

4. REPORT

Background

4.1 The premises applied for a premises license in October 2005 to allow late night refreshment on the premises between the hours of 23.00pm – 5.00a.m., and the supply of alcohol between 12 noon and 01.00a.m, the application was granted following a hearing with modified licensable activities, times and conditions. A further application was made in May 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 02.00

Supply of Alcohol

Monday to Sunday 09.00am to 00.00

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 Mert Polat

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 September 2005 – January 2008. 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:



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Site plan

Istanbul Restaurant, 441 Green Lanes N4

HARINGEY COUNCIL

**Directorate of
Environmental
Services**

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

Tel 020 8489 0000
Fax 020 8489 5525

	Drawn by	DW
	Scale	1:1000
	Date	03/04/2008

- 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.

APPLICATION FORM

APP 1

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

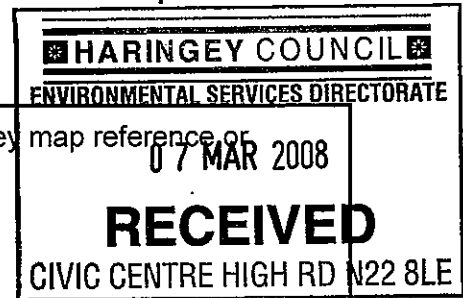
(2) **I/We THE ENVIRONMENTAL HEALTH AUTHORITY**

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 ISTANBUL RESTAURANT 441 GREEN LANES LONDON N4	
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 MERT POLAT

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

--	--	--	--	--	--	--	--	--	--

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

--	--	--	--	--	--	--	--	--	--

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 Istanbul 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 Istanbul Restaurant
2005/2006/2007

SANCTION TYPE	OFFENCE/DATE	OUTCOME	LEAD OFFICER
Prosecution	Unauthorised use of premises as a night café when not licensed to be open Contrary to section 15 London Local Authorities Act 1990 1 offence Hearing date: <u>27/09/2005</u>	Pleaded guilty Fine £500.00 Costs £667.30 Total £1,167.30	Mr George Nicolaou Licensing Enforcement Officer
Prosecution	Unauthorised use of premises as a night café when not licensed to be open Contrary to section 15 London Local Authorities Act 1990 4 offences Hearing date: <u>28/02/2006</u>	Pleaded guilty Fine £750.00 Costs £711.25 Total £1,461.25	Mr Brian Ellick Environmental Crime Group Tactical Enforcement Officer

Prosecution	Trading after permitted hours contrary to section 136 Licensing Act 2003 1 offences Hearing date: <u>5th December 2006</u>	Pleaded guilty Fined £510.00 Costs awarded £490 Total £1,000	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>22nd January 2008</u>	This defendant (Mr Polat) failed to appear at court. His solicitor applied to have case adjourned due to a medical certificate having been submitted. The court opposed the request due to the poor quality of the certificate and the fact it did not indicate the medical grounds. This case had previously been heard in Mr Polat's absence and he then asked for it to be re-opened and pleaded not guilty. The court heard the case once again in his absence. The matter was proven: Fined £2,000 – licensing offence on 4 Aug 07 Fined £3,300 – licensing offence on 18 Aug 07 Costs awarded £972.20 Total £6,272.20	Miss S Benning Environmental Crime Group Street Enforcement Warden
Prosecution	Section 34 EPA 1990 Hearing Date: <u>22nd January 2008</u>	The matter was proven in Mr Polat's absence. Fined £200 Costs awarded £871.25 Total £1,071.25	Miss S Benning Environmental Crime Group Street Enforcement Warden

Street Enforcement

Street Enforcement officers patrol Green lanes daily checking for waste and highway issues according to records Istanbul Restaurant has the following reported cases:

27/09/2007- issued with a section 34 Environmental Protection Act Notice, which required Mr Mert Polat to provide proof of how he disposes his commercial waste- to date this information has not been supplied.

15/10/2007 – Fixed Penalty Notice issued £300 for failing to produce commercial waste contract- Not paid prosecution pending

Planning Enforcement

Istanbul restaurant does not have planning permission to be a restaurant, only a food takeaway, however the business has submitted an application to regularise the current use as a sit in restaurant. The application is still pending

RECCOMADATION:

The license holder and owner of this business Mr Mert Polat Restaurant has shown complete disregard for licensing law and in doing so is breaching the licensing objective's of "the prevention of Crime and Disorder" for continual breach 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. Malah

Date 7th March 2008

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

*(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 1 page 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: 21st August 2007

- 1) Further to my statement dated 9th August 2007. On Saturday 18th August 2007, at approximately 02.25, I was on duty in Green Lanes N4. As I approached Istanbul restaurant 441 Green Lanes N4 1AH; I observed the shop open for business. The door was open; the lights were on, I observed one male customer enter the shop. Mr Polat the shop owner was standing outside, Mr Polat noticed us walking towards the shop, he then went inside, I observed him shut the door and turn the sign on the door round to display the word closed. I exhibit a picture of Mr Polat shutting the door and the customer beside him as SB1
- 2) I observed several customers inside the shop sitting down, there were two waitresses serving the customers, I observed one waitress take hot food over to the table. The male customer that I had seen walk in was standing at the counter. A female member of staff was speaking to him, I then witnessed her prepare hot food into take away cartoons. A male member of staff was sitting in the barbeque area cooking meat. I exhibit a picture of the hot food being placed into the take away cartoon as SB2, a picture of the staff working as SB3, and a picture of customers sitting in the restaurant as SB4
- 3) I observed the female member of staff behind the counter place the cartoons of food into a blue plastic bag she then handed the customer the bag of food, he then handed the lady a £10 note, she then placed the money in the till taking out some change and handing the change to the customer.
- 4) I observed the restaurant for over 20 minutes; I had clear visibility and was approximately 2 metres away from the restaurant on the same side of the street. I exhibit my note book entry which consist of 3 pages as SB5
- 5) I am will to attend court if required.

Signed:

Date: 21st August 2007

Feeley Dianne

From: Nicolaou George (Enforcement)
Sent: 24 January 2008 16:44
To: Feeley Dianne
Subject: Section 9 Istanbul 441 Green lanes N4 Restaurant.doc

LONDON BOROUGH OF HARINGEY
Planning & Environmental Control Service

STATEMENT OF WITNESS

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

Statement of: George Andrew Nicolaou :
Age of Witness: over 21 :
Occupation of Witness: Enforcement Officer :
Address: 639 High Road :
Telephone Number: 0208 489 5539 :

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:

Signature witnessed by:

- .. I am an Enforcement Officer with the London Borough of Haringey's Environmental Control Service and have been employed within the local authority for 38 years.
- i. One of my responsibilities is to ensure that licensees conform to the conditions on their appropriate licence, under the London Local Authorities Act 1963.
- i. On the 17/12/04 at approximately 03:30 hours I visited Istanbul restaurant which is at 441 Green Lanes N4.
- i. Public were entering the premises and were still being served hot food.
- i. According to my Licensing records, which I had with me, the premises are licensed with the Council as a Night Café until 2a.m., and should not be serving hot food after 02:00a.m. The Licence was granted to Mr A E Bolak on 1st April 2003 and expires on 31st March 2004. Exhibit GN2.
- i. I observed from outside of the restaurant for a short while and saw people still entering and purchasing hot food at approximately 03:30a.m. making Mr Bolak in breach of his Licensing Conditions of 2a.m.

signed: Signature witnessed by:

STATEMENT OF WITNESS

C.J. Act 1967, SS2, 9; M.C. Rules 1981, r.70)

Continuation of Statement of

1. At approximately 03:35a.m., I entered Istanbul restaurant and asked to speak to the person in charge.
1. Mr Bolak said that he was in charge of the restaurant and that he is a sole trader. I cautioned Mr Bolak at 03:40a.m. approximately.
1. Under caution I asked Mr Bolak if he was in charge of the premises, his answer was "Yes I am."
0. Then I asked Mr Bolak if he was still open and serving food at 03:40 a.m., his answer was "I am not open I can't tell customers to go.
1. I then asked Mr Bolak if he knew what time he should close at. His answer was "Yes I should close at 02:00 a.m.
2. I then asked Mr Bolak that it was now after 03:40 and that he was still serving in the restaurant. His answer was, "I am waiting for my customers to leave".
3. I asked Mr Bolak to give me his home address and he gave it to me as 39 Risley Avenue Tottenham N17 7HJ.
4. I then asked Mr Bolak to read and sign my notebook as being an accurate account of what I asked him. Mr Bolak signed my notebook. Exhibit GN1.
5. I left the premises at approximately 04.00a.m.
6. According to my records previous visits and warning letters have been sent to Mr Bolak in November 2004. Exhibit GN2

igned:

Signature witnessed by:

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 5 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:

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 03.00 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 Istanbul at 441 Green Lanes, N4 had previously held a night café License opening until 2.00am seven days a week. In April 2005 the license was revoked by the licensing committee in the presence of the license Mr. Polat. This ment that the premise was not permitted to open passed the hours of 23.00 Hours.

4. On the 18 September 2005 at approximately 03.00 Hours I observed Istanbul Restaurant at 441 Green Lanes open for business. I stood outside the premise and I observed the lights were on with approximately twelve people inside eating and drinking. Hot food was being cooked inside the premise. There were approximately five hot plates inside the premise adjacent to

Signature of witness

Statement of B. Ellick Cont.....

8. was being cooked inside the premise. There were approximately five hot plates inside the premise adjacent to the window. Each hot plate was full of hot food. I noticed a quantity of kebabs on the grill in the process of being cooked.

9. At approximately 03.20 Hours I observed four females enter the shop, approach the counter and order food. The females then went to a table and sat down. Approximately ten minutes later I observed a female waitress serve food to the four females seated at the table. After approximately five minutes a further four males entered the premise approached the counter ordered food, they then sat down at a table.

10. Mr. Polat then exited the said premise and approached me. I identified myself showing my authorisation card. I asked Mr. Polat why his premise was still open at 03.30 Hours and he replied "I have a business to run". I advised Mr. Polat that I will be reporting him for having his business open after his licensed hours. I asked Mr. Polat if he could name all the people in his premise who were eating or ordering food and he said no. I stayed on site for a further 20 minutes and I observed a male who was seated in the premise approach the counter and give money to the male behind the counter. I then left and continued on with my duties.

11. On Sunday 1 October 2005 I was on duty at with my manager Robert Curtis at approximately 03.00 Hours in Green Lanes, N4. I observed a restaurant known as Istanbul Restaurant 441 Green Lanes, N4 was open and offering food for sale. I was aware that this premise was licensed to be open until 23.00 Hours only seven days a week.

12. I stood outside the premises and I observed the lights were on with approximately ten people

Signature of witness

Statement of B. Ellick Cont.....

plates inside the premise adjacent to the window. Each hot plate had a quantity of hot food inside. I noticed a number of kebabs on the grill in the process of being cooked. I took two photographs of the restaurant from outside the shop. I produce the photographs as exhibit "BE4" and exhibit "BE5". I observed the restaurant for approximately 10 minutes and during this time I observed hot food being cooked and served. I then left and continued on with my duties.

16. I On Sunday 16 October 2005 I was on duty with my Manager Robert Curtis at approximately 02.30 Hours in Green Lanes, N4. I observed a restaurant known as Istanbul Restaurant 441 Green Lanes, N4 was open and offering food for sale. I stood outside the premises and I observed the lights were on with approximately twelve people inside seated eating and drinking. Hot food was being cooked inside the premise. There were approximately five hot plates inside the premise adjacent to the window. Each hot plate had a quantity of hot food inside. I noticed a number of kebabs on the grill in the process of being cooked. I took a photograph of the premise from outside which I produce as exhibit "BE7 "

17. I observed Mr. Polat inside the said restaurant behind the counter preparing hot food. I also observed a female inside the restaurant behind the counter preparing and serving hot food to individuals who were seated at tables. On seeing council officers Mr. Polat exited the premise and approached me. I identified myself to him showing my authorisation. I informed Mr. Polat that his shop should not be open and preparing food. Mr. Polat said I understand you have a job to do but what about the rest of the restaurants in Green Lanes. I advised Mr. Polat that I will be reporting him for opening his business contrary to his licensed hours. I then left and continued on with my duties.


Signed By _____

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

Statement of: Ms Dianne Feeley

Age of Witness: 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.

Signed: 

Dated: 11th October 2006

1. My name is Dianne Feeley and I am employed by the London Borough of Haringey ("the Council") as an Enforcement Officer, working within the Environmental Crime Group. I have held this position for one year and one month. I have Delegated Authority to carry out work on behalf of the Council with regards to the Licensing Act 2003.
2. 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.
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 provision of regulated entertainment and the provision of late night refreshment.
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 premises licence if they sell hot food and hot drink after the hours of 11pm and until the hours of 5am on or from their premises.
7. Council records show that on the 24th of November 2005 Mr Mert Erdal Polat of Istanbul Restaurant located at 441 Green Lanes London N4 1HA was granted a premises licence to provide late night refreshment after 23.00hours until 02.00hours 7 days a week Monday – Sunday (inclusive) and the supply of alcohol 09.00hours until 00.00hours 7 days a week Monday – Sunday (inclusive) I produce a copy of the premises licence as exhibit DF/01.
8. On Sunday 9th April 2006 I was on duty in Green Lanes with my colleague Mr Brian Ellick. The time was 02.40hrs. I observed Istanbul Restaurant at 441 Green Lanes, London, N4 1HA opened for business. I could clearly see the lights were on, food was cooking and steam was rising from the sides of the covered hot plates. A spit containing meat was turning with the heater/cooker bright red behind it. And the front door was wide open.

-
9. There was one male member of staff behind the counter area who I could clearly see preparing hot food and two female members of staff who were taking hot and cold food on plates away from the counter to the rear of the restaurant.
 10. At 02.40hours I observed 2 male customers enter Istanbul restaurant and place an order at the counter area. Members of staff then proceeded to prepare two kebabs. I could clearly see the member of staff slicing meat from the spit and preparing the kebabs with salad. At 02.47hours I could see the same customers handing money to the member of staff and the member of staff handing back change to the customer. The customers then left the premises with their purchase
 11. At approximately 02.45hours I observed one male customer enter Istanbul restaurant at 02.50hours I then observed 5 customers enter Istanbul restaurant, all of these customers proceeded to the rear of the restaurant. I then observed the owner of Istanbul restaurant who I knew to be Mr Polat come out of Istanbul restaurant and speak with the owner of the neighbouring restaurant.
 12. At approximately 02.51hours I and my colleague Mr Ellick spoke with the owner of Istanbul who we knew to be Mr Polat. We asked Mr Polat why he was still supplying food to customers. Mr Polat told us that he was closed. At this point a female member of staff placed keys into the lock of the front door and locked it from the inside. I could see customers seated in the rear of the restaurant. I asked Mr Polat what time had these customers entered the restaurant and he told me that they had come into the restaurant before 02.00hours. He stated that once they have eaten they would leave.
 13. On Sunday 30th April 2006 I was on duty in Green Lanes with my colleague Mr Brian Ellick. The time was 02.15hrs. I observed Istanbul Restaurant at 441 Green Lanes, London, N4 1HA opened for business. I could clearly see the lights were on and the door sign displayed open. A spit containing meat was turning with the heater/cooker bright red behind it; I could see a male member of staff sitting at a charcoal cooking receptacle turning skewers containing meat. I could see customers seated in the rear of the premises and there was one male customer standing at the counter area. I watched as the waiting customer was served with a wrapped kebab which had been cut from the meat spit in exchange for money.
 14. I am available to attend court as a witness if required.

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 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.

Signature:

Date: 6th 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 monitoring and enforcement of waste with regard to the Environmental Protection Act 1990.
- 3) On Thursday 15th March 2007, at approximately 22.55, I was on duty on Green Lanes Haringey, N4. I notice a large deposit of waste on the public highway outside Istanbul Restaurant, 441 Green Lanes, N4. The waste consisted of several black bags of rubbish. I exhibit a picture as SB1.
- 4) I went into the restaurant and I identified myself to the lady working behind the counter by showing her my authorisation badge. I then informed her that I would like to discuss the waste outside with her and asked her if it was waste from this restaurant. She said that would be ok to discuss the waste, we then went outside. I showed her the bags; she informed me that five of the bags came from the restaurant. I then cautioned the lady and asked her the following questions.

SB What is your name?

RA Renata Anuszkefweca.

SB What is your position?

RA I work here, the manager is not here at the moment.

SB Is that your rubbish?

- 5) At this point I opened each bag and Renata Anuszkefweca looked through them and confirmed that the rubbish from five of the bags did belong to the restaurant.

SB Who put the rubbish out?

RA the lady who works in the kitchen

SB When did the rubbish go out?

RA About twenty minutes ago

Signed:

Date: 6th August 2007

- 6) At this point another lady arrived in the shop. She informed me that she was the manager. I identified myself to her by showing her my authorisation badge; I asked her name to which she replied Eva Anuszkiewicz. I then informed her that I am here to discuss the rubbish that had been illegally deposited outside the shop, I asked her if she had a trade waste contract, to which she replied yes.
- 7) I then explained that, under section 34 Environmental Protection Act 1990, that it is the duty of care of the person in charge to ensure that the waste from the shop is controlled at all times. I then explained to her that under section 87 of the Environmental Protection Act 1990, that an offence had been committed by depositing litter on the public highway, I informed Eva Anuszkiewicz that I would be issuing five fixed penalty notices for this offence. I explained that it is one fine for each item deposited on the highway. Fixed penalty notice numbers, 4299, 4300, 5180, 5181, and 5182. I handed the fines to Ms Anuszkiewicz and explained that she had 14 days to pay the fines if he wished to discharge his liability of the offence; I exhibit a copy of my note book entry as SB2 and a copy of one of the fines as SB3.
- 8) On 26th April 2007, the fines remained unpaid. I hand delivered a letter to Ms Anuszkiewicz informing her that as the fines remain unpaid and I had received no communication from her, that after the expiration of 7 days if the fines still remain unpaid I will be passing the case over to the Borough solicitor with a view to prosecution. I exhibit this letter as SB4.
- 9) On the 7th June 2007, the fines still remain unpaid, I hand delivered a letter to Ms Anuszkiewicz, informing her that I will now be passing the case over to the borough solicitor. I exhibit this letter as SB5.
- 10) On 21st June 2007, I wrote a letter to Mart Erdal Polat, who I found to be the owner of the business informing him that having not discharged his liability in respect of the waste found outside his premises, Istanbul restaurant, 441 Green lanes, N4. The fixed penalty notices I issued to his employee Ms Anuszkiewicz number 4299 4300, 5180, 5181 and 5182 have now been withdrawn. I informed him that the matter has been reviewed for the consideration of prosecution, under section 33 Environmental Protection Act 1990, **Prohibition on unauthorised or harmful deposit, treatment or disposal etc of waste**. I Exhibit this letter as SB6.
- 11) On 25th June 2007, I hand delivered a letter to Mr Polat requesting him to furnish within 10 working days, a copy of his waste transfer notes for the period 15th March 2005 to 15th March 2007. I also requested a copy of the written description of the waste transferred on Thursday 15th March 2007. I exhibit this letter as SB7.
- 12) On 11th July 2007, I had received no communication from Mr Polat with regards to the letter dated 25th June 2007, requesting his transfer details. On that day I hand delivered a letter to Mr Polat informing him that he had a further 7 days to furnish me with the documents that I had requested. I exhibit this letter as SB8.

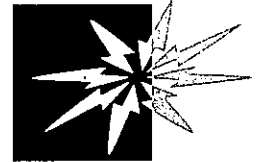
Signed:

Date: 6th August 2007

- 13) I have since received a telephone call from Mr Polat informing me that because the fixed penalties were not issued in his name that he would not be paying them.
- 14) I have not received any further communication from Mr Polat.
- 15) I am willing to attend court if required.

Signed

Date: 6th August 2007



Your ref: LN/00002249

Date: 7th March 2008

Our ref:

Direct dial: 020 8489 8232

Email: Daliah.barrett@haringey.gov.uk

For a large print copy contact 020 8489 8232

**Mr Mert Erdal Polat
39 Risley Avenue
Tottenham
London
N17 1HJ**

Dear Sir

**Re: PREMISE LICENCE REVIEW APPLICATION – BY THE ENVIRONMENTAL HEALTH
TEAM - NOISE TEAM**

Istanbul Restaurant, 441 Green Lanes, London, N4 1AJ

The Licensing Authority has been served with the attached application for a review of the premises license by the Environmental Health Officer- Noise Team. The review is brought about due to the 'License Holder failing to uphold the licensing objectives and the licensing conditions'.

This Authority is required to display public notices on the premises for 28 days and also carry out a public notice. You are advised that the notices left on display in and around the premises must not be defaced or tampered with in any way.

During the 28 day consultation period other Responsible Authorities and Interested Parties are able to submit letters of representation to the Council.

You may also submit any evidence you feel will be relevant to your case at the review hearing.

It is intended that the matter is set before the Licensing Sub Committee in April 2008

Yours faithfully

**DALIAH BARRETT-WILLIAMS
LICENSING LEAD OFFICER**

COPY OF CURRENT LICENSE

LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: AG774150

Premises Licence Number: LN00002249

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:

**ISTANBUL RESTAURANT
441 GREEN LANES
HARRINGAY, LONDON
N4 1HA**

Telephone: 020 8341 7511

Where the Licence is time limited, the dates:

N/A

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:

Supply of Alcohol

Monday to Sunday 0900 to 0000

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0200

The opening hours of the premises:

Monday to Sunday 0900 to 0200

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

Supply of alcohol for consumption **ON** the premises, ancillary to a meal.

LICENSING ACT 2003
Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Mr Mert Erdal Polat
39 Risley Avenue
Tottenham, London
N17 1HJ
Telephone: 079666 16269

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

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Ali Bolat

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence Number:	LN/00002464
Expiry Date:	08/02/2016
London Borough of Haringey	

Annex 1 –Mandatory Conditions

Section 19 - Supply of alcohol

(2) No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence,
or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

- (c) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

CCTV cameras will monitor both inside and outside of premises 24 hours a day.

Drunk or disorderly customers will not be admitted.

Staff to be properly trained not to serve customers who are already intoxicated.

CCTV system and Panic Alarm linked with Local Police.

CCTV system to be recording at all times when the premises are open and the recordings will be made available to the Police on request.

PUBLIC SAFETY

Fire Safety equipment will be checked regularly and any requirements made by the Fire Safety Officer will be complied with.

THE PREVENTION OF PUBLIC NUISANCE

Intoxicating liquor shall not be sold or supplied on the premises other than to persons taking table meals, there and for consumption by such persons as an ancillary to their meal.

Suitable beverages other than intoxicating liquor, including drinking water, shall be available on the premises.

THE PROTECTION OF CHILDREN

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are 18 years of age or older.

Annex 3 – Conditions attached after a hearing by the licensing authority

The Committee noted that the applicant had offered to amend the application to vary to that the last time for the sale of alcohol would be midnight every day of the week and so that for New Years Eve, the last time for the sale of alcohol shall be 02:00 on New Year's Day.

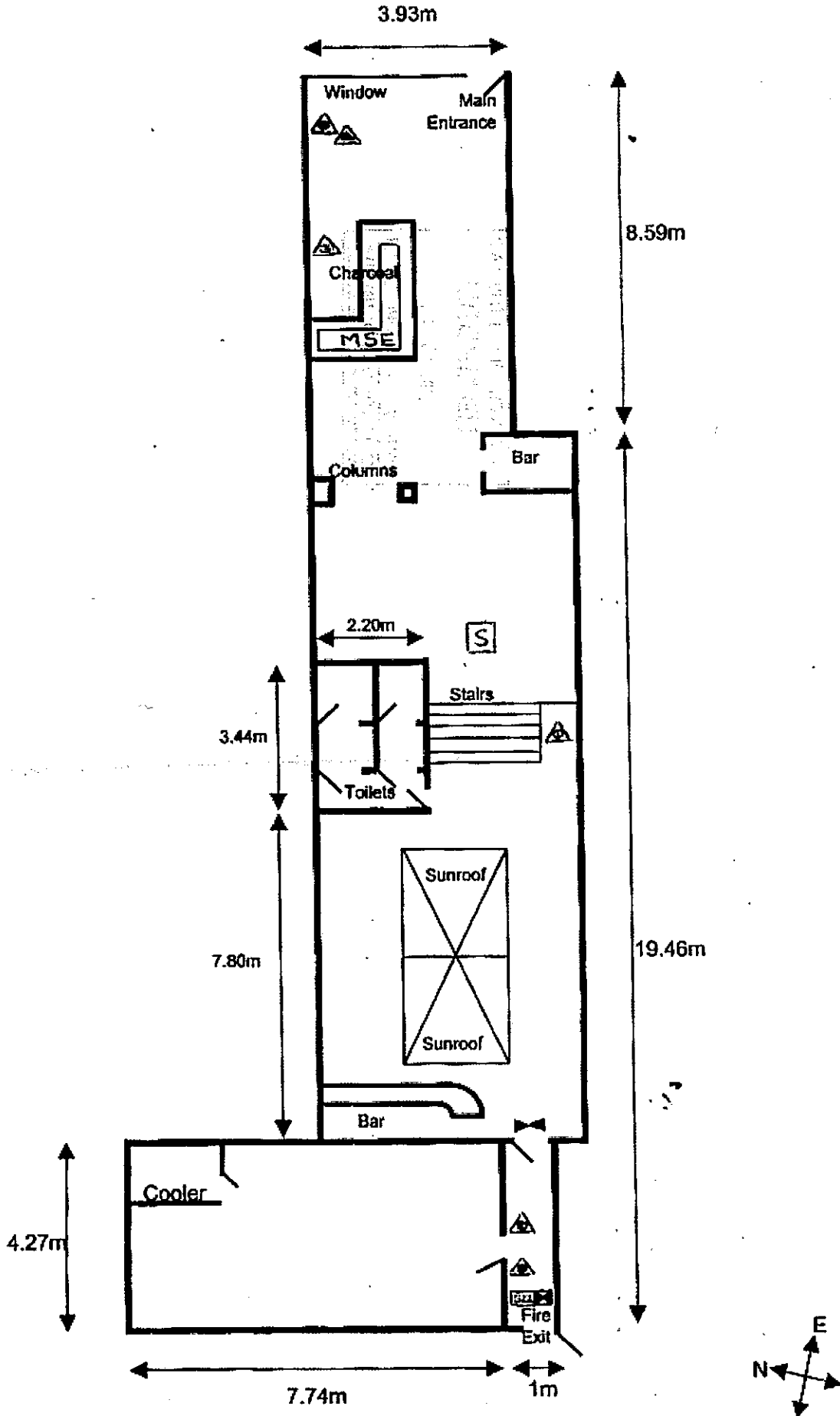
The Committee decided to grant the amended application for variation to a premises license subject to the following conditions:

- (i) Conditions to enforce the provisions of the operating schedule
- (ii) Conditions to enforce the standard mandatory conditions (section 19) of the Licensing Act 2003.
- (iii) That the sale of alcohol be as follows:
 - 09:00 to 00:00 Monday to Sunday
- (iv) That hours on New Year's Eve for sale of alcohol be as follows:
 - 09:00 on New Year's Eve to 02:00 on New Year's Day

INFORMATIVE

This licence does not constitute a consent under any other regime. It is necessary for the licensee to obtain any other consents that may be necessary for the lawful operation of the premises, including planning consent.

Annex 4 - Plans



**COPY OF RESOLUTION FROM PREVIOUS
HEARING**

Planning & Enforcement Service

LICENSING
639 High Road, Tottenham, London, N17 8BD
Tel: 020 8489 0000 Fax: 020 8489 5530
Minicom: 020 8489 5549

Your Ref
Our Ref: ES/ENF/DDB
Contact: Ms D Barrett
020 8489 5103

Date: 5TH July 2006

For a large print copy contact 020 8489 5103

LICENSING ACT 2003

ISTANBUL RESTAURANT 441 GREEN LANES N4

I write to advise you of the outcome of the Licensing Committee hearing that took place on 27th June 2006.

I have included the outcome of the hearing, if you have any queries please do not hesitate to contact me.

'LCC04 ISTANBUL RESTAURANT, 441 Green Lanes N4 (Harringay ward) (Agenda Item 5):

.....

RESOLVED:

The Committee noted that the applicant had offered to amend the application to vary to that the last time for the sale of alcohol would be midnight every day of the week and so that for New Years Eve, the last time for the sale of alcohol shall be 02:00 on New Year's Day.

The Committee decided to grant the amended application for variation to a premises license subject to the following conditions:

- (i) Conditions to enforce the provisions of the operating schedule
- (ii) Conditions to enforce the standard mandatory conditions (section 19) of the Licensing Act 2003.
- (iii) That the sale of alcohol be as follows:
 - 09:00 to 00:00 Monday to Sunday
- (iv) That hours on New Year's Eve for sale of alcohol be as follows:
 - 09:00 on New Year's Eve to 02:00 on New Year's Day
- (v) The Committee noted that the applicant offered to remove the illuminated sign mounted on the exterior of the premises by the afternoon of the 28 June 2006. The Committee therefore also resolved

Director **Anne Fisher**
Assistant Director Enforcement **Robin Payne**

that the illuminated signage to the exterior of the premises be fully removed with two days of the date of the decision.

INFORMATIVE:

- (i) This licence does not constitute a consent under any other regime. It is necessary for the licensee to obtain any other consents that may be necessary for the lawful operation of the premises, including planning consent.

You have the right of appeal against this decision. If you wish to appeal, you must file a notice of appeal at the Magistrates' Court within 21 days of notification of this Decision. The address of the Haringey Magistrates Court is: Haringey Magistrates' Court, Bishops Road, Highgate, London N6 4HS. Please refer to the Licensing Act 2003, section 181 and Schedule 5 for more information about your right of appeal.

If any of the above is unclear or you require further clarification please contact me on 0208489 5103.

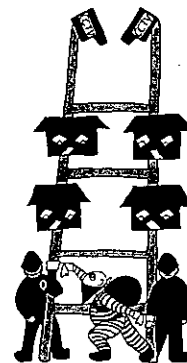
Yours sincerely,

**DALIAH BARRETT
LEAD LICENSING OFFICER**

LETTERS OF REPRESENTATION

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

30 March 2008

Dear Ms Barrett

Premises Review (Licensing Act 2003) Istanbul Restaurant, 441 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 Istanbul Restaurant under the terms of the Licensing Act 2003.

For many years, residents have noted the repeated breaches of permitted opening hours, the improper disposal of commercial waste, and planning irregularities at the premises. The LCSP has already had occasion to write to the Licensing Sub Committee with regard to the premises (see our letter dated 27 April 2006, attached). In particular, we would draw your attention to the latter part of that letter, which outlines an extraordinary history of lack of compliance over a three year period (until 2006). Since then, of course, there have been further, and numerous breaches as cited in the current Review Notice.

Given that multiple breaches have occurred since at least 2003 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). This would also seem to be the only option given that the late-night licence for this premises has already been revoked on a previous occasion (1 March 2005). This was because of a huge number of breaches in the licence: see our attached letter dated 27 April 2006, (previously referred to), Section 2f, record of Compliance.

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

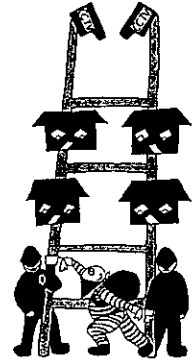
Yours sincerely

On behalf of the LCSP



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

27 April 2006

Dear Ms Barrett

**Variation of a Late-night premises licence: Istanbul, 441 Green Lanes, N4 1HA
for supply of alcohol: 09.00-01.30 (daily) and all night New Year's Eve**

1 INTRODUCTION

The Ladder Community Safety Partnership (LCSP) contains representatives of Neighbourhood Watches and Residents' Associations from the 'Ladder' roads, adjacent to and including Green Lanes, Haringay. 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 supply of alcohol 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 limited way in his application which could indicate a lack of understanding and/or commitment to their importance, particularly given the record of lack of compliance associated with this premises.

2 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]
- *'operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance'* [18.3]

(b) Alcohol Licence

Residents are concerned at this specific application for an alcohol licence because the applicant's very poor record of compliance over a number of years (see details below) suggests that there is a real possibility that alcohol might be served out of hours or in an irresponsible way. This would have obvious implications for the licensing objectives, especially regarding the prevention of crime and disorder and public nuisance.

(c) The Prevention of Crime and Disorder

We have seen the comments relating to the prevention of crime and disorder put forward by the applicant which largely focus on the use of CCTV. Given the request for a licence for the supply of alcohol, residents would like to highlight the following questions, drawn from App.2 of the borough's Licensing Policy Guidances.

- Responsible drinking: what will and will not be allowed at the premises?
- what practices are/will be in place to deal with intoxicated patrons and/or persons

- under the influence of illegal drugs, and the supply of illegal drugs?
- methods to discourage the drinking of alcohol in the vicinity of the premises?
- procedures to deal with violence and/or anti-social behaviour?

(d) Public Safety

We assume that all staff would be trained to ensure that all safety measures are known and implemented, especially for emergency situations such as evacuation. We also assume that the premises is compliant with all relevant building control rules and regulations.

(e) Prevention of Public Nuisance

There is only one comment from the applicant, stating that '*signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours*'. There are therefore a large number of questions remaining unanswered, in particular:

- the steps taken, or proposed, by the applicant to prevent noise or vibration escaping from the premises (whether music, ventilation equipment or human voices)? The Licensing Policy states that this is '*particularly important in residential areas*'.
- 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?

Each of these points has particular significance for local residents in the light of a late-night alcohol licence application, for example, customers who have had alcoholic drinks are far more likely to create noise and disturbance on their departure in the early hours of the morning.

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*'. In the case of these premises, there is a long and sorry history of lack of compliance.

1. After some months of almost daily noise nuisance, into the early hours of the morning, music amplification equipment was seized, under warrant, by the local authority with the assistance of the police, 13 February 2003
2. Since then the noise nuisance has been less continuous, but has still recurred, eg the Noise Duty Officer attended the premises on 25 November 2004
3. At the Licensing Committee meeting held on 1 March 2005, the late night café licence was removed because:
 - (a) the premises was found to be open, beyond its 2am 2003 licence, on no fewer than seven occasions between 14.11.04 and 6.2.05 (sometimes as late as 3.30am)

- (b) advertisements had appeared in the local press stating that the premises was open until 3am (Sun-Thurs) and 24 hrs (Fri-Sat)
 - (c) LBH Enforcement Service had found illegally dumped rubbish from the premises in the street
 - (d) problems with the electricity supply (which had been cut off) led to urgent health concerns from LBH Food Officer who repeatedly visited the premises
 - (e) furthermore an electricity generator had been installed for several weeks in the mews passage behind the premises, causing huge noise nuisance to local residents
4. In December 2004 the premises put up a large and obtrusive brightly lit illuminated sign, at 1st floor level, without seeking Planning Permission. Residents in the adjoining flats have suffered serious loss of amenity (with bright light shining all night into living and sleeping accommodation). The premises was therefore informed of the need to apply for retrospective planning permission. This was refused on 20.9.05, and as the premises has still refused to remove the sign, the matter is with LBH Legal Department for instigating prosecution.
 5. Since the revoking on 1.3.05 of its late night licence (which had permitted opening no later than 2am) the premises should close at 11pm. However it has continued to open regardless: most recently LBH Enforcement recorded it open and trading on:
 - 25.9.05 at 3.20am
 - 1.10.05 at 3.00am
 - 8.10.05 at 3.40am
 6. At the Licensing Sub-Committee meeting held on 8 December 2005, the applicant was granted a premises licence to provide late-night refreshment only, until 2am daily. A condition states that *'all external display signs to be switched off at 2am every night'*, whilst during the meeting the applicant stated *'that he was happy to remove'* an unauthorised illuminated sign. Neither of these things has happened since that meeting, well over 4 months ago. Prosecution is pending (All quotations are from the official Minutes).
 7. A further condition states that *'the opening hours of the premises to be prominently displayed at the entrance to the premises'* Customers have reported seeing no such sign.
 8. On 28 March 2006, local residents noted Council Officers and the metropolitan Police visiting the premises and seizing a quantity of alcohol, for which the applicant presumably lacked permission (the premises licence states *'the licence granted would not permit the sale and/or supply of alcohol at any time'*).
 9. Local residents have noted the premises with customers inside long after the 2am closure time on numerous occasions since 8 December 2005.

In the light of this repeated, consistent and still continuing lack of compliance, over a number of years, we have serious reservations about the present application with regard to the sale of alcohol

3. CONCLUSION

Our comments and objections obviously make clear that residents are very concerned at the possible implications of the sale of alcohol at these premises. We believe that in the light of

the numerous examples of lack of compliances cited above, it is entirely possible that alcohol might be served out of hours or in an irresponsible manner. Given these circumstances we urge the Sub-committee to make a very careful assessment of the danger of possible breaches to the Key Licensing Objectives which could be caused by the granting of this application

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. H.', written over a circular stamp or mark.

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