

## 5. REPORT

### Background

5.1 An application for a Premises Licence Variation, by Ali Surkan Ozbek in respect of Rakkas under the Licensing Act 2003.

### 5.2 Details of the application being sought under the Premises Licence Variation – Appendix 1

#### To amend the following conditions:

'Security Men will be in place when licensable activities are taking place'.

#### To the following:

'Security Men will be available on Friday to Sunday between 2000 to 0200 hours.

#### Supply of Alcohol

The external rear area can only be used during the following times:

Sundays	10am to 9pm
Monday to Thursday	8am to 9pm
Friday and Saturday	8am to 10.30pm

#### To the following:

The external rear area can only be used during the following times:

Sundays	10am to 1030pm
Monday to Thursday	8am to 1100pm
Friday and Saturday	8am to Midnight

For consumption **OFF** the premises

#### General-all four licensing objectives

Unreasonable to have security from 8am when consumption of alcohol is unlikely.

Never require assistance of securities during those times. In any event CCTV is in place.

### 5.3 Crime and Disorder

**Changes to licensable hours to rear garden area, we never had any complaints.**

**Will display signs to warn customers to ensure that noise is minimal**

### 5.4 Public Safety

**All in place**

### 5.5 Public Nuisance

**No music will be played.**

**Never had complaints so far**

**Signs will be put in place to respect neighbours and to keep noise to a minimum.**

## 5.6 Child Protection

Children will not be allowed during extended (Varied) hours.

## 6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

### 6.1 Comments of Metropolitan Police

Have made no representation to this application

### 6.2 Comments of Regulatory Services:

**Enforcement Response**

Have made representation to this application **Appendix 2**

**Licensing Responsible Authority**

Have made representation to this application **Appendix 3**

**Trading Standards**

Have made no representation to this application

### 6.3 London Fire and Civil Defence Authority

Have made no representation to this application

### 6.4 Planning Services

Have made no representation to this application

### 6.5 Comments of Child Protection Agency or Nominee

Have made no representation to this application

## 7.0 Other Persons

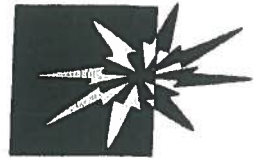
A letter of representation has been received against this application by agents acting on behalf of local residents. **Appendix 4**

## 8.0 Financial Comments

The fee which would be applicable for this application was **£190.00**.

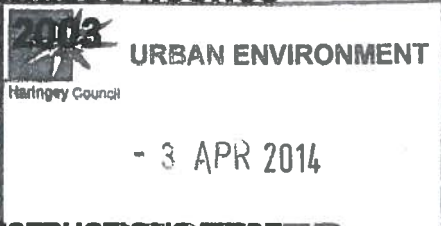
## APPENDIX 1 – APPLICATION





Haringey Council

# Application to vary a premises licence under the Licensing Act 2003



Reference number:  
AG1068817

(1)

## PLEASE READ THE FOLLOWING INSTRUCTIONS

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

(2) IAWe ALI SUKRAN OZBEK

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LN /000009790

### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

RIKKAS, 369 GREEN LANES, LONDON, N4 1DY

Post town HARINGEY

Postcode N4 1DY

Telephone number at premises (if any)

0208 8099899

Non-domestic rateable value of premises

£7000-

### Part 2 - Applicant details

Daytime contact telephone number

07788662357

E-mail address (optional)

alisukranozbek@yahoo.com

Current postal address if different from premises address

33 RIDINGS AVENUE  
WINGMORE HILL  
LONDON

Post town WINGMORE HILL - LONDON

Postcode N21 2EL

(1) Insert name and address of relevant licensing authority and its reference number (optional)  
(2) Insert name(s) of applicant

**Part 3 - Variation**

Please tick  yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

⇒ We intend to vary the condition 'Security Men will be available when licensable activities are taking place' to 'Security men will be available on Friday, Saturday and Sunday between the hours of 8pm - 10:30pm (closing time) ~~for indoors and on Sunday between the hours of 8pm and 9pm~~

- ⇒ Extend opening hours for rear area from
- Sunday 10am - 9pm to 10am - 10:30pm
  - Monday to Thursday - 8am - 9pm to 8am 11 pm
  - Friday and Saturday <sup>from</sup> 8am - 10:30 to 8am - 12:00 (midnight)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

NO
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## Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

Please tick  yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

### Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

Only to extend opening/licensable hours  
for the rear garden area

In all cases complete boxes N, O and P

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# A

Plays			Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for performing plays (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the performance of plays at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

# B

Films			Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the exhibition of films (please read guidance note 4)
Wed			
Thur			Non-standard timings. Where you intend to use the premises for the exhibition of films at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			Non-standard timings. Where you intend to use the premises for indoor sporting events at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur					
Fri			Non-standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					



# E

<b>Live music</b> Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the performance of live music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)  Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)
Mon			
Tue			
			State any seasonal variations for the performance of dance (please read guidance note 4)
Wed			
Thur			
			Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)  Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			
			Please give further details here (please read guidance note 3)
Tue			
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Wed			
			Non-standard timings. Where you intend to use the premises for entertainment of a similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

<b>Provision of facilities for making music</b>			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**J**

<b>Provision of facilities for dancing</b>			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			



**Late night refreshment**

Standard days and timings  
(please read guidance note 6)

Will the provision of late night refreshment take place indoors or outdoors or both - please tick  (please read guidance note 2)

Indoors  Outdoors  Both

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of late night refreshment  
(please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)

**M**

**Supply of alcohol**

Standard days and timings  
(please read guidance note 6)

Will the sale of alcohol be for consumption - please tick box  (please read guidance note 7)

Rear Garden Outside.

On the premises  Off the premises  Both

Day	Start	Finish
Mon		
	8 AM	9 PM
Tue		
	8 AM	9 PM
Wed		
	8 AM	9 PM
Thur		
	8 AM	9 PM
Fri		
	8 AM	10:30 AM
Sat		
	8 AM	10:30 AM
Sun		
	10 AM	9 PM

State any seasonal variations for the supply of alcohol  
(please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list  
(please read guidance note 5)

Mon. to Thursday from 8am - 11pm  
Friday and Saturday 8am - 12midnight  
Sunday from 8am till 10:30am

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

None

**O**

**Hours premises are open to the public**

Standard days and timings  
(please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

State any seasonal variation (please read guidance note 4)

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

I have enclosed the premises licence

Please tick  yes

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

Certified copies attached. Originals must be displayed.

**P** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

⇒ Unreasonable to have security from 8am  
when consumer of alcohol is unlikely.  
⇒ ~~They~~ <sup>Never</sup> require <sup>assistance of</sup> securities during those times.  
⇒ In any event CCTV in place.

b) The prevention of crime and disorder

⇒ Changes to licensable hours to rear garden  
area: - we never had any complaints  
⇒ will display signs ~~to~~ warn customers to  
ensure that noise to minimum.

c) Public safety

All in place

d) The prevention of public nuisance

No music will be played.  
Never had complaints so far  
Signs will be put in place to respect neighbors  
and keep noise to minimum.

e) The protection of children from harm

Children will not be allowed during extended (varied)  
hours



- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

Please tick  yes



**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 - Signatures** (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent. (please read guidance note 11)

If signing on behalf of the applicant please state in what capacity.

Signature



Date

2-04-2014

Capacity

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12)

If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Post town

Postcode

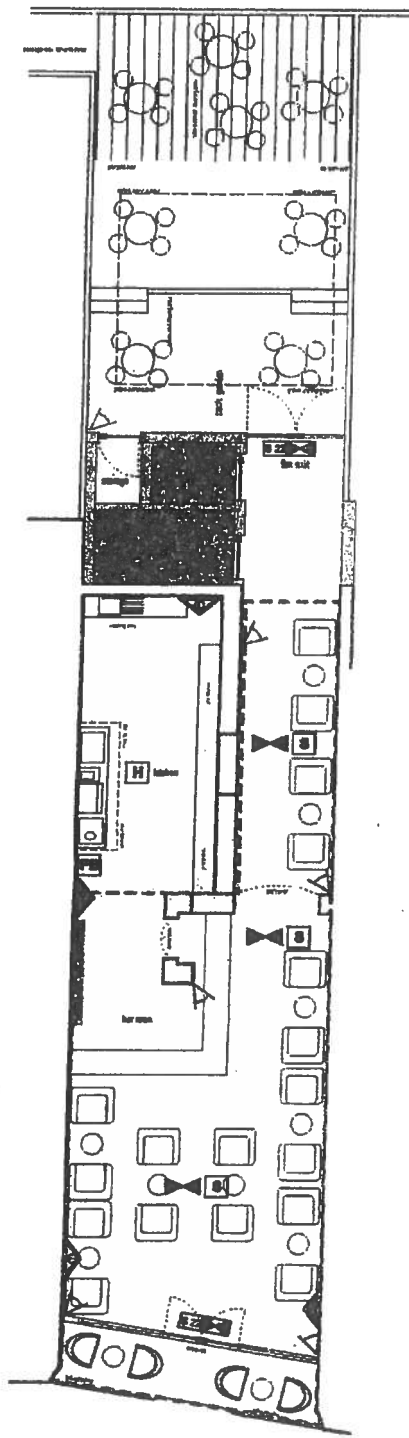
Telephone number (if any)

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













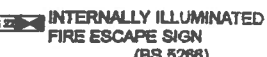






## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act.**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
  2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
  3. For example state the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  5. For example (but not exclusively), where you wish the activity to go on longer on a particular day i.e Christmas Eve.
  6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
  7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick 'both'.
  8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
  9. Please list here steps you will take to promote all four licensing objectives together.
  10. The application form must be signed.
  11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
  13. This is the address which we shall use to correspond with you about this application.
-



**LEGEND**

-  WC AREA
-  FRIDGES
-  LIQUOR
-  ALCOHOL AREA
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTS
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER
-  FIRE DOOR
-  FIRE ESCAPE KEEP CLEAR
-  CCTV
-  INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)
-  FIRE BLANKET
-  BURGLAR ALARM
-  FAN 60/s
-  FIRE ALARM BELL
-  BREAK GLASS MANUAL ALARM CALL-POINT
-  HEAT DETECTOR

B 14.02.2012 FIRE EXIT SHOWN HO  
 revisions A 21.10.2011 DRAWING FINALISED HO

drawing  
**GROUND FLOOR PLAN**

project  
**LICENSING APPLICATION**

address  
**369 GREEN LANES  
 LONDON N4 1ST**

client north  


job no. drawing revision scale 1:100@ A3  
 no date 31.10.11  
**128 01 B** drawn by HO

© planning © architecture © construction © building control  
**OGEL** architecture construction  
 www.ogel.co  
 info@ogel.co  
 M 077 1746 1742  
 STUDIO 1.3 HICKTON WORKS  
 128 HICKTON STREET  
 HICKNEY LONDON E11 6SH  
 T 0207 012 1887

STANLEY GOLDMAN SOLICITORS  
 Certified to be a true copy of the original one

ground floor plan  
 scale 1:100

02.04.2014

APPENDIX 2 – ENVIROMENTAL HEALTH- ENFORCEMENT RESPONSE  
REPRESENTATION

## Shah Noshaba

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**From:** Nicolaou George (Enforcement)  
**Sent:** 08 April 2014 12:20  
**To:** Anderson Chanel; Shah Noshaba; Licensing  
**Cc:** Enforcement Response  
**Subject:** WK/000280649

**M3PPRef:** WK/000280649  
**M3PPUnique:** 000000004319E77AA8F6D211B04E00805FA682C2070091B275CEE796D011AFE900805FA682C200000096322C0000810D9B31C4A36243A85A2CF2809983E9004AB94632CF0000

### Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: George Nicolaou

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK/000281735

Date: 8th April 2014

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

Type of application: Variation

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I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Application

The operating schedule does not address the prevention of public nuisance from:

The proposed operating hours are inappropriate due to the close proximity of residential dwellings .

Date reported & time	Subject	Observations & time	Outcome	Our Ref
22.03.14 @ 00.01	Music and voices	No visit as complainant did not respond to call back.	None	WK 280649
04.04.14	Music and	No visit.	None	WK 280649

@ 01.43	voices			

This representation recommends that the following alterations/conditions to the operating schedule:

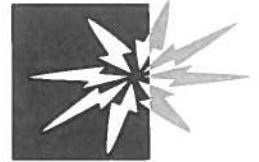
Operating hours

That the hours for the rear of the premises do not change as on the current licence.

Reason: There have been 2 complaints regarding noise from the premises. If the hours to the rear of the premises, outside, are extended we would expect further noise nuisance complaints from the nearby residents.

George Nicolaou  
Enforcement Response

**APPENDIX 3 – ENVIROMENTAL HEALTH- LICENSING RESPONSIBLE AUTHORITY  
REPRESENTATION**



Mr Ozbek  
Rakkas Restaurant  
369 Green Lanes  
London N4

**Your  
ref:**

Date: 15th April 2014

Our ref:

Direct 0208489 8232  
dial:

Email: [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

Dear Mr Ozbek,

We have read the variation application in relation to Rakkas -369 Green Lanes N4 and wish to make the following representation as the Licensing Authority – Responsible Authority:

The external area to the rear of the premises was observed to be permitting the smoking of shisha, but this area was non compliant as it was fully enclosed, this needs to be addressed by the license holder to ensure compliance with the Health Act 2006.

In terms of the licensable activity, that this application seeks to vary, the sale of alcohol from the external area will be permitted but to the following times:  
Sundays 10am- 8.30pm  
Monday-Thursday 8am – 8.30pm  
Friday and Saturday 8am-10pm

The use of the external area shall cease to be used 30 mins after the times stated above, for the avoidance of doubt this will mean:  
Sundays 10am- 9pm  
Monday-Thursday 8am – 9pm  
Friday and Saturday 8am-10.30pm

The existing conditions relating to no music being played in the external area at any time is to be complied with also.

Yours sincerely

**Licensing Authority –Responsible Authority**





APPENDIX 4 – LETTER OF REPRESENTATION FROM ‘OTHER PARTIES’

# PATTALIS LTD

RESIDENTIAL & COMMERCIAL LANDLORD  
REGISTERED OFFICE & CORRESPONDENCE ADDRESS  
161 LANCASTER ROAD  
ENFIELD EN2 0JN

23<sup>rd</sup> April 2014

Dear Nishaba,

Re: **Rakkas**, 369 Green Lanes, London N4 1DY Ward - Haringay

- **To amend the following conditions:**  
Security Men will be in place when licensable activities are taking place  
**To the following:**  
Security Men will be available on Friday to Sunday between 8pm to 2am  
**Supply of Alcohol**  
**The external rear area can only be used during the following times:**  
Sundays from 10am to 9pm  
Monday to Thursday from 8am to 9pm  
Friday and Saturday from 8am to 10.30pm  
**To the following:**  
**The external rear area can only be used during the following times:**  
Sundays from 10am to 10.30 pm  
Monday to Thursday from 8am to 11pm  
Friday and Saturday from 8am to 12midnight  
For consumption off the premises  
**Premises Type** Restaurant  
**End Period** 30 April 2014

The above matter has be brought to my attention by my long standing tenants, who only noticed this intention to extends the existing hours posted on the inner shop front door of the restaurant. No postal notification has been received.

As a landlord, I must consider & manage my portfolio for the benefit of all parties concerned, providing, where possible, assistance to encourage a new business to grow, but also looking after existing and future tenants rights.

This proposal must be carefully considered, with a view to observing the rights of all parties concerned. Extending the hours to such a time will violate the rights of enjoyment to peace and quiet passed a sociable time. This has been proved to happen, as on one occasion a local neighbour in Lothiar Road North: who knows me personally and asked me to speak to the owner, who has been in contact with via email, your ref P&S/RS WK/000247136. I have also had to intervene on behalf of my tenants on other further occasions to turn down the music being played in the restaurant as it was audible in the 2<sup>nd</sup> floor flats.

On 3 separate occasions, the outside garden area was being patronised after midnight. My tenant in 1ff 367 had to go downstairs and ask the manager to keep down the noise outside, which ended with customers having violent clashes. What will happen if the hours are extended further?

The business has a right to operate but not cause undue disruption to others. Therefore I propose that the following conditions should be included, if granted:

- Operating hours should not exceed past 10pm Sunday to Thursday and 11pm Friday to Saturday.
- Consideration must be made in anticipation of customers already dining or drinking that must be asked to move inside as the proposed new licensing time approaches.
- As such, conditions should be imposed specifying that customers must be advised in advance of the proposed time, say 10 mins before deadline (drinking uptime) that they must move into the restaurant.
- A last orders time, 20mins, may also be put in place to avoid additional delays.

Despite the promise of having security available, customer will delay in proprietor's request to move inside, thus causing noise and disruption. Promises can be made but can they be kept? Assumptions and assurances are not always a matter of fact as to the possible outcome of these changes. I can only base my objections on current facts and feedback from my tenants.

As you may or may not be aware the rear of most of these properties adjacent to Rakkas comprise of residential bedrooms. The garden area also backs onto residential houses in Lothiar Road North, also with bedrooms at the rear occupied by children. As I am the landlord for properties 365, 367 & 369, I can only express the concerns of my tenants who have asked me to put forward their objections to the extension of the existing hours.

**The reasons for the objections relate to the licensing objectives about potential public nuisance as individual will be 'directly affected' by the change in operational hours.**

- The proposal to extend the provision for outside use has not considered the rights of the residents upstairs.
- The rear is west facing, with the sun shining through the windows, winter and summer, the rooms get very warm.
- What will happen on hot humid nights when someone is bound to want to open a window?
- Without fresh air coming in, this will cause damp and condensation.
- Is it reasonable to expect tenants to keep their windows closed to avoid the excessive amount of noise, cigarette fumes and smoke and smells produced from Shish tobacco, which is very strong and to non smokers and extremely obnoxious, invading their rooms?
- Will they have to keep all the windows closed until the restaurant has closed - is that fair and sufficient?
- This is a breach of their basic human rights to be able to live in a clean and quiet environment.
- This area has a lack of natural air, being surrounded by tall trees and 2 storey buildings. The smoke is blown back against the walls, travelling up and in through windows which are open.

Notwithstanding, the additional noise that will be produced due to the extra hours of operation, allowing alcohol to be consumed, which regularly incites loud raucous behaviour by the patrons, will have an adverse impact with all tenants & surrounding neighbours.

I would like to make it clear that objections being raised are to prevent public nuisance. The proposed conditions in the operating schedule offer insufficient safeguards to protect the current rights of all the tenants concerned.

The following are rear facing bedrooms and as such have experienced most of the problems with loud noise, smoke intake and interruptions of sleep.

1. The rear bedroom of 1<sup>st</sup> floor flat 369 occupied by Svetla Petkova & Miroslav Zlatanski. They have lived at my property for over 4 years. This couples working hours vary due to their 5-6 day shift work and are home between the hours of 9-10.30pm. Their bedroom is directly over the rear of the restaurant and as such, as the existing noise is acceptable up to the current time, any further extension will only detract from the quiet enjoyment. They have expressed to me that the type of smell and fumes from shish is not pleasant and windows have to be kept closed as such.
2. The rear bedroom of 1<sup>st</sup> floor flat 367 are occupied by long term tenants Mr & Mrs K Guz. They both work for as managers for a West End restaurant chain. Their 12 hour shift patterns vary from early morning to late night. Again, as previously stated, the close proximity of their bedroom window to the open side of the smoking area and the invasion of smoke & fumes into their bedroom is of great concern.
3. Further along, the rear bedroom of 1<sup>st</sup> floor flat 365 is occupied by long term tenants Mr A Jones & Ms F Salmon. Mr Jones works as a P.A. hire sound engineer. Getting to bed early is a regular requirement, as he has to be up and out early to travels distances to set-up sound equipment for clients. Miss Salmon is in music and theatre. You have to consider, getting home late from work even at weekends by 10pm and wanting a peaceful night's sleep, being interrupted from outside noise is not a pleasant experience.
4. 2ff 367 is occupied by Miss Hannah Prentice. This room is heated by the sun from morning to night as it has a flat roof. Keeping the window open to provide ventilation is very important, unfortunately due to noise and smells, the window is kept closed to avoid the fumes.
5. 2ff 369 is occupied by Miss O Rio & Miss A Berardini. Their bedroom is in the inner rear part of the building facing the garden area and as such noise echoes between the walls 371 & 369.

Can you justify extending the hours in exchange to disrupt people's expectation and rights of living in a normal environment and their right to quiet and privacy? The philosophy lying behind the Licensing Act is that licensees are to be given the chance to apply to extend their hours and activities but only at the same time if they promote that there is no overall harm to the public good. **The above is harm to the public good!** Have the applicants thought adequately how to deal with any adverse impacts to residents. This has not been displayed or thought through.

I trust the above statement is of sufficient calibre to assist you in making you decision. Having the opportunity to meet with you on site prior to your final decision, at a time suitable to you, may be of great help to all parties concerned.

Any further comments, whether positive or negative, regarding my submission, I would be glad to have your feedback.

With Kind Regards

Mr A Pattalis (Director)

Pattalis Ltd