

4. REPORT

Background

4.1 The premises applied for a premises license in September 2005 to allow late night refreshment on the premises between the hours of 23.00pm – 5.00a.m. the application was granted following a hearing with modified times and conditions. A further application was made in November 2006 requesting a variation for the sale of alcohol to be added to the license. The current license is attached at Appendix 1.

The premises is situated in a terrace of shops with residential accommodation above, there are a number of late night refreshments in the surrounding area.

Licensable activities authorised by the Licence:

Supply of Alcohol

Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

Provision of Late Night Refreshment

Monday to Sunday 2300 to 01.45

Supply of Alcohol

Monday to Sunday 11.00am to 01.45

The opening hours of the premises:

Monday to Sunday 09.00 to 2.00

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption both **ON** and **OFF** the premises.

The designated premises supervisor is: Mr I Garip

4.2 Details of the Application for Review. Appendix 2

The Enforcement Services manager has brought the review because of the constant breaches of the conditions of the license by the premises license holder.

The documents produced by the Enforcement Manager covers a period between April 2006 – December 2007. They demonstrate that the license holder has knowingly continued to offer licensable activity beyond the times permitted by the license.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No comments received on this matter

5.2 Comments of Child Protection Agency or Nominee

No comments received on this matter

5.3 Interested Parties –

A representation has been received from The Ladder Safety Partnership which reiterates the disregard shown by the license holder in keeping to the terms of the license.

6.0 POLICY CONSIDERATIONS

- 6.1 The following provisions of the Licensing Act 2003 apply to this application:
Section 13(3) (definition of interested parties)
Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objective, which are:

1. Take no further action
2. to issue formal warnings to the premises supervisor and /or premises license holder
3. modify the conditions of the license
4. exclude a licensable activity from the scope of the license
5. remove the designated premises supervisor
6. suspend the license for a period not exceeding three months
7. revoke the license.

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The licensing sub committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the decision of the Licensing Sub Committee.

- 6.2 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.1 – 11.10, 11.14 – 11.21. These provisions are attached at appendix ~~6~~.
- 6.3 The following paragraphs of the licensing authority's statement of licensing policy apply to this application; 24.1 -24.2, 25.1 – 25.7, these provisions are attached at appendix ~~6~~.
- 6.4 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.



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Town and Country Planning Act 1990 (As amended)
Plan relating to the Enforcement Notice dated
443 GREEN LANES N4



Robin Payne
 Assistant Director
 Enforcement Service
 639 High Road
 Tottenham
 N17 8BD

	Drawn by	Haringey Council
	Scale	1:1000
	Date	28/02/2008
	Drawing	NVA

APPENDIX 1

CURRENT LICENSE



PREMISES DETAILS [CONT'D]

PREMISES LICENCE SUMMARY

Receipt: F 00103048628

Premises Licence Number: LN/00002158

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Civic Centre, High Road, Wood Green,
London, N22 8LE**

Signature:.....

Date: 24th November 2005

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**MANGAL OCKBASI RESTAURANT
443 GREEN LANES
LONDON
N4 1HA**

Telephone: 020 8340 7801

Where the Licence is time limited, the dates:

Not applicable.

Licensable activities authorised by the Licence:

Provision of Late Night Refreshment

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0145

Supply of Alcohol

Monday to Sunday 1100 to 0145

The opening hours of the premises:

Monday to Sunday 0900 to 0200





PREMISES DETAILS [CONT'D]

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption both ON & OFF the premises

Name, (registered) address of holder of Premises Licence:

Mr Menderes Garip
33 Latimer House
1 Morning Lane
London
E9 6HE

Ibrahim Garip
50 Durant Road
Edmonton
London
EN3 7AW

Registered number of holder, for example company number, charity number (where applicable):

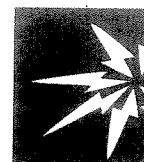
569 9469

Name of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Ibrahim Garip

State whether access to the premises by children is restricted or prohibited:





Your ref:

Date: 28th February 2008

Our ref:

Direct dial: 020 8489 8232

Email: Daliah.barrett@haringey.gov.uk

Mr Ibrahim Garip
443 Green Lanes
London
N4 1HA

Dear Sir

Mangal Ockbasi, 44 Green Lanes, London, N4 1HA

Licensing Act 2003

With regard to the above, I enclose the updated summary Premises Licence.

- Please note the corrected time for the sale of alcohol.
- Please make sure you have the Premises Licence Summary on Display within the premises.

If you consider there is a mistake in the premises licence or the premises licence summary, the Licensing Authority will correct anything which it accepts as being a clerical mistake. If you believe there is such a clerical mistake, please contact us. Errors will be corrected free of charge within 21 days of receipt of the Summary licence.

The premises licence will last indefinitely unless it is surrendered or revoked, but will lapse in the event of the death of the holder of the premises licence or upon the licence holder becoming mentally incapable or financially insolvent.

An annual fee is payable on the anniversary of the grant of the licence, unless the premises are a school or community building, e.g. village hall. We will send you a reminder for the payment of the annual fee and advise you of what sum is then payable. The fees are set by government and may be subject to change.

Finally, there are specific provisions in section 57 of the Licensing Act 2003 concerning the requirements for keeping, displaying and producing the premises licence and premises licence summary whenever the premises are used for any licensable activity authorised by the licence. A brief summary of these requirements is set out below for your convenience:

Interim Director Niall Bolger
Assistant Director Enforcement Robin Payne



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

Premises Licence

The holder of the premises licence must ensure that the premises licence (or a certified copy of it) is kept at the premises and is either in the custody or control of the holder of the premises licence or some other specific person who works at the premises (e.g. manager).

Premises Licence Summary

The holder of the premises licence must ensure that the premises licence summary (or a certified copy of it) is prominently displayed at the premises and, if the premises licence (or a certified copy of it) is in the custody of someone other than the holder of the premises licence, a notice must also be prominently displayed stating the position (e.g. manager) of that person.

Duty to produce

A police constable or an authorised officer (e.g. a Council licensing officer) may require such person who has custody of the premises licence (i.e. the holder of the premises licence or such other nominated person, as referred to above) to produce the licence for examination.

Offences

The holder of a premises licence commits an offence if they fail to comply with the above requirements relating to a premises licence and / or a premises licences summary. Anyone who has custody or control of the premises licence (i.e. the holder of the premises licence or such other nominated person, as referred to above) commits an offence if they fail, without reasonable excuse, to produce the licence in accordance with a requirement under the above duty to produce. A person guilty of an offence under section 57 is liable on summary conviction to a fine.

Yours sincerely

Daliah Barrett-Williams
Lead Licensing Officer

Interim Director Niall Bolger
Assistant Director Enforcement Robin Payne



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

APPENDIX 2

APPLICATION FOR REVIEW AND SUPPORTING DOCUMENTS

**Application for the review of a premises
licence or club premises certificate under
the Licensing Act 2003**

(1)

Reference number:

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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) **I/We THE ENVIRONMENTAL HEALTH AUTHORITY**

apply for the review of a [premises licence under section 51]
[club premises certificate under section 87] of the Licensing Act 2003 for the premises
described in Part 1 below

Part 1 - Premises or club premises details

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

MANGAL OCKBASI RESTAURANT 443 GREEN LANES N4 1AJ

Post town LONDON

Postcode (if known) N4 1AJ

Telephone number (if any)

Name of premises licence holder or club holding club premises certificate (if known)

MR MENDERES GARIP

Number of premises licence or club premises certificate (if known)

1 Late night refreshments and provision of alcohol.

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

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

(2) Insert name(s) of applicant(s)

Please tick ✓ yes

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname First names

I am 18 years old or over Please tick ✓ yes
Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town Postcode

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address MR EUBERT MALCOLM ENFORCEMENT RESPONSE SERVICE MANAGER 2ND FLOOR 639 HIGH ROAD TOTTENHAM LONDON N17 8BD	
Post town LONDON	Postcode

Telephone number (if any)

E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note 1)

Licensing out of hours Enforcement

Haringey Council Enforcement officers carry out late night patrols throughout the borough. On several occasions officers have found Mangal Restaurant open for business after the permitted hours as stated in their premises licence.

The following table shows all sanctions to date for these offences.

Sanctions Against Mangal Ockbasi Restaurant
2006/2007

SANCTION TYPE	OFFENCE/DATE	OUTCOME	LEAD OFFICER
Prosecution	Unauthorised use of premises as a night café when not licensed to be open between 3&4an Contrary to London Local Authorities Act. 7 offences and 1 offence of selling alcohol without a licence. Hearing date: <u>25/04/2006</u>	The business Elit (UK) Limited Director Mr Menderes Garip was found guilty of all offences and fines increased chronologically £50, £75, £100, £150, £225, £250 and £300 for sale of alcohol total- £1,050 and costs awarded £423 Total £1,573.00 Collection order made by court.	Mr Brian Ellick Environmental Crime Group Tactical Enforcement Officer
Prosecution	Trading after permitted hours contrary to section 136 Licensing Act 2003 3 offences Hearing date: <u>17th April 2006</u>	Found guilty-Fined £200 per offence total fine £600 and costs awarded in full £513.20 Total- £1,113.20	Miss D Feeley Environmental Crime Group Tactical Enforcement Officer

Prosecution	Dumping waste on the public highway outside of permitted times contrary to 33&34 EPA 1990 Hearing Date: <u>20th June 2006</u>	Found guilty- fined £250 and costs awarded of £541.87 Total- £791.87	Miss D Feeley Environmental Crime Group Tactical Enforcement Officer
Prosecution	Trading after permitted hours contrary to section 136 Licensing Act 2003 4 offences Hearing date: <u>7th November 2006</u>	Found guilty-Fines increased chronologically £100, £110, £130 and £180 total fines £520 and costs awarded £350.00 Total- £870.00 Ordered to pay within 28 days.	Miss D Feeley Environmental Crime Group Tactical Enforcement Officer
Prosecution	Trading after permitted hours contrary to section 136 Licensing Act 2003 2 offences Hearing date: <u>25th September 2007</u>	Found Guilty-fined £700 for first offence and £1,000 for second offence. Costs awarded £253.25 for each offence total costs- £506.50 Total - £2,203.50 Ordered to pay within 28 days.	Miss S Benning Environmental Crime Group Street Enforcement Warden

RECCOMADATION:

The license holder and director of this business Mr Menderes Garip of Mangal Ockbasi Restaurant has shown complete disregard for licensing law and in doing so is breaching the licensing "Crime and Disorder" for continual breech of license conditions therefore I recommend a complete revocation of his premises license based on the information supplied above

Please provide as much information as possible to support the application

Please tick ✓ yes

Have you made an application for review relating to these premises before?

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to these premises, please state what they were and when you made them.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 3 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature

E. Malcolm

Date

26th December 2007

Capacity

SERVICE MANAGER ENFORCEMENT RESPONSE.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Postcode

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

STATEMENT OF WITNESS
(C.J. Act, 1967, S.9; M.C. Act, 1980, S.102; M.C. Rules, 1981 R.70)

Statement of: Brian Ellick
Age of Witness: Over 18
Occupation of Witness: Enforcement officer
Address: 639 High Road, Tottenham, London N17 8BD
Telephone Number: 020 8489 0000

This statement consisting of 8 page signed by me, is true to the best of my knowledge and belief and I make it in the knowledge that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything I know to be false or do not believe to be true.


Signed: 

Dated: 6 February 2006

1. I am a Heavy Enforcement officer employed in the Enforcement Service of the London Borough of Haringey. My duties include the inspection of premises to ensure that they have the correct licences regarding the sale of alcohol, opening hours and entertainment in line with the London Local Authorities Act 1990.

2. On Sunday 18 September 2005 I was on duty with my Manager Robert Curtis at approximately 03.20 Hours in Green Lanes, N4. I was checking the licensed premises to ascertain whether or not the premises were complying with the relevant legislation and conditions attached to their license.

3. I had checked the Council records and it showed that Mangul Restaurant at 443 Green Lanes, N4 had not previously held a night café License. In October 2004 an application was received by Haringey Council Licensing Department from Mr. Garip of Mangul 443 Green Lanes. The applicant requested a night café license but the application was refuse. This meant the premise could not open past the 23.00 Hours. The records also showed that the premise has never been licensed to sell alcohol.

Signature of witness 

Statement of B. Ellick Cont.....

4. On the 18 September 2005 at approximately 03.20 Hours I observed Mangul Restaurant at 443 Green Lanes, N4 was open for business. I stood outside the premise and I observed the lights were on with approximately thirteen people seated inside eating and drinking. Hot food was being cooked inside the premise. There were approximately four hot plates inside the premise adjacent to the window. Each hot plate was contained a quantity of food. I noticed kebabs in the process of being cooked.

5. I took four photographs of the premise which I produce as exhibit "BE1", exhibit "BE2", exhibit "BE3" and exhibit "BE4". I stood outside for a further 10 minutes and observed an Eastern European male inside the premise behind the counter preparing hot food. I observed two males enter the premise approach the counter and order food. After a short time I observed the man behind the counter wrap up a quantity of cooked food then hand the food to each of the men. I observed the two men give the man behind the counter money. The two men then left the premise and as they left they opened the food and began to consume it

6. On the 25 of September 2005 at approximately 03.00 Hours I was on duty in Green Lanes along with my manager Robert Curtis. I observed Mangul Restaurant at 443 Green Lanes, N4 was open for business. The lights were on inside the premise. The front door was open and the sign on the door displayed "open". I took a photograph of the door which I produce as

Signature of witness 

Statement of B. Ellick Cont.....

exhibit "BE5". I observed five hot plates inside the premise adjacent to the window. Each hot plate contained a quantity of food. I took a photograph of the hot plates containing food which I produce as exhibit "BE6". I observed two eastern European men behind the counter preparing food. I took two photographs of the premise which I produce as exhibit "BE7" and exhibit "BE8".

7. After approximately 10 minutes one of the men working behind the counter exited the premise and approached Robert Curtis and I. He looked at us and said "You should be careful in Haringey and Green Lanes". I introduced myself to the man showing my authorisation and asked him to identify himself but he refused. The man then went back into the shop.
8. I remained outside Mangul for a further 20 minutes and during this time I observed a number of men and women enter the shop approach the counter and order food. After a short time the individuals gave money to the man behind the counter and took food in exchange. I then left and continued on with my duties.
9. On the 1 October 2005 at approximately 04.00 Hours I was on duty in Green Lanes, N4. I observed Mangul Restaurant at 443 Green Lanes was open for business. The lights were on with approximately 13 people inside seated eating and drinking. I observed two eastern European men behind the counter preparing food. I observed five hot plates inside the premise adjacent to the window. Each hot plate contained a quantity of food. I took three photographs of the premise which I produce as exhibit "BE9", exhibit "BE10 and exhibit "BE11". I then left and continued on with my duties.

Signature of witness

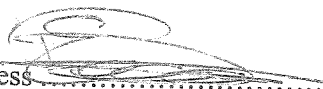

Statement of B. Ellick Cont.....

10. On the 8 October 2005 at approximately 02.40 Hours I was on duty in Green Lanes, N4 with my manager Robert Curtis. I observed Mangul Restaurant at 443 Green Lanes, N4 was open for business. The lights were on inside the restaurant. The sign on the door displayed "open". I observed approximately 10 people inside the restaurant seated eating and drinking.

11. I saw two eastern European males behind the counter preparing food. On seeing me one of the men left the counter approached the front door and turned the sign until it displayed "closed". I took four photographs of the premise which I produce as exhibit "BE12", exhibit "BE13", exhibit "BE14" and exhibit "BE15". I then left and continued on with my duties.

12. On the 20 of November 2005 I was on duty in Green Lanes at approximately 03.10 Hours with my colleague Dianne Feeley and manager Robert Curtis. I observed Mangul at 443 Green Lanes, N4 was open for business. The lights were on and the sign on the door displayed "open". I counted approximately 21 people inside the premise seated eating and drinking. There were two eastern European males behind the counter preparing food. One of the men I know now as Mr. Erkan Garip. The door to the premise was wide open. I took four photographs of the premise which I produce as exhibit "BE16", exhibit "BE17", exhibit "BE18" and exhibit "BE19".

Signature of witness.....



Statement of B. Ellick Cont.....

13. One of the men working behind the counter approached Robert Curtis and said "if you don't move from my shop I will punch you in the face". The man then went back into the shop and continued preparing food behind the counter. At approximately 03.15 Hours I observed two men enter the premise approach the counter and order food. The man behind the counter (same man who threatened Robert Curtis) served the two men.
14. Shortly afterwards I observed eight people enter the shop and sit down inside the premise. I observed Mr. Garip serve food to the eight people seated in the restaurant. At approximately 03.20 Hours I observed seven people enter the premise approach the counter and order food. I observed two female waitresses serving food to customers that were seated in the restaurant.
15. At approximately 03.25 Hours I observed the two men that entered the premise at 03.15 Hours exchange money with Mr. Garip for food with the man behind the counter they then left the premise. I then continued on with my duties.
16. On the 22 of November at approximately 15.00 Hours I was on duty with the Police, my colleague Dianne Feeley and my manger Robert Curtis. We were visiting various business premises in the borough which were known to sell food, alcohol and or have entertainment on the premise. Under the Licensing Act 2003 businesses would need to apply to the local authority if they wish to sell food or alcohol from the premise or wish to operate passed 23.00 Hours.

Signature of witness 

Statement of B. Ellick Cont.....

17. I have checked the council records and confirmed that the said premise had not applied under the new scheme to serve alcohol on the premise or operate passed 23.00 Hours.
18. At approximately 15.00 Hours on the 22 November 2005 I arrived at Mangul 443 Green Lanes, N4. I entered the premise and introduced myself to a man I now know as Menedes Garip. I showed him my authorisation and advised him that I was conducting a licensing visit. I observed a number of bottles of alcohol displayed behind the bar. I took three photographs of alcohol which I produce as exhibit "BE20", exhibit "BE21" and exhibit "BE22". I asked Mr. Menendes Garip if I could speak with the manager or someone in charge. Mr. Garip stated that he was the Owner of the business. I asked Mr. Garip if he has a license to sell alcohol. Mr. Garip stated no.
19. I then formally cautioned Mr. Garip and asked him the following questions.
- Q. What is your name?
- A. Menderesa Garip
- Q. What is your date of birth sir?
- A. 05/07/59.
- Q. What is the name of this Company?
- A. Elit Limited
- Q. What is you position in the said company?
- A. Worker.
- Q. Who is the Company Secretary?
- A. Sertac Kurtul
- Q. Who is the manager of the company?
- A. Erkan Garip.

Signature of witness 

Statement of B. Ellick Cont.....

Q. What time does the business open and close daily?

A. Seven till two Monday to Sunday.

Q. On Sunday the 20 November 2005 I observed the business open after 2am, can you explain why the business was open.

A. I didn't know about it I have always told them to close at two.

Q. This matter will be reported to the borough solicitor with a view to prosecution do you have anything else to add?

A. No

22. At this point I concluded my interview with Mr. Garip and read back to him the notes I had made. I offered him my note book to sign but he refused to sign my notes.

23. I observed a number of receipts on the counter which displayed the name and address of the restaurant. The receipts also clearly displayed the sale of alcohol. I produce four receipts as exhibit "BE23", exhibit "BE24", exhibit "BE25" and exhibit "BE26". I advised Mr. Garip that he will be reported for opening passed his prescribed hours and for selling intoxicating liquor without the appropriate license. Then left and continued on with my duties. When I returned to my office I checked the Companies House Web site on the Internet. It showed that Elit (UK) Limited was registered at 443 Green Lanes, London, N4 1HA. It also stated that the Company Secretary was Garic Erkan date of birth 20/03/1985. I produce a copy of the web page as exhibit "BE27".

Signature of witness 

Statement of B. Ellick Cont.....

20. At this point I concluded my interview with Mr. Garip and offered him my noted book to read and sign. Mr. Garip refused to read and sign my note book. I then spoke to r. Erkan Garip. I introduced myself to Mr. Erkan Garip showing him my authorisation. I advised Mr. Erkan Garip that I wanted to speak with him regarding then sale of alcohol on the premise and matters relating to the operating hours of the premise.

21. At approximately 15.20 Hours I formally caution Mr. Erkan Garip and asked him the following questions.

Q. Can I take your name?

A. Erkan Garip.

Q. What is your date of birth?

A. 20/03/85.

Q. What is the name of the company you work for?

A. Elit Limited.

Q. What is the registered address of the company?

A. 443 Green Lanes.

Q. What is your position in the company?


A. Manager

Q. Are you authorised to speak on behalf of the company regarding the sale of alcohol on the premise?

A. No

Q. Are you authorised to speak on behalf of the company regarding the operating hours of the business.

A. Yes.

Signature of witness 

LONDON BOROUGH OF HARINGEY

Environmental Services (Enforcement)

Ref: DF/HET/ MANGAL

LBH v Elit (UK) Limited

Date of Offence: 15th January 2006

Statement of Miss Dianne Feeley.

STATEMENT OF WITNESS

(Criminal Justice Act, 1967, Section 9;
Magistrates' Court Act, 1980, Section 102; and
Magistrates' Court Rules, 1981, Rule 70)

Statement of: : Miss Dianne Feeley
Age of Witness : Over 18
Occupation of Witness: Local Government Enforcement Officer
Address: : 639 High Road, London, N17 8BD
Telephone: : 020 8489 5284

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.

1. I confirm that I am the above named person. I am employed by Haringey Council as a Heavy Enforcement Officer, working within the Environmental Crime Group. I have held this position for six months. As part of my duties I was involved in a waste monitoring exercise on Sunday 15th January 2006, in the Green Lanes area of Haringey. This was to check that residential and business properties were not placing waste on the Highway outside of the authorised collection times.
2. The waste collection times for the Green Lanes area is every morning 08.00am to 09.00am and every evening 09.00pm to 10.00pm, there is no Saturday evening collections. There are signs placed on lamp post columns all along Green Lanes showing these collection times. At the bottom of these signs it reads; Failure to put rubbish in Green Lanes for collection between the above times may result in a fine or prosecution.
3. At approximately 03.05 hours on the 15th January 2006, I found one black plastic waste bag on the Highway outside number 443 Green Lanes London N4. After searching the bag I found eight receipts for Mangal Restaurant 443 Green Lanes London N4 1HA. I produce these as exhibits DF/1A/1B/1C/1D/1E/1F/1G/1H. I also took two photographs, one of the waste showing the receipts that were found, which I produce as exhibit DF/2A and the other photograph showing the shop that the waste was found outside, I produce this as exhibit DF/2B.

Signed:



Signature witnessed by:

LONDON BOROUGH OF HARINGEY

Environmental Services (Enforcement)

Ref: DF/HET/ MANGAL

LBH v Elit (UK) Limited

Date of Offence: 15th January 2006

Statement of Miss Dianne Feeley.

4. After searching the bag, I approached a man I now know to be Mr Erkan Garip who came out of Mangal Restaurant 443 Green Lanes London N4. I identified myself by showing my authorisation card, I recognised Mr Garip from a previous visit to his business and at that time he had identified himself as the manager. I proceeded to formally caution Mr Garip regarding the waste and interview him using my notebook to record the interview. The interview went as follows;

DF: is this your waste?,

EG: No,

DF: What is your name?

EG: No reply,

DF: Have you got a waste contract?,

EG: Shook head no reply,

DF: Do you wish to comment on this offence under the Environmental Protection Act 1990?,

EG: No,

DF: Who placed this waste out?,

EG: Don't know,

DF: What is your position here?,

EG: Nothing,

DF: I will be reporting this matter with a view to prosecution under the Environmental Protection Act section 34 duty of care and section 33 of the Environmental Protection Act would you like to comment on anything?,

EG: No,

DF: would you like to sign my notebook?,

EG: No.

The interview ended at 03.15 hours and my colleague Mr R Curtis signed my notebook to confirm this. I produce copies of my notebook as DF/3A/3B/3C.

5. At the time of interviewing Mr Garip I was unsure of his name and he refused to give me his details. I informed Mr Garip that as I believed an offence had been committed if he did not give me his name I would have to call the Police to identify him under section twenty five of the Police and Criminal Evidence Act 1984. Mr Garip would not tell me his name so I telephone the Police for assistance.
6. At approximately 03.20hours two Police officers arrived their shoulder numbers were YR937 and YR583. The officers questioned Mr Garip regarding his identity at first Mr Garip told the officers his name was Hasan Murtogun but after further questioning the Police officers told me that his full name was Mr Erkan Garip of 33 Latimer House London E9 6HE and his date of birth is 20th March 1985.

Signed:



Signature witnessed by:

LONDON BOROUGH OF HARINGEY

Environmental Services (Enforcement)

Ref: DF/HET/ MANGAL

LBH v Elit (UK) Limited

Date of Offence: 15th January 2006

Statement of Miss Dianne Feeley.

7. As I was leaving this location I observed two members of staff come out of Mangal Restaurant at 443 Green Lanes and pick up the above mentioned waste. I took a photograph of this and produce it as exhibit DF/4.
8. On the 20th of January 2006, I carried out a search on companies' house internet web site for details of the business at 443 Green Lanes London N4 1HA. I produce my findings as exhibit DF/5. This document confirmed that the company name for this address is registered as ELIT (UK) Limited. The company director is named as Mr Sertac Kurtal, address listed as 443 Green Lanes London N4, date of birth 10th October 1973. The company secretary is recorded as Mr Erkan Garic of 33 Latimer House, Morning lane, London E9 6HE and his date of birth is 20th March 1985.
9. Following this information I sent a letter to both the Company Director and the Company Secretary of ELIT (UK) Limited, the letter contained a formal caution and advised them of my findings. This was to give both parties the opportunity to make any comments regarding the offences under section 33 and 34 of the Environmental Protection Act 1990. The letters were sent out by recorded delivery on the 20th January 2006. I produce copies of these letters as exhibits DF/6 and DF/7. The letters gave both the Company Director and the Company Secretary fourteen days to reply. I have checked my records and can confirm that no correspondence has been received to date.
10. On the 25th of February 2006 at approximately 23.00 hours I hand delivered two letters and notices to Mangal Restaurant 443 Green Lanes, London N4. The two letters and notices were addressed to Mr S Kurtal, Company Director and Mr E Garip Company Secretary of ELIT (UK) Limited. The two letters and notices which I produce copies of as exhibits DF/8 and DF/9, requested that the business furnish me with (A) copies of the waste transfer notes for the period 24th February 2004 to 24th February 2006 and (B) to furnish me with copies of the written descriptions of the waste transferred. The note must identify the waste in question and state its quantity, how it is stored, the time and place of transfer, the name and address of the transferee. This request was made under section 34(5) of the Environmental Protection Act 1990-Requirement to produce evidence of trade waste agreement. This notice gave both parties fourteen days to supply this information.
11. On the 27th February 2006 at approximately 14.30 hours I received a telephone call from a gentleman who identified himself as Erkan Garip, he asked me what was required regarding the section 34 notice that he received on the 25th February 2006. I explained to Mr Garip that I need to see the last two years waste contracts. Mr Garip told me he holds a contract with Haringey Accord, I told Mr Garip I would need to see proof of this. I confirm to date no correspondence has been received.

Signed:



Signature witnessed by: