

SG1

LONDON BOROUGH OF HARINGEY

v

Mr Dag Bahattin  
Harringay Snooker Club  
Club 1-9, Salisbury Promenade  
Green Lanes  
Hornsey  
London  
N8 0RX

Type of Offence: Gambling Act 2005 section 242

Date of Offence: 27<sup>th</sup> February 2020

Signed



Dated 28<sup>th</sup> April 2020



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**STATEMENT OF WITNESS**

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

Statement of: Sarah Benning

Age of Witness: Over 18

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

Signature: 

Date: 28th 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 Licensing Act 2005.
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. On the 22<sup>nd</sup> April 2020, I received an email from Mohammed Shafiq, Compliance Manager, Gambling Commission. The email had a statement attached from Azhar Akram, Assurance Officer HMRC.
6. The statement was in relation to a visit he carried out on the 27<sup>th</sup> February 2020. During the visit he observed five (5) gaming machines switched on and available for use within the premises. I attach the statement from Azhar Akram.

Signed 

Dated: 28<sup>th</sup> April 2020



7. Mohammed Shafiq also forwarded me a statement from Nigel Owen, Sector Specialist, Gambling Commission. Nigel Owen confirmed in his statement that the gaming machines were non-compliant of the Gambling Act 2005. I attach the statement from Nigel Owen.
8. On reviewing the statement from Azhar Akram and Nigel Owen I believe that an offence had been committed under section 242 of the Gambling Act 2005.
9. I am willing to attend court as a witness if required.

Signed

Dated: 28<sup>th</sup> April 2020



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**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Azhar Akram

URN: 88/Code/CAN/YY

Age if under 18: over 18

Occupation: Assurance Officer HMRC

This statement (consisting of 1 page(s) 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: <sup>1</sup> Azhar Akram

Date: 08/04/2020

Indicate if witness evidence is visually recorded<sup>2</sup> Yes (If YES, see guidance)

3

On the 27/02/2020 at approximately 1227hrs I visited Harringay London Snooker Ltd located at 1-9 Salsbury Promenade, Green Lanes, London N8 0RX under CEMA 118BC. Upon arrival I spoke to Ercan Ulas who is an employee of the premises. I entered a small room on the main floor of the premises with the door open and I identified 2 "joker poker" gaming machines, 2 Blackhorse gaming machines and 1 betting terminal, all of which were switched on and made available for play. I took 5 x photographs of the machines on the premises which I produce now as AA1. I spoke to Ercan Ulas and gave him factsheets to pass onto Mr Bahattin Dag, who I was told was the owner of the premises. I advised Ercan Ulas to switch the machines off as they were unregistered with HMRC.

Date: Select Date

Signature: Enter Name  
(Signature of witness)Signature: Enter Name  
(Signature witnessed by)**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**

Page 1 of 1



# 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 3 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: *N. Owen*

Date: *15-4-20*

I, Nigel OWEN, am employed by the Gambling 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 read the witness statement of Azhar AKRAM, Assurance Officer HMRC, dated 8 April 2020 and have been asked by the London Borough of Haringey to provide a statement regarding four machines observed during an inspection on 27 February 2020 of a snooker premises within the Borough. Two of the machines are 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.

Signed: *N. Owen*



**Continuation of Statement of Nigel OWEN**

I have not been able to personally examine the machines and am basing my statement on four photographs provided by Azhar AKRAM of HMRC, referenced as AA1 in the statement of 8 April 2020.

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 are superficially identical and show a representation of a poker game on their screens. These are of a type I have seen in the past and each machine only plays a single type of game, poker.

All four 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 four machines gaming machines.

Whilst I am unable to examine the machines, observations from the photographs tell me that three of the machines do not have the required statutory notices displayed such that they can be clearly seen. 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 (%RTP).

One of the 'Royal Flush 500' machines does have a partly damaged statutory notice attached to the front of the machine to the top right of the main screen. This notice is

Signed: *N. Owen*



**Continuation of Statement of Nigel OWEN**

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of a type affixed to certain gaming machines and does provide some of the above required information -- however, it does not show the %RTP information and without this information, the machine is non-compliant.

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Signed:

*N. Owen*



SG2

# BLACK HORSE



1  
BLACK HORSE

2  
Magic Fruits

3  
Koiene

4  
VEGAS POKER

5  
21  
Black Jack

6  
FARGO

7  
Hot Party

8  
WILD HORSE

9  
Other Games

CREDIT

000

0 1 2 3 4 5 6 7 8 9



562





JG1

# BLACK HORSE



0



7 LINES



9 START



Straight Flush 100 ♦ 4 of a Kind 40  
 House 10 ♦ Flush 8  
 Straight 5 ♦ 3 of a Kind 3  
 2 Pair 2 ♥ Jacks or Better 1

**GAMBLE RESPONSIBLY**  
 GAMCARE UK HELPLINE: 0800-1000 133  
 WEBSITE: WWW.GAMCARE.CO.UK

**£100 JACKPOT**

STRICTLY NO UNDER 18



CREDIT JOKER POKER BET

0000 01

OR 1 JOKER, 4 OR MORE FOR

10 J Q K JOKER

AMUSEMENT ONLY

COME OVER INSERT COIN

**ROYAL FLUSH**  
**500**

Deal

HOLD HOLD HOLD HIGH



562

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171	Santiago Res...	1-0	Chacabba Jip...	1,95	3,10	3,15	1,70	8,00	2,40	2,25	1,45
172	Spartak...			2,45	1,50	9,50	3,15	1,60	4,65	1,25	1,60
173	CD Avces	0-0	Sporting Cp U23	4,25	1,55	3,85	3,75	1,70	3,45	1,85	1,70
174	Corinthians U19	1-0	Sol de America U19	2,10	3,10	2,95	1,75	8,50	2,20	2,20	1,45
175	Spartak...			3,35	1,60	4,55	3,05	1,75	3,90	1,60	1,75
176	Spartak...			2,65	3,15	2,75	2,00	10,00	1,65	1,25	1,60
177	Clubs Real...			1,75	1,75	3,35	3,20	2,05	2,95	1,60	2,05
178	Clubs Real...										

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