



FPN Worksheet No: WK/000486840

**The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations
2020 ¹ (SI. 2020 No. 1374)**

FIXED PENALTY NOTICE

Date 3rd February 2021

Part A

To: Ali Sukran Ozbec

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

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

Trading as: Rakkas

This Fixed Penalty Notice is served under regulation 11(1) of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended (the Regulations).

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, *Phil Cone*, designated as an authorised person for the purposes of the Regulations by **Haringey Council**, have reasonable grounds for believing that you have committed a criminal offence under the Regulations. I am issuing this Notice to offer the opportunity to discharge liability to conviction for the offence by payment of a fixed penalty.

Haringey Council may not take criminal proceedings against you in respect of the offence during the period of 28 days following the date of this Notice. Payment of the fixed penalty within that period means that you cannot be convicted in relation to the offence set out in Part C of this Notice.

Part B. Amount of Penalty and period to pay.

The monetary penalty you must pay is: **£1,000 (One Thousand Pounds)**

Payment of the fixed penalty must be made within 28 days of the date of this notice.

The penalty must be paid to **Haringey Council**.

**Commercial Environmental Health and Trading Standards, 1st Floor North River Park House,
225 High Road, London, N22 8HQ**

For details for how to make payment - please see the final page of this notice

¹ Amended most recently by SI 2020 Nos. 1611 / 1646 / 1654, and SI 2021 No. 8

Part C. Grounds for imposing the Penalty.

Regulation contravened: ***In relation to a breach of a Tier 4 restriction imposed by regulation 8 and Part 3 of Schedule 3A, paragraph 16(1)*** (*Further restrictions and closures – applies to business or service not listed in paragraph 17, offering goods for sale or for hire in a shop, or providing library services*):

- *Failed, without reasonable excuse, to cease to admit any person to its premises who is not required to carry on the business or provide the service not listed in Part 3 of Schedule 3(A), paragraph 17 in a manner permitted by paragraph 16(1)(a).*

Particulars of the offence: ***Police Officers attended the location on 01/02/2021 at 2049 hours. They could see that the premises were occupied by a large group of people. Also witnessed was food and drink on tables and a gambling table which had cards and chips on top of it.***

Part D. Challenging this Fixed Penalty Notice

If you consider that the Notice should not have been issued, you can make representations to **Haringey Council** in writing outlining your reasons for challenging the Notice, within **10 working days** of the date on this Notice.

Your challenge will be processed in accordance with Haringey Council's Corporate Complaints Procedure, which can be found by accessing this link:

<https://www.haringey.gov.uk/contact/council-feedback/complaints-procedures>

Alternatively, you may challenge this Notice by way of Judicial Review. Should you wish to pursue this option, you may wish to consult a lawyer to obtain independent legal advice.

This Notice remains in force even if you have raised a challenge.

Should the local authority's review of your challenge determine that the Notice should be revoked, you will be notified in writing that the Notice has been revoked.

Part E. Consequences of non-payment/ continued non-compliance

Failure to pay fixed penalty within 28 days may lead to criminal proceedings being commenced against you in respect of the offence set out in Part C of this Notice.

Continued contravention of a requirement in the Regulations, without reasonable excuse, is an offence punishable by a fine on summary conviction in a Magistrates' Court.

Signed: *[Authorised Person]*

Date:

Name in Capitals:

Haringey Council, Commercial Environmental Health and Trading Standards, 1st Floor North River Park House, 225 High Road, London, N22 8HQ

Telephone: 020 8489 1000

Email: COVID19CONCERNS@HARINGEY.GOV.UK

Should you have any questions regarding this notice, please contact us. **Given the current restrictions, it would be advisable to contact us via email to ensure a timely response.**

If you are not sure of your rights or the implications of this notice, you may want to seek independent legal advice.

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FIXED PENALTY NOTICE (REVERSE)

NOTES on Part B. Amount of Penalty and period to pay

In the case of a fixed penalty notice issued in respect of a business restriction offence, the amount of the fixed penalty to be specified under regulation 11(5)(c) is—

- a. £1,000, if the fixed penalty notice is the first one issued to the person in respect of a business restriction offence
- b. £2,000, if the fixed penalty notice is the second one issued to the person in respect of a business restriction offence
- c. £4,000, if the fixed penalty notice is the third one issued to the person in respect of a business restriction offence
- d. £10,000, if the fixed penalty notice is the fourth one, or any subsequent one, issued to the person in respect of a business restriction offence.

Note: Unless otherwise specified, a “business restriction offence” means—

- a. *an offence under regulation 10(1)(a) of contravening—
 - iv. a Tier 4 restriction imposed by Part 3 of Schedule 3A*
- b. *an offence under regulation 10(1)(c) of failing to comply with a prohibition notice given under regulation 9.*

For purposes of determining the level of fine in relation to a business restriction offence, the other “relevant enactments” are the following:

- a. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Medium) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- b. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- c. the Health Protection (Coronavirus, Local COVID-19 Alert Level) (Very High) (England) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence as defined by regulation 6(12) of those Regulations
- d. the Health Protection (Coronavirus, Restrictions) (No. 2) (England) Regulations 2020, if the notice was issued to the person in respect of an offence of contravening regulation 4A or 4B of those Regulations
- e. the Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 14(7D) of those Regulations, committed on or after 14th October 2020
- f. the Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020, if the notice was issued to the person in respect of a business restriction offence, as defined by regulation 21(12) of those Regulations
- g. the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020
- h. the Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020

HOW TO PAY YOUR FIXED PENALTY NOTICE

The fixed penalty worksheet number shown on the front of this notice must be quoted in all cases to ensure that your account is correctly credited.

By debit / credit card Please phone 0208 489 1000 between 09:00 – 17:00 and have your card, Penalty worksheet number, a pen and paper to note your receipt number ready.

Through your bank Make your payment to LB Haringey – General Account
Sort Code: 20-98-47
Bank Account: 73294617

Please make sure that you **ONLY** quote your Penalty Notice worksheet number as your reference.

By Post You can send your payment to the following postal address:

Haringey Council, Commercial Environmental Health and Trading Standards, 1st Floor North River Park House, 225 High Road, London, N22 8HQ

Please do **NOT** send cash via the post.

Cheques should be made payable to Haringey Council.
With your Penalty Notice Worksheet Number quoted on the reverse.

PLEASE DO NOT HAND DELIVER PAYMENTS