

From: [REDACTED] >
Sent: 17 November 2022 23:34
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Licence application - Rakkas, comments

Hi

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

I would like to strongly contest this application on the grounds of noise and safety in the area. It is a residential area with a lot of young families and older residents. The noise, additional traffic, anti social behaviour, litter and mess already significantly increased when Rakkas opened. To then grant an extension of the licensing hours would just exacerbate an already worrying situation for residents.

Please can I ask that the local residents are seriously considered in this decision - the thought of the crowds, noise, fights that would come out of Rakkas at even later times in the night is really unbearable.

Yours sincerely

[REDACTED]

Sent from my iPhone

LADDER COMMUNITY SAFETY PARTNERSHIP

[REDACTED]

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

8 December 2022

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

Introduction

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

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

Concerns are based on two of the key licensing objectives

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

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

1. Existing Premises Licence: Noise

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

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

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

2. Existing Premises Licence: Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Conclusion

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

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

Thank you for your consideration of this representation.

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