
Mr Duncan Craig
Mr Garip
Advance Architecture

Your ref:
Date: 25th January 2023
Our ref:

BY EMAIL

Dear Sirs,

APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENSE AT RAKKAS, 365-369 GREEN LANES, LONDON, N4 (HARRINGEY) HEARD ON 19th JANUARY 2023

The Licensing Sub Committee carefully considered the application for the variation of an existing premises licence at **RAKKAS, 365-369 GREEN LANES, LONDON, N4 (HARRINGEY)**. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, section 182 Guidance, the report pack and additional papers, the applicants and objectors written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to **REFUSE** the application.

REASONS

The Committee gave serious consideration to the submissions made by the applicant & their representative, and to the concerns raised by the objectors both of which were made in writing and orally.

It was very apparent to the Committee that for an application for a variation of an existing License there was an unusually large number of objections from local residents in the immediate vicinity of the premises. As a result, separately a review of the License had already been instituted and is pending. Complaints and objections were received from residents many of whom attended the hearing, the noise enforcement team, local Councillors and the Licensing Authority who had also objected to the application.

In considering the licensing objective of preventing public nuisance, it was found that since the License was granted there had been, and continues to be severe issues around noise nuisance, primarily coming from the Shisha area at the rear of the premises. The application had sought an increase in the hours for the supply of alcohol by one hour and opening hours by approximately an additional 30 minutes. However considering that even under its current hours and licensing conditions the premises owners could not control the noise nuisance, it was not thought credible that the owners could control the public nuisance with longer hours.

Evidence of the noise nuisance was given by the objectors, as well as impeccable records of the noise nuisance and disturbances which were evidenced at pages 52-54

and throughout the pack of papers. The Noise enforcement team officer noted that there had been 21 complaints within 10 months all related to the outside Shisha area. Furthermore, the premises owners had been obstructive when officers had attended to investigate on numerous occasions. The Committee took into account the explanation given by the Applicant for delay on such visits or refusing access, but did not find the explanations credible.

The Committee noted that the noise complained of consisted, loud voices, shouting, whooping, which could be heard many up to 100 yards away by neighbours on either side. It had been particularly bad during the summer when people's windows were open and noise carried. Of particular concern was that although the current License allowed for the outside area to be used up to 9pm, the noise complaints occurred both prior to and after these hours sometimes until the early hours of the morning.

It was also worrying that the planning regulations were being breached in the use of the Shisha area which is supposed to be 50% open, but is enclosed. It is noted the planning regime is separate, but it nevertheless showed a further disregard for the rules, which was having significant impact on one of the licensing objectives. The Committee took note of the explanation given by the Applicant about the misunderstanding and apparent confusion about the term "outside area" "external area" or "rear of the premises" as an explanation for why the shisha area was being used in the way it was. The Committee recognised that the Applicant did make a valid point about the clarity of the terms, but overall felt that the Applicant was in reality aware of the conditions meant, and had that been an issue the applicant could have appealed the original licensing decision when it was first granted.

The Committee noted there was a pattern of obstructive behaviour from the Applicant for example, denying access to noise enforcement officers or not providing CCTV footage when requested to do so. There was furthermore, no attempt to address the residents' concerns about the noise nuisance in the application- no plans or proposal put forward.

The Committee did take into account and balanced the information from the Applicant with other information. It was noted some written evidence of support for the application was provided, but none had attended the hearing due to not having met the deadline requirement to speak at the hearing, to give verbal support. The Committee also noted there were complaints about rubbish and parking issues. On balance, the Committee accepted the applicant's submission that it could not be proven that those issues arose solely as a result of the activities at Rakkas.

The Committee noted the applicant's submission that Green Lanes was a busy area and other premises had later licenses. However, as is clear each license application has to be treated on its own merits and the vast majority of complaints related to Rakkas.

However, taking all the information in the round, the Committee had very serious reservations about the ability or preparedness of the Applicant to be able to combat the potential anti-social behaviour or noise nuisance that will arise from the premises if the application was granted. The Committee further noted that to grant the application in the face of what appeared to be overwhelming evidence of breaches of the existing licence condition, in connection with the licensing objective of preventing a public nuisance would have been to condone and reward rule breaking.

The Committee considered granting the application with more stringent conditions, but for the reasons given above concluded that the Applicant was unlikely to keep to such conditions.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

Yours sincerely,

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Licensing Team Leader



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