

Licensing Consultation - Internal Memo

To: Licensing Officer

From: Enforcement Response Officer (Noise and Nuisance Team)

Name of Officer preparing representation: Festus Akinboyewa

Our Reference: WK/000552649

Date: 9th December 2022

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

Type of application:

Variation of Premises Licence

I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Noise & Nuisance Team – Responsible Authority, and would like to provide the following representations to the Application.

The applicant holds a current premises licence number LN/000024997 which is in the process of being reviewed. Below are the current operating hours:

The times the current licence authorises the carrying out of licensable activities:

Supply of Alcohol

Sunday to Thursday 1100 to 2230

Friday to Saturday 1100 to 2330

Late Night Refreshment

Friday and Saturday 2300 to 2330

The opening hours of the premises:

Sunday to Thursday 0600 to 2300

Friday and Saturday 0800 to 0000

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

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

The proposed operating hours are:

Late Night Refreshment

Sunday to Thursday 2300 to 2330 hours

Friday to Saturday 2300 to 0000 hours

New Years Eve until 01:00

Sale of Alcohol

NS70 rev: April 2019

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Sunday to Thursday 1100 to 2330 hours
Friday to Saturday 1100 to 0000 hours
New Years Eve until 01:00

Supply of alcohol **ON** the premises.

Hours open to Public

Sunday to Wednesday 0600 to 2330 hours
Thursday 0600 to 0000 hours
Friday to Saturday 0800 to 0000 hours

New Years Eve closing time 01:00

We object to the granting of licence to operate later than the time in the existing premises licence, because we do not believe the applicant will be able to uphold the licencing objectives for the following reasons:

- The proposed operating hours are inappropriate due to the close proximity of the premises to residential dwellings. Some of the back rooms of neighbouring properties close the rear area of the premises that is currently used for shisha smoking. Operating later than the time in the existing licence may increase noise nuisance that will continue to disturb the local residents.
- The premises operates a smoking area for shisha, which has not been managed in compliance with the provisions of the Health Act 2006. In addition, the premises continued to use the rear external area for shisha smoking after the permitted time of 21.00 hours, which is causing noise and nuisance to local residents.
- On more than one occasion, attempt have made to prevent officers from accessing the premises when attending to inspect whilst the premises were trading. Officers believe this is due to the premises and its management knowing that it was in breach of certain legislation and undermines the public nuisance objective.
- There have been 21 complaints alleging noise nuisance and public nuisance at the premises from 2021 till date. Complaints list attached.

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

- Loud music
- unlawful use of the external rear area.

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

- Unlawful use of the rear external area.
- People noise from a large number of patrons in the rear external area.
- Door staff obstructed Officers from entering the business and made to wait outside until manager came out even when ID was shown and powers of entry explained.

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

- Loud music

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

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

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

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

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

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

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

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

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

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

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

That the premises licence holder continued to permit customers to smoke shisha in a substantially enclosed rear area, despite having a retractable roof, contrary to The Health Act 2006 is a clear disregard to public safety by the management.

Officers have sought to work with the premises management, but complaints and the unlawful use of the rear external area for shisha smoking after 21.00 hours continued. Officers have given the management word of advice given, verbal warnings and written warning.

The management requested a site meeting with Officers on the 13th October 2022. At the meeting, Officers talked them through the licence conditions and clarified the conditions again that they must not use the rear external area after 9pm. The Council Officers visited proactively on the 14th November 2022 and found the rear area being used for shisha smoking after 9pm.

Recommendation:

We would like the Licensing Committee to refuse the application to extend the time of operation later than the time in the existing licence. It is our view that the timings requested by the applicant have the potential for a rise in public nuisance. In this regards,

the existing operation has not upheld or promoted the licensing objectives and the operator has disregarded the terms of the existing licence.

Chronology of complaints

Date and time of incidents.	Issues reported	Action taken
04/03/2022, 22.34	Noise from loud music, shouting, banging and fireworks	Called complainant but no response
05/03/2022, 19:22	Loud music from the back garden	Called complainant but no response
05/03/2022, 22:22	loud continual music throughout the day and evening until midnight.	Officers attended premises at 23.15. Music was still on –words of advice given.
10/03/2022, 22.12	The shisha lounge has a licence to use the outside area until 9pm, music is still blaring now and they have been setting off fireworks. Can't sleep smoke pollution is coming into premises.	Officers attended at 23.02 and observed a large number of patrons sitting in the outside area. Verbal warning issued.
03/05/2022, 14.03	Music/amplified sound	**
20/07/2022, 15.30	Music/amplified noise	**
20/07/2022, 15.48	Music/amplified sound	**
22/07/2022, 17:47	Music/amplified sound	Officers attended-verbal warning issued
23/07/2022, 07.11	Music/amplified sound	**
31/07/2022, 10.54	Music/amplified sound	**
31/07/2022, 11.03	People noise	**
11/08/2022, 22.41	Music/amplified sound	Officers attended at 00.04 12/08/2022 – noise stopped
14/08/2022, 12.35	Music/amplified sound	**
07/09/2022, 11.50	Music/amplified sound	**
07/09/2022, 11.59	Music/amplified sound	**
07/09/2022, 12.07	Music/amplified sound	

Director: Stephen McDonnell

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

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

Dear Mr Toprak

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

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

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

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

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

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

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

Yours sincerely,

Festus Akinboyewa
Noise & Nuisance Officer

Community Safety & Enforcement

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

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

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Environment & Neighbourhoods

Director: Eubert Malcolm



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

Our ref: ENF/ENF WK/000538867

Date: 3rd October 2022

Contact: ASB Enforcement Team

Final Warning Letter: Licensing Act 2003

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

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

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

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

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

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

Community Safety & Enforcement

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

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

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

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

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

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

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

Yours sincerely

ASB Enforcement Team

Community Safety & Enforcement

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225 High Road, Wood Green
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