

**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

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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.