writing in support of Rakkas 365-369 Green Lane London N41DY in relation to a review application of its premises licence dated 9th December 2022

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons especially in relation to public nuisance.

I believe the premises contributes to are community and promotes the four licencing objective.

Please can you take this representation into account when evaluating this review application

Yours faithfully

XXXXXXXXXXXXXXXXXXi

From: XXXXXXXXXXXXXXXXXXXXXXXX

Sent: 05 January 2023 18:44

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas

Dear Licensing

My name is XXXXXXXXXXXXXXXX (XXX Lothair Road North, N4 1EW) and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

*Yours faithfully,
XXXXXXXXXXXXXXXXXX*

Sent from [Outlook for iOS](#)

From: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 05 January 2023 22:56
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Rakkas

Dear Licensing

My name is XXXXXXXXXXXXXXX (XX Lothair Road North, N4 1EW) and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,
XXXXXXXXXXXXXXXXXX

Sent from [Outlook for iOS](#)

From: XXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 04 January 2023 16:27
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Rakkas (365_369 green lanes n4 1dy

Dear Licensing

My name is XXXXXXXXXXXXXXXXXX and I am writing in support of Rakkas 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

Yours faithfully,
XXXXXXXXXXXX Green Lanes
N4 1DY

From: XXXXXXXXXXXXXXXXXXXXXXXX>

Sent: 04 January 2023 16:22

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas Restaurant - 365-369 Green Lanes, Harringay, London N4 1DYS

Dear Haringey Licensing Team,

Name: XXXXXXXXXXXX

Address: XXXVenetia Road, N4 1EJ

Time spent at current address: 3 months

I am writing in support of Rakkas Restaurant, at 365-369 Green Lanes, London N4 1DY in relation to a review application of its premises licence dated 9th December 2022.

I live just around the corner from the restaurant and frequently walk past it, but I've never been inside. I have noticed however that there are always security guards outside no matter the weather. I have never had any issues with the owner or customers, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please take this representation into account when evaluating this review application.

Kind regards,

XXXXXXXXXXXX

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Review of the Premises Licence: Rakkas, 365-369 Green Lanes, N4 1DY

Personal details

Name Andy and Catherine Cheatle

Address



3 January 2023

Reason for representation

We would like to support the review of the licence held by Rakkas of 365-369 Green Lanes which has been initiated by ASB Enforcement. The premises has not complied with all its Licensing or Planning obligations since it re-opened in March 2022. Further, the operation of the premises is in conflict with Haringey's licensing objectives and causes detriment to local residents. While recognising that the Licensing Committee's remit does not cover Planning concerns, we would encourage the Licensing Committee to consider the enforcement action being taken by Planning in determining any future action.

Particular issues with the operation of the premises at 365-369 Green Lanes are as follows listed by licensing objective.

Prevention of public nuisance

- The Rakkas premises underwent significant refurbishment during lockdown and reopened in March 2022 as a much larger venue. The premises expanded from a single shop front to a triple frontage and across four premises to the rear together with a new mezzanine floor.
- The new extension to the rear of the premises has a large retractable glass roof and sides which extends over the rear of four premises. Both Planning and Licensing Committees were concerned with potential noise coming from this area and placed restrictions on its use to manage noise levels. For example, Licensing required the rear of the premises to be cleared of customers and closed by 2100 hours while Planning required roof lights and windows to be non-opening. These requirements are not being complied with.
- Noise from the rear of the premises causes disturbance until the whole premises has closed (up to 0000 hours). This noise is particularly felt in warm weather when windows in the premises are retracted and we would like to open our own windows or use the back garden. Photograph of retracted windows attached.

- Lights from the rear of the premises are directed over local residents' gardens until much later than the premises' operating hours (i.e. the rear of the premises continues to be lit after the front of the premises has been closed). Photograph attached.
- There has been an increase in people parking their cars in local roads since March to access Rakkas. This follows the advice provided by Rakkas on its website. This has increased competition for parking spaces and has caused some drivers to park in front of our and other local residents' drives blocking us in.
- Noise from customers returning to their cars parked in Lothair Road North, Venetia Road, Tancred Road and other local roads. This has continued for up to an hour after the premises has closed (i.e. up to 0100) , and has consisted of loud talking and shouting from high spirited customers following rounds of drinks, slamming of car doors, revving engines and playing of loud music on their departure.
- Unpleasant smoke and cooking odours coming from the restaurant's chimneys and blown across the gardens and windows of residents' homes. Photograph attached.

Prevention of crime and disorder

- Since March there has been an increase in crime and disorder issues in the local area including drug dealing and use of nitrous oxide cannisters, car crime, muggings and burglaries. This increase in crime is not necessarily Rakkas' customers but it does coincide with the reopening of Rakkas.

Public safety

- Non-residents' cars accelerating down Lothair Road North to speeds which are not compatible with a narrow and quiet residential road thereby endangering vulnerable residents such as young children and elderly residents.
- Overflowing and smelly commercial waste bins on the pavement in Lothair Road North for extended periods create a health hazard and an obstruction to pedestrians, particularly those using buggies and walking aids, forcing them to go on to the road itself to pass one another. Further, this practice of leaving commercial waste bins on the pavement for extended periods of time differs from all other local commercial businesses.
- An unsafe "emergency" access door (solid, heavy metal) opens outwards onto Lothair Road North is also used for deliveries and entrance / exit for staff although the Planning application for a rear extension which was granted in February 2021 stated that this access door would not be in use in normal operation. However, the door is used daily and is a health hazard as it is not possible for those opening the door to see whether it is safe to do so – an accident waiting to happen.

Other

- The premises is now operating as a restaurant and lounge bar providing shisha, cocktails and live entertainment with only the restaurant facilities at the front of the premises. Compromises are being made to meet the differing requirements of these activities – for example shisha operating requirements require open windows while the license for other activities requires closed windows to reduce noise levels.

Evidence

We have raised these points with the manager of Rakkas and, following lack of any effective response, subsequently made complaints to the council with supporting evidence. Sample photographs are included in the appendix and sample videos are attached to exemplify points made in this representation.

We also note that the tenant of one of the houses in Lothair Road North close to the premises curtailed their tenancy arrangements over the summer as the noise from the premises interfered with their studies.

Conclusion

This evidence shows that the operation of 365-369 Green Lanes does not meet all its licensing obligations and has not done so since it reopened in March. This has resulted in noise and other public nuisance to local residents as well as an increase in crime and public safety issues. The premises should either be made to comply with existing licence obligations or have its licence removed.

Yours sincerely

Andy and Catherine Cheatle

APPENDIX

Evidence – sample photographs

Light pollution at rear of premises after 2100 hours



Retracted windows



Smoke



Commercial waste bins



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Appendix 4

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From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 18:02

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas licence review

To whom it may concern,

I would like to urge Haringey Council to enforce stricter measures on Rakkas, up to and including revoking its current licence.

From its licence revocation in 2021 to its repeated breaches in 2022, Rakkas has shown that it does not take the rules seriously and does not deserve to run a licenced business. It has befouled our local area with its regular and unapologetic flouting of regulations, and the council should act to sanction it appropriately.

As a local resident I've seen nothing but disruption and nuisance from this business. This includes:

- Noise late at night from the outdoor garden throughout the year. While Enforcement took action and visited on occasion, the disruption was very regular;
- Noisy customers revving and/or idling engines on Lothair Road North as they park or leave.
- Shouting and, on one occasion, fighting among customers on Lothair Road North;
- A huge increased of parked cars up Umfreville Road, Lothair Road North, Venetia Road and Tancred Road, giving residents fewer parking options;
- Regular parking on double-yellow lines opposite the restaurant on Green Lanes, in the area outside the entrance to Harringay Green Lanes station and outside McDonalds;
- Aggressive posturing and sexist leering from bouncers, whose presence has been described as threatening and merely to make the restaurant appear more exclusive than it is.

I find it insulting and a waste of council time that Rakkas is permitted to pursue an extension to its licence when this review of its current licence is in motion. I also noticed on Monday, January 2, people with clipboards stopping passers-by to glean testimonials about Rakkas, some of whom are not local residents, so I have reservations about such support. I hope this is noted in the review.

XXXXXXX

Resident, Lothair Road North

From: XXXXXXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 18:52

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Comment on licensing review for Rakkas

Dear licensing,

I am writing in response to the licensing review for Rakkas 365-369 Green Lanes, Haringay, London N4 1DYS. I have recently moved back with my parents on Lothair Road North for a few months in between renting, and the difference in the area and road from 18 months ago until now is astounding, primarily due to the noise, rubbish and disruption caused by Rakkas. This is mostly in relation to:

- Rubbish-Multiple service bins being left blocking the pavement for days on regular occasions often with rubbish and liquid spilling out of them. This makes it hard to walk past on the pavement and impossible if you were using a walking stick, wheelchair, carrying shopping or pushing a buggy. An example of this can be seen in the photo attached below.
- Noise- especially throughout the summer there was constant loud noise late into the evening severely impacting my quality of life. I could no longer sit in my garden to relax without disruption. This was due to windows being left wide open and music being played loudly, with bright lights. This would continue into the night severely impacting my sleep.
- Nuisance- there are multiple cars parked along all spaces in the road, blocking our driveway and making it impossible to park or use our car. The Rakkas website advises patrons to park on the road.
- When concerns have been raised directly with the venue intimidation tactics have been used rather than engaging with the local community to reach a resolution.
- There has been a noticeable increase in crime and disorder in the area- this is not solely due to Rakkas, however it does mean there are multiple large groups of people congregating on street corners, which can be intimidating.
- The above have been severely impacting the quality of life of many local residents- including me- increasing stress and having a detrimental impact on day to day life. There has been no attempt made to engage with the local community that I have experienced and the above are all increasing in scale rather than being resolved.

I hope these comments are useful in the licence review and are fully taken into consideration on how this is taken forward.

Name: XXXXXXXXXXXXXXXX

Address: XXXXX lothair road north, n4 1er

Attachment 1- taken on 15/11/22



From: Cllr Zena Brabazon <Zena.Brabazon@haringey.gov.uk>

Sent: 04 January 2023 19:27

To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas Review representation

Dear Licensing

Please find attached my representation regarding the review of the Rakkas license.

Thanks

Zena

Cllr Zena Brabazon

Cabinet Member, Children, Schools and Families

Labour Member for Harringay Ward

Haringey Council
225 High Road, River Park House, N22 8HQ

t. 0208 489 5788

m. 07812677710

zena.brabazon@haringey.gov.uk

www.haringey.gov.uk

twitter [@haringeycouncil](https://twitter.com/haringeycouncil)

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Please consider the environment before printing this email

Haringey Council Licensing Team
Alexandra House, Level 4
10 Station Road,
Wood Green
London, N22 7TR

04/01/2023

Dear Licensing Team

Re: Review of Rakkas Restaurant License

I am writing to you in my capacity as a ward councillor for Harringay ward. The Rakkas restaurant is located in my ward.

I have received many complaints from residents who live near the Rakkas. The complaints relate to noise nuisance, emanating both from the premises, and from customers returning to their cars and to loud music from the rear extension beyond permitted hours. They told me that this has been an ongoing problem for several months, which they have reported to the local authority. The local authority did respond to their complaints, and my understanding is officers tried to work with the Rakkas to ensure they complied with the licensing conditions. Despite best efforts however, noise nuisance continued, with over 20 reports submitted by residents who have been adversely affected, as I set out in my letter to you below of 9 December. To clarify further, during the very warm summer I was told Enforcement Officers visited in July, August and September because of repeated disregard for the conditions, and for residents whose right to enjoy their gardens was severely affected.

It is regrettable that, despite enforcement efforts and LBH engagement with the business, the Rakkas continued to flout licensing conditions, and that this has now culminated in the Council, as a Responsible Authority calling a Review of the Premises Licence.

Committee members will know that the Rakkas has applied for a variation to its license, for longer opening hours in the rear of the premises. As of writing this submission in support of the review, the variation application has not been heard. I have therefore attached my representation for that application below, since it is, in my view, entirely relevant to the issues being addressed in the review. In summary these are, noise nuisance, anti-social behaviour and continuing breach of existing licensing conditions.

Thank you for your consideration of this representation.

Yours sincerely

Zena Brabazon
Cllr, Harringay ward

**ORIGINAL REPRESENTATION SUBMITTED IN RESPONSE TO VARIATION OF
LICENSE REQUEST**

Haringey Council Licensing Team
River Park House,
Level 1 North,
225 High Road,
Wood Green
London, N22 8HQ

9 December 2022

Dear Licensing Team

Variation to the Premises Licence: 365-369 Green Lanes, N4 1DY

I am writing as ward councillor for Harringay ward to object to the application made by the Rakkas restaurant for a variation to their current license.

My objection is based in particular on the prevention of public nuisance, and in addition, on the way in which the premises has operated since it re-opened in March 2022 as a much larger venue - a triple frontage restaurant, with a mezzanine to the rear.

As ward councillor I have been contacted on several occasions by local residents who live near the premises. They have told me about the noise nuisance, emanating both from the premises, and from customers returning to their cars. Of particular concern was the use of the rear extension with noise and light pollution outside the permitted hours, (i.e., after 9pm). They have told me there was music coming from the rear extension, again in breach of licensing conditions. These breaches have been reported to the local authority.

Noise nuisance has particularly affected residents living in Lothair Road North, to the rear of the premises. The roof and side windows of the rear extension have been opened (contrary to requirements) and this has been especially problematic when live music was being played. On behalf of residents I have reported the noise nuisance, and disregard for the licensing conditions, to LBH enforcement officers. They have followed up, witnessed loud music from the premises themselves, and have issued a formal warning notice having confirmed the external area was in use after 11pm.

It is regrettable that, despite enforcement efforts and LBH engagement with the Rakkas, residents continued to report noise nuisance, with over 20 reports submitted by residents who have been adversely affected. During the very warm summer, Enforcement Officer visited in July, August and September because of repeated disregard for the conditions, and for residents whose right to enjoy their gardens was severely affected.

Noise nuisance has been compounded by the noise which occurs when Rakkas customers return to their cars, parked in Lothair Road North, Venetia Road, Tancred Road and others, late at night. Raised voices, shouting, slammed car doors, car stereos and revved engines all cause huge disruption when ambient noise levels are very low in otherwise quiet residential streets. As the Council's Licensing Policy 2021-26 states, *'A licence holder's responsibility does not end at the door of their premises'* (section 9.6).

Turning to light pollution, the unauthorised use of the rear extension after permitted hours has also led to problems with this for residents in Lothair Road North. As a very large glazed structure extending over the rear of four premises, the extension emits a huge amount of light and residents are aware of bright light shining long after the 9pm deadline, with customers clearly visible moving around in this area.

Residents have also filed complaints via the Council's website about unpleasant cooking smells emanating from the premises, and have reported on overflowing commercial waste bins on the pavement in Lothair Road North remaining there for up to 4 weeks, and also an unsafe emergency access door opening outwards onto Lothair Road North.

Given these experiences, you will appreciate that residents are very concerned about this new application to vary the license, to allow the back addition/outside area to remain open until 23.30 (Sun-Wed) and 00.00 (Thur-Sat).

The council's Licensing Policy 2021-26 (p8) states that its fundamental purpose *'is to ensure that licensed premises have a positive impact on their locality'* but, based on residents' real experience of this venue, it is debateable as to whether this aspiration for this licensed premises is possible.

Noise nuisance was an issue raised at the hearing for the current license. The concerns raised by the objectors at that hearing were considered by the committee to be reasonable. The committee *'was satisfied that a premises of this size would attract a lot of patrons and would need a comprehensive set of conditions to manage the likely impact of noise and other nuisance on local residents. The Committee accepted that the licence holder was offering a different business to the previous owner but retained some concerns about the manner in which it was proposed that the premises would operate.'*

Regarding the issue of managing the outside space, the Licensing Committee determined that it needed to be managed in a manner which promoted *'the licensing objectives with respect to nuisance, which had been a concern of the residents and decided that closing the outside area by 9pm would reduce the risk of the premises undermining the licensing objective with respect to public nuisance'*.

It is hard to escape the conclusion that the Licensing Committee took the issues of noise nuisance and management of the outside space very seriously, and set conditions designed to minimise problems. Regrettably, these problems remain where the license conditions have been breached. Given this, on what basis can the current variation be approved?

Zena Brabazon
Cllr, Harringay Ward

From: XXXXXXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 19:50

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Complaint against extended opening hours - Rakkas

Hi there,

Please find attached the license representation form against Rakkas request.

Kind Regards,

XXXXXXXXXXXXXXXXXXXXX



LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details

Name.....

Address.....

.....

.....

Postcode... N4 1ER.....

Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Application Number.....

Name of Licensee... Rakkas.....

Name of Premises (if applicable)... Rakkas.....

Premises Address (where the Licence will take effect).....

..... 365-369 Green Lanes, Harringay, London, N4 1DY.....

Postcode... N4 1DY.....

Reason/s for representation

Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet Variations, Representations and Appeals for Premises Licences and Club Premises Certificates).

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder

Since the opening of Rakkas me and my family have been impacted by more than 10 separate incidents outside our home all relating to people either intoxicated or acting disorderly. The incidents are 1) due to attendees of Rakka parking on Lothair Road returning back to their cars and loitering. They are extremely loud and on 5 occasions late at night I've had to walk outside and ask them to move on as it has awoken my wife and newborn son. On 2 occasions the attendees have been rude, refused and attempted to instigate a fight. On another occasion my wife was walking home after meeting friends and she was harassed by 2 people outside of our home who threatened to fight her, for simply asking them to keep the noise down on a residential street. Alongside this we've had items stolen from our bicycles which are in our front garden and recently a man used the porta-loo (due to current building works on my home) whilst my wife was opening the front door. By extending the opening hours, will cause the issues to escalate with attendees being more intoxicated and increasing the anti-social behaviour and worryingly the safety of my wife to return home by walking down our street at night.

Public Safety**The Prevention of Public Nuisance**

Since the opening of Rakkas, intoxicated attendees are walking down Lothair Road North. They do not do this quietly and forced me to upgrade our windows to acoustic glass, to reduce the noise from patrons leaving Rakkas at night.

The Protection of Children from Harm

I,, hereby declare that all information I have submitted is true and correct.

Signed: _____

Date: 4th Jan
2023

Please email the completed form to licensing@haringey.gov.uk.

From: XXXXXXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 20:04

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas Restaurant 365-369 Green Lanes Licensing Review

I am writing in relation to the licensing review for Rakkas 365-369 Green Lanes, Harringay, London N4 1DYS. I live on Lothair Road North and the disruption that the restaurant is causing to our daily lives is significant.

The noise of the music, especially during the summer, is incredibly excessive and played all evening long. It makes the garden almost unusable for most activities due to repetitive annoying music. For example, the song Wild Thoughts by DJ Khalid is played every single day without exception and it gets very irritating. They are treating the venue as a nightclub rather than a restaurant. They need to either invest in sound proofing and air con so that they can shut the windows or to turn the music down.

There has also been an increase in the amount of broken bottles and drink cans left on the road by people leaving the restaurant, as well as large noisy groups late at night and the amount of customers parking on the road mean that the local residents are unable to park.

All these issues have been steadily getting worse over time and I hope these comments are taken into consideration when undertaking the licensing review.

Kind regards,

XXXXXXXXXXXXXXXXXXXX

From: XXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 23:13

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Objection to Rakkas

Re - Objection to Rakkas

General - Their recent behaviour includes disingenuously engaging with individuals in Lothair Road North, only to publicly distort and misrepresent their opinions for their own gain. This shows that they are an untrustworthy operation, unlikely to fulfil their obligations or keep any promises they make.

Prevention of Crime and Disorder

There has been a surge in criminal behaviour to do with cars. There have been stolen licence plates, broken windows and dangerous driving in the last 3 months. I have witnessed dangerous driving from someone who subsequently parked and entered the club, and I reported this incident to police in November 2022.

Drugs - There is an increase in people appearing to trade drugs in our road. This was already a problem before Rakkas opened but has worsened. I have had to move drug-users off elderly neighbours' doorsteps. There are often high-end cars driving slowly around, having a brief meeting with a young person on the street, then driving on.

Bouncers - Proof that this is a club not a restaurant, the bouncers are there to control and intimidate people. I have had to comfort one middle-aged neighbour who was aggressively approached and berated by the bouncers, leaving her scared. They do not show interest in protecting the wider community.

Public Safety

At times the pavement by the entrance is blocked by large groups of young people waiting to enter, or standing to chat. Pedestrians are forced onto the railings or even into the road. The management seem to have made no effort to manage their customers or accommodate the passing public.

The numbers and type of vehicles and people have changed the feel of the area and the residential street is much busier. I have witnessed illegal speeds and dangerous driving from customers leaving Rakkas club. I have witnessed a young woman who works at Rakkas club being apparently harassed by a man outside my house.

Prevention of Public Nuisance

Parking - There has been a surge in parking pressure as the Rakkas website instructs visitors to park in our residential road. Residents are now finding it challenging to park from early evening on. My own drive is now continually blocked by visitors after 7pm.

Noise pollution - Rakkas creates noise pollution for the mixed generations of our road, from the very elderly who have been living here since the 1960s, to Looked After young

people being fostered in our neighbourhood, to families with babies and young children. It ruins our ability to enjoy our previously quiet homes and in summer our gardens. The back extension of Rakkas is huge and full of people too late into the night so close to a street full of domestic dwellings. As I sleep in the front of the house I am woken every night by people leaving the venue.

Rubbish and refuse - The side entrance is in Lothair Road North and we now have to live with and walk past smelly rubbish bins – there are around three as it is such a large place, and they are often overflowing. Rubbish is not well managed. This general lack of care for the local area has been obvious from the start (see above in General).

Protection of Children from Harm

As a Foster Carer employed by Haringey, I feel it is paramount that we protect our Looked After Children from the anti-social activities we've noticed around Rakkas. We have at least two Looked After Children that I know of in the vicinity, possibly more. My own current foster placement is scared of the bouncers whom he has to pass every day on the way home from school. He experiences them negatively, finding them scary and intimidating. He has also been exposed to the drug-related behaviour in our road (see above). He has to scooter into the road to avoid Rakkas club's rubbish on the way to school.

There is a second foster placement nearer to the club, and he is already battling to study for GCSEs. How is it going to impact on childrens' schooling when there is late noise coming from the club outside space on Sunday nights? This is obviously re-victimising the most vulnerable members of our community, it is adversely affecting them and their future. It is unacceptable, especially when it is purely for the sake of commercial gain. Surely they deserve a more positive, family-friendly, residential environment in which they can make progress safely?

Best regards

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

From: XXXXXXXXXXXXXXXXXXXX

Sent: 05 January 2023 10:57

To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>

Cc: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Re: RAKKAS ENGAGEMENT

Thank you,

I too received a visit from the owner of Rakkas and was pleased they were making a (belated) attempt to reach out to the community. I filled in their form, largely indicating that I was bothered by noise and thought they could do more about it. They were friendly, inviting us for a meal on the house, but dismissive of concerns, denying that they were applying for longer hours and blaming noise on the pub opposite.

For the record, my main concerns are:

- 1) Noise in summer. They play very loud music on summer afternoons which makes it very unrestful to be in one's garden. When I was speaking to them they said "this is why we built the roof" but there was plenty of noise in the summer just gone, after their reopening with the roof.
- 2) Noise in the street. Taxis honking horns, drunken shouting, cars idling etc. Mainly between 11pm and midnight. They claimed this could be to do with customers from the pub (who, it is true, can get quite rowdy in the small garden on summer nights) and this may be true. But it doesn't feel coincidental that I never noticed it before Rakkas' opening as a more nightclubby-looking venue attracting a young crowd.

I don't wish to be a NIMBY. This part of Green Lanes is lively and I knew that when I moved here in 2014. But there's a difference between the atmosphere in the rest of the area's restaurants and the more late-night, music-based vibe they are cultivating in their restaurant. I note that other bars (eg Brouhaha and the Salisbury) are very mindful of their neighbours, bringing people inside quite early and encouraging quiet leaving.

Thanks and all best,

XXXXXXXXXXXXXXXXXX

XXXX Lothair Road North

N4 1ER

XXXXXXXXXXXXXX

On Wed, 4 Jan 2023 at 18:29, Daliah Barrett <Daliah.Barrett@haringey.gov.uk> wrote:

Dear residents,

We have received communication from residents expressing concern about some door knocking and engagement being carried out by Rakkas.

We can confirm that some survey papers were submitted yesterday by Rakkas initially labelled as a petition but we did not share the same view as the business on this matter. Instead the document has been accepted as a business feedback survey that Rakkas may wish to rely on at the hearing on the 19th January.

The onus is on Rakkas to notify the Authority if they are wishing to call any witnesses that may have completed the survey to appear at the hearing to answer any questions on their behalf.

Please note that your representation in relation to the Variation application still stands and can only be withdrawn by yourselves and not by the business.

Residents are also writing in to support Rakkas in relation to the review matter following the doorstep engagement that has been undertaken. The business is permitted to engage in this way.

Please do not assume that your previous representations in relation to the Variation application will automatically be carried over on the review application, that will not be the case.

The finish period for the review consultation remains the 5th January 2023.

Hope the above is helpful.

Regards

Daliah Barrett

Licensing Team Leader

This email and any files transmitted with it are confidential, may be subject to legal privilege and are intended only for the person(s) or organisation(s) to whom this email is addressed. Any unauthorised use, retention, distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify the system administrator at Haringey Council immediately and delete this e-mail from your system. Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer or system into which they are received and opened, it is the responsibility of the recipient to ensure they are virus free and no responsibility is accepted for any loss or damage from receipt or use thereof. All communications sent to or from external third party organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

From: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX**Sent:** 05 January 2023 12:42
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Re: comment on Rakkas

Hello,

I didn't remember receiving a reply on this, so checked back and realised that I should have packaged my comment inside a comment form, which I now have, and which is attached.

The comment in the form is the same comment as the one above, just packaged in a form.

Thank you,
LH

On Fri, Dec 16, 2022 at 1:53 PM XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX> wrote:
Hello, I understand you are reviewing the current licence for Rakkas, 365-369 Green Lanes for possible breaches of its existing licence and have reached out to the community for comments, which will be anonymised.

I have no specific evidence or dates, only a general account, as below.

Since Rakkas has opened, we have had many/repeated issues with the very loud music coming from the rear of the business over the back gardens of the houses on the North side of Lothair Road North. We're quite far from Rakkas but even traveling that distance over lots of gardens it can still be heard loudly in ours. It can also be heard inside our house, even when all windows and doors have been shut.

Being a real supporter in our high street, I would usually never speak against a small business in difficult economic times - but this has been a repeated frustration for us, and I understand the situation to be worse for our neighbors who are closer to the restaurant who are getting less diffused/louder music than we are.

Please let me know if you need any further information to contextualise or clarify the above.

All best,
XXXX



LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details

Name [REDACTED]

Address [REDACTED] Lothair Road North, London

Postcode N4 1ER

Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Application Number

Name of Licensee

Name of Premises (if applicable) RAKKAS

Premises Address (where the Licence will take effect) 365-369 Green Lanes

Postcode N4 1DY

Reason/s for representation

*Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet **Variations, Representations and Appeals for Premises Licences and Club Premises Certificates**).*

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

Signed: [REDACTED] Date: JAN 5 2023

Please email the completed form to licensing@haringey.gov.uk.

From: XXXXXXXXXXXXXXXXXXXXXXXX
Sent: 05 January 2023 23:22
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Rakkas

I have lived at XXXX Lothair Road North since 2011. When the initial license application for Rakkas was posted I believe that rather early evening hours were specified. It soon became a late night place, which seemed odd because I could recall no notice of an application to extend hours. I should have seen such a notice even posted in front, since I was walking past the door several times a day, taking my son to and from school, and going to Green Lanes shops. You would have some official version of the history, but from my standpoint the hours got longer and louder with no notice or consultation.

Since Rakkas opened, there have been numerous times when their large rubbish bins have been parked on the pavement on Lothair Road North. In the early days they were more or less stationed there, and attracted a lot of fly tipping. After numerous complaints by neighbours the situation improved, but now and then the bins show up again, for an afternoon, for a day, for a couple of days. When they stay long enough they again attract additional, informal, contributions of rubbish around them on the pavement.

I surmise that the bin problem owes something to the fact that the bins are kept behind a locked door. The door sits flush to the pavement and, contrary to the usual rule for such doors, opens outward onto the footway. I am told that on the plans submitted for the establishment, this door was labelled "emergency exit only", but in fact it is in heavy use both for the rubbish bins and for deliveries. It seems that the owners of this establishment want to have their cake and eat it - the extra interior space gained from positioning the exit door as they have, and a door at the back for rubbish and deliveries. But what we get for that is a meter or so of steel door swinging out into the footway, and now and again rubbish bins and fly tipping on that same footway.

Since Rakkas re-opened in its current enlarged format, there has been an increase in litter where cars had been parked on Lothair North, especially on Friday and Saturday nights towards the Green Lanes end of the road.

If Rakkas has not, in other respects, honoured the terms of its license, I do not believe that that license should be renewed or restored.

XXXXXXXXXXXXXXXXXXXX

Sent from [Outlook for iOS](#)

From: Cllr Anna Abela <Anna.Abela@haringey.gov.uk>

Sent: 05 January 2023 23:22

To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Representation on the review of Rakkas Bar's License

Dear Licensing Team,

Kindly find attached my representation on the review of Rakkas Bar's License.

Thank you for considering my representation.

Kind regards,

Anna

Anna Abela

Councillor for Harringay ward

Haringey Council Licensing Team
Alexandra House, Level 4
10 Station Road,
Wood Green
London, N22 7TR

5th January 2023

Dear Licensing Team

Re: Review of Rakkas Bar License

I am writing to you in my capacity as a local councillor for Harringay ward, where the Rakkas Bar is located, to express my strong support for this review of the establishment's license.

Since being elected to represent Harringay in May, I have already been contacted by several residents who live near Rakkas Bar regarding the noise emanating from the premises. Furthermore, residents in Lothair Road North, Venetia Road and Tancred Road frequently write to me, my fellow ward councillors, and Haringey Council's Antisocial Behaviour and Noise enforcement officers regarding the noise pollution caused by patrons raising their voices while loitering outside the premises or returning to their cars. Patrons can often be heard shouting, revving their engines, and playing loud car stereo music, disturbing the peace in a residential area.

Despite repeated interventions by Haringey Council's Enforcement officers, I have not seen any meaningful efforts to improve noise management and address antisocial behaviour by the owners of Rakkas Bar, both within their own premises and in relation to patrons leaving their premises. I therefore urge you to consider this long-standing adverse impact on community wellbeing in the context of a review of the establishment's licence.

Thank you for considering my representation.

Yours faithfully

Anna Abela
Councillor (Harringay ward)

From: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 17:44

To: Licensing <Licensing.Licensing@haringey.gov.uk>; Daliah Barrett <Daliah.Barrett@haringey.gov.uk>

Subject: Rakkas Licensing Application

Hello,

I just wanted to re-send my thoughts on the restaurant 'Rakkas' which operates at the end of Lothair Road North. I've re-submitted my previous thoughts below but it seems that since that time, representatives of Rakkas have been knocking on doors on our streets. One neighbour says she was asked to fill in a survey, which she did and in doing-so, highlighted her concerns with the current operation. Rakkas then it would seem have mis-used that survey as a 'letter of support' against her will which seem underhand and also, fraudulent. This is only adding to the concern in the local community and hopefully you will find this information useful as well as the other email I know you've received from the local area.

Best regards,

XXXXXXXXXXXXXXXXXX

XXXX Venetia Road, N4 1EJ

Hello,

With regards to the application for extended licensing hours for Rakkas - 365-369 Green Lanes, Harringay, London, N4 1DY / Ward - Harringay, we would like to formally complain as I know a large number of the local residents do also.

Currently, the noise, litter, aggravation and illegal parking is making the current situation a nightmare, especially of the residents of Lothair Road North. Since they've opened we've had a huge increase in litter in the streets (as well as industrial waste), an increase in violent events and abusive behaviour and they are apparently in constant breach of their current license with the noise way past what they should be allowed.

Green Lanes has a wonderful history of being able to make the hospitality industry work in harmony with the large residential community. But Rakkas has not adhered to any code to ensure that the relationship the residents have with the restaurants and bars remains a good one. It has made the neighbourhood and surrounding area a more volatile, noisy, dirty area and as a community, we strongly oppose the idea of making this situation worse.

Best regards,

XXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXX Venetia Road, N4 1EJ

From: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 03 January 2023 15:08
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Cc: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Subject: Review of Premises Licence for Rakkas

We would like to support the licence review initiated by ASB Enforcement against Rakkas at 365-369 Green Lanes.

We have attached a pdf file detailing our reasons and attached a sample of video files as supporting evidence

Regards

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Review of the Premises Licence: Rakkas, 365-369 Green Lanes, N4 1DY

Personal details

Name [REDACTED]
Address [REDACTED] Lothair Road North
London
N4 1ER

3 January 2023

Reason for representation

We would like to support the review of the licence held by Rakkas of 365-369 Green Lanes which has been initiated by ASB Enforcement. The premises has not complied with all its Licensing or Planning obligations since it re-opened in March 2022. Further, the operation of the premises is in conflict with Haringey's licensing objectives and causes detriment to local residents. While recognising that the Licensing Committee's remit does not cover Planning concerns, we would encourage the Licensing Committee to consider the enforcement action being taken by Planning in determining any future action.

Particular issues with the operation of the premises at 365-369 Green Lanes are as follows listed by licensing objective.

Prevention of public nuisance

- The Rakkas premises underwent significant refurbishment during lockdown and reopened in March 2022 as a much larger venue. The premises expanded from a single shop front to a triple frontage and across four premises to the rear together with a new mezzanine floor.
- The new extension to the rear of the premises has a large retractable glass roof and sides which extends over the rear of four premises. Both Planning and Licensing Committees were concerned with potential noise coming from this area and placed restrictions on its use to manage noise levels. For example, Licensing required the rear of the premises to be cleared of customers and closed by 2100 hours while Planning required roof lights and windows to be non-opening. These requirements are not being complied with.
- Noise from the rear of the premises causes disturbance until the whole premises has closed (up to 0000 hours). This noise is particularly felt in warm weather when windows in the premises are retracted and we would like to open our own windows or use the back garden. Photograph of retracted windows attached.

- Lights from the rear of the premises are directed over local residents' gardens until much later than the premises' operating hours (i.e. the rear of the premises continues to be lit after the front of the premises has been closed). Photograph attached.
- There has been an increase in people parking their cars in local roads since March to access Rakkas. This follows the advice provided by Rakkas on its website. This has increased competition for parking spaces and has caused some drivers to park in front of our and other local residents' drives blocking us in.
- Noise from customers returning to their cars parked in Lothair Road North, Venetia Road, Tancred Road and other local roads. This has continued for up to an hour after the premises has closed (i.e. up to 0100), and has consisted of loud talking and shouting from high spirited customers following rounds of drinks, slamming of car doors, revving engines and playing of loud music on their departure.
- Unpleasant smoke and cooking odours coming from the restaurant's chimneys and blown across the gardens and windows of residents' homes. Photograph attached.

Prevention of crime and disorder

- Since March there has been an increase in crime and disorder issues in the local area including drug dealing and use of nitrous oxide cannisters, car crime, muggings and burglaries. This increase in crime is not necessarily Rakkas' customers but it does coincide with the reopening of Rakkas.

Public safety

- Non-residents' cars accelerating down Lothair Road North to speeds which are not compatible with a narrow and quiet residential road thereby endangering vulnerable residents such as young children and elderly residents.
- Overflowing and smelly commercial waste bins on the pavement in Lothair Road North for extended periods create a health hazard and an obstruction to pedestrians, particularly those using buggies and walking aids, forcing them to go on to the road itself to pass one another. Further, this practice of leaving commercial waste bins on the pavement for extended periods of time differs from all other local commercial businesses.
- An unsafe "emergency" access door (solid, heavy metal) opens outwards onto Lothair Road North is also used for deliveries and entrance / exit for staff although the Planning application for a rear extension which was granted in February 2021 stated that this access door would not be in use in normal operation. However, the door is used daily and is a health hazard as it is not possible for those opening the door to see whether it is safe to do so – an accident waiting to happen.

Other

- The premises is now operating as a restaurant and lounge bar providing shisha, cocktails and live entertainment with only the restaurant facilities at the front of the premises. Compromises are being made to meet the differing requirements of these activities – for example shisha operating requirements require open windows while the license for other activities requires closed windows to reduce noise levels.

Evidence

We have raised these points with the manager of Rakkas and, following lack of any effective response, subsequently made complaints to the council with supporting evidence. Sample photographs are included in the appendix and sample videos are attached to exemplify points made in this representation.

We also note that the tenant of one of the houses in Lothair Road North close to the premises curtailed their tenancy arrangements over the summer as the noise from the premises interfered with their studies.

Conclusion

This evidence shows that the operation of 365-369 Green Lanes does not meet all its licensing obligations and has not done so since it reopened in March. This has resulted in noise and other public nuisance to local residents as well as an increase in crime and public safety issues. The premises should either be made to comply with existing licence obligations or have its licence removed.

Yours sincerely



From: XXXXXXXXXXXXXXXXXXXX

Sent: 30 December 2022 16:44

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Review of licence for Rakkas

XXXXXXXXXXXXXXXXXXXXXXX

XXXX Lothair Road North

N4 1ER

Premises in question:

Rakkas

365-369 Green Lanes, Harringay, London, N4 1DY

Ward – Harringay

We wish to comment on how Rakkas operates from the experience of local residents, ahead of the Council's review in January.

General

Rakkas already creates a number of problems for the area and local residents. Since the new, enlarged premises opened it has changed the nature of the area, so that what was a quiet cluster of three residential streets has become a great deal busier and noisier, into the late evening. It is also out of keeping with the look and feel of the other restaurants in Green Lanes.

Rakkas is described as a restaurant but appears to be more than that. The website shows performances of (very lively-looking) live music, and features activities such as fire-eating, giving the impression of a floor-show in addition to food and drinks, and could be seen as encouraging rowdy behaviour. In fact, the website specifies 'Friday – Sunday Entertainment, Live Music – Fire – Magic'. There is also a Shisha bar. Rakkas is a large set up, with a substantial rear extension which causes significant nuisance for local residents.

If this were simply a neighbourhood restaurant serving food and drink its scale and impact on the area and the local community would be considerably less and likely to be acceptable. The problems arise from a combination of:

- its size (three shop fronts in one each with a rear extension, which attracts large numbers of customers)
- the rear extension itself is huge, actually touches the wall of the first house in Lothair Road North – this extends the nuisance into the private gardens behind, and is only yards from the bedrooms of the adjoining houses. The extension is of a scale and intrusion that it's hard to understand how it got planning permission at all.

Problems – these include:

- **Parking and consequential nuisance** - the residential streets nearby are quiet and we are a stable community of families and older people. The Rakkas website's FAQs directs

guests to park here after 6pm which can lead to congestion (often late into the night at weekends) and recurring noise from vehicles and voices as drivers reversing up and down the streets and speed away. The visiting cars appear to be high end and could attract crime, and the customer demographic suggests many come from outside the borough which may account for the volume of traffic and changes the look and feel of the area. The website also suggests parking in the retail park across Green Lanes, whereas that parking should be for shoppers.

- **Security** – it's hard to understand why a regular restaurant should need bouncers, which creates a sense of unease. The individuals themselves are silent and standoffish, rarely interact with members of the community (I walk past them most days) and when they do it is negative – recently interrupting a conversation with my sister in a law to current me in a hostile fashion, when in fact they had misheard, after which there was no apology. They seem to see their role as protecting Rakkas, rather than public safety. The fact that Rakkas was found to be in breach of Covid regulations on more than one occasion (at a time when they also had bouncers) does not inspire confidence in their probity and good management, especially now that it has more than doubled in size.
- **Congestion** – nor do they seem to do anything to facilitate passage on the pavement. At busy times the area by the entrance is blocked by large parties waiting to enter, or leaving and standing to chat, making it difficult to pass without stepping into the road; the bouncers seem to make no attempt to manage this or show any regard for local people passing. This is also quite near a bus stop, which all adds to the congestion and tension.
- **Rubbish and refuse** - is also a problem. The side entrance is in (residential) Lothair Road North and we now have to live with and walk past three large rubbish bins – often smelly and overflowing. Rubbish was very bad at first, with furniture packaging all over the pavement, and food. It remains not always well managed, with bins full to the brim and their contents sometimes spread over the pavement. This general lack of care for the local area has been clear from the start – several of the longest lorries we have ever seen turned into Lothair Road North to deliver the furniture, so cars had to be moved, with no notice or appreciation of this from the owner. And ahead of and upon opening we received no information or assurances about the approach of such a large and imposing social centre. There seems to be no notice, interest in or care taken by the owner/management regarding the impact on local people. Very recently (in the last week or so) we have noticed that the bins have been moved inside, and hope this will continue.
- **Noise** - noise from the premises is probably the single most negative effect on the neighbourhood, particularly at the rear. While we are half-way up Lothair Road North, and so not as badly affected as others closer to Green Lanes, the noise is still a disturbance, particularly interfering with our quiet enjoyment of the rooms overlooking the rear, and our use of the gardens. Over the summer months were aware of noise on several occasions late at night around 11pm; I have a recording from 28 July from my garden, where you can hear shouting and groups of men's voices whooping, and there were several other instances. This further confirms the concern that Rakkas is more of a

club than a restaurant, with the noise sounding like rowdy behaviour. Had the rear of the extension been smaller, and just used for dining, it is unlikely that it would have this impact on residents. And such a building seems particularly inappropriate only a few feet from the rear rooms and gardens of a street of domestic properties. There is a sign asking customers to be quiet when they leave, but this is small and on the outside, which seems odd.

Conclusion

Rakkas casts a shadow over the whole area, whether we're walking along Green Lanes or in and around our own homes and gardens. We have outlined above some of the impacts in terms of parking, numbers of visitors (who come from other areas, hence the parking issues), and unpleasant street presence, with the counterproductive presence of the bouncers. In summary, there are two major issues with Rakkas. First it is out of keeping for both a residential area and for Green Lanes itself. Second the owner has made no contact or communication with the local community, and seems to have no interest in either being a good neighbour or about the impact of his activities on the locality. We have never been provided with any information about who to contact there is we have a concern or complain.

We hope this information gives a sense of the impact of Rakkas on the local area, and is helpful when considering the terms of the licence.

From: XXXXXXXXXXXXXXXXXXXXXXXX

Sent: 02 January 2023 23:12

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas licensing act review

Hi

I live in lothair road north and have been made aware of the licence review for Rakkas 365-369 Green Lanes, Harringay, London, N4 1DY
Ward - Harringay

Since opening there has been a significant increase in:

- 1) anti-social behaviour - fights, people playing loud music from cars, shouting in the street at venue closure times/late evening
- 2) additional traffic and congestion - huge increase in cars parking within or outside bays preventing local residents from being able to park near homes, or obstructing roads/paths because not parked within bays
- 3) litter/mess/noise
- 4) large intimidating bouncers on street even during the day/morning

It is a residential area with a significant number of young families and older residents. Having what is fast becoming a night club at the end of the street is extremely distressing for local residents - particularly with safety concerns in the area and an increase in noise, traffic, litter and mess

Yours sincerely

XXXXXXXXXXXXXXXXXXXXX

Sent from my iPhone

From: LCSP [Ladder Community Safety Partnership] <lcsp@blueyonder.co.uk>

Sent: 03 January 2023 15:50

To: Licensing <Licensing.Licensing@haringey.gov.uk>; Daliah Barrett <Daliah.Barrett@haringey.gov.uk>

Subject: Review of a Premises Licence- Rakkas, 365-369 Green Lanes, N4 (WK/555222)

Please find attached the LCSP's letter concerning this review.

Ian Sygrave

Chair LCSP

LADDER COMMUNITY SAFETY PARTNERSHIP

Lcsp@blueyonder.co.uk

Haringey Council Licensing Team

Alexandra Park House, Level 4

10 Station Road,

Wood Green

London, N22 7TR

3 January 2023

Review of the Premises Licence: 365-369 Green Lanes, N4 1DY

Introduction

I am writing to you on behalf of the local community in my capacity as elected Chair of both the Ladder Community Safety Partnership (LCSP) and the Haringay Ward Police Panel. The LCSP is an umbrella organization containing many individual members but also representatives of Neighbourhood Watches and Residents' Associations throughout the Ward including Green Lanes. We are an independent group, although we work in partnership with many other key stakeholders to improve the quality of life for local people. The Police Panel obviously works closely with our local officers and sets priorities which aim to keep the area safe, and free from crime, antisocial behaviour and other nuisances.

Our members – and particularly those who live near the venue, warmly welcome and strongly support the Review of the Premises Licence by the Council in its role as a Responsible Authority. We also support and agree with the revised conditions as proposed in the Review.

As the Review application makes clear, there have been numerous breaches of the licence witnessed on multiple occasions between March and November 2022 by the Council's Enforcement Officers. In addition there have been over 20 complaints by local residents.

Members of the Committee will be aware that the venue's owners have been seeking longer hours in the back addition area, despite this serious record of non-compliance. At the time of writing this representation (3 January), this previous application for a variation had not yet been heard, but the arguments against allowing the extension of existing hours in the back addition are obviously the same as those for ensuring that these hours (ie. 21.00 for this section of the premises) are fully respected and carried out.

We have therefore copied below our previous letter (dated 8 Dec) which was submitted in respect of the Variation application at the end of last year. The arguments which are made in it fully explain why we believe that the Licence Review is necessary and why a very clear and easily enforceable time limit of 21.00 is required in that part of premises which has caused so much public nuisance since the venue reopened in March 2022.

Thank you for your consideration of this representation.

Ian Sygrave
Chair, on behalf of the LCSP
Chair, on behalf of the Harringay Police Panel

Copy of letter of 8 December 2022 as noted above:

LADDER COMMUNITY SAFETY PARTNERSHIP

Lcsp@blueyonder.co.uk

Haringey Council Licensing Team
Alexandra Park House, Level 4
10 Station Road,
Wood Green
London, N22 7TR

8 December 2022

Variation to the Premises Licence: 365-369 Green Lanes, N4 1DY

Introduction

I am writing to you on behalf of the local community in my capacity as elected Chair of both the Ladder Community Safety Partnership (LCSP) and the Harringay Ward Police Panel. The LCSP is

an umbrella organization containing many individual members but also representatives of Neighbourhood Watches and Residents' Associations throughout the Ward including Green Lanes. We are an independent group, although we work in partnership with many other key stakeholders to improve the quality of life for local people. The Police Panel obviously works closely with our local officers and sets priorities which aim to keep the area safe, and free from crime, antisocial behaviour and other nuisances.

Our members – and particularly those who live near the premises (in flats along Green Lanes and to the rear in Lothair Road North, Venetia and Tancred Roads) are very concerned at the prospect of the back addition/outside area remaining open until 23.30 (Sun-Wed) and 00.00 (Thur-Sat). The council's Licensing Policy 2021-26 (p8) states that its fundamental purpose '*is to ensure that licensed premises have a positive impact on their locality*' but our members are not convinced that such aims will be achieved via the proposals in this application.

Concerns are based on two of the key licensing objectives

- The prevention of crime and disorder
- The prevention of public nuisance

and on the way in which the premises has operated since it re-opened in March 2022 as a much larger venue (triple frontage plus mezzanine and across four premises to the rear)

1. Existing Premises Licence: Noise

The existing license granted by the Committee '*considered that the concerns raised by the objectors in their written and oral representations were reasonable concerns. The Committee was satisfied that a premises of this size would attract a lot of patrons and would need a comprehensive set of conditions to manage the likely impact of noise and other nuisance on local residents. The Committee accepted that the licence holder was offering a different business to the previous owner but retained some concerns about the manner in which it was proposed that the premises would operate.*

As regards the outside area, the Committee considered that the outside space needed to be managed in a way that would promote the licensing objectives with respect to nuisance, which had been a concern of the residents and decided that closing the outside area by 9pm would reduce the risk of the premises undermining the licensing objective with respect to public nuisance'.

These comments make it very clear that the Committee had concerns about noise nuisance coming from the area currently under review – concerns which, as we will demonstrate, have been proved to be only too well founded. Moreover, if the variation being applied for were to be granted, the Committee would in effect be overturning and countermanding its own closely argued decision, which would be a very strange outcome.

2. Existing Premises Licence: Planning

It is well known that licensing and planning are two separate regimes, but they are often also mutually dependent. The Council's Licensing Policy 2021-26 (p13) makes this clear when it explains that all planning permissions and conditions must be respected.

In this context, the Licensing Committee's decision stated that although it *'was not responsible for planning matters, it noted that there were some planning issues relating to the retractable roofing proposed and extraction system that required attention and wished as an informative matter only, to gently encourage the applicant to get planning matters resolved to the satisfaction of the planning authority without delay'*.

The applicant has signally failed to follow this advice, to the extent that LBH Planning have issued an Enforcement Notice requiring

- The removal of the unauthorized single story rear extension, with a retractable roof, in its entirety
- Cease the mixed use of the premises as a restaurant/shisha lounge
- Remove all 12 canopies that have been installed at the front of the building

The applicant has appealed the Enforcement Notice, and a decision by the Planning Inspectorate is awaited.

We believe that it is important for the Licensing Committee to be aware of this situation because the Licensing Policy 2021-26 (Section 5.1) states *'it is strongly recommended that applications should normally be from businesses with relevant planning consent for the property concerned. This applies equally to applications seeking a license to facilitate a change of use/type of operation'*.

3. Prevention of Public Nuisance, and other issues arising since the re-opening of the premises

The cavalier attitude displayed towards planning requirements has been repeated across the board.

- Noise nuisance, both from the premises and from customers returning to their cars.
- Unpleasant smoke and cooking odours and smells.
- Use of the rear extension with noise and light pollution outside permitted hours (i.e., after 2100).
- Overflowing commercial waste bins on the pavement in Lothair Road North for extended periods (e.g., up to 4 weeks at a time).

- An unsafe emergency access door opening outwards onto Lothair Road North (in breach of the Highways Act).
- Questionable use of 145 Lothair Road North which is adjacent to Rakkas. The rear of 145 LRN has been linked to Rakkas via a doorway in the garden of 145 LRN. This was done to facilitate access by Rakkas staff to a newly constructed outbuilding in the rear of 145 LRN which is used for storage and access to the house which has been used for staff accommodation and an office.
- Shisha use in enclosed areas (in breach of the Health Act).

While not all of these issues may be matters for licensing concern, they paint a very clear picture of a total lack of respect for, and compliance with, rules and regulations across a wide variety of areas including licensing, planning, building control, health and safety, and waste disposal.

In order to deal with the key licensing issue of the Prevention of Public Nuisance, we will focus our attention on noise nuisance, light pollution and noxious smells which are, according to the Licensing Policy 2021-26, '*principal concerns*' (section 20).

Noise nuisance has been a really serious problem for residents living to the rear of the premises, especially in Lothair Road North. In the warm weather, the roof and side windows of the rear extension have been opened (contrary to requirements), meaning much more noise has escaped. This has been especially problematic when live music was being played. We are aware of tenants at one of the houses close to Rakkas who have curtailed their tenancy arrangements as the noise interfered too much with their studies.

LBH enforcement officers have witnessed loud music from the premises likely to be a public nuisance in March this year. They issued a formal warning notice having confirmed the external area was in use after 11pm. Unfortunately, this had no effect, as residents continued to report noise nuisance. To our knowledge there have been over 20 reports submitted by residents who have been adversely affected. This led to further Enforcement officer visits in July, August and September. The colder weather has eased the problem for now, but that is not the point. Residents should not have to put up with an unacceptable level of noise every time decent weather occurs. This also effectively reduces residents' enjoyment of their own back gardens, and even intrudes inside properties (as noted above) when residents are trying to work or study, or simply relax.

A further noise-related problem occurs when patrons of Rakkas return to their cars, parked in Lothair Road North, Venetia Road, Tancred Road and others, late at night. They are very often in high spirits after rounds of drinks and a night out, and raised voices, shouting, slammed car doors, car stereos and revved engines all cause huge disruption when ambient noise levels are very low in otherwise quiet residential streets. As the Council's Licensing Policy 2021-26 states, '*A licence holder's responsibility does not end at the door of their premises*' (section 9.6).

The unauthorised use of the rear extension after permitted hours has also led to light pollution for residents in Lothair Road North. The extension is a very large glazed structure extending over the rear of four premises and residents are aware of bright light shining long after the 21:00 deadline, with customers clearly visible moving around in this area. Conversely, when the windows have been retracted anyone in the rear of Rakkas can see straight through into the back gardens of Lothair Road North, invading the privacy of local residents. There has also been a need for residents to file complaints via the Council's website about unpleasant cooking smells emanating from the premises.

4. Conclusion

In the light of all this evidence, it would obviously be totally inappropriate to reward a track record of lack of compliance with extended hours. The premises should be concentrating on abiding by the existing terms of its licence (and complying with a wide range of other regulatory regimes) rather than looking to operate for even longer hours, with even greater potential for noise nuisance in a building which LBH Planning believes to be unauthorised.

We therefore urge the Licensing Committee to refuse permission for the extended hours which are being sought for the rear of the premises. By doing so, the Committee would support and endorse the decision which it has already made in the original and current licence, to limit the hours for the back addition to 21:00 daily.

Thank you for your consideration of this representation.

Ian Sygrave

Chair, on behalf of the LCSP

Chair, on behalf of the Harringay Police Panel

From: XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 01 January 2023 13:03
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: comment on a licensing review Rakkas

My name is XXXXXXXXXXXXXXX. I live at XXX Lothair Road North, London N4 1EW.

This is the residential road affected by the activities at Rakkas restaurant/club on Green Lanes.

At the beginning of December I sent my objections relating to the fact that Rakkas had applied to extend its hours of operation.

Now the council has set up a review of the Rakkas' licence on the basis that it is felt that Rakkas has not complied with the terms of its existing licence.

I understand I must now also send in my views on this review and these are listed below.

**VIEWS ON COUNCIL REVIEW OF RAKKAS LICENCE FROM DEBORAH POTTS,
XXXX**

Application Number.....not known.....

Name of Licensee.....Rakkas.....

Name of Premises (if applicable)...Rakkas.....

Premises Address (where the Licence will take effect).....365-369 Green Lanes, Haringay,
London, N4 1DY

I agree with the Council that Rakkas is not complying with its original licence conditions and would support measures to enforce its compliance with those conditions.

My views are affected by these points:

The Prevention of Public Nuisance

Currently Rakkas is already causing many problems for residents in Lothair Road North. It backs onto our road and has built an extension out from behind the Green Lane premises which affects us.

I believe that the size and nature of this extension does not comply with what was allowed under its original planning application and that this should be dealt with. There is already serious noise nuisance from that area which is a major concern.

Also it is exceedingly difficult for residents in Lothair Road North to find parking at the weekends in particular, and late in the evening generally.

The nuisance that is being caused is very upsetting, and extremely so for those nearest the Green Lanes end of the road. The noise goes on beyond the times allowed under its licence.

There are also lots of people milling about late at night in our road, getting into their cars, and talking loudly and this often wakes me.

There have already been many objections raised about Rakkas with the council and am relieved that the Council now may be taking action because Rakkas has already been in breach of its current license on occasion.

The Prevention of Crime and Disorder

There is drug dealing occurring at the end of our road near Green Lanes. It is extremely obvious and makes me feel unsafe when walking there late at night. I do not know to what extent this is related to Rakkas but it seems to have arisen since the premises open. If there is drinking there at hours beyond those licenced I feel this problem will worsen.

Public Safety

As noted above, I already feel unsafe at night because of the drug dealing. There are also lots of people milling about late at night in our road, getting into their cars, and talking loudly and this is not a safe environment for residents either.

XXXXXXXXXXXXXXXXXXXXX

From: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
Sent: 05 January 2023 22:32
To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Re: RAKKAS ENGAGEMENT

With reference to your email below I thought I would just state that I have heard through our neighbourhood WhatsApp group that apparently Rakkas has been suggesting email messages be sent by some of those they spoke to on the doorstep, the text of which bears absolutely no relationship to what the people actually said to those who were doing the survey. In other words the text of the email suggested that the resident was unconcerned about the Rakkas licensing issues when in fact they had told them that they were very concerned.

It maybe this has already been pointed out to you but I did think this was somewhat outrageous and wanted to make sure that it was put on the record that it was occurring. Yours sincerely Deborah Potts

On 4 Jan 2023 18:29, Daliah Barrett <Daliah.Barrett@haringey.gov.uk> wrote:

Dear residents,

We have received communication from residents expressing concern about some door knocking and engagement being carried out by Rakkas.

We can confirm that some survey papers were submitted yesterday by Rakkas initially labelled as a petition but we did not share the same view as the business on this matter. Instead the document has been accepted as a business feedback survey that Rakkas may wish to rely on at the hearing on the 19th January.

The onus is on Rakkas to notify the Authority if they are wishing to call any witnesses that may have completed the survey to appear at the hearing to answer any questions on their behalf.

Please note that your representation in relation to the Variation application still stands and can only be withdrawn by yourselves and not by the business.

Residents are also writing in to support Rakkas in relation to the review matter following the doorstep engagement that has been undertaken. The business is permitted to engage in this way.

Please do not assume that your previous representations in relation to the Variation application will automatically be carried over on the review application, that will not be the case.

The finish period for the review consultation remains the 5th January 2023.

Hope the above is helpful.

Regards

Daliah Barrett

Licensing Team Leader

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From: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Sent: 04 January 2023 21:04

To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>; Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Rakkas license review

To whom it may concern

I have received the below email from Rakkas on Green Lanes. I understand there is a licence review ongoing currently.

Some Rakkas staff came to my doorstep at the weekend and asked me to respond to a survey in return for a discount.

I filled in the form. My response made clear that we can hear noise from Rakkas in our house and, even though it does not personally affect me (as we live quite far away), I suggested that to improve things they should not play music outdoors. Specifically, over the last summer we could hear music emanating from their premises until late in the evening, both when in the garden and in our house with the windows open.

I have today received the below email which suggests that I have shown my support for Rakkas by filling in a form. I am concerned that my response to their survey (and potentially those of other respondents) may be misrepresented to you as supportive of their application/review. This is not the case. I simply provided my views in the hope that Rakkas would act to improve the situation.

XXXXXXXXXX

----- Forwarded message -----

From: Reha Sookraz <rehasookraz@licensing182.co.uk>

Date: Wed, 4 Jan 2023 at 15:43

Subject: Support for Rakkas

To: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Hi XXXXXXXXXXXXXXXX

Hope you are having a good start to the year. I am contacting you on behalf of **Rakkas 365-369 Green Lanes, London N4 1DY** with regards to the review application.

You have shown your support for the restaurant by filling a form, can you please do it in a different format so that it can be submitted to the council for the review hearing?

Can you please email the following to licensing@haringey.gov.uk before **midnight tomorrow 5th Jan 2023**:

Dear Licensing

My name is XXXXXXXXXXXX ([105 Lothair Road North, N4 1ER](#)) and I am writing in support of Rakkas 365-[369 Green Lanes, London N4 1DY](#) in relation to a review application of its premises licence dated 9th December 2022.

I live in close proximity to the premises and never had any issues with the owner nor any of the patrons, especially in relation to public nuisance.

I believe the premises contributes to our community and promotes the four licensing objectives.

Please can you take this representation into account when evaluating this review application.

*Yours faithfully,
XXXXXXXXXXXXXX*

Please let me know if you have any issues with the above and when you have done so.

Thank you for your help.

Kind regards,
Reha Sookraz

Associate of Duncan Craig

Licensing 182 Limited

W | www.licensingbarrister.co.uk

T | 07594 910323

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366-369 Green Lanes
Haringey
London
N4 1DY



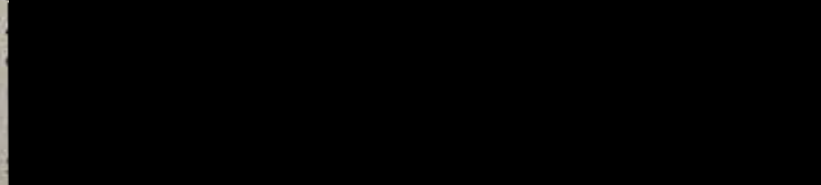
As the Rakkas Management team, we have always been very considerate and cautious of our neighbours and surrounding environment. We are always taking steps and action where needed to ensure our neighbourhood is a safe, noise-free, and a respected zone for the local community residing around us. We have private security staff at our business who we ask to patrol the neighbouring road to maintain safety. We try our very best to be considerate to our neighbours and community.

Having said that, we very much value your feedback and opinion. We are kindly asking you to fill in the questionnaire below in order for us to further improve ourselves and support our neighbours where we can.

We are specially asking questions below regarding noise consumption and whether it has impacted you in anyway, as this is a very sensitive topic for us.

1. Do you hear any loud noises i.e., such as music noise from inside your residence originating from our venue? (Yes/No) ☒ No
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) ☒ No
(If yes, please explain in what way noise from the venue has affected you)
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) ☒ No
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No) ☒ No

Name: MIRAM MEHMEOVA



We thank you again for your feedback and support. We appreciate you taking the time to complete this questionnaire for us.

We look forward to welcoming you in our restaurant soon.

Rakkas Management Team

366-369 Green Lanes
Haringey
London
N4 1DY



As the Rakkas Management team, we have always been very considerate and cautious of our neighbours and surrounding environment. We are always taking steps and action where needed to ensure our neighbourhood is a safe, noise-free, and a respected zone for the local community residing around us. We have private security staff at our business who we ask to patrol the neighbouring road to maintain safety. We try our very best to be considerate to our neighbours and community.

Having said that, we very much value your feedback and opinion. We are kindly asking you to fill in the questionnaire below in order for us to further improve ourselves and support our neighbours where we can.

We are specially asking questions below regarding noise consumption and whether it has impacted you in anyway, as this is a very sensitive topic for us.

1. Do you hear any loud noises i.e., such as music noise from inside your residence originating from our venue? (Yes/No) No

2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) No
(If yes, please explain in what way noise from the venue has affected you)

3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) NOT SURE

4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) NO FIGHTING

5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.

IT'S NOT DISTURBING ME PERSONALLY
I GUESS LISTEN TO WHAT IT IS DISTURBING

6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N

(Yes/No). AS LONG AS THEY DONT HURT ANYONE

Name: [REDACTED]

We thank you again for your feedback and support. We appreciate you taking the time to complete this questionnaire for us.

We look forward to welcoming you in our restaurant soon.

Rakkas Management Team

366-369 Green Lanes
Haringey
London
N4 1DY



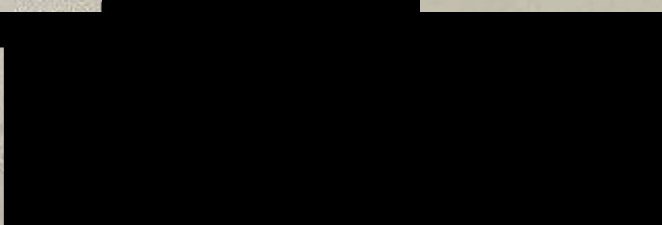
As the Rakkas Management team, we have always been very considerate and cautious of our neighbours and surrounding environment. We are always taking steps and action where needed to ensure our neighbourhood is a safe, noise-free, and a respected zone for the local community residing around us. We have private security staff at our business who we ask to patrol the neighbouring road to maintain safety. We try our very best to be considerate to our neighbours and community.

Having said that, we very much value your feedback and opinion. We are kindly asking you to fill in the questionnaire below in order for us to further improve ourselves and support our neighbours where we can.

We are specially asking questions below regarding noise consumption and whether it has impacted you in anyway, as this is a very sensitive topic for us.

1. Do you hear any loud noises i.e., such as music noise from inside your residence originating from our venue? (Yes/No)
No
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) (If yes, please explain in what way noise from the venue has affected you)
No
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No)
No
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No)
No sorry
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). *N/A not seen*

Name: *Camie Vachur*



We thank you again for your feedback and support. We appreciate you taking the time to complete this questionnaire for us.

We look forward to welcoming you in our restaurant soon.

Rakkas Management Team

366-369 Green Lanes
Haringey
London
N4 1DY



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1. Do you hear any loud noises i.e., such as music noise from inside your residence originating from our venue? (Yes/No) ☒ No
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) ☒ No
(If yes, please explain in what way noise from the venue has affected you)
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) ☒ No
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No

Name: AD Dastark

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We look forward to welcoming you in our restaurant soon.

Rakkas Management Team

366-369 Green Lanes
Haringey
London
N4 1DY



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2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) ☒ No
(If yes, please explain in what way noise from the venue has affected you)
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3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
.....
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) ☒ No
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5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
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6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No
.....

.....
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3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
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Name:

Sulwa Murado

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..... No
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) Don't know
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) N/A - don't live on street
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
..... N/A
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No).

Name:

MICHAEL RGAD

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Rakkas Management Team

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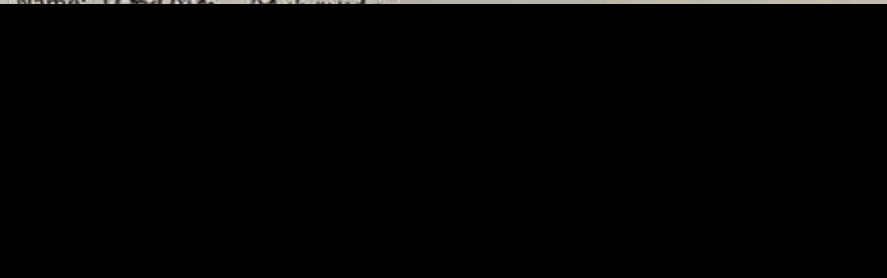
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.....
..... NO
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.....
..... NO
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
.....
..... YES
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). YES

Name: ~~Houba~~ ~~M. M. M.~~



this questionnaire for us.

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 NO
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) (If yes, please explain in what way noise from the venue has affected you)

 NO
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No)

 keeping the area tidy
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No)

 Being Friendly
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.

6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). yes

Name: Sandra Berry

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(Yes/No)
.....
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No)
.....
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.....
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N
(Yes/No).
.....

MUSTAFA SALIEV

this questionnaire for us.

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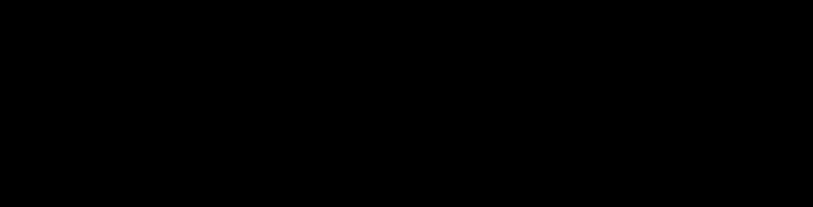
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.....
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
.....
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.....
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
.....
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No

Name:

Adrian Gjoka



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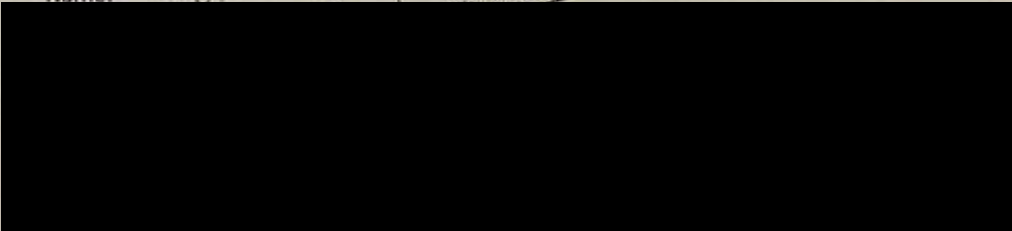
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3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) No
.....
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) No
.....
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
.....
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). No

Name: Tim Peres



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.....No.....
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) (If yes, please explain in what way noise from the venue has affected you)
.....No.....
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No)
.....No.....
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No)
.....No.....
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
.....
.....
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). Yes

Name: R WATTS



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3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
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5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No

Name: Maxwell Saliera

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2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No) ☒ No
(If yes, please explain in what way noise from the venue has affected you)
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No) ☒ No
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) ☒ No
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No

Name:

N. Flessati

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~~Yes~~ No
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No)
(If yes, please explain in what way noise from the venue has affected you)
No
3. Is there anything we can improve which may be currently affecting your life on our street? (Yes/No)
/
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No)
NO, NO OUTSIDE MUSIC
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No).

Name: DEW + OAS



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Rakkas Management Team



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Sometimes, but not a problem

2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (Yes/No)
(If yes, please explain in what way noise from the venue has affected you)

3. Is there anything we can improve which may be currently affecting your life on our street?
(Yes/No)

4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No)

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6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N
(Yes/No).

Name: Rachael Leigh

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6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No

Name:

Hasan Aksoy

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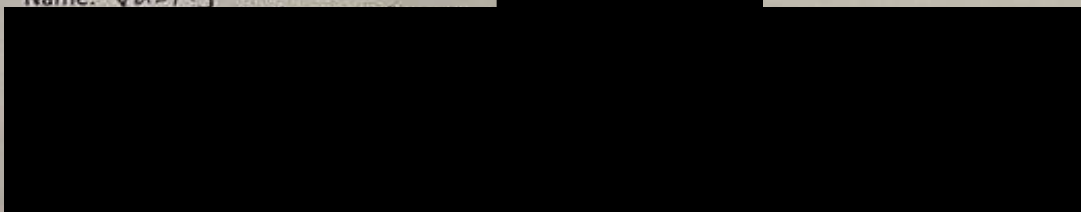
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.....
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No). ☒ No

Name: Vasily Abraham



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4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (Yes/No) No

5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.

6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N (Yes/No) No

Name: MR MUJA MITKO YOSKOV HIRSTON.

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N4 1DY



As the Rakkas Management team, we have always been very considerate and cautious of our neighbours and surrounding environment. We are always taking steps and action where needed to ensure our neighbourhood is a safe, noise-free, and a respected zone for the local community residing around us. We have private security staff at our business who we ask to patrol the neighbouring road to maintain safety. We try our very best to be considerate to our neighbours and community.

Having said that, we very much value your feedback and opinion. We are kindly asking you to fill in the questionnaire below in order for us to further improve ourselves and support our neighbours where we can.

We are specially asking questions below regarding noise consumption and whether it has impacted you in anyway, as this is a very sensitive topic for us.

1. Do you hear any loud noises i.e., such as music noise from inside your residence originating from our venue? (~~Yes~~/No)

.....
2. Have you been impacted by any noise coming from our Rakkas Venue in any way? (~~Yes~~/No) (If yes, please explain in what way noise from the venue has affected you)

.....
3. Is there anything we can improve which may be currently affecting your life on our street? (~~Yes~~/No)

.....
4. Are there any other suggestions you would like us to consider helping us improve our venue to assist our street and neighbourhood? (~~Yes~~/No)

.....
5. We welcome your opinions, so please use the space below to provide any further feedback, suggestions, or comments you may have.

.....
6. Are you happy with the security staff patrolling the neighbouring road, Lothair Rd N

(Yes/~~No~~)

Name: YOSIL YOSKOV.

We thank you again for your feedback and support. We appreciate you taking the time to complete this questionnaire for us.

We look forward to welcoming you in our restaurant soon.

Rakkas Management Team

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Appendix 5

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MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE MEETING HELD ON FRIDAY, 2ND JULY, 2021, 2.00 PM - 3.20 PM AND ON TUESDAY 27TH JULY, 2021, 7.00 PM - 8.25 PM

PRESENT: Councillor Sheila Peacock (Vice-Chair, in the Chair), Councillor Viv Ross, and Councillor Yvonne Say

1. FILMING AT MEETINGS

The Chair referred to the notice of filming at meetings and this information was noted.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. URGENT BUSINESS

It was noted that, it being a special meeting of the Sub-Committee, under Part Four, Section B, Paragraph 17 of the Council's Constitution, no other business would be considered at the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

6. APPLICATION FOR A NEW PREMISES LICENCE AT 365-369 GREEN LANES, LONDON, N4

Daliah Barrett, Licensing Officer, introduced the report which presented an application for a new premises licence for 365-369 Green Lanes, London, N4. It was explained that the application requested a licence for late night refreshment from 2300 to 0200 hours on Friday-Saturday and for the sale of alcohol on the premises from 1100 to 2300 hours on Sunday-Thursday and 1100 to 0200 hours on Friday-Saturday, with public access from 0600 to 2330 hours on Sunday-Thursday and 0600 to 0230 hours on Friday-Saturday.

The Licensing Officer explained that the applicant had submitted further communications to confirm the following amendments to the application:

- The sale of alcohol and provision of late night refreshment was now requested to cease at 2330 hours with the premises closing at 0000 hours on every day of the week.
- No regulated entertainment in the form of amplified music would be provided after 2300 hours in the garden area.

It was noted that the premises were situated on a terrace of shops with residential accommodation above and to the rear. It was explained that the premises were designed to be a restaurant on the ground floor and on a mezzanine floor; there would also be an external area.

The Licensing Officer noted that part of the premises had previously operated as a business called 'Rakkas' which, following a review, had its premises licence revoked. It was commented that the premises licence holder at the time had been Mr Ali Ozbek and it was noted that he was still named as the rate payer at the premises. It was stated that the agent of the current applicant had submitted confirmation that Mr Ali Ozbek had no involvement in this application.

It was noted that the applicant had offered to have no music played in the external area at the premises and had explained that alcohol sales would only be available through waiting service to the customers' tables.

The Licensing Officer reported that representations had been received from Environmental Health, the Licensing Authority, the Police, Planning, and three other persons, including Councillor Zena Brabazon, and these were set out in full in the report. It was explained that the representations from other persons related to concerns about links to the previous operation, a lack of clarity in relation to the external area, and the potential for noise. It was noted that, following the agreement of conditions with the applicant, the representation from the Police had been withdrawn.

It was also noted that the relevant laws and guidance were listed in the report. It was explained that the Committee could grant the licence subject to mandatory and other conditions, exclude from the scope of the licence any of the licensable activities to which the licence related, refuse to specify a person in the licence as the premises supervisor, or reject the application. It was added that the licensing authority's determination of the application was subject to a 21 day appeal period.

In response to questions from the Committee, the following responses were provided:

- It was confirmed that there were no photos of the garden area but that the applicant might wish to provide an explanation during their presentation.
- It was noted that the previous premises licence holder, Mr Ali Ozbek, was named as the current rate payer at the premises and it was enquired whether he was involved in any aspect of the business. Duncan Craig, Solicitor for the applicant, noted that this would be explained in the applicant's presentation.
- It was confirmed that Mr Garip Toprak would be the Designated Premises Supervisor (DPS).
- It was enquired whether any smoking in the external area would comply with smoking legislation which required any structure to be sufficiently open. The Licensing Officer noted that the applicant had been made aware of the relevant

legislation and the possible need for a further planning application if smoking would be undertaken; it was noted that the position could be clarified by the applicant.

The Committee received representations from objectors:

- Philip Cone, Licensing Authority, noted that he was grateful to the agent and applicant for agreeing several additional conditions. He explained that his main remaining concern was the external space and that the Licensing Authority had asked for the external space to be closed to customers from 2300 hours on Friday-Saturday and from 2100 hours on Sunday-Thursday. The Licensing Authority had also requested a condition that the external area was fully enclosed and sound insulated. It was stated that, if the external area was not insulated, it was asked that it was closed from 2100 hours. It was noted that there was a history of noise complaints in the surrounding area and it was explained that the premises were now larger which could lead to a higher risk of noise.
- It was noted that there were questions about whether the external area would be used for smoking and it was highlighted that this would come under different planning rules which would require an additional planning application.
- Ian Sygrave, Ladder Community Safety Partnership, stated that these would be large premises where three units had been combined. It was explained that the premises were situated below two storeys of residential flats and adjacent to 20-30 residences. It was noted that there would be a large number of customers in the premises and a number of local residents would be affected by noise. It was added that there were historic problems of noise nuisance at the premises, even when it had been a third of the size as there were no design structures to minimise noise escaping.
- It was enquired how the back of the premises would be configured. It was noted that it was called the back garden on the plan but that the planning permissions suggested that it was entirely enclosed. It was stated that it would be useful to clarify the position so that appropriate conditions could be suggested. Ian Sygrave felt that, if the area would be open, reduced hours would be more appropriate. He stated that it would be good to establish whether the external area would be used for smoking shisha and whether there would be a smoking area. It would be important to clarify whether smoking would be taking place in close proximity to residential accommodation and whether there would be any controls.
- Cllr Zena Brabazon noted that the area had a number of restaurants and a number of residential roads and that the tensions between these uses had to be considered. She stated that residents lived above the premises, often in small flats, and that it was difficult for them to deal with noise, smoke, and cooking smells.
- It was noted that the external area at the premises backed onto residential properties and, therefore, the issue of noise would be important. Cllr Zena Brabazon stated that it would be useful to know whether the external area would be covered or would be used for smoking.
- Cllr Zena Brabazon stated that there had been previous work with businesses in the area in relation to closing times to mitigate the tensions between the commercial and residential uses. She noted that she was curious how the proposed mezzanine level would operate within the premises and whether it would

be overlooking the external area, would have open windows, or would have appropriate ventilation.

- It was noted that the hours requested in the application had been reduced which was welcomed as noise nuisance and public nuisance were great concerns for local residents. It was highlighted that residents had experienced previous issues with cooking smells and noise nuisance.

In response to questions from the applicant, the following responses were provided:

- Duncan Craig, Solicitor for the applicant, asked for clarity in relation to the conditions requested for the rear area. He enquired whether, if the external area was fully enclosed, the hours requested would be appropriate as long as noise and light did not cause an intrusion for residents. Philip Cone stated that the Licensing Authority was requesting that the external area was closed to customers from 2300 hours on Friday-Saturday and on 2100 hours on all other days.

The Committee heard from the representatives of the applicant, Duncan Craig (Solicitor), Garip Toprak (Applicant), and Kenan Kara (Agent for the Applicant). Duncan Craig confirmed that the original application had been amended substantially to reflect the concerns raised by residents and by Responsible Authorities. He noted that Mr Ali Ozbek had no involvement with the business and that a condition could be added to reflect this. It was explained that the rates were in his name because the applicant had only recently received correspondence about the rates and was waiting for certainty of the licensing position before signing the lease for the premises. Duncan Craig stated that the premises would not be a shisha lounge. He added that the premises would be made up of three previously separate units and would be larger but highlighted that there would be a number of conditions and no regulated entertainment.

Duncan Craig noted that a number of conditions were offered and these were set out in the operating schedule which was included in the agenda pack. It was commented that the Police had agreed two conditions on CCTV and an incident report with the applicant and it was asked that these conditions were not duplicated in the licence. It was explained that the applicant had agreed most matters with the Licensing Authority and the only remaining issue related to a condition on amplified music; there were some technical details on the Live Music Act which brought into question how enforceable a condition on amplified music would be before 2300 hours. In relation to the external area at the rear of the premises, it was noted that there would be no regulated entertainment. Duncan Craig explained that there was a difference between regulated entertainment and music. It was noted that, subject to the grant of the licence, the applicant was requesting to have background music in the external area until 2300 hours.

Duncan Craig acknowledged that there had been an element of confusion around the external area. It was noted that there were separate planning and licensing regimes. He explained that the external area would be enclosed but not fully enclosed and that, therefore, it would be compliant with the smoking regulations. It was stated that the premises would not be a shisha lounge but that there would be an option for people to smoke. Duncan Craig noted that the decision for the Licensing Sub-Committee would be about the conditions that were appropriate for the external area. It was commented that there would be no regulated entertainment and there would be a requirement to

vacate the area by 2300 hours. It was noted that a letter from the landlord had been submitted as evidence and this stated that there was noise separation between the ground floor and the flats above. It was added that there were only six flats above the premises and that the residential properties to the rear were a little distance away.

It was commented that, once the works at the premises were completed, there might be a requirement to apply for a minor variation to the licence to make sure that the plans were accurate. It was noted that this would not involve a change to the licensable area or the nature of the operation of the premises.

Duncan Craig noted that there was a condition to provide Security Industry Authority door staff at the premises from 8pm until closing every day. It was stated that this was unusual for a restaurant but it would ensure that the premises could be managed properly. In relation to any issues of odour, it was noted that the previous equipment used in the premises was slightly older and the applicant would have a state of the art charcoal filter extraction system in place.

In response to questions from the Committee, the following responses were provided:

- It was enquired how the mezzanine area was configured. Duncan Craig explained that the mezzanine was above the garden area and was enclosed. It was noted that it was not fully enclosed; there was a roof but it was stated that this was not included in the calculation for the smoking regulations.
- It was clarified that, although the applicant had not signed the lease for the premises, his uncle was the landlord and they had an agreement. Duncan Craig stated that the applicant would be investing £1 million in the premises, including some structural works.
- It was noted that the plans of the premises showed a number of seats in the external area but did not show an enclosure between the bar and the garden; it was enquired how the area was enclosed. Duncan Craig explained that there would be a wall between the bar and the back garden. He noted that this would not be in the licensing plan but that the wall was suspended above the bar and did not come down to ground level. Garip Toprak noted that the decoration of the premises had not been started yet but that there would be two doors for the garden and one door for entry. Kenan Kara, agent for the applicant, explained that the inside of the premises was fully enclosed and the garden was partly enclosed. He stated that there was a door marked on the plan of the premises, on page 30 of the agenda pack, between the bar and the garden.
- Kenan Kara confirmed that the mezzanine would be partly enclosed and that it was located above part of the external area. It was explained that there would be a retractable roof which could be open or closed as required and that there would be an extraction system for the whole area.
- It was confirmed that there would be disabled access on the ground floor but not to the mezzanine. It was enquired whether this was compliant with the Disability Discrimination Act. The Licensing Officer stated that this issue was noted but was not part of the licensing decision.
- The Licensing Officer noted that the Responsible Authorities had considered the plans that were submitted as part of the application and that they might require further time to consider any amended plans. It was stated that retractable roofs were often used for shisha premises and that no plans had been submitted. It was

noted that Environmental Health had requested additional information and that a retractable roof did not ensure compliance with the smoking regulations.

- It was noted that there would be approximately 88 seats in the mezzanine area. Concerns were expressed about noise escaping if this area was partly enclosed.

The Chair expressed some concerns that the detail of the plans and the configuration of the premises was complicated and appeared to be changing throughout the hearing. Khumo Matthews, Legal Advisor, stated that the Committee may need to consider whether additional information was required in order to ensure a fair hearing. It was noted that, in the circumstances, it would be appropriate for the applicant to be able to clarify what their representations were. It was stated that this question could be put to the applicant's representative but it was highlighted that the Committee would not be advised to continue if there was any confusion that was material to the application.

Duncan Craig noted that minor alterations could be made after a licence was agreed as long as they did not alter the size of the space and he stated that the plan would be compliant. Duncan Craig had a brief discussion with the applicant. He confirmed that, given the comments made during the hearing, the applicant felt that it was sensible to adjourn the meeting to allow for additional detail to be provided.

At 3.30pm, the members of the Licensing Sub-Committee agreed to adjourn the meeting. It was noted that the date of the reconvened meeting would be discussed with the parties and confirmed as soon as possible.

At 7pm on Tuesday 27 July 2021, the meeting was reconvened with all parties from the initial hearing on 2 July 2021 present. Notice of the reconvened meeting was provided five clear working days in advance and additional plans submitted by the applicant were circulated on 19 July 2021 and 27 July 2021.

The Chair re-convened the meeting and explained that the original meeting had been adjourned in order to clarify the detail of the plans and the external area in particular. It was noted that the applicant had provided some additional plans but no additional narrative. It was stated that, at the meeting on 2 July 2021, the Licensing Sub-Committee had heard from all of the parties but that, as there were additional plans, it was suggested that the Licensing Sub-Committee would hear from the applicant first and then from the other parties.

Duncan Craig explained that, following communications with the architect, it had been confirmed that any open apertures or retractable ceilings would require another planning application to be submitted and it was noted that this would be undertaken in due course. It was highlighted that the licensing and planning regimes were separate but that this was noted for information.

It was noted that the proposed licensable area was shown on page 80 of the agenda pack. It was explained that the updated plans had a slightly different layout but that the licensable area was the same. Duncan Craig stated that there was a wall dividing the external area from the internal area; there was a recess in this wall which was a

servery to the external space. It was explained that there was a corridor which was the only way into and out of the rear area; this was demonstrated on the right hand side of the plan on page 80 of the agenda pack.

In response to questions from the Committee and those who had submitted representations, the following responses were provided:

- It was noted that 80 people could be seated in each of the internal ground floor area and the external area.
- Duncan Craig stated that the key issue would be how the external area was conditioned; he noted that this would be easier to define as there was a more discrete area in the plan that had been submitted.
- Ian Sygrave noted that there was a fire exit corridor area to the rear of the external area and enquired where this led. It was clarified that this was not a fire escape. Duncan Craig stated that, if the licence was granted, an amended plan would be submitted within 14 days. He highlighted that the licence would not be operational for a number of weeks as works were still ongoing at the premises and he undertook to ensure that the correct plan had been submitted before any licensable activities commenced.
- Cllr Ross noted that, at the meeting on 2 July 2021, he had asked for confirmation of whether the spiral staircase was permitted under disability legislation. Duncan Craig noted that there was a requirement to make reasonable adjustments but that this was a planning matter and he understood that there was planning approval and that, if there was not, this would be enforced outside of the licensing regime. It was confirmed that there was no lift access to the mezzanine level.
- It was also noted that seating for 40 people was shown in the plan for the mezzanine area but that this could change and that loose seating did not need to be shown on a licensing plan. Duncan Craig confirmed that the fire escape from the mezzanine level would be down the spiral staircase. Some concerns were expressed about the safety of this escape. Duncan Craig noted that this was not uncommon and that there had been no representations in relation to fire safety but that he would be happy to engage with the relevant Responsible Authority.
- Duncan Craig noted that the Police representation had been withdrawn and that there were over 20 CCTV cameras in the premises.
- Philip Cone stated that there were concerns relating to the retractable ceiling, the nature of the mezzanine floor, and whether there would be shisha smoking. Duncan Craig noted that there would be a retractable roof with five sections and he hoped that this was self explanatory. He commented that the premises would not be a shisha lounge and that the external area would be compliant with the smoking regulations. He added that this would be a restaurant and that people would be able to smoke cigarettes, cigars, and shisha but that this would not be a shisha lounge. It was stated that the roof would be open when there was any smoking.
- Duncan Craig noted that the plan on page 84 of the agenda pack showed the high quality extraction system that would be installed; this was shown in blue and would involve air conditioning and air cleaning. He stated that some concerns had been expressed about smoke from the premises affecting residents but that this would be prevented by the extraction system.
- The Licensing Officer did not believe that the licensing regime was engaged in the retractable roof as this was covered under the Health Act and would be subject to further planning arrangements. She added that this type of extraction system was normally only used for shisha lounges.

- Khumo Matthews, Legal Advisor, noted that planning and licensing were separate regimes but that the applicant should avoid being in a position where they were subject to enforcement. It was stated that any planning matters were separate from the licensing matters but were still relevant for the applicant. Duncan Craig stated that the Licensing Sub-Committee could impose licensing conditions as appropriate and that whether the shelter was compliant with the 2006 Regulations was a matter of law and would be subject to enforcement under that regime rather than a decision for the Licensing Sub-Committee.
- Ian Sygrave noted that, in his representation, he had stated that the planning permission for the premises required the rooflights in the extension to be non-opening to avoid noise nuisance and he felt that this issue also applied to the licensing application. He stated that, if the area was open for smoking, there would be noise from up to 120 people escaping from the premises. He expressed concerns about the hours of operation and how any hours would be policed.
- Duncan Craig commented that any issues would be policed in accordance with the licence. He acknowledged that some conditions were harder to police but that the hours of operation were easier to enforce. He added that the external area would now be significantly less open than previously and that there would be greater protection. He stated that the decision on the licence and any relevant restrictions would be made by the Licensing Sub-Committee.
- The Licensing Officer expressed concerns that the Licensing Sub-Committee was being asked to agree plans that had not been confirmed with planning and which would involve additional fixtures. It was also noted that the use of the external area involved the potential for noise and smoke intrusion for residents.
- Cllr Zena Brabazon noted that she was not entirely certain of what was being proposed by the plans or proposals and questioned whether the Licensing Sub-Committee could make a reasonable judgement. She expressed concerns that, based on the comments made by the landlord, the rear area would be a shisha garden and that, if the windows were open, this would have potentially significant implications for residents.
- Duncan Craig noted that he disagreed with the Licensing Officer about the extraction system. He noted that fixed structures which obstructed any exit paths were on the plans and that electrical and other elements did not have to be included on the plan. He added that he was not aware that any licences had been refused based on any deficiencies in plans as these were often subject to change; it was noted that the licensable area was the key factor and that this was correct in the plans. He acknowledged the concerns about the history of the premises but noted that this would be a restaurant rather than a shisha lounge and that, even so, there was nothing in the Licensing Act which prevented shisha bars.

The Chair invited the parties to make any final comments.

Philip Cone, Licensing Authority, stated that his representation had not changed. He expressed concerns about smoking in the external area and about the retractable roof. He noted that, in winter, there would be no other smoking areas except in the external area under the retractable roof which would make the area very cold. Duncan Craig confirmed that there would be no other smoking areas, including to the front of the premises. He confirmed that, if the roof was closed, there would be no smoking at the premises.

Ian Sygrave, Ladder Community Safety Partnership, noted that there had been clarifications but that there was still a great deal of uncertainty. He expressed concerns that the Licensing Sub-Committee was required to make a decision when the retractable roof had been refused by planning. He stated that residents were concerned about noise and, despite reassurances, about the enforcement of the hours of operation. Ian Sygrave commented that he was not convinced that the smoking shelter would be compliant with the relevant Regulations which required 50% of the area to be open and non-fixed. He stated that the Licensing Sub-Committee was in a difficult position in terms of conditions and informatives as there was too much uncertainty.

Cllr Zena Brabazon noted that she had submitted her representation on behalf of the ward and based on concerns for residents. She stated that this would be a very large premises where three shops had been combined, including a mezzanine level overlooking residential gardens and an external area where smoking would be permitted. It was noted that there were a number of residential properties above and adjoining the premises and that there were already a number of complaints about cooking smells which affected residents within the ward. Cllr Zena Brabazon stated that there were a number of issues with this application and she did not feel that it was ready to be granted a licence. She acknowledged that the applicant had amended the drawings but she felt that the issues had not been considered sufficiently. She expressed concerns about how noise in the external area would be contained if there were 80 people in the garden until 2am when the roof was open and given the proximity of the mezzanine and external area to residents. She asked the Licensing Sub-Committee to seriously consider this application and, if it was minded to approve the application, to consider the imposition of strict conditions.

Duncan Craig noted that the scope of the application had been significantly restricted. The applicant was now requesting use of the external area until 11pm and Environmental Health had recommended this was restricted to 9pm. He stated that he disagreed that the application was not ready and commented that the plans reflected the layout of the premises, subject to one agreed amendment in relation to the fire exit. Duncan Craig noted that the application had been advertised through the statutory process. The questions about the premises and the external area were accepted but it was commented that this was a matter for the planning and environmental health regimes. It was stated that this was not a planning application by default and that the application had met all of the requirements to be determined by the Licensing Sub-Committee. It was noted that the applicant had listened to the representations, was making a significant investment in the local area, and did not want to upset the neighbours. It was highlighted that the applicant had amended the application in order to balance the operation of the business and its co-existence with the neighbours.

It was clarified that late night refreshment was requested until 11.30pm, the sale of alcohol was requested until 11.30pm, and the hours of operation of the premises were requested until 12am (midnight) every day of the week. It was noted that the hours for late night refreshment related to when food was served and this would involve last food orders being taken at approximately 11.15pm. It was also included in the proposed conditions that there would be a minimum of two Security Industry Authority door staff at the premises; it was noted that this was unusual for this type of premises

but this was considered to be a positive measure for the promotion of the licensing objectives.

At 8pm, the Committee adjourned to consider the application.

RESOLVED

The Licensing Sub-Committee carefully considered the application for a new premises licence for 365-369 Green Lanes, London, N4. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack, the Licensing Authority representation, the applicant's written and oral representations and the objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following operating hours and additional conditions:

Supply of Alcohol

Sunday to Thursday	1100 to 2230 hours
Friday to Saturday	1100 to 2330 hours

Supply of alcohol **ON** the premises only.

Hours open to Public

Sunday to Thursday	0600 to 2300 hours
Friday and Saturday	0800 to 0000 hours

Late Night Refreshment

Friday and Saturday 2300 to 2330 hours

The Committee imposed the following conditions:

1. All outside areas must be closed and cleared of customers by 2100 hours. Adequate notices shall be displayed to inform patrons of this requirement. The premises licence holder shall take appropriate measures to ensure that patrons using any outside areas do so in a quiet and orderly fashion.
2. Smoking Area: If patrons are to be allowed to use an outside area for smoking then:
 - (i) The area must be adequately monitored to ensure that the risk of crime and disorder in this area is adequately controlled.
 - (ii) Patrons must not be allowed to take drinks outside when they go to smoke.
 - (iii) The area must be provided with suitable ashtrays/bins.

- (iv) The area must be regularly swept to remove cigarette ends
 - (v) Adequate arrangements must be made to prevent overcrowding or disorder in the area.
3. A digital CCTV system must be installed in the premises complying with the following criteria:
- (a) Cameras must be sited to observe the entrance doors from both inside and outside.
 - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.
 - (d) Provide a linked record of the date, time of any image.
 - (e) Provide good quality images - colour during opening times.
 - (f) Have a monitor to review images and recorded quality.
 - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (h) Member of staff trained in operating CCTV at venue during times open to the public.
 - (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.
4. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
- (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service.

5.

- (a) A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number shall be made available to residents and businesses in the vicinity.
 - (b) The premises licence holder shall ensure that all sales staff receive appropriate training in relation to managing conflict and health and safety of the public and staff. Training documents shall be signed and dated and will be held in a suitable hard-copy log, to be made available to a Police Officer or Council Officer upon request. Said records shall be retained for at least 12 months.
6. Prevention of Public nuisance:
- (a) No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises, nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
 - (b) All windows and external doors shall be kept closed after 23:00 hours except for the immediate access and egress of persons.
 - (c) Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 - (d) No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.
 - (e) The direction of lighting in the rear area must be directed away from any domestic premises so as not cause any light intrusion.
 - (f) Noise and/or Odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupants of any properties in the vicinity. Any filters, ducting and extract fan shall be cleaned and serviced regularly.
 - (g) In the event of a noise/nuisance complaint substantiated by an authorised officer, the licensee shall take appropriate measures in order to prevent any recurrence.
 - (h) Prominent, clear and legible notices must be displayed at all exits (including the rear seating area) requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
7. Public safety
- (a) The licence holder will ensure that all staff receive appropriate training about emergency and general safety precautions and procedures.
 - (b) Two SIA registered door staff shall be employed daily between 8pm and closing time.
8. Protection of children from harm:

The premises will operate the 'Challenge 25' proof of age scheme where:

- (a) All staff will be fully trained in its operation;
- (b) Only suitable forms of photographic identification, such as passport or UK driving licence, or holograph equipped 'PASS' scheme cards, will be accepted; and
- (c) No one under the age of 18 years will be admitted into the external area of the premises.

Reasons

The Committee considered that the concerns raised by the objectors in their written and oral representations were reasonable concerns. The Committee was satisfied that a premises of this size would attract a lot of patrons and would need a comprehensive set of conditions to manage the likely impact of noise and other nuisance on local residents. The Committee accepted that the licence holder was offering a different business to the previous owner but retained some concerns about the manner in which it was proposed that the premises would operate.

The Committee felt that the applicants proposed layout plan needed additional clarification, in particular aspects of the plan dealing with the means of escape, which may need to be corrected by means of an application for a variation once the applicant has clarified his intentions as regards the layout.

In addition, although the Committee was not responsible for planning matters, it noted that there were some planning issues relating to the retractable roofing proposed and extraction system that required attention and wished as an informative matter only, to gently encourage the applicant to get planning matters resolved to the satisfaction of the planning authority without delay.

As regards the outside area, the Committee considered that the outside space needed to be managed in a way that would promote the licensing objectives with respect to nuisance, which had been a concern of the residents and decided that closing the outside area by 9pm would reduce the risk of the premises undermining the licensing objective with respect to public nuisance.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

CHAIR: Councillor Sheila Peacock (Vice-Chair, in the Chair)

Signed by Chair

Date

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Appendix 6

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	A	B	C	D	E	F	G	H
1	Date	Time	Complainant	Complainant address	Method	complaint	Outcome	
2	04/03/2022	22:34	AI	N4 1DY.	Telephone	playing music, shouting, banging and fireworks	no visit no response from complainant	
3	05/03/2022	19:22	AI	N4 1DY.	Telephone	Caller re-reporting noise from the shop below, caller states they do not have a license to trade after 22:30, but they have remained working until 11 onwards	no visit no response from complainant	
4	05/03/2022	22:22	AI	N4 1DY.	Telephone	Ongoing issue with music coming from the restaurant below.	went into Rakkas at 2315 hours. the patrons were leaving and no food or drink served. there was still music. I asked to see a copy of the licence but they stated that they had not received it through the post yet as they had no post box so it was getting sent through to solicitor. advised that they needed to stick to terms of their licence and to keep to times. Words of advice given.	
5	25/04/2022	14:26	C	N4 1ER.	Website	The back gardens of Lothair Road North have been experiencing loud continual music throughout the day and evening until a reopened restaurant closes at midnight contravening the licensing conditions given by the council. These 15 windows are not in compliance	No Action recorded	
6	10/03/2022	22:12	A	N4 1DY.	Telephone	The shisha lounge have a licence to use the outside area until 9pm - music is still blaring now and they have been setting off fireworks - the resident is having to send his 4 year old to a relatives house so they can sleep - smoke pollution coming into premises	We visited at 23.02 and observed a large number of patrons sitting in the outside area.	
7	03/05/2022	14:03	C	N4 1ER.	Website	Music / amplified sound	No Action recorded	
8	20/07/2022	15:30	C	N4 1ER.	Website	Music / amplified sound	No Action recorded	
9	20/07/2022	15:48	C	N4 1ER.	Website	Music / amplified sound	No Action recorded	

9	20/07/2022	15:48	C	N4 1ER.	Website	Music / amplified sound	No Action recorded
10	22/07/2022	17:47	N	N4 1ER.	Website	Music / amplified sound	Gave a verbal warning - I spoke to Hass Strto who identified himself manager and issued him with a verbal warning
11	23/07/2022	07:11	C	N4 1ER.	Website	Music / amplified sound	No Action recorded
12	23/07/2022	07:23	C	N4 1ER.	Website	Music / amplified sound	No Action recorded
13	23/07/2022	07:32	C	N4 1ER.	Website	People noise	No Action recorded
14	31/07/2022	10:54	C	Lothair Road North, Hornsey, London, N4 1ER.	Website	Music / amplified sound	No Action recorded
15	31/07/2022	11:03	C	Lothair Road North, Hornsey, London, N4 1ER.	Website	People noise	No Action recorded
16	14/08/2022	12:35	C	Lothair Road North, Hornsey, London, N4 1ER.	Website	Music / amplified sound	No Action recorded
17	07/09/2022	11:50	C	Lothair Road North, Hornsey, London, N4 1ER.	Website	Music / amplified sound	No Action recorded
18	07/09/2022	11:59	C	Lothair Road North, Hornsey, London, N4 1ER.	Website	Music / amplified sound	No Action recorded
19	07/09/2022	12:07	C	Lothair Road North, Hornsey, London, N4 1ER.	Website	Music / amplified sound	No Action recorded

Appendix 7

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Mr Duncan Craig
Mr Garip
Advance Architecture

Your ref:
Date: 25th January 2023
Our ref:

BY EMAIL

Dear Sirs,

**APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENSE AT
RAKKAS, 365-369 GREEN LANES, LONDON, N4 (HARRINGEY) HEARD ON 19th
JANUARY 2023**

The Licensing Sub Committee carefully considered the application for the variation of an existing premises licence at **RAKKAS, 365-369 GREEN LANES, LONDON, N4 (HARRINGEY)**. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, section 182 Guidance, the report pack and additional papers, the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to **REFUSE** the application.

REASONS

The Committee gave serious consideration to the submissions made by the applicant & their representative, and to the concerns raised by the objectors both of which were made in writing and orally.

It was very apparent to the Committee that for an application for a variation of an existing License there was an unusually large number of objections from local residents in the immediate vicinity of the premises. As a result, separately a review of the License had already been instituted and is pending. Complaints and objections were received from residents many of whom attended the hearing, the noise enforcement team, local Councillors and the Licensing Authority who had also objected to the application.

In considering the licensing objective of preventing public nuisance, it was found that since the License was granted there had been, and continues to be severe issues around noise nuisance, primarily coming from the Shisha area at the rear of the premises. The application had sought an increase in the hours for the supply of alcohol by one hour and opening hours by approximately an additional 30 minutes. However considering that even under its current hours and licensing conditions the premises owners could not control the noise nuisance, it was not thought credible that the owners could control the public nuisance with longer hours.

Evidence of the noise nuisance was given by the objectors, as well as impeccable records of the noise nuisance and disturbances which were evidenced at pages 52-54

and throughout the pack of papers. The Noise enforcement team officer noted that there had been 21 complaints within 10 months all related to the outside Shisha area. Furthermore, the premises owners had been obstructive when officers had attended to investigate on numerous occasions. The Committee took into account the explanation given by the Applicant for delay on such visits or refusing access, but did not find the explanations credible.

The Committee noted that the noise complained of consisted, loud voices, shouting, whooping, which could be heard many up to 100 yards away by neighbours on either side. It had been particularly bad during the summer when people's windows were open and noise carried. Of particular concern was that although the current License allowed for the outside area to be used up to 9pm, the noise complaints occurred both prior to and after these hours sometimes until the early hours of the morning.

It was also worrying that the planning regulations were being breached in the use of the Shisha area which is supposed to be 50% open, but is enclosed. It is noted the planning regime is separate, but it nevertheless showed a further disregard for the rules, which was having significant impact on one of the licensing objectives. The Committee took note of the explanation given by the Applicant about the misunderstanding and apparent confusion about the term "outside area" "external area" or "rear of the premises" as an explanation for why the shisha area was being used in the way it was. The Committee recognised that the Applicant did make a valid point about the clarity of the terms, but overall felt that the Applicant was in reality aware of the conditions meant, and had that been an issue the applicant could have appealed the original licensing decision when it was first granted.

The Committee noted there was a pattern of obstructive behaviour from the Applicant for example, denying access to noise enforcement officers or not providing CCTV footage when requested to do so. There was furthermore, no attempt to address the residents' concerns about the noise nuisance in the application- no plans or proposal put forward.

The Committee did take into account and balanced the information from the Applicant with other information. It was noted some written evidence of support for the application was provided, but none had attended the hearing due to not having met the deadline requirement to speak at the hearing, to give verbal support. The Committee also noted there were complaints about rubbish and parking issues. On balance, the Committee accepted the applicant's submission that it could not be proven that those issues arose solely as a result of the activities at Rakkas.

The Committee noted the applicant's submission that Green Lanes was a busy area and other premises had later licenses. However, as is clear each license application has to be treated on its own merits and the vast majority of complaints related to Rakkas.

However, taking all the information in the round, the Committee had very serious reservations about the ability or preparedness of the Applicant to be able to combat the potential anti-social behaviour or noise nuisance that will arise from the premises if the application was granted. The Committee further noted that to grant the application in the face of what appeared to be overwhelming evidence of breaches of the existing licence condition, in connection with the licensing objective of preventing a public nuisance would have been to condone and reward rule breaking.

The Committee considered granting the application with more stringent conditions, but for the reasons given above concluded that the Applicant was unlikely to keep to such conditions.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Yours sincerely,

Daliah Barrett-Williams
Licensing Team Leader



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