

NOTICE OF MEETING

SPECIAL LICENSING SUB COMMITTEE

Wednesday, 14th April, 2021, 10.00 am - MS Teams (view it [here](#))

Members: Councillors Peter Mitchell (Chair), Viv Ross and Yvonne Say

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

3. URGENT BUSINESS

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

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. HEARING TO CONSIDER AN APPLICATION FOR REVIEW AGAINST A PREMISES LICENCE - RAKKAS 363-365 GREEN LANES, LONDON N8 (PAGES 1 - 52)

Emma Perry, Principal Committee Co-ordinator
Tel – 020 8489 3427
Fax – 020 8881 5218
Email: emma.perry@haringey.gov.uk

John Jones
Monitoring Officer (Interim)
River Park House, 225 High Road, Wood Green, N22 8HQ

Tuesday, 06 April 2021

Report for: Special Licensing Sub Committee - 14th April 2021

Title: HEARING TO CONSIDER AN APPLICATION FOR REVIEW AGAINST
A PREMISES LICENCE - RAKKAS 363-365 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: Green Lanes

**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 Environmental Health RA under the prevention of crime and disorder, and Public safety licensing objectives.
- 1.2 Summary of review received:
 - i) The operation of the premises has failed to uphold and promote the prevention of crime and disorder and the public safety objectives by choosing to defy the Covid Regulations in place and opening up to operate providing food , alcohol and shisha pipes at a time when the country was placed into Lockdown and hospitality businesses were effectively closed, save for the provision of takeaway food
- 1.3 The full review application and supporting documentary evidence can be found at **Appendix A.**
 - i) A copy of the current Premises Licence is at **Appendix B.**
 - ii) Copies of Representations in support of the review are at **Appendix C**
- 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

Powers of a Licensing Authority on the Determination of a Review are

- a) To modify the conditions of the licence, (which includes adding new conditions or any alteration or omission of an existing condition) for example reducing the hours of opening, or by requiring doors supervisors;
- b) To exclude a licensable activity from the scope of the licence, for example to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music);
- c) To remove the designated premises supervisor, for example because they consider that the problems are as a result of poor management;
- d) To suspend the licence for a period not exceeding three months;
- e) To revoke the licence.

Members of the Licensing Sub – Committee are reminded of their duty under the 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 premises has operated predominantly as a shisha lounge with a restaurant and the ability to sell alcohol since Mr Ozbeck took over the licence in January 2014. The premises licence was then varied by Mr Ozbek in April 2014 to extend the opening hours for the rear area. The licence was subject to a review process in 2016 brought by Haringey Noise Team. Mr Ozbeck received a number of warnings to take steps to prevent noise nuisance which was impacting quite severely on the residential properties above. The late hours of the rear area and enlarged shisha smoking area had led to music being provided in this area to customers. Between 2014 and 2019 the Council dealt with 89 noise nuisance complaints relating to the premises.
- 3.2 Since March 2020, Government restrictions on the hospitality trade imposed by Regulations, and operating measures recommended in guidance, have been altered on several occasions in response to the health challenges facing the UK during the COVID-19 pandemic. A summary of the impact from Covid on residents of Haringey in December 2020 and February 2021 is attached at Appendix D.
- 3.3 A breach of the Regulations is a criminal offence and so engages, among other Licensing objectives the prevention of crime and disorder licensing objective. Regardless of the specific terms of COVID-related regulations (and whether or not there is a criminal breach), all licensed operators are subject to a more general legal duty under the Health and Safety at Work Act 1974 to protect the health, safety and welfare of their employees, and other people who might be affected by their business. This includes staff, customers and the wider community. Operators must do whatever is reasonably practicable to achieve this aim.
On 3 July 2020, in time for the re-opening of most hospitality premises the following day (“Independence Day”), the Government published important updated and widely Circulated COVID-secure guidance for restaurants, pubs, bars and takeaways: “Keeping workers and customers safe during COVID-19 in restaurants, pubs, bars and takeaway services”.
- 3.4 London was placed in Tier 2 restrictions when the premises Rakkas was first found to be operating in breach of the rules. The All Tier regulations took effect on 2nd December

2020. It placed restrictions on businesses to limit their interaction with the public to help slow the spread the spread of the virus. Hospitality venues such as

- Pubs and bars must close, unless operating as restaurants
- Businesses selling food/drink for consumption on their premises must provide table service only, and close at 11pm with last orders at 10pm
- Hospitality selling food and drink for consumption off the premises can continue to do so after 10pm as long as this is through delivery service, click and collect or drive through

There were 'Restricted businesses and services for the purpose of the legislations namely, nightclubs, sexual entertainment venues and business which provides, whether for payment or otherwise—

- (i) a waterpipe to be used for the consumption of tobacco or any other substance on the premises, or
- (ii) a device to be used for the recreational inhalation of nicotine or any other substance on the premises.

- 3.5 Officers attendd the venue on 5th December and found that shsisha pipes were being made available for use to customers on site in breach of the regulations. A Prohibition Notice was subsequently issued to Mr Ozbeck requiring him to stop the use of the water pipes.
- 3.6 The second breach came about on 2nd Februray 2021 when police attended the venue following reports of people entering the premises to eat and rink throughout the evening. Officers found evidence of the public onsite. Shisha activity was taking place and the premises had catered for a number of customers who were given access via the back door. The Committee is reminded that the UK was placed in a National Lockdown at this time and all hospitality was required to close unless able to offer take away food. Takeway alcohol was not permitted. The use or offer of smoking with waterpipes was prohibited.
- 3.7 As a result of this further breach a fixed penalty notice was issued against Mr Ozbeck and a further FPN was issued for breach the Prohibition Notice that had been served in December by now allowing for waterpipes to be used in breach of the regulations. In the case of this premises, the Environmental Health officer submit that both the objectives, whether directly or indirectly, are engaged because:
- a. Breaches of the COVID regulations are criminal offences.
 - b. A person acting in a way that increases the risk of spreading an infection such as COVID-19 among the public, is likely to have committed the serious criminal common-law offence of “causing a public nuisance” (which carries a maximum sentence of life imprisonment).
- 3.8 This engages both the crime and disorder and nuisance objectives. In the leading modern case of R v Rimmington & Goldstein [2005] UKHL the House of Lords approved this definition of the offence (emphasis added):
“A person is guilty of a public nuisance who (a) does an act not warranted by law, or (b) omits to discharge a legal duty, if the effect of the act or omission is to **endanger the life, health, property... or comfort of the public... .**”
- 3.9 The EHO suggest that the public safety objective is also engaged. Although Public safety is not considered with public health in general, it is concerned with the safety of people of using the venue. The police suggest that the safety of a person using this venue is impacted if they were to immediately contract a potentially fatal respiratory illness whilst on the premises. In relation to the public

safety objective, the s.182 Guidance states at s2.7:

“Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

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.

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 the 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 A- Review application form and supporting Documentation.

Appendix B – Copy of Premises licence.

Appendix C- Copy of representations in support of review

Appendix D- Summary of Covid impact in relevant months

APPENDIX 1 – Review Application Form and supporting
documentation

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PUBLIC NOTICE

Notice of Application for the review of a Premises Licence.

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

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

The application for review has been made on the following grounds:

THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING OBJECTIVE OF:

- **THE PREVENTION OF CRIME AND DISORDER**
- **PUBLIC SAFETY**
- **THE PREVENTION OF PUBLIC NUISANCE**

In relation to a number of breaches under The Health Protection Regulations 2020 (Coronavirus Restrictions). The premises were found operating in breach of the legislation in December 2020 and February 2021.

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

Lead Officer – licensing@haringey.gov.uk

By: 23rd March 2021

The grounds for review and Haringey Councils Licensing register may be viewed by emailing licensing@haringey.gov.uk

IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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**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 Environmental Heath/Trading Standards RA -Phil Cone

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

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)
Ali Sukran Ozbek

Number of premises licence or club premises certificate (if known)
LN/000009790

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 1 st Floor, River Park House Wood Green London N22 8HQ
Telephone number (if any) 0208 849 2131
E-mail address (optional) philip.cone@haringey.gov.uk

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

- | | |
|---|-------------------------------------|
| | Please tick one or more boxes ✓ |
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)
Coronavirus was deemed a pandemic and the Government gave direction for Hospitality sector businesses to close on 5th January 21. The Coronavirus Health Protection Regulations 2020 have been in place since March 2020. This has been well publicised across the news and all media platforms.

These Regulations require the closure of specified businesses in which food and drink are sold for consumption on its premises (though allowing for selling of the same to be consumed off the premises). The relevant businesses are listed but include restaurants, cafes, bars and public houses as well as shisha smoking. If a premises remains open against this direction, then the premises could be committing the common law offence of public nuisance.

The current requirements mean that hospitality businesses are required to close. Food and non-alcoholic drink can be purchased for takeaway only. Hospitality Businesses are not able to provide alcohol from the premises unless it is ordered remotely and delivered to the customer. Hospitality Businesses are not able to have the public enter the premises to consume food and drink. Hospitality Businesses are also not permitted to offer shisha to the public at the premises during the Lockdown period.

It has come to the Licensing Authorities attention that on the 10th December 2020, a Prohibition Notice, under The Health Protection (Coronavirus Restrictions) (All

Tiers) (England) Regulations 2020, was served on the License Holder, Mr Ali Sukran Ozbek. The reason for this service is that on the 5th December 2020, Mr Ozbek was seen 'providing the service of a waterpipe to be used for the consumption of tobacco or any other substance on the premises'.

On the 2nd February 2021, the Licensing Authority received an email from police stating that on the 1st February 2021, *'reports of people entering the premises to eat and drink throughout the evening. As officers arrived at 2049hrs the front shutters were open and the shutters to the back garden could be seen closing, and the bar man would not tell officers how to open the shutters. After a few minutes' officers found a button of the side of a black box at the top left of the shutters which rolled them up. Upon opening the shutters, the back door was open and it was evident a group had left the back area and through a back alleyway onto LOTHAIR ROAD NORTH. In the back it was evident that there had been a large group of individuals congregating, there were approximately 12 hot shishas, hot cups of TURKISH tea, eight (8) chairs around a gambling table, which had cards and betting chips on top of it. There was also brick type oven with hot coals in for the shisha that was completely full. Officers looked at the till which showed that there had been 11 tables in use that evening which had been served with a variety of food and drinks, which can be sent if required.'*

On the 3rd February 2021, a Fixed Penalty Notice, under The Health Protection (Coronavirus Restrictions) (All Tiers) (England) Regulations 2020 was issued to both Mr Ozbek (as the licensee) and to the premises itself. This was served due to the COVID breach that police witnessed on the 1st February 2021 and following on from the Prohibition Notice served on the 10th December 2020.

The circumstances outlined show that the DPS is seriously undermining the Licensing Objectives of Prevention of Crime and Disorder, Public Safety and Public Nuisance. The serious crime that this application refers to is in relation to the premises continuing to open, even being as bold as to appear closed with the shutters being down. The fact that police attended due to a complaint of the business being open. Many of the patrons inside then tried to disperse, in order to evade being issued themselves with a Fixed Penalty Notice, clearly knowing that they were in the wrong. This demonstrates a clear disregard to the COVID regulations and lockdown rules that the majority of people in the UK abide by.

There is no reasonable excuse that either the DPS, members of staff, or the customers could give for leaving their homes, in order to attend the venue, to eat, drink or smoke Shisha.

From behind closed doors, the DPS has allowed members of the public to attend and consume food and drink on the premises. This is prohibited in the current climate.

The DPS has offered his customers Shisha, which again is not permitted in the current climate.

The opening of the premises to the public facilitates gatherings of people not from the

same household in one place, putting the public at risk of contracting the virus and subsequently passing it on to others.

The DPS has clearly shown complete disregard for the current pandemic situation and the reasons as to why these laws have been put in place.

The behaviour is a direct breach of the Coronavirus Health Protection Regulations 2020 and creates a risk to public health, which is a common law offence of public nuisance and as such a serious crime.

Haringey Council's Licensing Authority are seeking a suspension of licensable activity with immediate effect at the interim steps meeting.

Please find attached below my exhibits which constitute the Prohibition Notice served on the 10th December 2020, a Statement from police about their visit to the premises on the 1st February 2021 and the Fixed Penalty Notice that was served on the 3rd February 2021



Rakkas Signed
PN.pdf



p252858_03022021
3091_001.pdf



RAKKAS FPN2.pdf

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

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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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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 

Date **23rd February 2021**

Capacity **Commercial Environmental Health and Trading Standards Manager**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Felicia Ekemezuma Regulatory Services, (EH & TS) River Park House (Level 1 North) 225 High Road Wood Green	
Post town London	Post Code N22 8HQ
Telephone number (if any) 0208 489 5153 or 07805752926	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Felicia.Ekemezuma@ahringey.gov.uk	

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.



FPN Worksheet No: WK/000480875

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 (SI. 2020 No. 1374)

PROHIBITION NOTICE

10th December 2020

Part A

To: Mr Ali Sukran OZBEK

At: 365 – 369 Green Lanes, London, N4 1DY

Trading as: Rakkas

This Prohibition Notice is served under regulation 9(2) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ("the Regulations") and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, **Jack Dowler**, designated as a relevant person for the purposes of the Regulations by **Haringey Council**, have reasonable grounds for believing that you are contravening a requirement in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent you from continuing to contravene that requirement.

Part B. Contravention of the restrictions

In relation to a breach of a Tier 2 restriction imposed by regulation 8 and Part 2 of Schedule 2, paragraph 8(1) (requirement to cease to carry on a restricted business, or provide a restricted service – subject to the exemptions in paragraph 10, this applies to restricted businesses and restricted services specified in paragraph 9(1), or being carried on from premises specified in paragraph 9(1)).

Mr Ali Sukran OZBEK on the 5th December 2020, provided the service of a **waterpipe to be used for the consumption of tobacco or any other substance on the premises**, other than as permitted by the exceptions listed, and being in contravention of regulation 8 and Part 2 of Schedule 2, paragraph 8(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020.

Part C. Action required

This Prohibition Notice requires that you immediately cease the activities identified in Part B giving rise to contravention of the Regulations. The measures specified below must be taken to prevent continued contravention of the Regulations:

On the Afternoon of Saturday 5th November at 13:15, Regulatory Officers of Haringey Council *witnessed customers on the premises of Rakkas using a waterpipe for the consumption of tobacco or any other substance in contravention of Regulation 8 and Part 2 of Schedule 2, paragraph 8(1).*

Part D. Consequences of non-compliance with this Notice, and with the Regulations

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence under regulation 10 of the Regulations, punishable by a fine on summary conviction in a Magistrates' Court.

In the event of continued contravention of the prohibition notice, or of any requirements under regulation 10 of the Regulations (Offences and penalties), a fixed penalty notice may be issued in accordance with regulation 11 and 12 of the Regulations, or you may be prosecuted under regulations 10 and 13 of the Regulations.

Part E. Challenging this Prohibition Notice

If you consider that the Notice should not have been issued, you can make representations to **Haringey Council** in writing outlining your reasons for challenging the Notice, within **10 working days** of the date on this Notice.

Your challenge will be processed in accordance with Haringey Council's Corporate Complaints Procedure, which can be found by accessing this link:

<https://www.haringey.gov.uk/contact/council-feedback/complaints-procedures>

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should not have been issued, you will be notified in writing.

Signed:



Date:

10/12/20

Name in Capitals: JACK DOWLER

**Haringey Council, Commercial Environmental Health and Trading Standards, 1st Floor
North River Park House, 225 High Road, London, N22 8HQ**

Telephone: 020 8489 1000

Email: COVID19CONCERNS@HARINGEY.GOV.UK

Should you have any questions regarding this notice, please contact us. **Given the current restrictions, it would be advisable to contact us via email to ensure a timely response.**

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice.



FPN Worksheet No: WK/000486840

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 ¹ (SI. 2020 No. 1374)

FIXED PENALTY NOTICE

Date 3rd February 2021

Part A

To: Ali Sukran Ozbec

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

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

Trading as: Rakkas

This Fixed Penalty Notice is served under regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, *Phil Cone*, designated as an authorised person for the purposes of the Regulations by **Haringey Council**, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Haringey Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

Part B. Amount of Penalty and period to pay.

The monetary penalty you must pay is: **£1,000 (One Thousand Pounds)**

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to **Haringey Council**.

Commercial Environmental Health and Trading Standards, 1st Floor North River Park House, 225 High Road, London, N22 8HQ

For details for how to make payment - please see the final page of this notice

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

Part C. Grounds for imposing the Penalty.

Regulation contravened: ***In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 16(1) (Further restrictions and closures – applies to business or service not listed in paragraph 17, offering goods for sale or for hire in a shop, or providing library services):***

- *Failed, without reasonable excuse, to cease to admit any person to its premises who is not required to carry on the business or provide the service not listed in Part 3 of Schedule 3(A), paragraph 17 in a manner permitted by paragraph 16(1)(a).*

Particulars of the offence: ***Police Officers attended the location on 01/02/2021 at 2049 hours. They could see that the premises were occupied by a large group of people. Also witnessed was food and drink on tables and a gambling table which had cards and chips on top of it.***

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to **Haringey Council** in writing outlining your reasons for challenging the Notice, within **10 working days** of the date on this Notice.

Your challenge will be processed in accordance with Haringey Council's Corporate Complaints Procedure, which can be found by accessing this link:

<https://www.haringey.gov.uk/contact/council-feedback/complaints-procedures>

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

Part E. Consequences of non-payment/ continued non-compliance

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Signed: *[Authorised Person]*

Date:

Name in Capitals:

Haringey Council, Commercial Environmental Health and Trading Standards, 1st Floor North River Park House, 225 High Road, London, N22 8HQ

Telephone: 020 8489 1000

Email: COVID19CONCERNS@HARINGEY.GOV.UK

Should you have any questions regarding this notice, please contact us. **Given the current restrictions, it would be advisable to contact us via email to ensure a timely response.**

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice.

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations
2020 (SI. 2020 No. 1374)**

FIXED PENALTY NOTICE (REVERSE)

NOTES on Part B. Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 11(5)(c) is—

- a. £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence
- b. £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence
- c. £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence
- d. £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

Note: *Unless otherwise specified, a “business restriction offence” means—*

- a. *an offence under regulation 10(1)(a) of contravening—
iv. a Tier 4 restriction imposed by Part 3 of Schedule 3A*
- b. *an offence under regulation 10(1)(c) of failing to comply with a prohibition notice given under regulation 9.*

For purposes of determining the level of fine in relation to a business restriction offence, the other “relevant enactments” are the following:

- a. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- b. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- c. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- d. the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations
- e. the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020
- f. the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations
- g. the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020
- h. the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

HOW TO PAY YOUR FIXED PENALTY NOTICE

The fixed penalty worksheet number shown on the front of this notice must be quoted in all cases to ensure that your account is correctly credited.

By debit / credit card Please phone 0208 489 1000 between 09:00 – 17:00 and have your card, Penalty worksheet number, a pen and paper to note your receipt number ready.

Through your bank Make your payment to LB Haringey – General Account
Sort Code: 20-98-47
Bank Account: 73294617

Please make sure that you **ONLY** quote your Penalty Notice worksheet number as your reference.

By Post You can send your payment to the following postal address:

Haringey Council, Commercial Environmental Health and Trading Standards, 1st Floor North River Park House, 225 High Road, London, N22 8HQ

Please do **NOT** send cash via the post.

Cheques should be made payable to Haringey Council.
With your Penalty Notice Worksheet Number quoted on the reverse.

PLEASE DO NOT HAND DELIVER PAYMENTS

APPENDIX B – Copy of Premises Licence

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PREMISES LICENCE

Receipt: AG1028021

Premises Licence Number: LN/000009790

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**

Signature:

Date: 16th March 2012
Review: 15th May 2017

Part 1 – PREMISES DETAILS

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

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

Telephone: 020 3489 2515

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

Regulated Entertainment: Live Music and Recorded Music

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

Recorded 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

LICENSING ACT 2003

Sec 24

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

Supply of alcohol for consumption **ON** and **OFF** the premise.

Part 2

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

Ali Sukran Ozbek
369 Green Lanes
London
N4 1DY

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:

Ali Sukran Ozbek

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: LN200500602
Issued by: London Borough of Enfield

Annex 1 –Mandatory Conditions

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 or club premises certificate 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 licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Annex 1 –Mandatory Conditions

(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 shall 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; and
- (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.

Minimum Drinks Pricing

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” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- (b) “permitted price” is the price found by applying the formula –

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

Where –

- (i) P is the permitted price
 - (ii) D is the amount 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” 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;

Annex 1 –Mandatory Conditions

- (d) “relevant person” 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) “value added tax” 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 the 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. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) 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.

Annex 2 – Conditions consistent with the Operating Schedule

Health and safety steps will be taken and training will be given to all staff members including food and hygiene training.

THE PREVENTION OF CRIME AND DISORDER

A digital CCTV system will be installed in the premises.

Cameras must be sited to observe the entrance doors from the inside.

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.

Provide a linked record of the date, time and place of any image.

Provide good quality images-colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Staff trained in operating CCTV.

Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so the Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

SIA door supervisors will be available on Friday to Sunday between 2000 to 0200 hours.

PUBLIC SAFETY

Signage will be displayed for Emergency exits

Fire alarms and smoke detectors will be installed

Emergency lighting will be installed and maintained on the premises.

THE PREVENTION OF PUBLIC NUISANCE

Security men will be available when licensable activities are taking place.

The premises will be made soundproof.

Prevention of nuisance from noise

All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible.

Where necessary adequate and suitable mechanical ventilation will be provided in public areas.

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property

Outside Areas

No regulated entertainment will be played in, or for the benefit of patrons in external areas of the premises

Annex 2 – Conditions consistent with the Operating Schedule

No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises
Signs shall be displayed in the external rear area requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

Deliveries and collections

Deliveries and collections associated with the premises will be arranged between the hours 8am to 6pm Mondays to Saturdays so as to minimise the disturbance caused to the neighbours

Glasses will be collected from the external area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

Patrons entering/exiting premises

Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner

Prevention of Nuisance from Odour

All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

Regulated entertainment and the sale of alcohol will cease half an hour before the premises closes. Reason: To allow for drinking up time and a gentle egress of patrons.

Prevention of nuisance from light

Security lights will be positioned to minimise light intrusion to nearby residential premises

THE PROTECTION OF CHILDREN

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

Smoking will only be allowed in the designated area.

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

RESOLVED 30th June 2014

The Committee carefully considered the application, the representations by the responsible authorities and those of the interested parties. The Committee also took into account the Council's Statement of Licensing Policy and the s182 guidance.

The Committee decided that in order to promote the licensing objectives particularly relating to public nuisance, it was appropriate to grant in part as follows:

Supply of alcohol

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

Sundays	1000 to 2100
Monday to Thursday	0800 to 2100
Friday and Saturday	0800 to 2300

The following condition is to be added to the licence:

“SIA door supervisors will be available on Friday to Sunday between 2000 to 0200 hours”

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 licence in full as requested.

RESOLVED 7th November 2016

The Committee carefully considered the application for a premises licence review issued by the enforcement response team, the representations of two local residents and the licence holder, the Council's Statement of Licensing Policy and the s182 guidance.

The Committee resolved to

- 1) Suspend the following licensable activity for the period of time set out below:

The playing of live and recorded music on the premises is suspended for one month

- 2) Modify the conditions of the licence as follows:

Live & Recorded Music – with effect from the date of the expiry of the one month suspension of the playing of live and recorded music, live music will thereafter be permitted as follows:

Sunday to Thursday	1800 to 2230 hours
Friday and Saturday	1800 to 0000 hours

Supply of alcohol

Monday to Sunday	1100 to 0130 hours
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Late night refreshment

Monday to Sunday	2300 to 0200 hours
------------------	--------------------

Hours open to the public

Monday to Sunday	0800 to 0200 hours
------------------	--------------------

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

The external areas can only be used during the following times:

Sundays	1000 to 2100 hours
Monday to Thursday	0800 to 2100 hours
Friday and Saturday	0800 to 2300 hours

- Prior to the re commencement of the licensable activity of live and recorded music, an acoustic volume control (noise limiting device) shall be installed and operated to any sound system used at the premises. The level of the automatic volume level controller must be set by and operated at a level agreed in writing by an authorised officer of Haringey Council's Enforcement Response team. The noise limiting device will be secured by and to the satisfaction of the authorised officer. The noise control device setting shall not be altered in any way, and its operation interfered with in any way without the prior written consent of an authorised officer of Haringey Council's Enforcement Response team.
- The Committee strongly recommends that the licence holder and his staff undertake appropriate training so as to improve their awareness of the impact that events at their establishment have on their neighbours.

The Committee considered that a one month suspension of the playing of live and recorded music and modification of the licence were appropriate and proportionate responses to the representations made by the Enforcement Response team. The committee's reasons for suspending the licence and modifying the licence conditions were because the responsible authority had identified that ten noise nuisance complaints related to the premises had been investigated by the team in the period of October 2014 to July 2016. These incidents which resulted in the current review were in the committee's view (and by the licence holders own admission) not taken seriously. The Committee noted that enforcement action had been taken more than once in response to these incidents including the issuing of noise warning letters and the serving of a number of abatement and fixed penalty notices. The Committee considered the licence holder would have been in no doubt that his failure to uphold the licensing objectives and prevent public nuisance was an offence and that such an offence could put his licence at risk. Despite this the committee concluded that there was a clear and deliberate failure by the licence holder to uphold and promote the licensing objectives in relation to the prevention of public nuisance and that efforts were only now being taken by the licence holder in response to the bringing forward of a review.

The Committee decided that it would afford the licence holder a further opportunity to demonstrate that he would comply fully with the law and his obligations as a licence holder but wanted the licence holder to be aware that should this matter come before the Committee again, it would take a dim view of any repetition of the activities highlighted in this review. The Committee also noted that it found the representations of the residents to be credible.

The Committee approached its enquiries with an open mind and only made its decision after having heard from all parties and considered that a variation in the licence conditions was an appropriate and proportionate response to those representations that were put before it.

Resolved Highbury Magistrates Court 15th May 2017

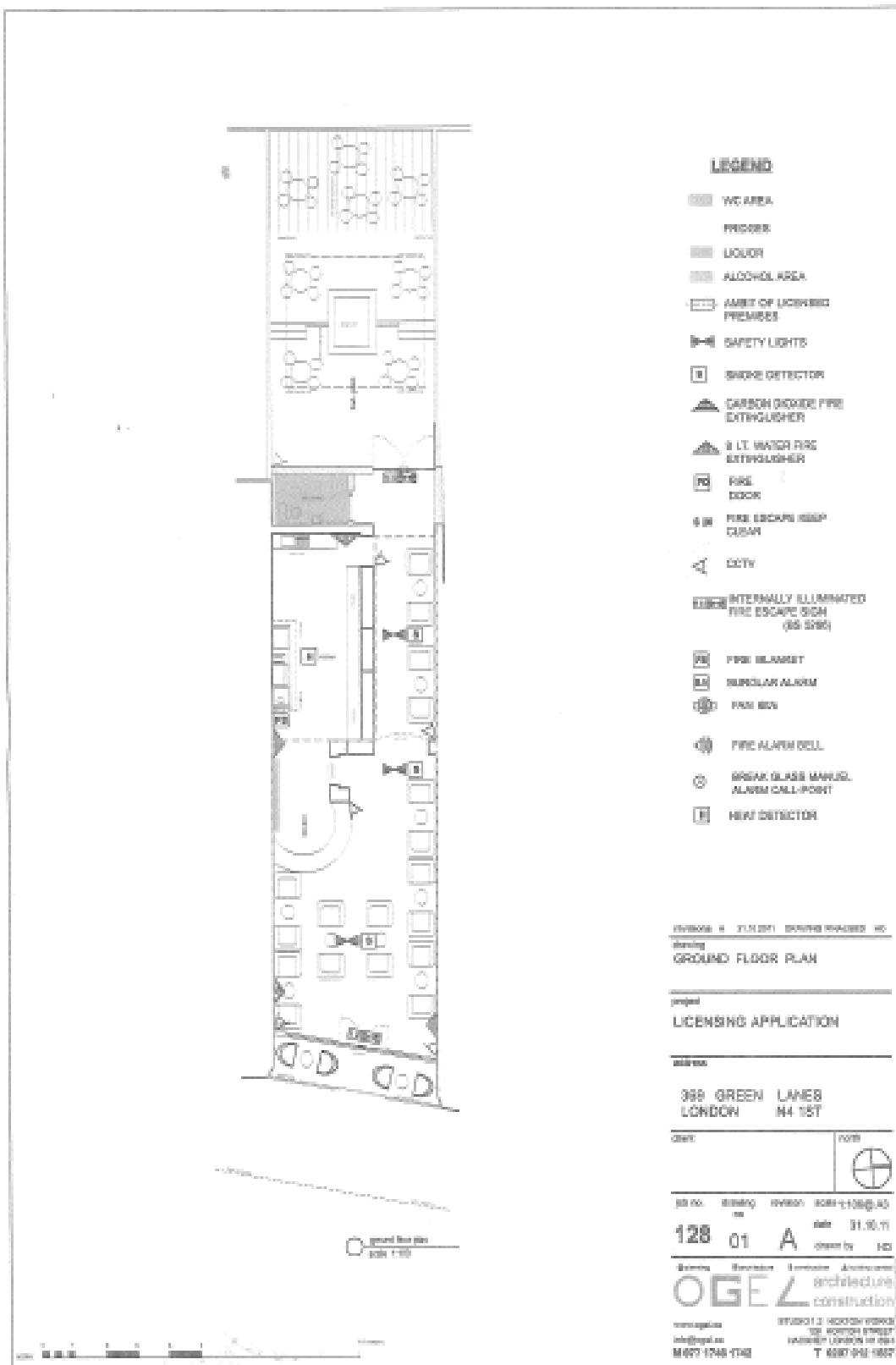
A tamper-proof noise-limiting device shall be fitted to the sound system within the premises and all amplified music played at the premises must pass through this sound limiter at a level agreed by the Council's Environmental Health section.

A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.

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

Local residents shall be invited to quarterly resident’s meetings held by the premises licence holder to resolve any problems associated with the carrying on of licensable activities at the premises. The minutes of the meeting and any action to be taken shall be lodged with the Councils Licensing Unit by the premises licence holder within seven days of the meeting.

Annex 4 – Plans



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APPENDIX C – Copy of representations in support of review

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Responsible Authority:	Haringey Public Health, London Borough of Haringey
Date:	9 th March 2021
Name:	Maria Ahmad, Health Improvement Officer Marlene D'Aguilar, Health in All Policies Officer
Contact:	Maria.Ahmad@Haringey.gov.uk Marlene.DAguilar@haringey.gov.uk

I as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003 and would like to make a representation in support of the review regarding the premises license at: **Rakkas, 365-369, Green Lanes, Hornsey, N4 1DY.**

Public Health has concerns under the following licensing objectives:

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance

Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance

We are concerned about the report of events that took place at Rakkas on the 5th December 2020 and 1st February 2021.

Mr Ali Sukran Ozbek, the Premise License Holder/ Designated Premise Supervisor (DPS), was seen 'providing the service of a waterpipe to be used for the consumption of tobacco or any other substance on the premises' on 5th December 2021 and therefore, served a Prohibition Notice under The Health Protection Regulations 2020.

The second incident as the Police report states on the 1st February 2021, "*there had been a large group of individuals congregating, there were approximately 12 hot shishas, hot cups of TURKISH tea, eight (8) chairs around a gambling table, which had cards and betting chips on top of it. There was also brick type oven with hot coals in for the shisha that was completely full. Officers looked at the till which showed that there had been 11 tables in use that evening which had been served with a variety of food and drinks, which can be sent if required.*"

The current government restrictions mean that the Hospitality businesses are not able to have the public enter the premises to consume food and drink, or offer shisha to the public at the premises. In doing so the premises is therefore committing the common law offence of public nuisance. This was well publicised to the Hospitality business sector across news and all media platforms and despite this, the premises remained open to the public subject to prior Prohibition Notice. The DPS has not shown concern for the current pandemic situation and the safety of the public considering the high infection rates in Haringey. Further to this, the people present at the premises were not socially distant from other people in the room, and were not wearing face coverings or mask, which may have had an impact in spreading coronavirus in the community.

We are deeply concerned the DPS lack of regard to the law to protect the public and uphold the Licensing Objectives. Therefore, we request the committee to consider the suspension of the premises licence.

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WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: PC CAPEWELL 1834NA

Age if under 18: OVER 18 (if over 18 insert 'over 18') Occupation: POLICE OFFICER

This statement (consisting of 5 page(s) each 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.

Witness Signature: RJ Capewell 1834NA Date: 03/02/21

I am the above named person and this is a statement regarding a COVID-19 call I attended, where a business was serving food and drink against the coronavirus legislation. On MONDAY 1ST FEBRUARY at approximately 2049hrs, myself and PC GILGALLON 1349NA attended RAKKAS RESTAURANT, 369 GREEN LANES, N41DA on CAD: 6773/01FEB21. We had reports that there were people entering the building and smoking shisha out in the back of the restaurant. We attempted to enter through the side door on LOTHAIR ROAD NORTH, but this was locked from the inside and officers could not gain access. Officers went around to the front of the building and found the front door open, and as we entered there was a metal shutters separating the front from the back of the restaurant which were closing. We could hear multiple people running out the back of the restaurant, the bar man claiming he did not know how to reopen the shutters.

There were two (2) restaurant workers in the building as officers arrived. A male, who stated he was bar man, who I now know to be Mustafa SALIEV, dob 02/08/1992, his current residing address being 369A GREEN LANES, N41DA, a flat next door to the shop, his contact number: 07497762406. Another female, who had a meal on a tray as we entered, whose details were taken by my colleague PC GILGALLON.

Officers located a black box at the top left hand side of the shutter, which had two very small arrow buttons on the left side of the box which operated the metal shutters. As they opened it was clearly evident to officers there had been a number of people had been smoking shisha, eating and drinking in the back area of the restaurant. The whole room smelt strongly of shisha smoke, and it is assumed that the individuals who were in the back had exited through a small fire exit through the back, through a building site and onto LOTHAIR ROAD NORTH.

Upon walking around the area there were approximately 12 shisha pots which still had hot coals in the top, there were drinks across at least five (5) tables and there were eight (8) chairs around a table with card and betting chips on it. On one of the chairs there was a 'score sheet' which had eight (8) names on, namely 'Ary, Jay, G, Has, Fred, Ahmet, Denis and Samin'. There was a 'stove' containing a large amount of hot coals for the shisha pots. One of the back tables had three (3) cups of hot Turkish tea on it. This has all be captured on BWV. On the till there were 10 tables shown as being served on 01/02/2021.

Witness Signature: RJ Capewell 1834NA

Signature Witnessed by Signature: N/A

Continuation of Statement of: **PC CAPEWELL 1834NA**
RJC/04 – Table 3, transaction at 1942hrs, total: £32.70



RJC/05 – Table 4, transaction at 1951hrs, total: £4.00



RJC/06 – Table 5, transaction at 2000hrs, total: £22.00



RJC 1834NA

RJC 1834NA

Witness Signature: PC Capewell 1834NA

Signature Witnessed by Signature: N/A

Continuation of Statement of: PC CAPEWELL 1834NA

RJC/10 – Table 17, transaction at 1531hrs, total: £63.40



RJC/11 – Table 24, transaction at 2101hrs, total: £11.50



RJC 1834NA

Witness Signature: RJCapewell 1834NA

Signature Witnessed by Signature: N/A

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Haringey Licensing Authority
Haringey Council
1st Floor, River Park House
Wood Green
London
N22 8HQ

PC Derek Ewart 1277NA
North Area Licensing Team
Edmonton Police Station
462 Fore Steet
Edmonton
London
N9 0PW
Email: Derek.H.Ewart@met.police.uk
www.met.police.uk

16/03/2021

Supporting Application for the Review of Premises Licence at Rakkas Shisha, 365-369, Green Lanes, London, N4 1DY

Dear Licensing Team,

On behalf of the Commissioner of Police for the Metropolis, I wish to make a representation to support the application made by Haringey Local Authority to review the Premises Licence at Rakkas, 365-369, Green Lanes, London, N4 1DY,

The objection notice is submitted under the following Licensing objectives:

1. Prevention of Crime & Disorder
2. Public safety
3. The Prevention of Public Nuisance

The application to review the premises licence is supported by the Police whom also wish to submit a representation to reflect this.

On the 5th December 2020, Mr Ali Sukran Ozbek the Licensee/DPS was seen 'providing the service of a water-pipe to be used for the consumption of tobacco or any other substance on the premises' in contravention of the Health Protection (Coronavirus Restrictions) (All Tiers) (England) Regulations 2020.

As a result of this breach on the 10th December 2020, a Prohibition Notice was served by the local authority upon Mr Ali Sukran Ozbek under The Health Protection (Coronavirus Restrictions) (All Tiers) (England) Regulations 2020.

On the 1st February 2021, police were called to the location of Rakkas Shisha to reports from a member of the public that large amounts of people were entering the premises during a national lock down, *officers arrived at 2049hrs and found the front shutters were open and the shutters to the back garden could be seen closing. A male inside the premises refused to tell officers how to gain entry and open the shutters. After several minutes' officers found a way to open the shutters via a button on the side of the frontage of the premises. Upon opening the shutters, and gaining entry the back door to the premises was open and it was evident that a group of people had left the back area and through a back alleyway out onto the street in order to avoid any Police action. Having inspected the area it was evident that*

there had been a large group of individuals congregating. There were approximately 12 hot shishas smoking pipes, hot cups of Turkish tea, eight (8) chairs around a gambling table, which had cards and betting chips on top of it. There was also brick type oven with hot coals in for the shisha that was completely full. Officers looked at the till which showed that there had been 11 tables in use that evening which had been served with a variety of food and drinks .The footage was captured on Police Bodycam .

As a consequence of the incident On the 3rd February 2021, a Fixed Penalty Notice, under The Health Protection (Coronavirus Restrictions) (All Tiers) (England) Regulations 2020 was issued to both Mr Ozbek (as the licensee) and to the premises by the local authority. The local authority spoke with the DPS and fully explained the reasons for the issue of the Fixed Penalty Notice and their expectations under the licensing objectives.

As a breach of the Coronavirus Health Protection regulations 2020 it is a criminal offence and the DPS has been reported for this matter, the DPS has directly undermined the licensing objective of prevention of crime and disorder and public safety.

It is felt that the licensing objectives have been undermined as the venue was clearly allowing patrons into the venue to take part in social gatherings during a time when all licensable activity should have ceased, creating an environment where social gatherings would have been expected.

These incidents have possibly contributed to the risk posed to the local community with the fatal virus being present.

Officers have submitted a statement from the night in question when the breach of COVID regulations was discovered. Evidence has been provided to the local authority. The DPS will have been more than aware of his obligations under the licensing objectives and under COVID Regulations taking into consideration the fact he was previously issued with a prohibition notice.

It is felt that the DPS is not a fit and proper person to be in charge of the venue or that they should be in any form of managerial role at this venue. We the Police have no faith in the licensee in his ability to operate these premises in a manner that upholds the licensing objectives and as such we support the London Borough of Haringey's proposal to revoke the licence.

Regards,

PC Derek Ewart PC1277NA
North Area Licensing Team

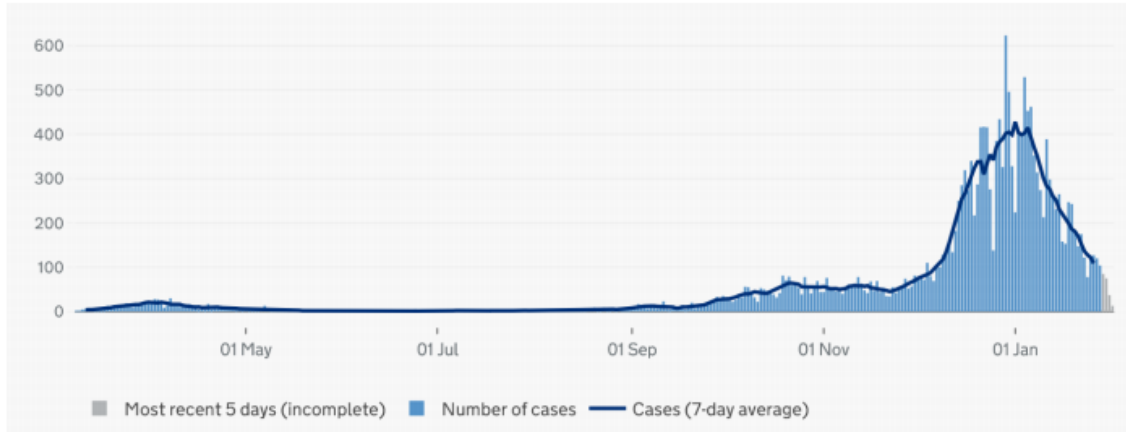
APPENDIX D – Summary of Covid impact in relevant months

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COVID CASES IN HARINGEY

NUMBER OF NEW COVID-19 CASES PER DAY IN HARINGEY'S RESIDENT POPULATION

Data are not updated every day. Data from gov.uk COVID-19 dashboard on 03 February 2021



5th December 2020

Overview of cases, by ward

05/12/2020 05/12/2020

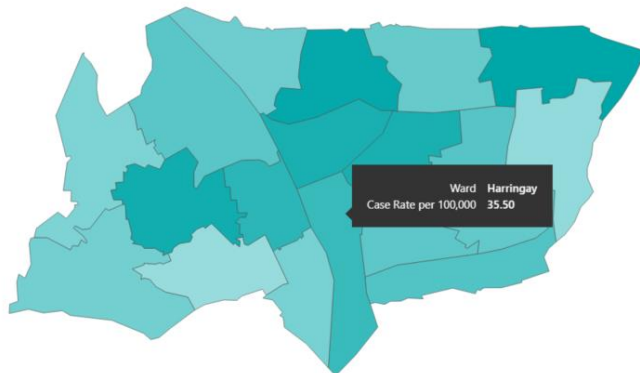
Pillar

All

Case Rate per 100,000 by Ward

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The number of cases, case rate per 100,000, by ward name



Ward name	Case count by ward	Case Rate per 100,000
Northumberland Park	9	51.82
Woodside	8	50.00
Noel Park	7	44.51
West Green	6	44.47
Haringey	5	35.50
Hornsey	5	39.23
Muswell Hill	5	47.05
Seven Sisters	5	28.16
Bruce Grove	4	27.04
St Ann's	4	25.26
Tottenham Green	4	23.75
Alexandra	3	26.31
Bounds Green	3	20.26
White Hart Lane	3	22.43
Fortis Green	2	15.82
Highgate	2	18.82
Stroud Green	2	17.56
Tottenham Hale	2	10.21
Crouch End	1	8.25
Total	80	29.50

From December 5th 2020-December 11 2020

Haringey: 287.7 cases per 100,000
 London: 298.8 cases per 100,000

Source: PHE Regional SAR report 16/12/2020

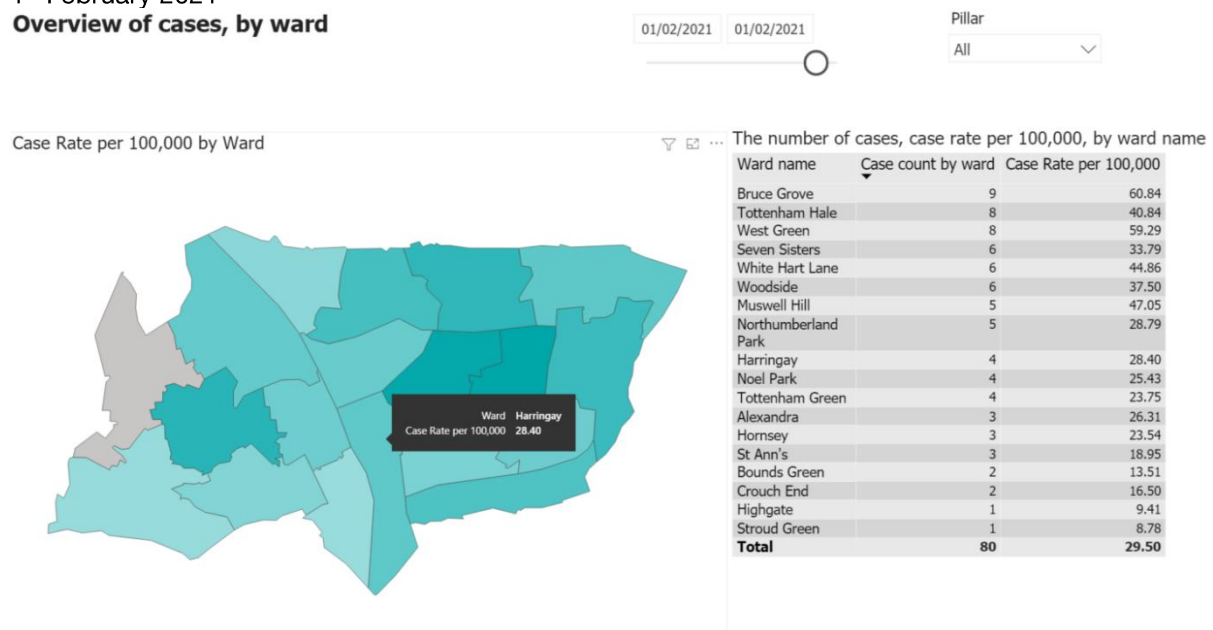
In the 7 days up to 06 December, 4,965 COVID-19 tests were conducted on Haringey residents, of which 551 were positive. This is a count of tests, not people, therefore there may be duplicate test results. (Data taken from Pillar 2 Dashboard on 09 December 2020).

In the 7 days up to 13 December, 6,382 COVID-19 tests were conducted on Haringey residents, of which 922 were positive.

In week 49 (up to 04 December), there were 21 deaths in Haringey, 5 less the average for the same week from 2015-2019. 2 of the 21 deaths in this week mentioned COVID-19 on the death certificate. There has been a total of 296 deaths mentioning COVID-19 in Haringey in weeks 1 to 49.

1st February 2021

Overview of cases, by ward



From February 1st 2021 – February 7th 2021

Haringey: 139.2 cases per 100,000

London: 182.4 cases per 100,000

Source: PHE Regional SAR report 12/02/2021

In the 7 days up to 31 January, 10,211 COVID-19 tests were conducted on Haringey residents, of which 736 were positive.

In week 3 (up to 22 January 2021), there were 45 deaths in Haringey, 20 more than the average for the same week from 2015-2019. 26 of the 45 deaths in this week mentioned COVID-19 on the death certificate. There have been a total of 413 deaths mentioning COVID-19 in Haringey.