

London Borough of Haringey, Licensing Team, River Park House, Level 1, 225 High Road, Wood Green, London, N22 8HQ

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 Noise & Nuisance Officer RA – Festus Akinboyewa

(Insert name of applicant)

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 (delete as applicable)

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) Garip Toprak	
Number of premises licence or club premises certificate (if known) LN/000024997	

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 9 th Floor, Alexandra House Wood Green London N22 7TY
Telephone number (if any) 07792437283
E-mail address (optional)

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

✓
✓
✓

Please tick one or more boxes ✓

Please state the ground(s) for review (please read guidance note 2)

Below are the current operating hours permitted under the premises licence:

The times the 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 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 causing noise nuisance to local residents.

On more than one occasion, attempt have been 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 at the premises from March 2022.

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 the reporting after the event. However, due to what has 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 several times. Also, the management has been issued with two verbal warnings and a warning letter – Copies attached.

The management requested a site meeting with Officers and the meeting held on 13th October 2022 during which Officers talked them through the licence conditions. The management was warned again that they must not use the rear external area after 9pm. However, the use of the rear area for shisha smoking after 9 pm continued.

Recommendation:

While we are not asking for trading in the rear shisha lounge to cease, we would like the Licensing Committee to amend the following conditions highlighted below, which are currently on the premises licence.

The amendment will give the management of the premises the opportunity to continue to operate, but ensure nuisance is not caused to neighbours whilst also providing the Council with more options for further enforcement in future, such as prosecution, should the premises licence holder fail to promote the licensing objectives.

Annex 2:1 should be amended to read:

The rear area shisha lounge shall be closed and cleared of customers by 21.00 hours. Adequate notices shall be displayed to inform patrons of this requirement. A closable door shall be installed in the rear The external rear area, and the area shall not be used at any time after 21.00 hours. Access to this area will only be permitted in the event of emergency evacuation becoming necessary. The licensee shall ensure that no customers are permitted to use this area after 21.00 hours.

Annex 2:3(i) should be amended to read:

Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD so that Police can make an evidential copy of the data they require. Copies must be made available to an Authorised Officer or Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system

malfunctions and will not be operating for longer than one day of business, the Police and the Council must be informed.

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

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

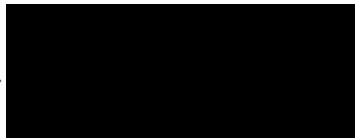
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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 Festus Akinboyewa



Date 09/12/2022

Capacity

.....Noise & Nuisance Officer.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

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

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

[Type here]

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

1st Floor North, River Park House
225 High Road, Wood Green
London N22 6HQ

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T: 020 8489 1335

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