

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005 r27.1 (1);
Criminal Justice Act, 1967, Section 9;
Magistrates' Court Act, 1980, Section 5B)

Statement of: Miss Dianne Feeley

Age of Witness: Over 18

This Statement, consisting of 3 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed: *D Feeley*


Dated: 29/09/06

1. I confirm that I am the above named person. I am employed by Haringey Council as an Enforcement Officer, working within the Environmental Crime Group. I have held this position for one year. I have Delegated Authority to carry out work on behalf of Haringey Council with regards to the Environmental Protection Act 1990, the Highways Act 1980, London Local Authorities Act 1990 and the Licensing Act 2003.
2. My duties include the inspection of premises to ensure that these premises have the correct licences regarding the sale of alcohol, opening hours and entertainment as required by the Licensing Act 2003.
3. Under the licensing Act 2003 individuals are permitted to apply to the local authority for a licence to operate after 23.00 Hours. The Council records show that in November 2005 Mr Menderes Garip of Mangal Ockbasi restaurant 443 Green Lanes applied to Haringey Council for a premises licence to operate after 23.00 Hours. On the 24th November 2005 a premises licence was granted. This meant that the business could operate after 23.00 hours until 02.00 hours Monday to Sunday to offer the provision of late night refreshments. I produce a copy of the premises licence as exhibit DF/1.
4. On Sunday 9th April 2006 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick at 02.40 Hours I observed Mangal restaurant 443 Green Lanes N4 open for business, the lights were on, food cooking and food was in the hot plates adjacent to the front window. There was one male member of staff behind the counter area preparing hot food and I could see the owner who I knew to be Mr Menderes Garip standing at the bar area of the restaurant which is located in the middle of the restaurant. There were approximately twenty customers seated inside the restaurant eating and drinking.
5. As I waited outside this restaurant I observed one male customer enter at 02.40 hours and take a seat at a table inside the restaurant. At 02.45 hours I observed a male and a female entered Mangal restaurant, they placed an order at the counter and then stood back and waited as the member of staff began to prepare two kebabs. At 02.47 hours another male customer entered Mangal restaurant and he also placed an order at the counter and I observed the member of staff begin to cook chicken on the grill.
6. At 02.50 hours I observed the owner of Mangal who I knew to be Mr Menderes Garip come out of the restaurant and talk to a man who was standing outside. I then observed the

Signed: *D Feeley*

female customer take two wrapped kebabs from the member of staff in exchange for money. both the female and her companion then left the premises. At 02.52 hours two more customers entered Mangal restaurant and took a seat at a table inside. When the owner Mr Menderes Garip noticed us outside, he went back into the restaurant and turned the door sign to show close and the lights were turned off while all of the customers were still eating inside. We then moved to deal with the restaurant next door and after leaving these premises at 03.10 hours Mangal restaurant had put the lights back on in rear of the premises.

7. On Sunday 30th April 2006 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick at 02.20 Hours I observed Mangal restaurant 443 Green Lanes N4 open for business, the lights were on, food was cooking and food was in the hot plates adjacent to the front window. There was two male members of staff behind the counter area I knew one of these to be the owner Mr Menderes Garip. I could see customers inside the restaurant sitting at tables eating and drinking. As I was making notes outside of these premises I observed two customers enter the restaurant and order food at the counter, I then observed one of staff prepare a kebab for this customer. I waited and watched as the two customers were served with wrapped food and two tins of drink, they then paid for their goods and exited the premises.
8. On Sunday 14th May 2006 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick at 02.20 hours I stood across the road opposite Mangal restaurant 443 Green Lanes N4, I had a clear view into the restaurant as the lights inside were on and the door was wide open, the only obstruction was from the occasional passing traffic. I observed that Mangal restaurant was open for business, the lights were on, food was cooking and food was in the hot plates adjacent to the front window. I could see customers inside the restaurant sitting at tables eating and drinking. As I arrived I could see two customers standing at the counter, I watched as they were served with two wrapped packages, I observed one of these customers give a male member of staff money in exchange for the two packages. At 02.25 hours I observed a male customer enter Mangal restaurant, he placed an order at the counter, I could see the member of staff behind the counter prepare a kebab as I could see him slicing meat from a large donor rotating spit, the waiting customer was served with his order in exchange for money and then he exited the premises. I took three photographs which I produce as exhibit DF/2, which shows the door sign displaying open, DF/3, which shows a member of staff preparing food, food in the hot plates and meat on a spit and DF/4, this shows the illuminated shop sign and the lights on inside the premises.
9. On Tuesday 20th June 2006 I carried out a search with Companies House, this was to confirm the company name for Mangal restaurant and the directors details. I produce a print out of my findings as exhibit DF/5, this shows that the company name is registered as Frika Limited at 443 Green Lanes London N4 1HA and the director is Garip Menderes of 33 Latimer House Morning Lane London E9 6ND. The date of this appointment is 6th February 2006.
10. On Sunday 28th May 2006 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick at 02.00 hours I stood across the road opposite Mangal restaurant 443 Green Lanes N4, I had a clear view into the restaurant as the lights inside were on and the door was wide open, the only obstruction was from the occasional passing traffic. I observed that Mangal restaurant was open for business, the lights were on, food was cooking, there was food in the hot plates adjacent to the front window and the door sign was turned to show open. I could see customers inside the restaurant sitting at tables eating and drinking. There was

Signed: 

LONDON BOROUGH OF HARINGEY
Environmental Services (Enforcement)

one male member of staff behind the counter area preparing hot food. I observed two customers enter the premises and place an order at the counter, I watched as the member of staff prepared hot food for the waiting customers. I then observed the owner of Mangal restaurant who I knew to be Mr Menderes Garip come out of the restaurant he went into the neighbouring restaurant and then came out again and went back into his restaurant. At 02.10 hours three female customers entered Mangal restaurant and they took seats inside at a table, I then observed two male customers entered and they to were seated inside at a table. At 02.15 hours I watched as the two male customers who were waiting at the counter area receive their order, they paid the owner Mr Menderes Garip for their goods and then exited the premises.

Signed: 

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005 r27.1 (1);
Criminal Justice Act, 1967, Section 9;
Magistrates' Court Act, 1980, Section 5B)

Statement of: Miss Dianne Feeley

Age of Witness: Over 18

1.

This Statement, consisting of 3 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signed:

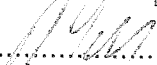


Dated:

12th MARCH 2007

2. I confirm that I am the above named person. I am employed by Haringey Council as an Enforcement Officer, working within the Environmental Crime Group. I have held this position for one year. I have Delegated Authority to carry out work on behalf of Haringey Council with regards to the Licensing Act 2003.
3. My duties include the inspection of premises to ensure that these premises have the correct licences regarding the sale of alcohol, opening hours and entertainment as required by the Licensing Act 2003.
4. Under the licensing Act 2003 individuals are permitted to apply to the local authority for a licence to operate after 23.00 Hours. The Council records show that in November 2005 Mr Menderes Garip of Mangal Ockbasi restaurant 443 Green Lanes applied to Haringey Council for a premises licence to operate after 23.00 Hours. On the 24th November 2005 a premises licence was granted. This meant that the business could operate after 23.00 hours until 02.00 hours Monday to Sunday to offer the provision of late night refreshments. I produce a copy of the premises licence as exhibit DF/1.
5. On Sunday 8th October 2006 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick at 02.20 Hours I observed Mangal restaurant 443 Green Lanes N4 open for business, the lights were on, food cooking and food was in the hot plates adjacent to the front window. There were two male members of staff behind the counter area preparing hot food one of the males I knew to be the owner Mr Menderes Garip. I was standing outside the premises when I observed a customer enter the restaurant and speak with a member of staff behind the counter. The member of staff then proceeded to prepare a donor kebab; the kebab was then given to the waiting customer in exchange for money. Four more customers entered the restaurant they then waited next to the counter while the member of staff prepared a quantity of hot food. After approximately 10 Minutes the member of staff behind the counter wrapped up a quantity of hot food and gave it to the customers in exchange for money the customers then left the premises. At approximately 02.30 Hours a male and female entered the premises and approached the counter. The couple were then shown to a table in the rear of the property. Two more customers then entered the premises and approached the counter. I took three photographs which I produce as exhibit DF/2 showing shop signage

Signed:



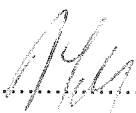
LONDON BOROUGH OF HARINGEY
Environmental Services (Enforcement)

- and interior lights on, DF/3 showing customers waiting at counter, interior lights on and food in hot plates and exhibit DF/4 showing staff preparing take away food, meat spit heaters on and food in hot plates. My colleague B Ellick and I then entered the premises and spoke to Mr. Menderes Garip, we asked to see the premises licence, Mr Garip showed us the licence on the wall, the licensed showed that the business could served hot food until 02.00 Hours. I took two photographs while I was inside the premises showing customers seated in the rear and waiting at the counter area and the red glowing heater from the rotating meat spit which I produce as exhibit DF/5.
6. I advised Mr. Garip that he should not be serving hot food at this time. Mr. Garip apologised. During this time I observed the two waiting customers at the counter area receive a quantity of hot food in exchange for money. A female waitress then turned off the lights at the front of the premises. I then left the premises and continued with my duties.
7. On 30th October 2006 I obtained authority for directed surveillance in line with Regulation Investigatory Powers Act 2000 (RIPA). This gave me the authority to carry out directed surveillance at Mangal restaurant 443 Green Lanes London N4 for the period of three months commencing 5th November 2006.
8. On Sunday 26th November 2006 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick between 02.36 hours until 03.05 hours I was sitting in my car opposite Mangal restaurant 443 Green Lanes, it was a clear night and I had a clear view into the restaurant as the interior lights were on, my only obstruction was from the occasional passing traffic and members of public walking passed the premises. I observed Mangal restaurant open for business, the lights were on, food cooking and food was in the hot plates adjacent to the front window I could see steam rising from these plates. There were two male members of staff behind the counter area preparing hot food, one of the males I knew to be the owner's son Mr Erkan Garip. During my observations I saw eight customers enter the restaurant and take seats at tables. I observed two male customers enter and I watched as they were served with wrapped hot food in exchange for money. My colleague Mr Ellick and I got out of my car and crossed over the road and went into Mangal restaurant and spoke with Mr Erkan Garip. I asked Mr E Garip why he was still open at 03.05 hours and selling hot food, he told me he was now closed. I advised Mr E Garip that we had observed him selling hot food after 02.00hours and that we had seen customers enter and sit at tables, I pointed out that some of these customers were now eating. I advised Mr E Garip that I would report my findings with a view to prosecuting his father the licence holder. Mr E Garip smiled at us and said he will wait for the paperwork.
9. On Saturday 20th January 2007 I was on duty in Green Lanes N4 with my colleague Mr Brian Ellick at 02.30 hours I observed Mangal Ockbasi restaurant 443 Green Lanes open for business. I stood outside the premises and observed customers seated at tables within the restaurant. The interior lights were on, the shop sign was illuminated, there was food cooking on the rotating meat spit and food was in the hot plates as I could see steam rising from them. There was one male member of staff behind the counter area preparing hot food and serving customers. I observed two customers enter the restaurant and they waited next to the counter as the the member of staff prepared hot food for them, he then gave them the food which was two donor kebabs and chips in exchange for money. The two customers then left the premises with their food. I took a photograph which I exhibit as DF/6. Mr Erkan Garip the licence holder's son then came outside to talk to my colleague and I. Mr Erkan Garip told us that before the new licensing Act came into force his father opened his restaurant on almost a twenty four hour basis, he said that he found the two o'clock closing time unfair as he stated that most of their business happens on Friday and Saturday's during the early hours. Mr E Garip said that people that go clubbing knew that Green Lanes

Signed:

LONDON BOROUGH OF HARINGEY
Environmental Services (Enforcement)

is the place to go to get late night food. I pointed out to Mr E Garip that by continuing to trade past his prescribe licence hours will result in his father Mr Menderes Garip being prosecuted again and again and the fines may increase with each successful outcome, so I advised him to close at 02.00 hours to avoid this.

Signed: 

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2005 r27.1 (1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)*

Statement of: Sarah Benning

Age of Witness (If under 18): Over 18

This statement consisting of 2 pages signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution, if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Signature:

Date: 9th August 2007

- 1) I am Sarah Benning. I am employed by the London Borough of Haringey as a Street Enforcement Warden Supervisor.
- 2) Part of my duties includes the inspection of any premises within the London Borough of Haringey to ensure that the premises hold the correct authorisation, namely a premises licence issued under the Licensing Act 2003, by the Council, as the relevant Licensing Authority.
- 3) A premises licence allows a premises to carry on a licensable activity on or from their premises namely; the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provisions of regulated entertainment and the provisions of late night refreshments. Within the ambit of regulated entertainment this could include a performance of a play, an exhibition of a film, an indoor sporting event, boxing or wrestling either indoors or outdoor, a performance of live music, any playing of recorded music and a performance of dance or some similar description. They could also provide entertainment facilities to make music, for dancing or some other similar facility.
- 4) Any premises that is looking to carry on any of the activities listed in paragraph 3 should have applied for and been granted a premises licence.
- 5) They must also ensure that where any premises licence has been granted and is subject to certain conditions – that those conditions are adhered to. Some common conditions that require monitoring is the hours that the premises is open and carries on the said licensable activities.
- 6) Under the Licensing Act 2003, premises must apply for a licence if they sell hot food and hot drinks after the hours of 11pm and until the hours of 5am on or from their premises. Food or drink is considered 'hot' if a) before it is supplied it is heated on the premises or elsewhere to enable it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above the temperature or b) after it is supplied may be heated on the premises to enable it to be consumed at a temperature above the ambient air temperature.

Signed

Date: 9th August 2007

- 7) Council records show that, Mr Menderes Garip and Ibrahim Garip of Mangal restaurant, 443 Green Lanes, N4 1AH, has a premises licence to provide late night refreshments after 23.00 hours – 01.45, seven days a week Monday – Sunday (inclusive). This licence has been held since 24th November 2005. I exhibit a copy of the Premises Licence as SB1.
- 8) On Saturday 4th August 2007, whilst on patrol in Green Lanes, N4. At approximately 02.15. I was outside Mangal restaurant, 443 Green Lanes, N4 1HA. I observed the shop open for business. The door was open with a sign on the door displaying the word OPEN, the lights were on, food was cooking and food was in the hot plates adjacent to the front window. Steam was rising from the hot plates and a spit containing meat was turning with the heater bright red behind it. I exhibit pictures as SB2 and SB3
- 9) I observed one male member of staff behind the counter area who I could clearly see was cutting meat from the spit of meat. There were customers sitting in the restaurant with full plates of food in front of them. A waitress was serving the customers. There was a female member of staff sitting on a table at the front of the restaurant. I had clear visibility and was approximately 2 metres away from the restaurant on the same side of the street. I observed for approximately 20 minutes. I exhibit a picture as SB4.
- 10) At 02.20, I observed a male enter the premises. He approached the male working behind the counter and placed an order. There was no restriction to who could enter the premises and there was no charge to enter. The food was not being supplied via a vending or other similar machine. The food did not appear to be free of charge. I could clearly see the man behind the counter slice some meat from the spit and prepare a kebab using salad that was in the fridge at the front of the counter. I clearly observed the customer hand the male behind the counter some money, the male then placed the food into a bag and handed it to the customer.
- 11) At 02.35, I went into the restaurant and identified myself to a female who approached me. I identified myself to her by showing her my authorisation badge and I asked her what time the shop closed. The female informed me that the shop is about to close. I asked her name. The female gave her name as Serap Yilmaz. Ms Yilmaz informed me that she was working there to help the manager.
- 12) Ms Yilmaz informed me that she is fully aware that the business should close at 2 am. She showed me, on request a copy of the premises licence that was displayed on the wall behind the counter.
- 13) I informed Ms Yilmaz that because I believe that an offence had been committed contrary to section 136 of the licensing Act 2003, I would be passing the case over to the Borough solicitor with a view to prosecution. I exhibit a copy of my note book as SB5.
- 14) I am willing to attend court if required.

Signed:

Date: 9th August 2007

STATEMENT OF WITNESS
*(Criminal Procedure Rules 2005 r27.1 (1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)*

Statement of: Sarah Benning

Age of Witness (If under 18): Over 18

This statement consisting of 2 pages signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence I shall be liable to prosecution, if I have wilfully stated in it anything, which I know to be false or do not believe to be true.

Signature:

Date: 13th February 2008

- 1) I am Sarah Benning. I am employed by the London Borough of Haringey as a Street Enforcement Warden Supervisor.
- 2) Part of my duties includes the inspection of any premises within the London Borough of Haringey to ensure that the premises hold the correct authorisation, namely a premises licence issued under the Licensing Act 2003, by the Council, as the relevant Licensing Authority.
- 3) A premises licence allows a premises to carry on a licensable activity on or from their premises namely; the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provisions of regulated entertainment and the provisions of late night refreshments. Within the ambit of regulated entertainment this could include a performance of a play, an exhibition of a film, an indoor sporting event, boxing or wrestling either indoors or outdoor, a performance of live music, any playing of recorded music and a performance of dance or some similar description. They could also provide entertainment facilities to make music, for dancing or some other similar facility.
- 4) Any premises that is looking to carry on any of the activities listed in paragraph 3 should have applied for and been granted a premises licence.
- 5) They must also ensure that where any premises licence has been granted and is subject to certain conditions – that those conditions are adhered to. Some common conditions that require monitoring is the hours that the premises is open and carries on the said licensable activities.
- 6) Under the Licensing Act 2003, premises must apply for a licence if they sell hot food and hot drinks after the hours of 11pm and until the hours of 5am on or from their premises. Food or drink is considered 'hot' if a) before it is supplied it is heated on the premises or elsewhere to enable it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above the temperature or b) after it is supplied may be heated on the premises to enable it to be consumed at a temperature above the ambient air temperature.

Signed

Date: 13th February 2008

- 7) Council records show that, Mr Menderes Garip and Ibrahim Garip of Mangal restaurant, 443 Green Lanes, N4 1AH, have a premises licence to provide late night refreshments after 23.00 hours – 01.45, seven days a week Monday – Sunday (inclusive). This licence has been held since 24th November 2005. I exhibit a copy of the Premises Licence as SB1.
- 8) On Sunday 27th January 2008, whilst on patrol in Green Lanes, N4, at approximately 02.53, I was outside Mangal restaurant, 443 Green Lanes, N4 1HA. With my colleague Robert Curtis. I observed the shop open for business. The door was open, the lights were on, food was cooking and food was in the hot plates adjacent to the front window. Steam was rising from the hot plates and a spit containing meat was turning with the heater bright red behind it.
- 9) I observed two male members of staff behind the counter area who I could clearly see serving customers that were standing at the counter these customers were given hot food in exchange for money. There were two waitresses serving customers that were sitting in the restaurant, there were over 30 customers sitting at different tables in the restaurant, some of the customers had hot food in front of them and some of the customers were sitting down and appeared to be waiting for food, I had clear visibility and was approximately 1 metre away from the restaurant on the same side of the street. I observed for approximately 15 minutes. I exhibit pictures as SB2.
- 10) At 03.05, I observed two customers enter the premises, they had a conversation with one of the males that was serving behind the counter, the customers then stood at the front of the counter. There was no restriction to who could enter the premises and there was no charge to enter. The food was not being supplied via a vending or other similar machine. The food did not appear to be free of charge. I could clearly see the man behind the counter slice some meat from the spit and prepare a kebab using salad that was in the fridge at the front of the counter. I clearly observed the customer that had walked in hand the male behind the counter some money, the male then placed the food into a bag and handed it to the customer.
- 11) At 03.10, Mr Garip came out of the shop and informed me he was the manager. I then identified myself to him by showing him my authorisation. I informed Mr Garip that as the shop was still open and customers were being served at 03.10 that I believed that an offence had been committed contrary to section 136 of the licensing Act 2003, I then asked Mr Garip why he was still serving customers at this time, Mr Garip replied "how can I turn them away" and pointed to the very busy restaurant. I then started to take pictures of inside the shop as I did this Mr Garip instructed his staff to turn the lights out, The lights were then switched off.
- 12) The customers continued to stay in the restaurant. I observed one of the waitresses take some hot food that had been prepared by the man behind the counter over to a table where people were sitting, I then observed her go over to another table and serve another customer. Mr Garip made no attempt to shut the shop or lock the door
- 13) I informed Mr Garip I would be passing the case to the Borough solicitor with a view to prosecution. I exhibit a copy of my note book as SB3.
- 14) I am willing to attend court if required.

Signed

Date: 13th February 2008

London Borough of Haringey
Urban Environment
Enforcement Service

Ref: UE/ENF/NT

Re Premises: Mangal Ockbasi
Resaurant, 443 green Lanes, London
N4 1HA

Statement of Witness

(Criminal Procedure Rules 2005 r27.1(1)
Criminal Justice Act 1967 Section 9; and
Magistrates' Court Act 1980 s5B)

Statement of: : Mark Eastwood
Age of Witness: : Over 18 years
Address: : 639 High Road, London, N17 8BD.

This Statement, consisting of 2 pages signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: Signed:.....

- 1) I am employed by the London Borough of Haringey as an Out of Hours Response Enforcement Officer. My duties include the inspection of any premises within the London Borough of Haringey to ensure that the premises hold the correct authorisation, namely a premises licence issued under the Licensing Act 2003, by the Council, as the relevant licensing Authority.
- 2) A premises licence allows a premises to carry on a licensable activity on or from their premises namely: the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of a member of a club, the provisions of regulated entertainment and the provisions of late night refreshments. Within the ambit of regulated entertainment this could include a performance of a play, an exhibition of a film, an indoor sporting event, boxing or wrestling either indoors or outdoor, a performance of live music, any playing of recorded music and a performance of dance or some similar description. They could also provide entertainment facilities to make music for dancing or some other similar facility.

Signed:

- 3) Any premises that is looking to carry on any of the activities listed in paragraph 2 should have applied for and been granted a premises licence.
- 4) They must also ensure that where any premises licence has been granted and is subject to certain conditions that those conditions are adhered to. Some common conditions that require monitoring is the hours that the premises is open and carries on the said licensable activities.
- 5) Under the Licensing Act 2003, premises must apply for a licence if they sell hot food and hot drinks after the hours of 11pm and until the hours of 5am on or from their premises. Food or drink is considered "hot" if a) before it is supplied it is heated on the premises or elsewhere to enable it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above the temperature or b) after it is supplied may be heated on the premises to enable it to be consumed at a temperature above the ambient temperature.
- 6) Council records show that, Mr Menderes Garip and Ibrahim Garip of Mangal Ockbasi Restaurant, 443 Green Lanes, N4 1AH, has a premises licence to provide late night refreshments from 23:00hrs to 01:45hrs seven days a week, Monday to Sunday inclusive. I enclose a copy of the Premises Licence as MDE1.
- 7) I was on duty from 21:00hrs 31st December 2007 until 05:00hrs 1st January 2008. At approximately 04:12hrs I visited the Mangal Ockbasi Restaurant, 443 green Lanes, London N4 1HA. I observed the restaurant was open for business. The door was open with a sign on the door which said OPEN. The lights were on and I could see food cooking. There was a large spit of meat cooking turning in front of the red hot heater behind it. I could see food on the hot plates by the window. I could see steam rising from the food.
- 8) I entered the premises and saw three customers standing at the counter. I could see uncooked food displayed in the display case. I observed one male member of staff cutting meat from the large spit of meet that was cooking. I also saw another male member of staff wrap up the food, and take money as payment for it . The three customers then left the restaurant.
- 9) I saw approximately twenty people seated in the restaurant, eating and drinking. The restaurant was very busy with customers. I had clear visibility of the inside of the restaurant. There was no restriction on who could enter the premises nor

Signed:

was there a charge for entry. The food was being freshly prepared and served. The food did not appear to be free of charge.

10) I am aware that the licence for provision of late night refreshment stipulates that such provision should cease at 01:45hrs and the business be closed at 02:00hrs.

11) I then left the restaurant, which was still open for business.

Signed:

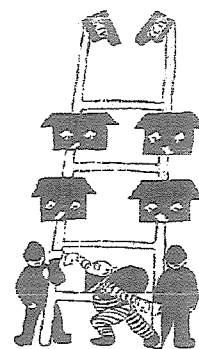
APPENDIX 3

REPRESENTATION FROM RESIDENTS ASSOCIATION

1 of 7

LADDER COMMUNITY SAFETY PARTNERSHIP ...keeping crime off

P.O. Box 32109 Haringey London N4 1GN
 lcsp@blueyonder.co.uk



the "Ladder"

Ms D Barrett
 Licensing Team
 Techno park
 Ashley Rd
 London N17 9LN

20 February 2008

Dear Ms Barrett

**Premises Review (Licensing Act 2003)
 Mangal Restaurant, 443 Green Lanes, London N4 1AJ**

The Ladder Community Safety Partnership (LCSP) is an umbrella organisation which represents Neighbourhood Watches and Residents' Associations in the 19 'Ladder' roads and along Green Lanes itself. We are writing to support the actions of the Environmental Health Authority/Enforcement Response Service in seeking a review of the premises licence for Mangal Restaurant under the terms of the Licensing Act 2003.

For many years, residents have noted the repeated breaches of permitted opening hours. The LCSP has already had occasion to write to the Licensing Sub Committee with regard to the premises (see our letter dated 11 September 2005, attached). In addition, at a hearing on 7 June 2005, attended by LCSP members and Cllr. G Adamouu, a long list of breaches was presented, for example:

'The premises has continued to trade on a 24 hour basis and has been visited on a number of occasions ...

27 November 2004: open and trading at 3.15am

5 December 2004: open and trading at 3.10am

23 January 2005: open and trading at 3.40am'

In addition,

'The Waste Management Team have taken three enforcement actions against Mr Garip' (details follow, see Agenda of Meeting on 7 June 2005)

In sum, they have a very long and serious history of non-compliance, in addition to the 5 breaches from 2006 and 2007 cited in the current Review Notice.

Given that multiple breaches have occurred since at least 2004 and that warnings, Court appearances and repeated fines all have no impact, the only way forward is that recommended by the Responsible Authority, namely revoking of the premises licence (the history of non-compliance makes it self-evident that any conditions imposed would not be respected).

2 of 7

Thank you for your consideration of these comments; we should be grateful if you would let us know the outcome of the hearing.

Yours sincerely

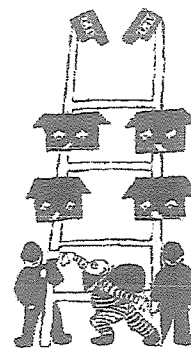
A handwritten signature in dark ink, appearing to be 'J. R. Cousins', written over a horizontal line.

On behalf of the LCSP

3 of 7

LADDER COMMUNITY SAFETY PARTNERSHIP ...keeping crime off

P.O. Box 32109 Haringey London N4 1GN
lcsp@blueyonder.co.uk



the "Ladder"

Daliah Barrett
Environmental Control Service
Civic Centre
Wood Green
London N22 8LE

19 September 2005

Dear Ms Barrett

Late-night premises licence application: Mangal, 443 Green Lanes, N4 1HA
Applying for Mon-Sunday 07.00 -05.00 late-night café and take-away

1 INTRODUCTION

The Ladder Community Safety Partnership (LCSP) contains representatives of Neighbourhood Watches and Residents' Associations from the 'Ladder' roads, adjacent to Green Lanes, Haringey. We are an independent group, although working in partnership with Haringey Council and the Metropolitan Police where appropriate.

We are writing to you as members of the LCSP to oppose this application.

We believe that in the context of the well known problems in the area, granting a licence for the hours requested would be against the general principles of Haringey's Licencing Policy and specifically under the following headings:

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance

We are concerned that the applicant has only addressed these key issues in a very limited way in his application which could indicate a lack of understanding and/or commitment to their importance.

We note that, only recently, (7 June 2005) the premises was refused a Night Café Licence due to lack of compliance with various regulations and because the applicant at that time was not considered a fit and proper person to hold such a licence. Finally, we believe that there are Planning Permission, Building Control and Fire Safety

4 of 7

considerations which (if they have not been satisfied since the previous application) require the Committee to reject this application regardless of other considerations.

More information on why we believe the Committee should reject this application is provided under appropriate headings below.

2 PLANNING CONSIDERATIONS

Whereas in the past numerous premises on Green Lanes have been allowed Night Café licences despite not having Planning Permission for A3 use or the appropriate hours, under the new Licensing Policy [para 8.2] applications can no longer be accepted without appropriate Planning Permission.

The agenda provided for the meeting on 7 June 2005 to consider the previous application for a Night Café Licence for this premises indicates a complex planning history, but that no change of use to A3 has been granted. It would seem that no application for change of use or Certificate of Lawfulness has been made, let alone granted, so neither can this licence application.

3 REASONS FOR OBJECTING

(a) Relevant sections of the Borough's Licensing Policy/Objectives

We believe the following statements in the Borough's Licensing Policy support our objections:

- *'the Council considers that licensing law plays a key role in both preventing and controlling ... anti-social behaviour ... by regulating and applying conditions to affect the number, location and hours of premises' [2.4]*
- *'the council will have special regard to the local impact of licensing on related crime and disorder ... particularly when concerning location, impact, operation and management of all proposed licenses, applications, renewals and variations of conditions' [7.14]*
- *'licensed premises, especially those operating late at night and in the early hours of the morning, can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents in the vicinity of these licensed premises.'* [13.1]
- *'in particular, late night activities cause much of this nuisance. Late night cafes ... can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public' [13.2]*
- *'the potential for additional crime and disorder and/or public nuisance is increased with longer hours.'* [18.1]

5 of 7

- *'operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance'* [18.3]

(b) Licensing Hours

In the light of the above statements and of the licensing objectives in general, we believe that in this case a normal closing time of no later than 2.00am (Fri & Sat) and 12 midnight (Sun-Thurs) represents a reasonable compromise between the interests of the residents (many of whom would really prefer earlier times) and the applicant (who wishes to remain open for 22 out of 24 hours every day).

We believe that granting of a permanent licence for 22 hour opening is an unreasonable proposition, given the location of the premises in the heart of one of the most densely populated residential areas in the borough.

(c) The Prevention of Crime and Disorder

We have seen the brief comments relating to the prevention of crime and disorder put forward by the applicant. These seem inadequate and residents would also like to highlight the following points:

- has the use of CCTV to prevent crime and disorder been considered?
- are there policies/methods to deal with the arrival of intoxicated patrons and/or persons under the influence of illegal drugs?
- are patrons prevented from drinking alcohol brought onto the premises?
- are there procedures to deal with violence and anti-social behaviour?
- what methods are in place to discourage the handling of stolen goods etc?
- what methods are in place to address prostitution at the premises? (a particular problem on Green Lanes: Met. Police Taskforce 4 reported to the Green Lanes Strategy Group on 8 Sept 2005 that this was currently a serious concern with 5 prostitutes cautioned during the previous week)

(d) Public Safety

We are pleased to note that the applicant states that he is *'very keen for public safety, indoor and outdoor the premises'*. However, have all the issues raised under the previous application been satisfactorily addressed? There is a need for greater clarification regarding various aspects of Public Safety as set out in Appendix 2(2) of the Licensing Policy:

- fire safety risk assessment?
- installation of fire alarms and fire safety measures?
- compliance with all relevant building control rules and regulations?
- arrangements for emergency situations, including evacuation?
- clear signage throughout the premises, eg emergency exits, fire extinguishers etc?
- arrangement for the management, supervision and training of staff to ensure that these measures are known and implemented?

(e) Prevention of Public Nuisance

We welcome the statement that the venue *'does not have music'* and tries *'not to disturb the neighbourhood'*. However, some further questions remain unanswered, in particular:

6 of 7

- the steps taken, or proposed, to prevent disturbances by customers arriving at, or leaving, the premises? (the Policy states that *'there will be greater responsibilities placed on premises operating between 23.00 and 07.00 than at other times of the day'*)
- the actions necessary to prevent disturbance from deliveries or collections at early or late hours, or staff cleaning up after closing time?
- the provision to properly extract and disperse odours and smells from cooking by properly installed and maintained ventilation equipment? There seem to have been complaints in the past.
- the steps taken, or proposed, to prevent littering and fouling of public and open spaces - what specific measures are proposed by the business? This is particularly important as the premises also advertises a take-away service
- the arrangement for storage and disposal of trade waste - would the very long hours sought by the applicant lead to increased waste storage and disposal problems?
- the arrangements for cleansing and keeping clean the vicinity of the premises - this will include litter, refuse and other items originating from the premises and fouling caused by customers.

The Borough's Licensing Policy points out the special importance of these issues after 23.00 and in residential areas. (See Appendix 2(3) and 13.2).

(f) Record of Compliance

Throughout the Operating Schedule of the Licensing Policy there are references to the importance of the record of compliance, *'particularly where statutory notices or warning letters have been served on the present licensees'*. In this case, Mangal lost its late night café application on 7 June 2005 when the Miscellaneous Functions Sub Committee resolved that:
 '(1) the applicant had failed to comply with various regulations
 (2) the applicant had failed to demonstrate being a fit and proper person to hold such a licence [MFS Minutes 7 June 2005]

In these circumstances we have obvious reservations about the present application, particularly if the applicant is the same.

3. CONCLUSION

We believe that the above points need to be clarified by the Licensing Committee and clearly specified in any licence granted

Our comments and objections obviously make clear that residents are very concerned at the possible implications of a 22 hour daily licence for these premises. We would therefore urge the Licensing Sub-committee to support a balanced decision bearing in mind both the concerns of local residents and the needs of the present applicant to continue to operate a successful business.

In this light we believe that a 12 midnight closure during the week (Sun - Thurs), when residents need a good night's sleep before work the following day, would be appropriate. At weekends (Fri & Sat only) a later terminal time of 2am would seem to be a fair compromise, provided that this is not accompanied by any increase in noise and anti-social behaviour etc, and the terms of the licence are clear in this respect.

7 of 7

Yours sincerely



on behalf of the LCSP

[Approved by the representatives of Neighbourhood Watches and Residents' Associations in the following Roads:]

Representation from Green Lanes and the following Roads:

- Umfreville Road
- Burgoyne Road
- Pemberton Road
- Seymour Road
- Allison Road
- Effingham Road
- Falkland Road
- Hampden Road
- Woollaston Road
- Cavendish Road
- Warham Road
- Hewitt Road
- Beresford Road
- Fairfax Road
- Lausanne Road
- Sydney Road

APPENDIX 4
EXTRACTS FROM GUIDANCE

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

- 11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

- 11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

- 11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

APPENDIX 5
EXTRACTS FROM STATEMENT OF LICENSING POLICY

- 23.2 The benefit of this procedure is that it allows investment to be committed to a project at an early stage, in the knowledge that a premises licence will be granted subsequently by the Authority, if all matters in the statement are met.

24.0 Conditions

- 24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives.
- 24.2 The steps set out on the Operating Schedule will form the basis of conditions attached to any license granted. If no relevant representation is made, the application will be granted in accordance with the application and subject to conditions which are consistent with the Operating Schedule submitted by the applicant and the relevant mandatory conditions.
- 24.3 If relevant representations are made the Licensing Authority will hold a hearing unless there is agreement from all concerned that a hearing is not required. Where a hearing is held, the Licensing Authority has discretion whether or not to grant the application. If the application is granted, the Licensing Authority may attach or modify the conditions on the license to such extent as it considers necessary for the promotion of the licensing objectives
- 24.4 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under s182 of the Act. The Council may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the four licensing objectives and to address problems referred to elsewhere in this Licensing Policy.

25.0 Enforcement

- 25.1 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Metropolitan Police, Fire Authority and other agencies to support the 'licensing objectives'.
- 25.2 Protocols will provide for targeting of agreed problem and high-risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.

- 25.3 The Council has adopted an enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality are maintained throughout this policy.
- 25.4 Enforcement action will be taken in accordance with the principles of the enforcement concordat and the licensing enforcement policy. In particular enforcement action will be:
- targeted - i.e. focused on premises and activities that give rise to the most serious risk of the licensing objectives being undermined;
 - consistent - i.e. similar approaches will be taken in similar circumstances to achieve similar ends;
 - transparent - i.e. help applicants, designated premises' managers and anyone else with a duty to comply with licensing requirement understand what is expected and distinguishing between statutory requirements and guidance;
 - proportionate - i.e. action taken will be proportional to the risk of the licensing objectives being undermined.
- 25.5 The Licensing Authority will take appropriate enforcement action when there is a breach of licensing conditions causing significant risk to the licensing objectives. The selection of the most appropriate enforcement action from the options available will be in accordance with the licensing enforcement policy.
- 25.6 The Licensing Authority Enforcement Policy details the various options available in relation to enforcement measures. These measures will include the review of a licence at the request of an authorised person. The Licensing Sub-Committees will have a range of powers at review in order to secure the licensing objectives. These include the withdrawal of an activity from the premises licence, reductions in operating hours and additional conditions being attached to the licence.
- 25.7 The Council's licensing officers will monitor ongoing compliance with licence conditions. Where necessary for this purpose they will carry out inspections. Such inspections may be carried out without prior notice to the occupier or licensee if the licensing officer considers it appropriate in accordance with the law.
- 25.8 The Licensing Authority has produced a joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority. This details the role of these bodies in the monitoring and enforcement role and will cover the new powers available , for example ;
- Police powers to require the temporary closure of any licensed premises or temporary event on the grounds of disorder, likely disorder or noise constituting a nuisance.