

# NOTICE OF MEETING

## SPECIAL LICENSING SUB COMMITTEE

Tuesday, 25th August, 2020, 10.00 am - MS Teams ([watch it here](#))

**Members:** Councillors Gina Adamou (Chair), Peter Mitchell and Viv Ross

Quorum: 3

### 1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### 2. APOLOGIES FOR ABSENCE

### 3. URGENT BUSINESS

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

### 4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a

pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

**5. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003  
PHILIP LANE SOCIAL CLUB, 209-211 PHILIP LANE, LONDON N15  
(PAGES 1 - 90)**

Emma Perry, Principal Committee Co-ordinator

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Bernie Ryan

Assistant Director – Corporate Governance and Monitoring Officer

River Park House, 225 High Road, Wood Green, N22 8HQ

Monday, 17 August 2020

**Report for:** Licensing Sub Committee 25<sup>th</sup> August 2020

**Title:** Review of a Premises Licence under the Licensing Act 2003  
Philip Lane Social Club, 209-211 Philip Lane, London N15

**authorised by :** Daliah Barrett-Licensing Team Leader – Regulatory Services.

**Ward(s) affected** West Green

**Report for Key/**

**Non Key Decision:** Not applicable

**1. Describe the issue under consideration**

- 1.1 An application for the review of the Premises Licence for Philip Lane Social Club at the above address. The review application and supporting documents are located at Appendix 1. The licence is held by Mr A Toprak. Mr Toprak has held the licence since May 2014. A copy of the current premises licence is attached as Appendix 2.
- 1.2 Mr Toprak transferred the premises to become the Premises Licence holder and the Designated Premises Supervisor under the terms of the licence and therefore carries the responsibility to ensure that the licensing objectives are being upheld and promoted.
- 1.3 The Council records show that Mr Toprak had enforcement action taken against him for having illegal gaming machines onsite in June 2015. Also it is clear from the records held that Mr Toprak has not taken care in the conduct of his premises as the enforcement action ranges from illegal gaming machines to non-compliance with Health Act requirements to dumping waste.
- 1.4 The machines found were unauthorised and illegal gaming machines in contravention of the Licensing Act 2003 and the Gambling Act 2005. The machines did not comply with the regulations or technical standards set by the Gambling Commission.
- 1.5 The table below shows a number of enforcement visits and outcomes under Mr Topraks management. The latest being that the premises was found to be operating at a time when the country was placed into lockdown to mitigate the impact of the virus across the country. Mr Toprak continued to operate the premises by providing access to the public, who were able to enter to socialise and smoke within the premises as well as play on the illegal machines.
- 1.6 It was during the service of the review documentation that the Licensing Authority RA Officer realised that changes had been made to the rear of the premises to allow for an additional social club to be operated by another gentleman who Mr Toprak receives rent from. This area of the premises contained alcohol for sale and had been used for various dance events, which had been the subject of a number of noise complaints. The person renting the area has confirmed that he

pays rent to Mr Toprak and operates a social club that caters to the Afro-Caribbean community.

- 1.7 The Licensing Authority RA is seeking a review of the premises licence on the grounds that the repeated siting of illegal gaming machines at this premises and Mr Topraks' continued non-compliance undermines the prevention of crime and disorder licensing objective and that this is detrimental to the wider community. The Licensing Authority have lost confidence in the premises licence holder as they have ignored repeated advice and have continued to replace the seized machines with other illegal machines.
- 1.8 Residents that have submitted representation in support of the review have made clear that they have been adversely affected by noise nuisance from the premises over a number of months. Residents letters are found at Appendix 5.
- 1.9 The Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.10 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

## 2 Licensing history of the premises

2.1 The complaints and enforcement action taken during Mr Topraks management:

Date	Issue/complaints received	action
12/6/2015	Gaming machine on premises	Simple Caution
20/9/2016	Smoking on premises	Written warning issued
09/12/2016	Smoking on premises	No contact
26/10/17	Gaming machine and illegal cigarettes	Enf Notice
14/11/17	illegal gambling, they do this at the front and rear of the property, they also have illegal fruit machines, and poker games with a profit of 10k, also drug use	Referred to ASB Officer
23/2/18	5 x Joker Poker Machines, 2 x Black Horse Machines, 1 x Betting Terminal	Prosecution – conviction (fine £600, comp £60 & fees £340)
22/5/18	Flytip	FPN - Paid
26/5/19	Loud music	No visit
8/8/19	Loud music between 10am to 3am	Caller wanted to log only
8/8/19	Caller would like to report loud music from 8pm till 4 or 5am	Caller wanted to log only
14/8/19	Loud music and bass. OOH email. No officers on duty - Log only.	Caller wanted to log only
15/8/19	Caller says that the music is playing loud music until 2am, their licenced for	Caller wanted to log only



	music up until 11pm. There is a lot of shouting when their customers leave the premises	
25/7/19	Community Protection warning served	31/8/19 – complied with notice
20/2/20	Fly tip	FPN paid
5/6/20	Covid- 19 restricted business open	(open to public)
12/6/20	Covid- 19 restricted business open	15/6/20 prohibition notice issued

2.2 The premises has the ability to serve alcohol and is therefore able to apply to have gaming machines onsite. The Government's aim is for gaming machines to only be in premises where children's access is controlled. Qualifying alcohol licensed premises under the Licensing Act 2003 are entitled (under Automatic Entitlement) to provide two gaming machines of category C or D upon notification to the licensing authority (LA). Automatic Entitlements are only applicable to alcohol licensed premises, where there are bar facilities available on the premises for the sale and consumption of alcohol.

2.3 **Notification** (for a maximum of two machines)

To take advantage of this entitlement, the Premises Licence Holder must give notice to the Council of their intention to make gaming machines available for use, and must pay the prescribed fee.

2.4 **Permit** (for three or more machines)

Relevant premises may also apply for a permit to provide a greater number of machines. This means obtaining a Licensed Premises Gaming Machine Permit from the Council. A Licensed Premises Gaming Machine Permit allows any number of Category C or D machines to be provided in licensed premises.

2.5 Philip Lane Snooker Club has made no such application and does not hold either the normal notification of 2 machines or the Premises Gaming machine permit.

2.6 **The current licence permits:**

Supply of Alcohol

Monday to Sunday 1100 to 2300

The opening hours of the premises:

Monday to Sunday 1100 to 2330

Supply of alcohol for consumption **OFF** the premises

2.7 These review proceedings are brought under the licensing objectives crime and disorder. Mr Toprak has a previous conviction for this activity and is facing further prosecution. The machines being placed on site are not being sourced and maintained by a Gambling Commission licensed supplier as required under the Gambling Act 2005.

2.8 If a machine is illegally supplied this poses a risk to the first licensing objective of keeping crime out of gambling. A machine that does not meet the regulations and technical standard requirements may also risk the fair and open licensing

objective and therefore pose a risk of harm to members of the public interacting with these machines.

- 2.9 It is the responsibility of the business owner to ensure the machine meets the regulatory requirements prior to making them available for use to the public. If a machine fails to meet the requirements above, it is the business owner and not the machine supplier that is liable for this.
- 2.10 There are some gaming machines that are not permitted by anyone, even licensed premises. These include;
- Joker Poker gaming machines – these may not all pay out cash but accrue credits which are redeemed in another way.
  - Black Horse machines are not authorised by the Gambling Commission here in the UK and cannot be legally sited on a premises.

There is no application process that will enable premises to have these machines. Betting Terminals are only permitted in premises licensed under the Gambling Act 2005 such as licensed book makers.

- 2.11 Advice on the legality of Joker Poker machines, these machines often state 'For Amusement Only'.

The Gambling Commission Officer advised that:

1. As poker is a game of chance the machines displaying poker are gaming machines.
2. Gaming machines must be supplied by a Licensed (by the Gambling Commission) Gaming machine supplier.
3. Gaming machines must comply with the Commission's technical standards – joker poker machines have never been tested therefore would not comply with technical standards.
4. Gaming machines must meet the S240 Regulations i.e. display appropriate signage, Social Responsibility information, stakes and prizes, gaming machine category.

- 2.12 The Gambling Commission Officer also stated that if officers simply ask the premises owner to remove the machines, the machines would remain in circulation and be moved to another premises in the borough. They therefore recommended seizing the machines instead.

- 2.13 It is an offence under Section 242 of the Gambling Act 2005 for a gaming machine to be illegally sited on any premises. It is also an offence under Section 243 of the Gambling Act 2005 to supply a gaming machine which does not comply with Section 241 of the Gambling Act 2005 and/or the supplier does not have the appropriate operating licence. Both offences carry an unlimited fine and/or 51 weeks imprisonment upon conviction.

### **3 Other considerations**

- 3.1 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. The Guidance (11.27) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes unlawful gambling.

- 3.2 The guidance (11.28) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.
- 3.3 The Licensing Authority RA is of the opinion that the problems associated with the alleged crimes are affecting the promotion of the licensing objectives. The Licensing Authorities duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 3.4 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to go beyond any findings by the courts, which should be treated as a matter of undisputed evidence before them.
- 3.5 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The Licensing Authority's duty is to take steps with a view to the promotion of the licensing objectives in the interest of the wider community and not those of the individual licence holder.
- 3.6 **Options**  
The Committee must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The options are:
- To modify the conditions of the licence
  - To exclude a licensable activity from the scope of the licence
  - To remove the designated premises supervisor
  - To suspend the licence for a period not exceeding three months
  - To revoke the licence
  - To take no action.
- 3.7 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the Council's statement of Licensing Policy;
- regard to the Secretary of State's National Guidance.

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may determine that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

3.8 The Licensing Authority's determination of this application does not have effect until the 21 days' appeal period has expired or if the decision is appealed, the date the appeal is determined and or disposed of.

3.9 **Section 182 Guidance – relevant sections.**

The most recent statutory guidance was issued in April 2018 and applies to this application.

3.10 The following provisions of the Secretary of State's guidance (2018) apply to this application:

Chapter 11-this chapter gives guidance around the review process and determining an application for a review.

3.11 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

3.12 In accordance with section 52(2) of the Act, the Licensing authority must hold a hearing to consider the application and any relevant representations.

3.13 Section 11.27 -There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

3.14 **Section 17 of the Crime and Disorder Act 1998** states:

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“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonable to prevent crime and disorder in its area”.

### 3.15 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

## 4. Use of Appendices

Appendix 1 - Application form review

Appendix 2 – Copy of current licence.

Appendix 3 – Warning letter issued during Lockdown &

Appendix 4 – Prohibition Notice

Appendix 5 – Residents representations

Background papers: **Licensing Act 2003**

**Section 182 Guidance**

**Haringey Statement of Licensing policy**

**Report Pack**

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## Appendix 1 – Review Application

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Date: 14<sup>th</sup> May 2020

Ali Toprak  
124 St Loys Road  
Tottenham  
N17 6UD

Dear Mr Toprak,

**Re: PREMISE LICENCE REVIEW APPLICATION**

We have now made an application to the Licensing Authority to review your premises licence.

Please see enclosed the application and supporting documentation.

If you have any questions, please do not hesitate to contact the Licensing team at [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk).

Yours faithfully,



**Sarah Greer**

Enc: Copy of Review application

**ASB Team**  
Level 1, River Park House  
225 High Road  
London, N22 8HQ

T 020 8489 1000  
[www.haringey.gov.uk](http://www.haringey.gov.uk)



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

I Sarah Greer

(Insert name of applicant)

Apply for the review of the premises licence under section 51 of the Licensing Act  
2003, for the premises described in part 1 below.

**Part 1 – Premises or club premises details**

Philip Lane Social Club  
209 – 211 Philip Lane  
Tottenham  
N15 4HL

London

Post code: N15 4HL

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

Ali Toprak

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

LN/00003186

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

☐

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

x

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

☐

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

Please tick ✓ yes

Mr

☒

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

**Surname**

Ali

**First names**

Toprak

**I am 18 years old or over**

Please tick ✓ yes

☒

**Current postal  
address if  
different from  
premises  
address**

124 St Loys Road  
Tottenham  
N17 6UD

**Post town**

London

**Post Code**

N17 6UD

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

N/A

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**



<b>Name and address</b>  <b>Mrs Sarah Greer</b> <b>ASB Specialist (Environmental Crime)</b> <b>River Park House</b> <b>Level 1 (North)</b> <b>225 High Road</b> <b>Wood Green</b> <b>N22 8HQ</b>
<b>Telephone number (if any)</b> <b>020 8489 5288</b>
<b>E-mail address (optional)</b> <a href="mailto:sarah.greer@haringey.gov.uk">sarah.greer@haringey.gov.uk</a>

**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

✓

x

☐
☐
☐

**Please state the ground(s) for review (please read guidance note 2)**

**This application to review relates to the objective to Prevent Crime and Disorder**

This application relates to several different offences on different dates that I have listed in date order.

**20<sup>th</sup> February 2020**

On the 20<sup>th</sup> February 2020, Sarah Greer, ASB Specialist (Environmental Crime) and Stephen Davies ASB Enforcement Officer, visited Philip Lane Social Club after a large amount of waste, believed to be from the business was found to be unlawfully deposited on the public highway.

As the officers entered the premises, they observed several people including the owner who I know to be Ali Toprak, smoking inside a smoke free premises, I could see the room was fully enclosed and not 50% open as the Heath Act 2006 requires. When approached by council officers the owner informed them, he would be going outside to put his cigarette out and he failed to return to speak to the waiting officers.

As I walked towards the bar area, I observed three (3) gaming machines were found to be on the premises, the photographs were sent over to the gambling commission for inspection and they were found to be illegal as they were not compliant with the Gambling Regulations or Commissions Technical Standards.



As offences have been committed under the Gambling Act 2005 and the Health Act 2006, this case has been referred to the borough solicitor for prosecution.

**Please find attached supporting statement's and exhibits.**

**24<sup>th</sup> February 2020**

Sarah Greer, ASB Specialist (Environmental Crime) and Stephen Davies ASB Enforcement Officer, visited Philip Lane Social Club, 209 – 211 Philip Lane, Tottenham, N15 4HL, to speak with the owner Ali Toprak regarding the offences that they believed took place on the 20<sup>th</sup> February 2020, under the Gambling Act 2005, the Health Act 2006 and the Environmental Protection Act 1990.

When cautioned Mr Ali admitted that the waste outside on the public highway had been unlawfully deposited from his business and was issued with a fixed penalty notice for fly tipping, under section 33 of the Environmental Protection Act 1990.

**Please find attached supporting statements and exhibits.**

**22<sup>nd</sup> May 2018**

On the 22<sup>nd</sup> May 2018, Stephen Davies ASB Enforcement Officer, issued a fixed penalty notice to Ali Toprak after a large amount of waste had been unlawfully deposited at the front of Philip Lane Social Club, 209 – 211 Philip Lane, Tottenham, N15 4HL.

When cautioned Mr Ali admitted that the waste outside on the public highway had been unlawfully deposited from his business and was issued with a fixed penalty notice for fly tipping, under section 33 of the Environmental Protection Act 1990.

**Please find attached supporting statements and exhibits.**

**23<sup>rd</sup> February 2018**

Chris Georgiou, Tactical Enforcement Officer, visited Philip Lane Social Club, 209 – 211 Philip Lane, Tottenham, N15 4HL, as part of a licensing inspection with the Police and Gambling Commission. Upon entering the premises, he observed seven gaming machines and one betting terminal available for use within the business. The Gambling commission inspected all the machines and they were found to be illegal, as they were not compliant with the Gambling Regulations or Commissions Technical Standards.

As offences have been committed under the Gambling Act 2005 and the Health Act 2006, this case was referred to the borough solicitor for prosecution.

Ali Toprak pleaded guilty top two offences under the Gambling Act 2003, and was fined £600.00 and costs of £340.00

**Please find attached supporting statements and exhibits**



**Please tick ✓ yes**

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

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

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

N/A



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 4)**

**Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant, please state in what capacity.**

Signature



Sarah Greer

Date 8<sup>th</sup> April 2020

Capacity ASB Specialist (Environmental Crime) Haringey Council

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)**

River Park House  
225 High Road  
Wood Green  
N22 8HQ

**Post town**  
London

**Post Code**  
N22 8HQ

**Telephone number** 020 8489 5288

**If you would prefer us to correspond with you using an e-mail address your e-mail address** sarah.greer@haringey.gov.uk



**Notes for Guidance**

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



**LONDON BOROUGH OF HARINGEY**

**V**

**Mr Ali Toprak  
Philip Lane Social Club  
209-211 Philip Lane  
London, N15 4HL**

**Type of Offence:**

**Gambling Act 2005 section 242  
Health Act 2006 section 7**

**Date of Offence: 20<sup>th</sup> February 2020**

**Signed**



**Dated 3<sup>rd</sup> April 2020**

**1**



STATEMENT OF WITNESS

Criminal Procedure Rules 2005 r271(1);  
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of Sarah Greer

Age of Witness Over 18

This Statement, consisting of four (4) 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: 3<sup>rd</sup> April 2020

1. I am Sarah Greer and I am employed by the London Borough of Haringey as an ASB Specialist (Environmental Crime) Parts of my duties are to investigate offences under the Gambling Act 2005 and the Health Act 2006.
2. A premises licence allows a premises to carry on a licensable activity on or from their premises namely; the sale by retail of alcohol, the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, the provisions of regulated entertainment and the provisions of late night refreshments. Within the ambit of regulated entertainment this could include a performance of a play, an exhibition of a film, an indoor sporting event, boxing or wrestling either indoors or outdoors, a performance of live music, any playing of recorded music and a performance of dance or some similar description. They could also provide entertainment facilities to make music, for dancing or some other similar facility.
3. Any premises that is looking to carry on any of the activity listed in paragraph 3 should have applied for and been granted a premises licence.
4. They must also ensure that where any premises licence has been granted and is subject to certain conditions – that those conditions are adhered to. Some common conditions that require monitoring, is the hours that the premises are open and carries on the said licensable activities.
5. With regards to the Health Act 2006, It is the duty of any person who occupies or is concerned in the management of a smoke free premise to ensure that, the premises are always 50% open whilst being used for the purpose of smoking, and smoke free signs are displayed in accordance with the Smoke free (Signs) Regulation 2012, Smoke free premises must have a minimum A5 sign on display in their business where members of the public have access too. The sign should display a no smoking symbol and warning that it is illegal to smoke on the premises.

Signed



Dated 3<sup>rd</sup> April 2020



6. The smoke free law covers the smoking of tobacco or anything that contains tobacco or smoking any other substance. This means that anything that is smoked is covered by smoke free law, including manufactured and hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha hookah and hubble-bubble pipes).
7. Shisha Lounges are permitted for smoking in some circumstances where there is a roof or ceiling, but only if at least half of the walls of the structure are open at all times, meaning that 50% of the wall area must be open for smoking to be permitted. I exhibit the shisha café guidance as SG1.
8. On Thursday 20th February 2020, at approximately 20:30 hours, I was on duty with my colleague Stephen Davies on a late-night waste enforcement operation, Operation Twilight. This operation is an out of hours' operation and is aimed at unlawfully deposited waste.
9. As we were walking along Philip Lane, we observed a large amount of building waste that had been unlawfully deposited on the public highway beside the rubbish bin a few shops along from Philip Lane Social Club 209-211 Philip Lane, London, N15 4HL. We walked along the small parade of shops to see if we could identify where it may have come from and as we approached Philip Lane Social Club 209-211 Philip Lane, London, N15 4HL, we could see they were carrying out refurbishment at the side of the social club. Upon further investigation we identified that some of the furnishings that had been unlawfully deposited were identical to the furnishings that remained in the shop.
10. Myself and my colleague Stephen Davies walked into Philip Lane Social Club, 209-211 Philip Lane, London, N15 4HL, as we entered the premises, I observed that the room was filled with smoke. I could not feel any air coming into the room and as I looked around, I could see the room was fully enclosed and not 50% open as the Heath Act 2006 requires.
11. As I took a good look around the room I observed two big round tables in the premises, both tables had several males sitting round playing cards and some of the males were smoking tobacco related products and had little tables beside them with ashtrays on, and lit cigarettes inside the ashtrays. I exhibit photographs as SG2.
12. I then observed the owner of the premises who I know to be Ali Toprak was walking towards me, I noticed that he had a lit cigarette in his hand. As I approached Ali Toprak, he informed me that he was going outside to put the cigarette out.
13. I walked towards the bar area and I observed three gaming machines available for use within the business. I observed two (2) Royal Flush machines and one (1) Black Horse machine.





14. Upon further inspection I observed that all three (3) gaming machines failed to display the relevant information required, such as the machine category, no under 18 signage, details for the gambling hotline and details on general machine operating methods. At this point, I had suspicions that the gaming machines were unlicensed, and an offence had been committed contrary to the Gambling Act 2005. I exhibit photographs of the gaming machines as SG3.
15. Stephen Davies and I waited in the business for over 20 minutes for Ali Toprak to return and he did not return, we then left the premises.
16. On the 24<sup>th</sup> February 2020, at approximately 16:30, I visited Philip Lane Social Club, 209-211 Philip Lane, London, N15 4HL, with my colleague Stephen Davies.
17. As I walked to the bar area, I observed Ali Toprak behind the bar. I identified myself Ali Toprak, by showing him my authorisation.
18. I cautioned Ali Toprak "You do not have to say anything, but it may harm you defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence "and asked him for his name which he gave as Ali Toprak and his date of birth which he gave as 15<sup>th</sup> August 1963.
19. I asked Ali Toprak, questions regarding the 20<sup>th</sup> April 2020, when I had visited the business. I asked him why he had left the business and failed to return, why he had the gaming machines available for use on the premises on the 20<sup>th</sup> February 2020, how long he had them on the premises and who they belonged to.
20. Ali Toprak informed me that he had only had them for a couple of months and was not aware of the person's name that bought them in, he said the male comes every few weeks to empty the machines.
21. I then asked Ali Toprak why he was smoking and had allowed other people to smoke on the premises which is a smoke free premises and was not compliant with the Health Act 2006. Ali Toprak just shook his shoulders and said he didn't know.
22. I informed Ali Toprak, that as I believe he had committed two offences when I had come into the premises on Thursday 20<sup>th</sup> February 2020, under the Gambling Act 2005 and the Health Act 2006, that I would be passing the case to the borough solicitor with a view to legal action being taken against him. I exhibit a copy of my notebook as SG4.






23. On April 3<sup>rd</sup> 2020, I sent an email with photographs attached to Mohammed Shafiq, Compliance Manager from the Gambling Commission. The email was asking him to confirm if these gaming machines were compliant with the Gambling Regulations or Commissions Technical Standards.
24. On the 7<sup>th</sup> April 2020, I received a response from Mohammed Shafiq, attached was an email from Nigel Owen, Sector Specialist – Gaming machines. I attach a signed copy of the statement.
25. On the 8<sup>th</sup> April 2020, I carried out a business rates search on Philip Lane Social Club, 209-211 Philip Lane, London, N15 4HL. I can confirm the business rates payer is Mr Eren Celik from 20<sup>th</sup> April 2012 – to date. I exhibit a copy of the business rates as SG5.
26. On the 8<sup>th</sup> April 2020, I printed off the premises licence for Philip Lane Social Club, 209-211 Philip Lane, London, N15 4HL, and can confirm the Premises Licence holder is Ali Toprak of 124 St Loys Road, Tottenham, N17 6UD, and the Designated Premises Supervisor is Ali Toprak of 124 St Loys Road, Tottenham, N17 6UD. I exhibit a copy of the premises licence as SG6.
27. I am willing to attend court as a witness if required.

Signed



Dated 3<sup>rd</sup> April 2020



See 1 of 4  
Sarah Green  
14 April 2020  


## **Shisha Cafes: Advice to business and prospective owners to achieve compliance with the law.**

### **Shisha Cafes and Smoke-free legislation.**

The Health Act 2006 and The Smoke-free (Premises and Enforcement) Regulations 2006 prohibits the smoking of tobacco or substances containing tobacco in any premises deemed as "enclosed" or "substantially enclosed".

### **What sort of smoking does the law cover?**

The smokefree law covers the smoking of tobacco or anything that contains tobacco, or smoking any other substance.

This means that anything that is smoked is covered by smokefree law, including manufactured and hand-rolled cigarettes, pipes, cigars, herbal cigarettes and water pipes (including shisha, hookah and hubble-bubble pipes).

### **Where can customers smoke?**

The term "enclosed" applies to any building or structure with a roof (including canvas or marquee, covers or awnings) or ceilings used as a place of work or open to any access from the public.

"Substantially enclosed" refers to the percentage of the area of the structure where openings in the walls amount to less than 50% of the total area. Note: Doors and windows and canvas flaps which can be opened, rolled up or shut cannot be included as openings. In addition; walls and other adjacent structures less than 1.5 metres away may also be included when assessing the percentage of enclosure. In respect of structures built for the consumption of tobacco products, including shisha; a roof can be accommodated into the design, as long as the open portion of the structure amounts to a minimum 50% of the total area (also known as the 50% rule). In summary, in order to calculate this, use the following method:

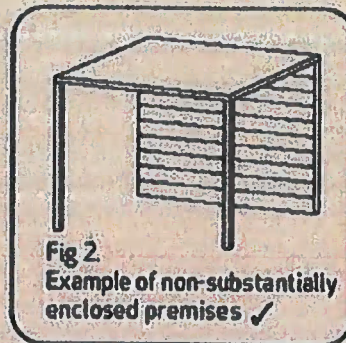
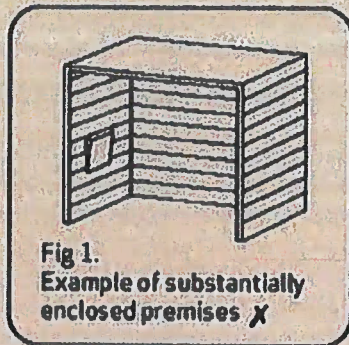
- Find the total area of the structure (including walls, windows and doors).
- Find the enclosed area, also including walls, windows and doors.
- Subtract the enclosed area from the total area, to give the open area.



*Sarah Greer*  
14th April 2020

- If the enclosed area is greater than the open area, the structure does not comply.
- If the open area is equal to or greater than your enclosed area, the structure does comply.

(See Fig 1 & 2, below for examples of non compliant and compliant structures)



If in doubt, contact your local authority for advice relating to compliance with Smoke-free legislation and any potential planning permission issues which may exist (i.e. noise nuisance, smoke ingress to adjoining properties). Penalties for non-compliance may result in the imposition of a £2,500 fine for failing to prevent smoking in smoke-free premises.

#### **Under 18's and tobacco.**

It is against the law to sell or supply any tobacco product or derivative to persons under the age of eighteen. In respect of shisha and the common practice of sharing the pipe amongst a group, this will entail I.D checks on everyone entering the premises. To aid business owners, best practice would recommend the adoption of the "Challenge 25" scheme and relevant training for staff, which entails the production of ID for any person who appears to be less than 25 years of age, together with the maintenance of a documented record of refusals to monitor staff compliance.

#### **Shisha tobacco and the law.**

Only tobacco that has been legally imported into the UK can be offered for sale (legally imported products will carry the same health warnings as currently displayed



51  
Sarah Greer  
14th April 2020

on cigarette packaging). Evidence, such as invoices must be retained by the business owner to prove the legality and provenance of the products on request. Any items found to be in contravention of regulations will be subject to seizure by authorised officers (i.e. Trading Standards, Customs & Excise Officers and the Police)

#### **Health warnings and Shisha Cafes.**

The following warnings and notices must be displayed on any premises where tobacco or products containing tobacco are sold:

- Notices stating **"It is illegal to supply tobacco products to anyone under the age of 18"** displayed in any areas where service occurs. (Copies available on request from the Local Authority).
- Identical warnings to those currently displayed on cigarette packaging should be attached to, or supplied in card form with each pipe supplied to the customer. If this is not practicable, prominent display on the premises within view of the customer would be an acceptable alternative.


#### **Protecting the safety of staff and customers.**

Risks associated with shisha which require assessment and control include:

- Potential for transmission of infectious diseases caused by inadequate cleaning of pipe mouthpieces and hoses. These should be cleaned and disinfected between users, or disposable mouthpieces used.
- Fire risk and carbon monoxide poisoning (burning charcoal, poor ventilation).
- Burns from hot coals.
- Spillages (slips on wet surfaces).
- Fire exits and escapes should be unlocked, signposted and free from obstructions.

Staff training relating to risk awareness together with the creation of a premises specific Fire Risk assessment and Emergency Plan should be implemented to mitigate the risks. Guidance can be obtained from a local Fire Brigade Fire Safety Team.



054 700 1  
Sarah Greer  
14th April 2020  



**Penalties and fines.**

**For breaking the smoke free law:** Failure to prevent smoking in a smoke free premises or area designated as smoke free, carries a maximum fine of £5200 on the owner or person deemed responsible for managing or supervising persons or any activities carried out on the premises. A fixed penalty notice of £200 (reduced to £150, if paid within 30 days is also accorded to any failure to display no-smoking signs.

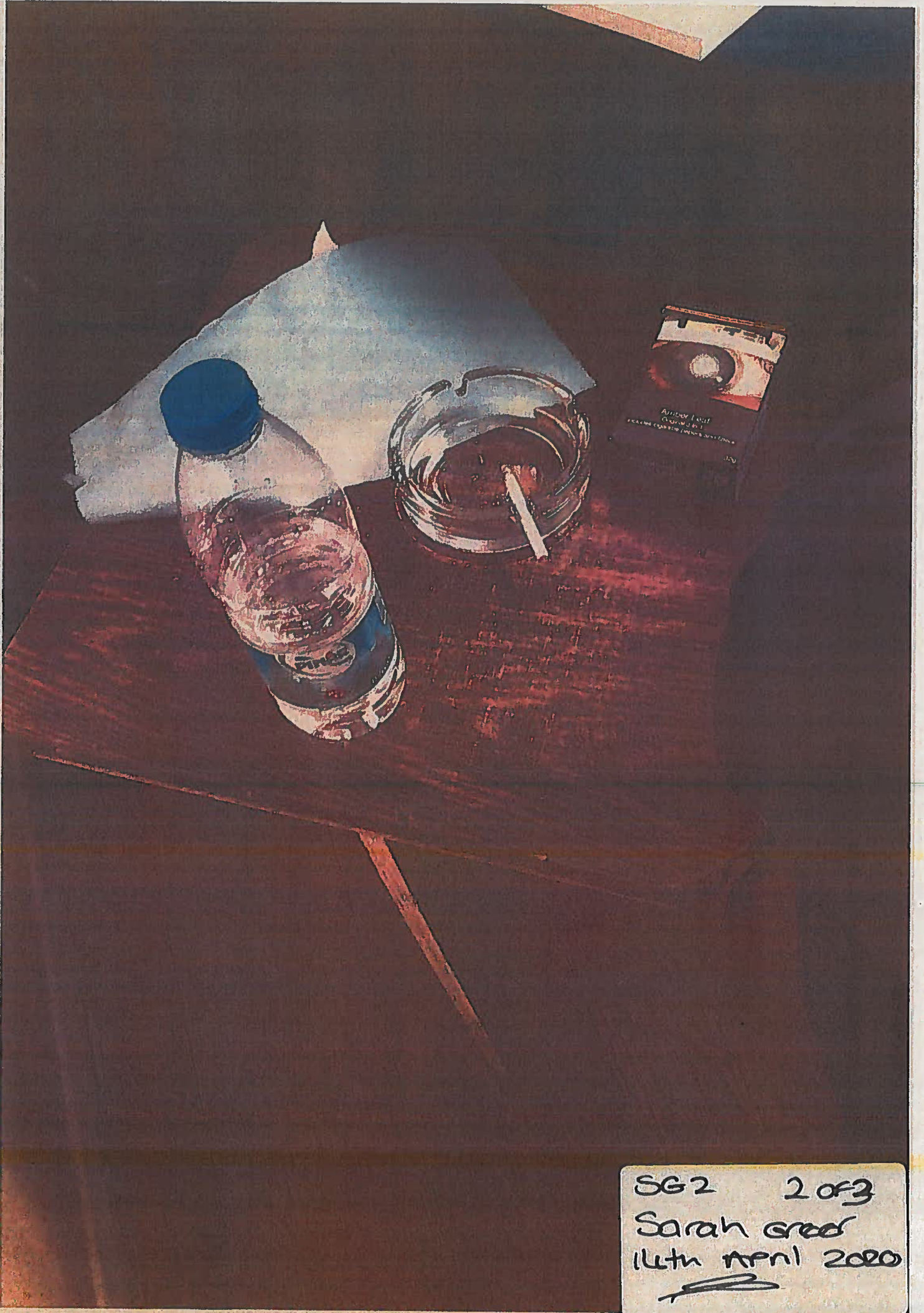
**For the sale of tobacco to young persons:** This offence carries a fine of £2500. In addition: A fine of £1000 is carried for failure to display a sign stating 'It is illegal to sell tobacco products to anyone under the age of eighteen'.






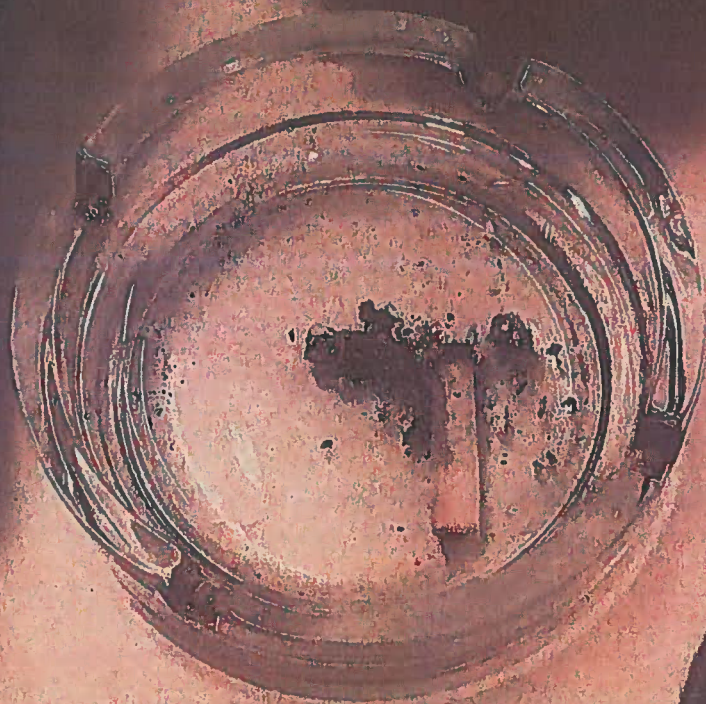
SG2 1 of 3  
Sarah Greer  
Lulu April 2020  







SG2 2 of 3  
Sarah Greer  
14th April 2020  






SG2 3 of 3  
Sarah ~~Greer~~  
14th April 2020  






S63  
Sarah Green  
14th April 2020  
*[Signature]*



Time and Reference	8
Thursday 20th Feb 20	
20-30	<p>Philip Lane Social Club as I entered the premise the room is filled with smoke. Ali Torrak approached me with a lit cigarette at least 5 males smoking 3 gaming machines at the premises. Ali Torrak failed to return.</p>

SG4 1 of 2  
 Sorah area  
 14th April 2020



10

Time and  
Reference

Monday 24th Feb 20

SG

Philip Lane Social  
club Mr Toprak  
on the premises  
I cautioned him  
and asked the  
following questions  
why did you  
have the coming  
on the premises,  
how long have you  
had them

AT

A couple of  
months

SG

who do they  
belong to  
I don't know he  
comes every  
few weeks to

SG

collect the money  
why was you  
and other  
smoking on the  
premises

AT

I don't know  
I informed him  
as these offences  
have been  
committed I would  
be referring the  
case for  
prosecution

SG4 2 of 2

Sarah Green

14th April 2020

11





Revenues

Benefits

Jobs

System

Accounts

Collection

Bulk Updates

Statistics

Year End

Work Management

Valuation Enquiry

Summary

Liability

Transactions

Recovery

Correspondence

Property

Property Setup

Reorganisatio

Reference



History

Account Ref 81016957 - 4

Period 20-APR-2012 to (open)

Liable Parties Mr Eren Celik

Status STATIC

Property Address 209 Philip Lane, London, N15 4HL

Property Ref 5565381

UPRN 10022944872

Admin Area AREA 20

Contact Address London Satellite , 209 Philip Lane, London, N15 4HL

SGS  
Sarah Green  
14th April 2020



LICENSING ACT 2003  
Sec 24

## PREMISES LICENCE

Receipt: FO0109009956

Premises Licence Number: LN/00003186

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
Technopark, Ashley Road  
Tottenham, London, N17 9LN**

Signature:.....

Date: 29<sup>th</sup> March 2006  
6<sup>th</sup> May 2014

### Part 1 – PREMISES DETAILS

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

**PHILIP LANE CAFÉ  
209-211 PHILIP LANE  
LONDON  
N15 4HL**

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

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

Supply of Alcohol


Monday to Sunday                      1100 to 2300

The opening hours of the premises:

Monday to Sunday                      1100 to 2330

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

Supply of alcohol for consumption both OFF the premises

Sgb 1 of 6  
Sarah Green  
14th April 2020  




LICENSING ACT 2003  
Sec 24

**Part 2**

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

Ali Toprak  
124 St Loys Road  
Tottenham  
London  
N17 6UD

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

Not applicable

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


Ali Toprak  
124 St Loys Road  
Tottenham  
London  
N17 6UD

**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/000012491

Issued by: The London Borough of Haringey

Expiry Date: 26<sup>th</sup> April 2024

Sgt 2006  
Sarah GRD  
14th April 2020  




## **Annex 1 –Mandatory Conditions**


**(2) ) Supply of alcohol:** 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.

(3) 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.

### **Additional Mandatory Conditions in relation to Supply of Alcohol**

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

SG6 3 of 6  
Sarah error  
14th April 2020  




## **Annex 2 – Conditions consistent with the Operating Schedule**

### **GENERAL – ALL FOUR LICENSING OBJECTIVES**

- The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

### **THE PREVENTION OF CRIME AND DISORDER**

- Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- Digital CCTV to be installed and any images will be made available to the Police or the local authority upon request.

### **PUBLIC SAFETY**

- Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.
- All emergency exits shall be kept free from obstruction at all times.


### **THE PREVENTION OF PUBLIC NUISANCE**

- All customers will be asked to leave quietly.
- Clear and legible notices will be prominently displayed to remind customers to leave quietly.

### **THE PROTECTION OF CHILDREN**

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
  - A photo driving license issued in a European Union Country
  - A proof of age standard card system
  - A citizen card, supported by the Home Office
- 
- A register of refused sales shall be kept and maintained on the premises.

SGG 4 of 6  
Sarah Grogan  
14th April 2020  




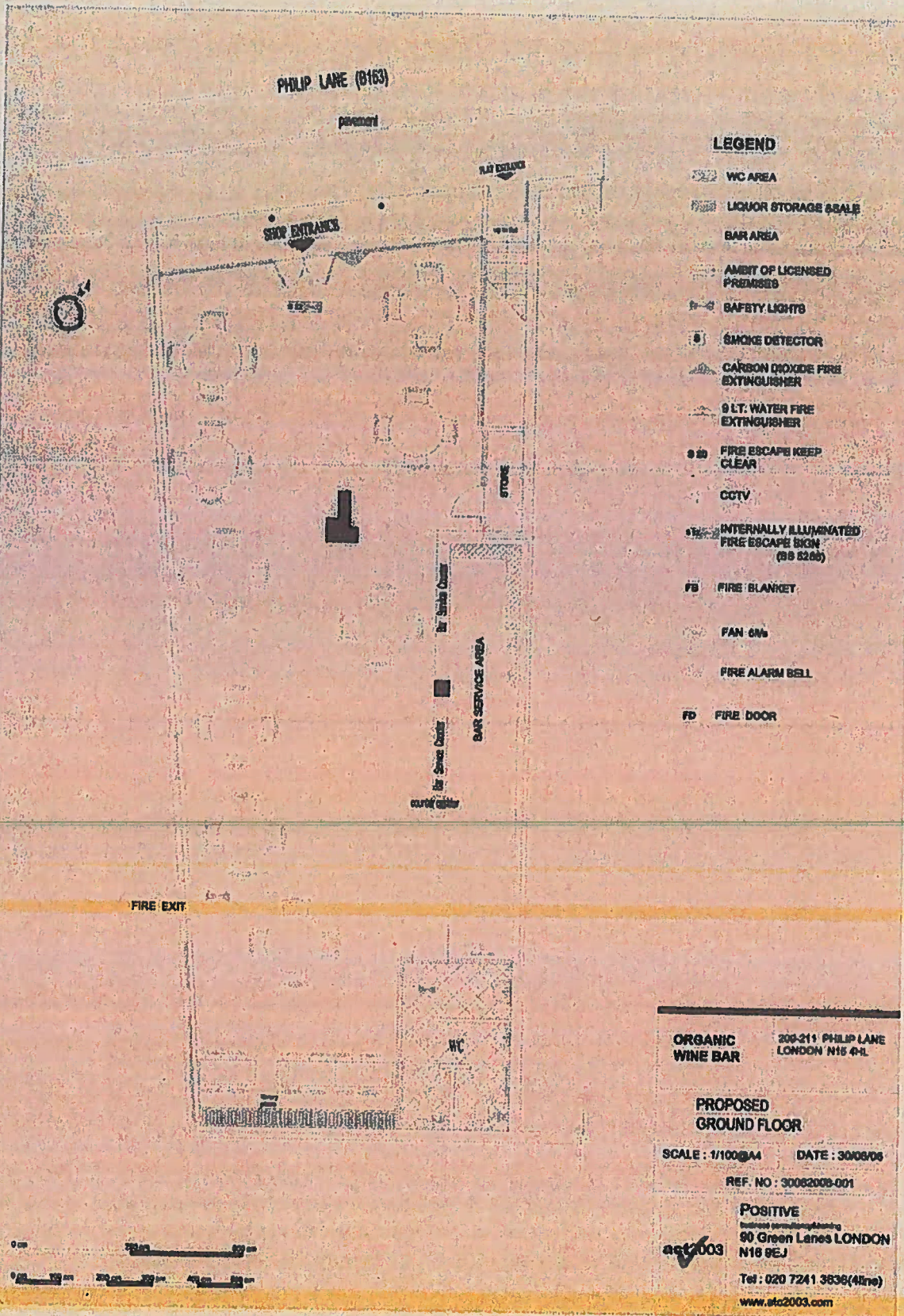
**Annex 3 – Conditions attached after a hearing by the licensing authority**

SG6 5 of 6  
Sarah Greer  
14th April 2020





# Annex 4 - Plans



Scb 6 orb  
Sarah Green  
14th April 2020



**STATEMENT OF WITNESS**

(Criminal Procedure Rules 2005 r271(1).

Criminal Justice Act 1967 s:9; M.C. Act 1980 s5B)

**Statement of Stephen DAVIES**

**Age of Witness: Over 18**

This Statement, consisting of three 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: 8<sup>th</sup> April 2020**

1. I am Stephen DAVIES and I am currently employed as a Street Enforcement Officer by the London Borough of Haringey. Part of my duties include investigating incidents of Fly Tipping offences under the Environmental Protection Act 1990.
2. Fly tipping is one of Haringey resident's top concerns. It is estimated that Haringey Council collects over 13,000 tonnes of fly tipped waste with over 30,000 incidents reported by residents every year. Haringey Council has therefore implemented a fly tipping action plan to tackle the problem.
3. Philip Lane, N15, is one of the areas identified as a fly tipping hotspot in Haringey. Philip Lane is a main road used by members of the public and fly tipping poses a serious detriment to the local environment. Fly tipping is cleared daily at the council expense. The council has banding times on Philip Lane during which businesses can place their commercial waste out for collection in bags supplied by their waste contractor. Signs are erected on Philip Lane warning against depositing and or leaving waste on Philip Lane outside the banding times and in the wrong receptacles. The banding times for Philip Lane, N15 are between 06.00 – 06.30 & 21.30 – 23.00 hours.
4. On Thursday 20<sup>th</sup> February 2020 at about 20.30 hours, I was on duty with my colleague, Sarah Greer on a late-night waste enforcement operation. This operation is an out of hours operation and is aimed at enforcing unlawfully deposited waste within the borough of Haringey.
5. As we were walking west along the south footway of Philip Lane, I observed a large amount of building waste that had been deposited on the public highway. The exact location was about fifteen yards east of the Philip Lane Social Club, 209 – 211, Philip Lane, N15 4HL. Along with my Colleague, Sarah Greer, I made local enquires as to who may have been responsible for depositing the waste.
6. As we arrived at the Philip Lane Social Club, I noticed that refurbishment work was being carried out at the side of the Social Club. Upon further inspection, items within the premises were identical to items we had seen amongst the deposited waste.
7. With my colleague, Sarah Greer, I entered the Philip Lane Social Club. The first thing I observed was that the room was filled with smoke and totally enclosed. I saw that there were two large tables with several males sat around them. These males were playing cards. Some of the males were smoking and lighted cigarettes could be seen in ashtrays.
8. I then saw the owner of the premises, a Mr Ali Toprak, whom I have had previous dealings with, walking towards me. I noticed that he had a lit cigarette in his hand. I heard him say to my colleague that he was going outside to put his cigarette out.

Signed: 

**Dated: 8<sup>th</sup> April 2020**



9. I then carried on walking through the premises. By the bar area I noticed that there three gaming machines.
10. We then waited in the premises for some twenty minutes waiting for Mr Toprak to return, which he did not. We then left the premises.
11. On the 24<sup>th</sup> February 2020 at about 16.30 hours, in company with my colleague Sarah Greer, I returned to the Philip Lane Social Club. As I walked to the bar area, I saw Mr Toprak stood behind the bar. Both myself and my colleague showed our council authorisation. Mr Toprak appeared to instantly recognise us both.
12. Sarah Greer then fully cautioned Mr Toprak and asked for his full name and date of birth. Mr Toprak stated his name was Ali Toprak and that his date of birth was 15<sup>th</sup> August 1963".
13. Sarah Greer then asked Mr Toprak questions relating to the 20<sup>th</sup> February 2020 when we had first visited the premises, seen persons smoking, had seen gaming machines within the premises and as to why he had left.
14. Mr Toprak stated that he had only had the machines a couple of months and was not aware of the person's name who had bought them in. He further stated that that the male comes every few weeks to empty the machines.
15. Mr Toprak was then asked why he was smoking and had allowed others to smoke in a free smoke premises. Mr Toprak just shook his shoulders and said he didn't know.
16. Sarah Greer then informed Mr Toprak that in relation to our visit on the 20<sup>th</sup> February 2020, she would be passing the case to the borough solicitor with a view to legal action being taken against him for the offences under the Gambling Act 2005 and the Health Act 2006.
17. In relation to the Fly Tipping, this has been dealt with by way of a Fixed Penalty Notice issued under Section 33 Environmental Protection Act 1990.
18. I am willing to attend court in this matter, if required to do so.

Signed: 

Dated: 8<sup>th</sup> April 2020



# GAMBLING COMMISSION

## Witness Statement

(CJ Act 1967, s.9; MC Act 1980, ss. 5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of: **Nigel OWEN**

Age if under 18: Over 18 (if over 18 insert "Over 18")

Occupation: Sector Specialist – Gaming machines

This statement, (consisting of 2 pages, each 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:

I, Nigel OWEN, am employed by the Gambling Commission (the Commission) and prior to that the Gaming Board as a Sector Specialist – gaming machines. I have held this position since 2003.

My background is that of an engineer, I was awarded an honours degree in engineering in 1982 (B. Eng). My role as Sector Specialist – gaming machines covers the whole of Great Britain and requires me to, amongst other things, analyse aspects of gaming machine design and operation to ensure compliance with appropriate legislation, regulations and technical standards.

I have been asked by the London Borough of Haringey to provide a statement regarding three machines observed during an inspection in March or April 2020 of a premises within the Borough. One of the machines is marked with the wording 'Black Horse' and two have the name 'Royal Flush 500' on them. I have been asked to state whether in my opinion these are compliant gaming machines as defined by the Gambling Act 2005, Section 235(1) and associated regulations.

I have not been able to personally examine the machines and am basing my statement on one photograph provided by Haringey Council, ref HC/1.

Signed:



**Continuation of Statement of Nigel OWEN**

---

The name 'Black Horse' is a product name given to generic gaming machine cabinets made by the manufacturer 'Vegas.pl' a company in Poland. I have some experience of this specific make of machine, having previously examined several other examples and provided statements for court cases involving this make of machine over several years in the London and South Wales areas.

All of the cabinets of this name that I have seen in the past give the player the option to select from a number of different games such as roulette, poker and blackjack as well as more conventional fruit machine style reel based games.

The two 'Royal Flush 500' machines appear identical and show a poker or similar game on the screen. These are of a type I have seen in the past and each machine only plays a single type of game, poker.

All three machines show graphics on screen which are at the very least 'presented as involving an element of chance', section 6(2)(a)(iii) of the Gambling Act 2005 defines this as a game of chance. On the assumption that a prize is offered this would make all three machines gaming machines.

Whilst I am unable to examine the machines, observations from the photograph ref HC/1 tell me that none of the machines have the required statutory notices displayed such that they can be seen in the photograph. Without these statutory notices the machines are non-compliant. For completeness, notices of the following must be displayed as required by regulation:

- Category of gaming machine.
- Telephone number from which help for problem gambling may be obtained.
- No under 18s warning unless these are category D machines.
- Information relating to the percentage of cost to play that is returned by way of prizes.

---

Signed:



LONDON BOROUGH OF HARINGEY

v

Mr Ali Toprak  
Philip Lane Social Club  
209-211 Philip Lane  
London, N15 4HL

Type of Offence: Gambling Act 2005 section 242

Date of Offence: 23<sup>rd</sup> February 2018

SCHEDULE OF CONTENTS

Signed

Dated 26<sup>th</sup> March 2018

1



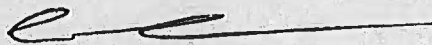
**STATEMENT OF WITNESS**  
(Criminal Procedure Rules 2005 r271(1);  
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: Chris Georgiou

Age of Witness: Over 18

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

Signature:



Date: 28<sup>th</sup> March 2018

1. I am Chris Georgiou and I am employed by the London Borough of Haringey as a Tactical Enforcement Officer. Parts of my duties are to investigate offences under the Gambling Act 2005.
2. On Friday 23<sup>rd</sup> February 2018 at approximately 16:30 hours, I visited Philip Lane Social Club 209-211 Philip Lane, London, N15 4HL as part of a multi agency licensing inspection with the Police and the Gambling Commission.
3. As I entered the premises I observed several gaming machines available for use within the business. I observed two (2) Joker Poker machines beside the entrance to the business, both switched off. I observed one (1) Joker Poker and one (1) Black Horse machine beside the bar area, both switched on and available for use. I observed a further two (2) Joker Poker machines, one (1) Black Horse machine and a betting terminal in a separate room the rear of the business. All of which were switched on and available for use. In total I observed seven (7) gaming machines and (1) betting terminal, six (1) of which were switched on and available for use.
4. On further inspection I observed that all seven (7) gaming machines and the betting terminal failed to display the relevant information required such as the machine category, no under 18 signage, details for the gambling hotline and details on general machine operating methods. At this point, I had suspicions that the gaming machines and the betting terminal were unlicensed and an offence had been committed contrary to the Gambling Act 2005. I exhibit photographs of the gaming machines as CG01.
5. I identified myself to the owner and manager of the business who I know to be Mr Ali TOPRAK, date of birth 15<sup>th</sup> August 1963, home address 172 Church Street, London, N9 9AR, by showing him my authorisation.
6. Mr Ali TOPRAK was cautioned at 16:40 hours in the presence of Chander KALA from the Gambling Commission and asked the following questions:
 

CG When did these machines get delivered?

AT The back part, I rent to someone else. Business is down, I can't even cover rent.

CG When did the machines arrive?

AT Between fifteen (15) to twenty (20) days ago. Nearly one (1) month.

CG Who owns the machines?

AT I don't want to make any comment.

CG How do the Joker Poker machines work?

AT Just for enjoyment.

CG What happens when someone wins?

Signed



Dated 28<sup>th</sup> March 2018



- AT Nothing.
- CG The Black Horse machines. How do they work?
- AT You win, ticket comes out, I give them money from till. When owner of machine comes, they give me money back plus commission.
- CG Who is the owner?
- AT I don't know. They come every ten (10) to fifteen (15) days and give me commission.
- CG How much money have you handed out to customers winning on Black Horse machines?
- AT I don't know.
- CG How many winners do you have per day?
- AT Sometimes nobody plays. People win sometimes £20, £30 but not always.
- CG Do you keep records?
- AT No, no records.
- CG How does the Betting Terminal work?
- AT It's not mine, I don't know.
- CG Who rents the back room to?
- AT His name is ALI, only a verbal agreement.
- CG Are you aware the machines are illegal?
- AT No
- CG How much money have you made from the machines so far?
- AT I'm not going to make any comments, I'm very upset.
- CG What is your current address?
- AT Flat C, 28 Ida Road, N15 5JE.
- CG Where did you get the Pall Mall cigarettes from?
- AT My waitress bought them.
- CG How much do you sell them for?
- AT They are for personal use.

I recorded all questions and answers in my pocket notebook which I read back Mr Ali TOPRAK. Mr TOPRAK accepted the questions and answers were accurate and proceeded to sign my notebook. I exhibit a copy of my pocket notebook as Exhibit CG02.

7. All seven (7) gaming machine and the betting terminal were seized under Section 317 of the Gambling Act 2005.
8. On 26<sup>th</sup> March 2018, I wrote to Mr TOPRAK informing him that Haringey Council would institute legal proceedings against him. I exhibit a copy of the letter as Exhibit CG03.
9. I am willing to attend court as a witness if required.

Form ED2 Page 1

OFFENCE, ETC. REPORT

Signed



Dated 28<sup>th</sup> March 2018





CEO 1028  
28 March 2018  
Chris Georgy  
e



		1/4		Section		Red of White			New Goal			Goal / Under	
Time	1/4	1/4	1/4	1/4	1/4	1	2	3	1	2	3	1	2
16.5	1071	USA Solta	0	0	Cherno More Varna	1.30	1.35	15.25	1.30	4.70	8.25	1.05	1.70
17.0	1071	Elkash El Gaba	0	1	Petrojet FC	3.00	1.60	5.50	2.80	1.75	4.65	1.80	1.75
17.5	1211	Al Wahda	0	0	Shabab Al Ahli	1.85	2.95	3.80	1.65	9.00	2.45	2.00	1.60
18.0	1211	United Arab Emirates	1	0	Al Ahli	2.70	1.80	4.70	2.45	2.15	3.85	1.55	2.15
18.5	1217	United Arab Emirates	0	0	Al Ahli	2.40	2.85	2.70	1.95	7.25	2.10	1.45	2.10
19.0	1217	United Arab Emirates	0	0	Al Ahli	4.70	1.35	5.25	4.35	1.45	4.70	2.30	1.45
19.5	1217	United Arab Emirates	0	0	Al Ahli	2.30	3.30	2.50	1.90	10.75	2.00	1.95	1.60
20.0	1217	United Arab Emirates	0	0	Al Ahli	3.25	1.85	3.50	2.80	2.25	2.95	1.50	2.25
20.5	1217	United Arab Emirates	0	0	Al Ahli	1.75	1.95	19.25	1.70	2.15	13.25	1.55	2.15
21.0	1217	United Arab Emirates	0	0	Al Ahli	4.25	1.45	4.70	3.90	1.55	4.30	2.10	1.55
21.5	1217	United Arab Emirates	0	0	Al Ahli	2.75	1.65	5.50	2.55	1.90	4.65	1.70	1.90
22.0	1217	United Arab Emirates	0	0	Al Ahli	3.95	1.50	7.75	2.80	1.60	6.75	2.05	1.60

ATTENTION! DUE TO CONNECTION PROBLEM... LIVE BET SECTION IS CLOSED FOR RC ROLIZANO: MC SOLTA. ALL BETS THAT ARE TAKEN BEFORE... IS WILL BE CRITERIA.

		1/4		Section		Red of White			New Goal			Goal / Under	
Time	1/4	1/4	1/4	1/4	1/4	1	2	3	1	2	3	1	2
16.5	1071	USA Solta	0	0	Cherno More Varna	1.30	1.35	15.25	1.30	4.70	8.25	1.05	1.70
17.0	1071	Elkash El Gaba	0	1	Petrojet FC	3.00	1.60	5.50	2.80	1.75	4.65	1.80	1.75
17.5	1211	Al Wahda	0	0	Shabab Al Ahli	1.85	2.95	3.80	1.65	9.00	2.45	2.00	1.60
18.0	1211	United Arab Emirates	1	0	Al Ahli	2.70	1.80	4.70	2.45	2.15	3.85	1.55	2.15
18.5	1217	United Arab Emirates	0	0	Al Ahli	2.40	2.85	2.70	1.95	7.25	2.10	1.45	2.10
19.0	1217	United Arab Emirates	0	0	Al Ahli	4.70	1.35	5.25	4.35	1.45	4.70	2.30	1.45
19.5	1217	United Arab Emirates	0	0	Al Ahli	2.30	3.30	2.50	1.90	10.75	2.00	1.95	1.60
20.0	1217	United Arab Emirates	0	0	Al Ahli	3.25	1.85	3.50	2.80	2.25	2.95	1.50	2.25
20.5	1217	United Arab Emirates	0	0	Al Ahli	1.75	1.95	19.25	1.70	2.15	13.25	1.55	2.15
21.0	1217	United Arab Emirates	0	0	Al Ahli	4.25	1.45	4.70	3.90	1.55	4.30	2.10	1.55
21.5	1217	United Arab Emirates	0	0	Al Ahli	2.75	1.65	5.50	2.55	1.90	4.65	1.70	1.90
22.0	1217	United Arab Emirates	0	0	Al Ahli	3.95	1.50	7.75	2.80	1.60	6.75	2.05	1.60

2001 2 & 8  
28 March 2018  
Chris Georgiou

23/02/2018 16:32:08







2201 4 of 8  
28 March 2018  
Chris Georgina



23/02/2018 16:31:58



ECO1 5 of 8

20 March 2018

Chris George



23/02/2018 16:31:53



CC01 6 of 8  
28 March 2018  
Chris Georgiou



23/02/2018 16:31:16



CE01 7 of 8  
28 March 2018  
Chris Georgian



23/02/2018 16:30:59



CCD. F A 8

28 March 2018

Chris Georgian



23/02/2018 16:32:25



10

Time and Reference	
	FRIDAY 23 FEB 2018
14 30	OP FLEET - OUBESILIR PATRICK MASIE
16 30	PITMAN LANE SOCIAL CLUBS 209-211 PITMAN LANE RIS 4HL - 2 x SOKIR POKIR SHUCHIR OFF - 3 x SOKIR POKIR ON - 2 x BUBER HOSIR ON - 1 BIRIR ZILHINAR ON - EMBATA CR - OWNER / DL 110-011 AM 200000 15/08/63 172 CHUCH ST 14 902 - OUN BUBER SILV LINDY DITIR

Time and Reference	
	FRIDAY 23 FEB 2018
-	SMOKIR SHIR IN BEE ROOM
-	CANTONED AT 14:40 IN PARKER DE CHAMBER FARM GAMBLER COMMISSION WITH DID TITIR MACHIR 027 ORUNAR?
AL	THE BEE PART 1 AMT TO SORRIR FUSIR - B-SIMIR 4) DOWN 1 CAL? FIR CARL RIR?
CE	WITH DID TITIR MACHIR 027 BIRIR 15-20 DAYS 110 - 11000 1 110-11
CIC	WITH SING TITIR MACHIR

11

CGO2 1 of 3  
28 March 2018  
Chris Georgian



12

Time and Reference	
	FRIDAY 23 FEB 2018
AT	I DON'T WANT TO MAKE ANY COMMITMENT
CC	HOW DO JOINT POLICE MATCHING WORK?
AT	JUST FOR INFORMATION WITH HANDLING WITH TOMORROW - LINDA
AT	WILLIAM
CC	THE POLICE INTERVIEW MATCHING - HOW DO THEY WORK
AT	DO YOU HAVE TICKETS COMING ON? I GIVE THEM MONEY FROM THE LATE DURING OF MATCHES
	COMB. FIRST GIVE ME MYSELF MAKE PLUS COMMISSION
CC	WITH IS THAT

Time and Reference	
	FRIDAY 23 FEB 2018
	DUPLICATE?
AT	I DON'T KNOW - THAT COME EVERY 10-15 DAYS & GIVE ME COMMISSION
CC	HOW MUCH MONEY HAVE TO HANDLING GO TO CUSTOMER WINDUP ON ALICE INTERVIEW MATCHING
AT	I DON'T KNOW
CC	HOW MANY WINNERS DO TO HAVE FOR DAY
AT	SOMEHOW WITH PLAYS. PROVIDE WITH SOMEHOW 720, 720 BUT NOT AWARDS
CC	DO TO - KENAL RECORDS

13

EGD 2 2 of 3  
28 March 2018  
Chris Goggin



14

Time and  
Reference

FRIDAY 23 FEB 2018

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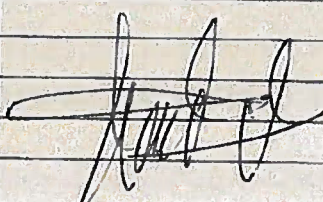
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15

CE 2 3 of 3

28 March 2018

Chris George



CC03

28 March 2018

Chris Georgiou

**Community Safety & Enforcement**

Head of Community Safety & Enforcement: Eubert Malcolm



Mr Toprak  
Philip Lane Social Club  
209-211 Philip Lane  
London  
N15 4HL

Date: 26th March 2018  
Our ref: WK/000406057  
Tel: 020 8489 1335  
Email: [chris.georgiou@haringey.gov.uk](mailto:chris.georgiou@haringey.gov.uk)

**Re: Making Gaming Machines Available without a valid Operating Licence  
Contrary to Section 242 of the Gambling Act 2005**

I write to you today with regards to the alleged offence described above.

Having carefully considered the facts and the circumstances surrounding the alleged offence I have concluded that there are sufficient grounds and it is in the public interest to institute legal proceedings against you under the above mentioned Act.

I will therefore pass the matter to our legal team for prosecution.

If you have any comments you wish to make then please do so, in writing, to me at the above address within the next seven days.

Yours Sincerely,

Chris Georgiou  
Tactical Enforcement Officer



LICENSING ACT 2003  
Sec 24

01 1 of 2  
28 March 2018  
Chris Georgy

## PREMISES LICENCE SUMMARY

Receipt: FO0109009956

Premises Licence Number: LN/00003186

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,  
Technopark, Ashley Road  
Tottenham, London, N17 9LN**

Signature:.....

Date: 29<sup>th</sup> March 2006

6<sup>th</sup> May 2014

### Part 1 – PREMISES DETAILS

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

**PHILIP LANE CAFÉ  
209-211 PHILIP LANE  
LONDON  
N15 4HL**

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

Supply of Alcohol

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

Supply of Alcohol

Monday to Sunday 1100 to 2300

**The opening hours of the premises:**

Monday to Sunday 1100 to 2330

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

Supply of alcohol for consumption both OFF the premises



LICENSING ACT 2003  
Sec 24

**Part 2**

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

Ali Toprak  
124 St Loys Road  
Tottenham  
London  
N17 6UD

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

Not applicable

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

Ali Toprak

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

Not applicable

01 2 of 2  
28 March 2018  
Chris Georgian



WK1304765

**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines)**

**(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)**

*Please refer to guidance notes at the back of this form before completing*

**Enforcement Service  
LICENSING**  
Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 0208 489 8232 Fax: 0208 489 5536  
Minicom: 0208 489 5549



**SECTION A – What do you want to do?**

1. Please indicate what you would like to do

Notify licensing authority that you intend to provide up to a maximum total of 2 gaming machines category C and / or D



**SECTION B – Application for grant**

2. How many gaming machines are you currently authorised to provide and if this is a new or variation application, how many do you wish to provide? (please complete the boxes in the table)

Category machine	Number currently authorised to provide	Number wish to provide (new or variation)
C	2	.....
D	.....	.....
Total	2	.....

3. If you are currently authorised to provide more than 2 machines, please provide your existing Section 34 Gaming Act 1968 permit, or provide reasons stating why it cannot be provided.

Existing permit provided\*

(reasons why existing permit cannot be provided) .....

..... This is just application for (Cat C & 100 Jackpot) at this address. ....



\*Please keep a copy of your existing permit on the premises to which it relates.

02 1 of 7  
28 March 2018  
Chris Grogan



**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines)**

(FOR USE BY PREMISES LICENSED TO SUPPLY ALCOHOL FOR CONSUMPTION ON THE PREMISES)

**Section C – General Information**

7. Name of Premises..... Philip Lane Social Club
8. Address of Premises..... 209/211 Philip Lane London  
Haringey N15 4 HL
9. Telephone number of Premises..... 079 03099654
10. Name of existing Premises Licence holder  
Ali Toprak
11. Address of Premises Licence holder (if different from 8 above)  
124 St Loys Rd Tottenham London  
N17 6UD
12. Telephone number (daytime) of Premises Licence holder  
079 03099654
13. E-mail address of Premises Licence holder (where available)
14. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant  
BRIAN RILEY
15. Licensing Act 2003 Premises Licence Reference (i.e. number)  
LN/000001386

**BRIAN RILEY**  
AUTOMATICS

PO Box 84  
UCKFIELD  
TN22 5GU  
TEL/FAX 01825 890356

**Section D – Fee and Signature(s)**

I enclose a sum of (£50) (cheques should be made payable to (The London Borough of Haringey)) ☒

**I understand that I must comply with the Gaming Machine Code of Practice for Alcohol Licensed Premise Permits and Permissions issued by the Gambling Commission. (see guidance note 8)**

**Please note: It is an offence under section 342 of the Gambling Act 2005 if a person, without reasonable excuse, gives to a licensing authority for a purpose connected with that Act information which is false or misleading.**

Dated 14/11/14

Signed (by or on behalf of Licensing Act 2003 Premises Licence holder) BRIAN RILEY

Print Name BRIAN RILEY

\* If you wish to have a maximum of 2 gaming machines then the fee payable is £50.00. If you wish to have more than the fee payable is £150.00

02 2 47  
28 March 2018  
Chris Coogan



02 3 of 7  
28 March 2018  
Chris Rogers

**REQUEST FOR ACKNOWLEDGMENT OF RECEIPT OF MY NOTIFICATION OF 2 OR  
LESS GAMING MACHINES**

I, B Riley.....(insert name of the Licensing Act 2003 licence holder), request  
that this paper is returned to me at the following address and with the details below provided by the  
local licensing authority, so as to acknowledge my notification of 2 or less gaming machines  
at Philplane Social Club.....(insert name of premises).

Insert address to which you wish this acknowledgement to be sent:

**BRIAN RILEY**  
AUTOMATICS  
PO Box 84  
UCKFIELD  
TN22 5GU  
TEL / FAX 01823 890336  
07802 628383

**Official Use Only (to be completed by the local licensing authority)**

Date of receipt of notification of 2 or less gaming machines: .....

Date of receipt of fee: .....

Signature: .....

Local licensing authority stamp:



**NOTIFICATION OF 2 OR LESS GAMING MACHINES or  
GAMING MACHINE PERMIT APPLICATIONS (i.e. for greater than 2 machines)**

**Guidance notes:**

1. This form is to be used for the notification of up to 2 gaming machines of categories C and / or D under Section 282 of the Gambling Act 2005.
2. The premises must be licensed under the Licensing Act 2003 to sell alcohol for consumption on the premises, without the requirement that alcohol is served only with food and there must be a bar for serving alcohol to customers on the premises.
3. The gaming machines must be located on these licensed premises.
4. A 'Premises Licence holder' is a person holding a Premises Licence under the Licensing Act 2003.
5. There is no statutory limit to the number of machines which may be applied for although the licensing authority has some discretion in this regard. It should also be noted that the licensing authority can cancel the permit or vary the number of machines should the premises be mainly used for making gaming machines available for use on the premises (Schedule 13 paragraph 16 Gambling Act 2005). You may therefore wish to contact the licensing authority to ask whether there is a local policy as regards applications and whether application for certain numbers of machines are decided via a hearing of local councillors.
6. The permit's duration is indefinite as it is linked to the Licensing Act 2003 Premises Licence. There is a first annual fee payable by ..... and an annual fee payable after that before each anniversary of the date of issue of the permit. Failure to pay the annual fee may result in the cancellation of the permit. The annual fee is £x. There is no annual fees payable for 2 machines or less.
7. Sections 282 and 283, as well as SI 2007 / ..... of the Gambling Act 2005 provide for two types of gaming machines which can be located in alcohol licensed premises. These are:
  - Category C: Maximum stake = 50p / Maximum prize = £70
  - Category D: Maximum stake = 10p or 30p non-monetary / Maximum prize = £5 cash or £8 non-monetary
8. All alcohol licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 of the Gambling Act 2005. The Gaming Machine Code of Practice for Alcohol licensed premises permits and permissions is available via the Gambling Commission's website at <http://www.gamblingcommission.gov.uk/> Should you be unclear as to the provisions of the code of practice please contact the Gambling Commission or your local Council licensing service.
9. This licensing authority must notify the applicant of its grant / refusal of the application for a permit as soon as is reasonable practicable after that decision to grant / refuse has been made.
10. Where you are notifying the local licensing authority of 2 machines or less, you may wish to request an acknowledgement of receipt of the notification. The form attached to this application can be utilised for this purpose.

02 u of 7  
28 March 2018  
Chris Coyle



**Official Use Only**

**Date of receipt:** .....

**Signature and name of staff who received:** .....

**Date of receipt of fee:** .....

**Signature and name of staff who received fee:** .....

**Application accepted / returned (please delete as appropriate)**

**Date of premises licence (Licensing Act 2003) transfer (if applicable):**

.....

02 5 of 7  
28 March 2018  
Chris Keegan  
→



02 6 & 7  
20 March 2014  
Chris Goggin

enforcement Service, Technopark, Tottenham, London, N17 9LN  
Tel: 020 8489 8232 Fax: 020 8489 5528  
www.haringey.gov.uk



Lead Officer (Licensing) Daliah Barrett-Williams **Haringey**

Reference: LN/000012491

Date: 28th April 2014.

Direct dial: 020 8489 8232

Email: daliah.barrett@haringey.gov.uk

**ADA Group**  
**167 Stoke Newington road**  
**London**  
**N16 8BP**

*Philip Lane Special Club*  
*209/211 Philip Lane N15 4HL*  
*London.*

Dear Sir/Madam,

*Prem LN/000001386.*

Re: Personal Licence to authorise the Supply of Alcohol under the Licensing Act 2003 - Ali Toprak

Please find enclosed your Personal License issued under the Licensing Act 2003.

The Personal Licence LN/000012491 number is enclosed.

This license allows the holder to supply, or to authorise the supply of alcohol on a licensed premises.

The new regime of the Licensing Act 2003 commenced on 24th November 2005. Your personal license is valid for 10 years from the 27th April 2014 until the 26th April 2024. The renewal of the license should be sought prior to the date of expiry from the London Borough of Haringey, Licensing Authority.

As the holder of a Personal License you are required by law to notify the licensing Authority of any changes to your name or address.

If you are convicted of a relevant offence in this country or a foreign offence, it is your duty under the Licensing Act 2003 to declare the offence/offences to the Court in question and also the Licensing Authority that issued the personal license.

For ease of reference I enclose a list of all the relevant offences which you are required to declare under the Licensing Act 2003.

If you have any queries please do not hesitate to contact me on the above details.

**Daliah Barrett-Williams**  
**Licensing Lead Officer**



02 7 of 7  
28 March 2018  
Chris Ceregin

The Licensing Authority  
London Borough of Haringey  
Place & Sustainability, Technopark  
Ashley Road, Tottenham  
London, N17 9LN

**Licensing Act 2003 - Personal Licence**

**Licence Number:**

**LN/000012491**

**Name:**

**Ali Toprak**

**Address:**

**124 St Loys Road  
Tottenham  
London  
N17 6UD**

**Start Date:**

**27th April 2014**

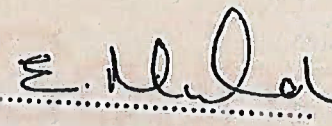
**Expiry Date:**

**26th April 2024**

The holder of this licence named above is hereby authorised to sell or supply or to authorise the sale or supply of alcohol in accordance with the provisions of Part 6 of the Licensing Act 2003.

**Relevant / Foreign Offences**

**Issue Date: 28th April 2014**



**Licensing Authority**

A personal licence holder must produce this licence on request by a police officer, authorised officer of the Licensing Authority or other duly authorised officer.

**Ali Toprak**  
**07903099654**



## Licensed Premises Gaming Machine Notice

No: LN/000013739

*(insert licensed premises gaming machine notification number)*

This notice confirms that:

**Philip Lane Social Club**

*(name of LA2003 premises licence holder)*

Has given notification pursuant to Section 282 of the Gambling Act 2005 of their intention to make available up to 4 gaming machines, each of which is Category C or D, for use at the following premises:

**209-211 Philip Lane, Tottenham, London N15 4HL**

*(address of premises, including postcode)*

Licensing Act 2003 Premises Licence number:

**LN/000003186**

*(insert LA 2003 premises licence number)*

Date on which this notice takes effect:

**21st January 2015**

This notice is issued by:

**The Licensing Team  
London Borough of Haringey  
Technopark  
Ashley Road  
Tottenham  
N17 9LN**

*(Name and address of licensing authority issuing)*

Signed:

**Licensing Authority**

Licensed premises which provide gaming machines for use on the premises must comply with any relevant Code of Practice issued by the Gambling Commission under Section 24 Gambling Act 2005. (available at <http://www.gamblingcommission.gov.uk>)

**This Notice is not transferable**

03  
28 March 2015  
Ene Coyle



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Appendix 2 – Copy of current licence.



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LICENSING ACT 2003  
Sec 24

## PREMISES LICENCE

Receipt: FO0109009956

Premises Licence Number: LN/00003186

*This Premises Licence has been issued by:*

***The Licensing Authority, London Borough of Haringey,  
Technopark, Ashley Road  
Tottenham, London, N17 9LN***

Signature: .....

Date: 29<sup>th</sup> March 2006  
6<sup>th</sup> May 2014

### Part 1 – PREMISES DETAILS

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

***PHILIP LANE CAFÉ  
209-211 PHILIP LANE  
LONDON  
N15 4HL***

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

Supply of Alcohol

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

Supply of Alcohol

Monday to Sunday                      1100 to 2300

**The opening hours of the premises:**

Monday to Sunday                      1100 to 2330

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

Supply of alcohol for consumption **OFF** the premises



LICENSING ACT 2003  
Sec 24

**Part 2**

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

Ali Toprak  
124 St Loys Road  
Tottenham  
London  
N17 6UD

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

Not applicable

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

Ali Toprak  
124 St Loys Road  
Tottenham  
London  
N17 6UD

**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/000012491
Issued by:	The London Borough of Haringey
Expiry Date:	26 <sup>th</sup> April 2024



## **Annex 1 –Mandatory Conditions**

**(2) ) Supply of alcohol:** 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.

(3) 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.

### **Additional Mandatory Conditions in relation to Supply of Alcohol**

(1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.



## **Annex 2 – Conditions consistent with the Operating Schedule**

### **GENERAL – ALL FOUR LICENSING OBJECTIVES**

- The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

### **THE PREVENTION OF CRIME AND DISORDER**

- Any incidents of a criminal nature that may occur on the premises will be reported to the Police.
- Digital CCTV to be installed and any images will be made available to the Police or the local authority upon request.

### **PUBLIC SAFETY**

- Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.
- All emergency exits shall be kept free from obstruction at all times.

### **THE PREVENTION OF PUBLIC NUISANCE**

- All customers will be asked to leave quietly.
- Clear and legible notices will be prominently displayed to remind customers to leave quietly.

### **THE PROTECTION OF CHILDREN**

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

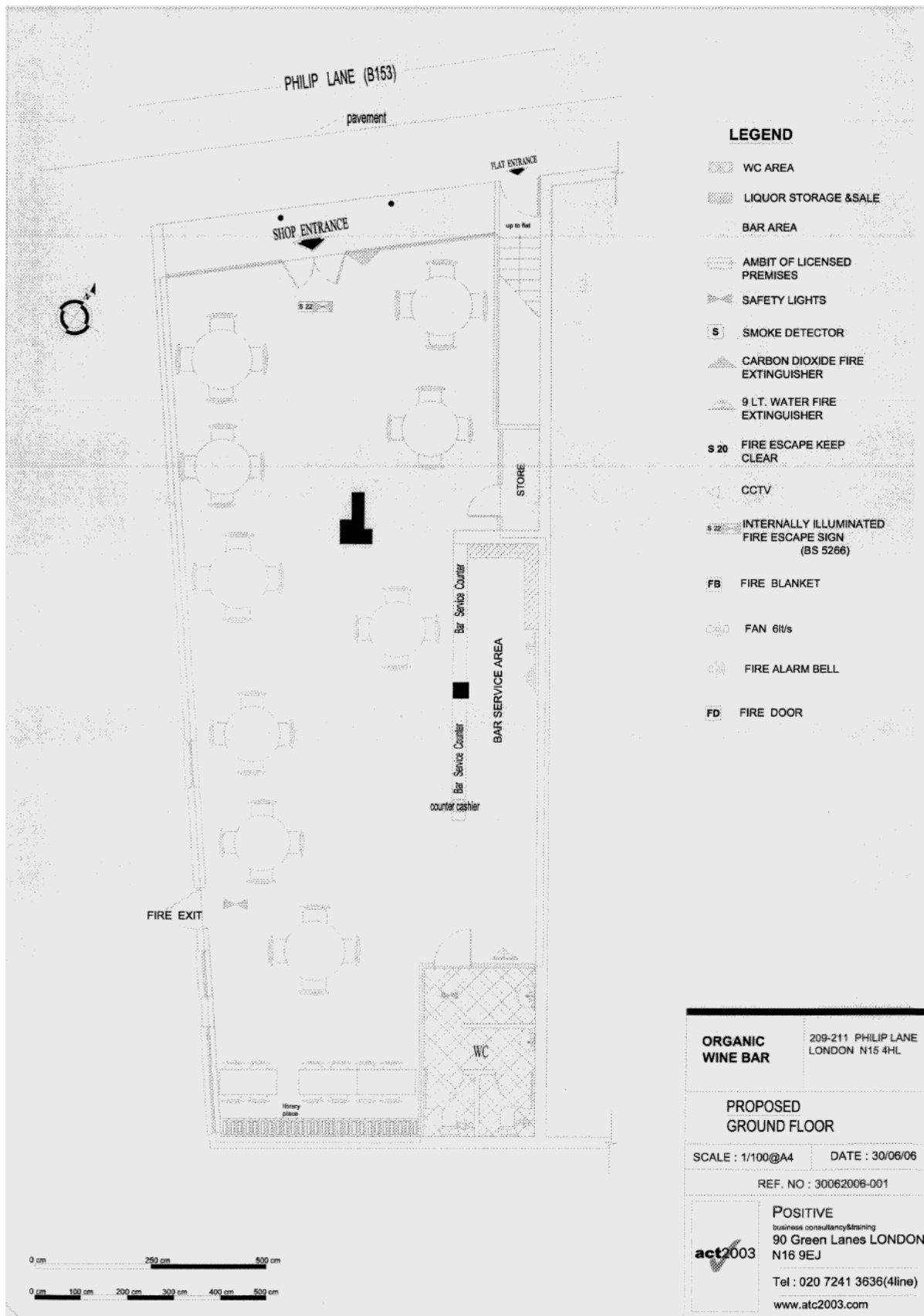
- A valid passport
  - A photo driving license issued in a European Union Country
  - A proof of age standard card system
  - A citizen card, supported by the Home Office
- 
- A register of refused sales shall be kept and maintained on the premises.



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



# Annex 4 – Plans





## Appendix 3 – Warning letter issued during Lockdown



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## Community Safety & Enforcement

Daliah Barrett- Licensing Team Leader



Mr Toprak  
124 St Loys Road  
Tottenham  
London N17 6UD

Date: 14<sup>th</sup> June 2020  
Your ref: CLOSURE PHILIP LANE SOCIAL CLUB

Dear Mr Toprak,

### **PHILIP LANE SOCIAL CLUB – 209-211 PHILIP LANE N15 - UNAUTHORISED USE OF PREMISES DURING COVID 19 RESTRICTION PERIOD.**

#### **Factual context**

A pandemic virus - Covid 19 - has spread across much of the world. As of the 14<sup>th</sup> June, across the world over 7,690,708 people had contracted the virus and over 427,630 has died.

In the UK, over 41,662 have died.

There is no known cure for the virus, nor a vaccine, and the population not having been exposed before to the virus, no-one has natural immunity. The virus is also highly infectious.

#### **National policy and legal context**

Against that background, government policy expressed among other places in its [guidance](#) to businesses is to reduce social interaction as much as possible. This is a necessary measure to slow the progress of the pandemic in the UK.

In furtherance of that policy the government has laid, and Parliament has passed, [regulations](#) under the Public Health (Control of Disease) Act 1984 which require all shops, pubs and restaurants to close unless they are of a description in Part 3 of Schedule 2 to the regulations – consumption of food and drink on the premises is high risk in terms of social interaction, both to the customer and to staff.

As it stands it is inexcusable that you were therefore found to be operating the Philip Lane Social Club on Thursday 11<sup>th</sup> June at 10pm by the Enforcement Officers. The Council will be issuing you with a Prohibition Notice for the breach under The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020  
Requirement to close premises and businesses during the emergency

4.—(1) A person responsible for carrying on a business which is listed in Part 1 of Schedule 2 must—



(a)during the emergency period—

(i)close any premises, or part of the premises, in which food or drink are sold for consumption on those premises, and

(ii)cease selling food or drink for consumption on its premises;

The Enforcement Officers advised that the layout of the premises has also be altered and that you had sublet a back room to another person who was also operating a social club providing On sales of alcohol to customers onsite. You have failed to inform the Licensing Authority of any changes to the layout of the premises that affects the licence, this is a contravention under the Licensing Act 2003.

It was also noted by the officers that you were allowing customers to smoke with the premises in breach of The Health Act 2006.

Although you have already been warned against the use of illegal gaming machines onsite it was noted that you had further gaming machines available for use onsite that were not Category C or D and have no permission under the Gambling Act 2005 to be in situ.

For the many contraventions stated above the Council will be seeking a prosecution against you on all the various matters under the relevant legislations.

You are required by law to ensure that the premises **is not** operating in any capacity at this time. Your non-compliance as a licence holder is a serious matter that will be enforced against by this Authority.

Regards

**Daliah Barrett**  
**Licensing Team Leader**



## Appendix 4 – Residents representations



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**From:** [REDACTED]  
**Sent:** 16 June 2020 20:54  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Subject:** Social club at 209 - 211 Philip Lane

Hello Haringey licensing,

I would like to share with you the experience residents on Summerhill Road are facing as a result of disrespectful behaviour coming from the 'social club' at 209 - 211 Philip Lane.

Here are the key issues:

- Long-standing issue which has not been addressed
- Impacting residents 24/7 preventing them from sleeping
- Impacting quality of life of law-abiding, community minded persons
- Disrespectful behaviour, disregard on behalf of social club, no consideration for anyone else but their own interests
- Social club is situated in a residential area which is a conservation area with strict measure around how it operates and what is an isn't allowed so this behaviour particularly jarring - there is no allowance for any similar operation in this residential area for good reason, it is residential living space not an industrial zone.
- There is an assisted housing community 'Summerhill Village' that is also being impacted which is intolerable for residents

Please feel free to contact me should you have any further questions or would like clarification.  
Best regards,

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 16 June 2020 23:13  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Subject:** Re: Social club 209-211 Philip Lane

Kind regards,

[REDACTED]

[REDACTED]

On Tue, 16 Jun 2020, 23:09 [REDACTED] wrote:  
Dear Sir or Madam,

I am writing in regards to the premises mentioned in the subject header of this email.

I believe that the council has a responsibility to the residents of Haringey to stamp out this type of behaviour that had been associated with this premises.



The loud music at anti social hours, music and parties until dawn. The associated pull of undesirable people and behaviour to our residential neighbourhood. If the council do not take control of the situation then this will only encourage others to engage in similar behaviour.

Their licence should be revoked and their conduct sternly censured.

Kind regards,

A black rectangular redaction box covering the signature of the sender.



**From:** [REDACTED]  
**Sent:** 17 June 2020 11:12  
**To:** Licensing <Licensing.Licensing@haringey.gov.uk>  
**Subject:** Licence Application for 209 - 211 Philip Lane

As a long standing resident of Summerhill Road (more than 30 years) I would like to register my objection to the renewal of the licence application for 209 – 211 Philip Lane social club.

As a residential area within a conservation area, the social club is not within keeping with the nature of the area.

The noise from the club has caused untold misery to nearby residents and is particularly disturbing for those residents in Summerhill Village many of whom have learning disabilities and mental health issues.

Sincerely

[REDACTED]

[REDACTED]

Sent from [Mail](#) for Windows 10



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From: [REDACTED]  
Sent: 16 June 2020 09:23  
To: Licensing <Licensing.Licensing@haringey.gov.uk>  
Subject: Licensing Review re Philip Lane Social Club, 209-211 Philip Lane, N15 4HL

Dear sir/madam

I would like to object against having any licence (music/DJ/dancing) renewed for the above premises on the grounds that it has affected the lives of the residents in the area greatly.

The music and DJ on a microphone has been a regular occurrence for quite some time now and we have been in contact with your Noise Team and Brian Ellis (Enforcement Officer). It has sometimes been so bad that the police have been called when the Noise Team were unavailable and also quite recently when there was a social distancing problem.

I would like to point out that the elderly residents in Summerhill Village and residents much further down the road have been affected. The noise has carried on until dawn the following morning, usually from Wednesday pm to Thursday morning.

Yours faithfully,

[REDACTED]



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