

## Additional Information II

Attachments:

[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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**From:** Duncan Craig <Duncan.Craig@citadelchambers.com>  
**Sent:** Thursday, 1 July 2021, 19:29  
**To:** Licensing  
**Cc:** Barrett Daliah  
**Subject:** FW: 365-369 Green Lane N4 LA rep matters

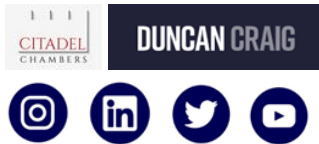
Dear Licensing

I write further to tomorrow's hearing and note that my email to Mr Cone of 25<sup>th</sup> June has been included in the supporting documents, but the below email and attachments have not, and would be grateful if both could be placed before members in advance of the hearing.

Kind regards,

Duncan Craig  
Barrister

**E** | [duncan.craig@citadelchambers.com](mailto:duncan.craig@citadelchambers.com)  
**W** | [www.licensingbarrister.co.uk](http://www.licensingbarrister.co.uk)  
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**From:** Duncan Craig  
**Sent:** 30 June 2021 07:36  
**To:** Cone Philip <Philip.Cone@haringey.gov.uk>  
**Cc:** Barrett Daliah <Daliah.Barrett@haringey.gov.uk>  
**Subject:** RE: 365-369 Green Lane N4 LA rep matters

Good morning Phil

I write further to your previous correspondence in this matter. The ability to have music in the outside area until 23:00 is not a direct function of the Licensing Act 2003; if there was no authorisation under that Act in place, the premises would still be able to lawfully provide what would otherwise be regulated entertainment from the rear area, subject to the statutory limitation placed upon that activity by the Live Music Act 2012 e.g numbers of attendees.

I feel that too much emphasis is being placed on the previous operation of the business, which was significantly focused on the activity of shisha, which is not a licensable activity; the operation of the business going forward will not be focused in that way. As you know, my client is currently conflating three separate premises into one (as is the nature of this premises licence grant application) and this will entail an investment of over £1 million in the site. I have attached some visuals of the restaurant to assist.

The landlord is partly correct in that the rear area will be compliant with the 2006 smoking regulations in order that patrons can smoke in that space, and it is anticipated that will include an element of shisha along with cigarette smoking, but this space (or any other part of the premises) will not operate as a shisha lounge in the sense that I understand the term, that is to say the principal purpose of the space, and the premises as a whole, will operate as a restaurant and the hours now applied for (which represent a huge shift in the nature of the application) are certainly in accordance with that style of operation.

I am not instructed to deal with any aspect of the planning in relation to this project, but I have had the opportunity to speak to the agent who will be dealing with this who confirms that a planning application will be submitted shortly in relation to the property that will address any issues around the permitted use of the building - and clearly any submitted licensing plan will also reflect the space as it stands at any given time; in any event, as you will be also aware, planning and licensing are different regimes, with different considerations and I am only instructed to deal with this application.

My client's view is that given the nature of the operation, the revised scope of the application in terms of hours and agreed conditions, the spirit and intent of the Live Music Act 2012 and their investment in the property, the restriction you propose is not a proportionate one and given the content of this email I would hope that you would be in a position to reconsider your view on this.

My client is keen to resolve this with you in advance of Friday and I am happy to discuss this on the phone with you and am available to do so for most of today;

my number is below.

Many thanks

Kind regards,

Duncan Craig  
Barrister

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**From:** Cone Philip <[Philip.Cone@haringey.gov.uk](mailto:Philip.Cone@haringey.gov.uk)>  
**Sent:** 28 June 2021 11:46  
**To:** Duncan Craig <[Duncan.Craig@citadelchambers.com](mailto:Duncan.Craig@citadelchambers.com)>  
**Cc:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Subject:** RE: 365-369 Green Lane N4 LA rep matters

Hi Duncan

Welcome the proposed reduction in hours, but the ability to have music in the outside rear area until 23:00 is still a cause for concern. As you know the issue of the use of this rear garden has not been defined in the application and although the agent has said it will be used for dining our conversation with landlord has put a different spin on the use and he says it will be for shisha activity. Either way the use of an open area at the back (the plans are not showing that the rear will be enclosed as required under the Planning permission) will give rise to noise nuisance and if music is also factored into this then it is only right that there is some protection put in place against this.

The previous premises did have complaints arising from music and people noise from the shisha activity at the rear and it would help to have some clarity as to what the intended rear was to be used for? and also for some mitigation to be in place if the area was to be an open area for it to cease being used by 9pm and patrons asked to come inside the premises to continue dining.

Kind Regards.

Phil

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**From:** Duncan Craig <[Duncan.Craig@citadelchambers.com](mailto:Duncan.Craig@citadelchambers.com)>  
**Sent:** 28 June 2021 09:40  
**To:** Cone Philip <[Philip.Cone@haringey.gov.uk](mailto:Philip.Cone@haringey.gov.uk)>  
**Cc:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Subject:** Re: 365-369 Green Lane N4 LA rep matters

Great; thanks.

Kind regards,

Duncan Craig  
Barrister

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On 28 Jun 2021, at 07:39, Cone Philip <[Philip.Cone@haringey.gov.uk](mailto:Philip.Cone@haringey.gov.uk)> wrote:

Hi Duncan,

Apologies, have not had sight of the original email. I will look now and get back to you asap.

Kind Regards,

Phil

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**From:** Duncan Craig <[Duncan.Craig@citadelchambers.com](mailto:Duncan.Craig@citadelchambers.com)>  
**Sent:** 25 June 2021 16:21  
**To:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Cc:** Cone Philip <[Philip.Cone@haringey.gov.uk](mailto:Philip.Cone@haringey.gov.uk)>  
**Subject:** RE: 365-369 Green Lane N4 LA rep matters

Hi Daliah

Not had it as yet no – thanks.

Phil – Have you had sight of my email from earlier (attached) which significantly reduces the scope of the application. Happy to discuss.

Kind regards,

Duncan Craig  
Barrister

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**T** |

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**From:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)> **On Behalf Of** Licensing  
**Sent:** 25 June 2021 16:10  
**To:** Duncan Craig <[Duncan.Craig@citadelchambers.com](mailto:Duncan.Craig@citadelchambers.com)>  
**Subject:** FW: 365-369 Green Lane N4 LA rep matters

Hi Duncan

Please see below from LA officer providing further information to the rep submitted for the hearing. You may have been sent this earlier today by my Team but I am just picking up on emails now.

Regards  
Daliah

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**From:** Cone Philip <[Philip.Cone@haringey.gov.uk](mailto:Philip.Cone@haringey.gov.uk)>  
**Sent:** 25 June 2021 08:22  
**To:** Licensing <[Licensing@haringey.gov.uk](mailto:Licensing@haringey.gov.uk)>  
**Subject:** Further Licensing Authority Rep

Dear all,

Please see below matters that amplify the initial representation from the Licensing Authority for 365-369 Green Lanes, N4.

The Licensing Authority contacted the landlord for the properties as there is a past history of public nuisance issues arising from the site when it was formally called Rakkas. When it was in operation, there were issues with noise from the rear of the premises affecting the residents who lived above the property. The Landlord Mr Pattalis confirmed that Mr Ali Ozbek was still the current leaseholder but this was due to change shortly. He advised that he was in negotiations with Mr Ozbeks nephews to grant new leases in their names, and was close to finalising legal issues and agreeing draft leases for final submission.

The landlord also confirmed that the “shops were undergoing complete renovations, whereby all three units will form one restaurant, with the rear garden extension spanning across all three shops. The roof will have sections of retractable openings, currently marked as AOV’s subject to planning consent, to allow for smoking and Shisha. I believe this requirement is a 50% opening. Details of works can be found in planning notices, indicated below.

Planning Notices are:  
shops 365-367 **HGY/2019/2317**  
Shop 369 **HGY/2021/0293”**

The Planning Team has advised that the planning permission shown related to the above HGY cases relate to the rear extensions only. The scope of these consents does not cover a change of use to a mixed use comprising of a restaurant/shisha café at

either premises. Planning Services are a Responsible Authority and lodged a comment/representation on this basis but also asked that the applicant be notified of this requirement so they may contact Planning for further discussion and clarity.

The Planning permission placed a requirement for rebuilding the rear single storey back extensions, to be fully enclosed, with roof windows specifically required to be 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. The email also made clear that the rear 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. The agent advised that plans showing how this would be achieved were not available at the time.

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. A similar business that used to operate at 399 Green Lanes (Rakkas) previously receive 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. 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. The applicant is also seeking the ability to offer late night refreshment and alcohol sales throughout the area shown on the plan.

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