

REVIEW OF AN EXISTING PREMISES LICENSE AT RAKKAS, 365-369 GREEN LANES, LONDON, N4 HEARD ON 7TH FEBRUARY 2023

The Licensing Sub Committee carefully considered the Review application of an existing premises licence at **RAKKAS, 365-369 GREEN LANES, LONDON, N4**. In considering the review, the Sub-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 Sub-Committee decided to impose the following conditions:

Annex 2 of the existing licence is amended as follows:

Paragraph 1

The rear lounge area (namely the ground and mezzanine floor extension with a retractable roof) shall be closed and cleared of customers by 21.00 hours.

Adequate and prominent notices shall be displayed to inform customers of this requirement.

A closable door shall be installed to the entrance of the rear lounge area and the area shall not be used at any time after 21.00 hours.

Access to the rear lounge area after 21.00 hours will only be permitted in the event of emergency evacuation becoming necessary.

The Licensee shall ensure that no customers are permitted to use the rear lounge area after 21.00 hours.

The premises licence holder shall take appropriate measures to ensure that patrons leaving the rear lounge area do so in a quiet and orderly fashion.

Paragraph 3(i)

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 of the Council or Police Officer within 24 hours of any request, free of charge.

There shall 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 Licensing Authority must be informed immediately.

REASONS

The Sub-Committee gave serious consideration to the submissions made by the Noise enforcement team, the supporters of the reviews, their supporters, and the License holder, his representative and supporters.

The Sub-Committee noted with concern that since the grant of the License there had been numerous breaches of the conditions of the licence. The license required no use of the rear lounge area after 9pm. However ample credible evidence was provided by residents and the Noise enforcement Team, that this was breached on numerous occasions.

Furthermore, the Noise enforcement team officer noted that there had been 21 complaints within 10 months all related to the rear lounge area. The premises owners had been obstructive when officers had attended to investigate on numerous occasions. Request for CCTV images were not complied with and the explanation given did not seem credible to the Sub-Committee. The noise complained of had been particularly bad during the summer when people's windows were open and noise carried. There were a large number of objectors to the licence continuing at all, from local residents and Councillors. From the papers and correspondence from the Planning department, there was also an ongoing clear violation of planning regulations showing a further disregard for the rules- in terms of the construction of the rear extension and use. The area is supposed to be 50% open if shisha smoking is taking place but at times is enclosed (i.e. less than 50% open if counting the use of retractable roof).

Notwithstanding the above, the Sub-Committee noted the explanations provided by the license holder, that there had been no noise complaints since around November 2022, that limiters had been put on amplifiers, sound proofing works had taken place, and most particularly had also heard from local residents who immediately neighbour the property and insisted that they were not affected by the noise. The Sub-Committee found their evidence to be credible.

The Sub-Committee also noted the review applicant was no longer seeking to impose extra conditions on live music played up to 21.00 hours.

In considering the licensing objective of preventing public nuisance, the Committee has to balance the rights of the licence holder with those of the neighbouring residents and arrive at a proportionate decision. In arriving at the decision above, the Committee gave very serious consideration to revoking or suspending the licence given the past flagrant breach of the existing licensing conditions. However, given the explanation provided by the licence holder the Committee was minded not to revoke or suspend, but grant the review application with the conditions proposed. The Committee is of the view this strikes the right balance.

INFORMATIVE

The Sub-Committee hopes that the licence holder will now abide by the licence conditions and noted that the noise complaints had arisen in the summer months. Failure to keep to the conditions may lead to a further review and more serious repercussions being imposed to uphold the Licensing objectives.

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.

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