

Date: 14th 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.

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

**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

Name and address

Mrs Sarah Greer
ASB Specialist (Environmental Crime)
River Park House
Level 1 (North)
225 High Road
Wood Green
N22 8HQ

Telephone number (if any)

020 8489 5288

E-mail address (optional)

sarah.greer@haringey.gov.uk

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.

20th February 2020

On the 20th 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.

24th 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 20th 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.

22nd May 2018

On the 22nd 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.

23rd 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

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

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 8th 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: 20th February 2020

Signed



Dated 3rd April 2020

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: 3rd 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 3rd 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 24th 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 15th August 1963.
19. I asked Ali Toprak, questions regarding the 20th 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 20th 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 20th 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 3rd 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 7th 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 8th 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 20th April 2012 – to date. I exhibit a copy of the business rates as SG5.
26. On the 8th 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 3rd 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.

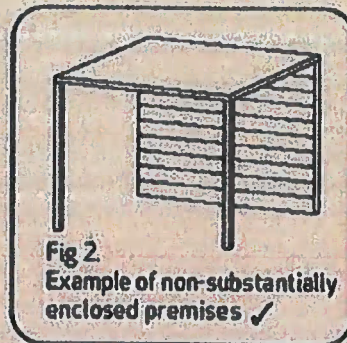
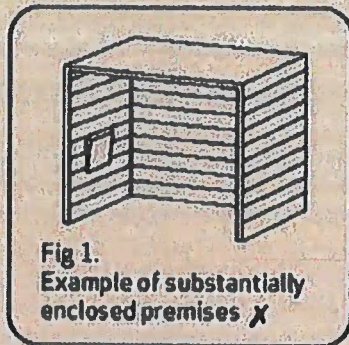
"Substantially enclosed" refers to the percentage of the area of the structure where openings in the walls amount to less than 50% of the total area. Note: Doors and windows and canvas flaps which can be opened, rolled up or shut cannot be included as openings. In addition; walls and other adjacent structures 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


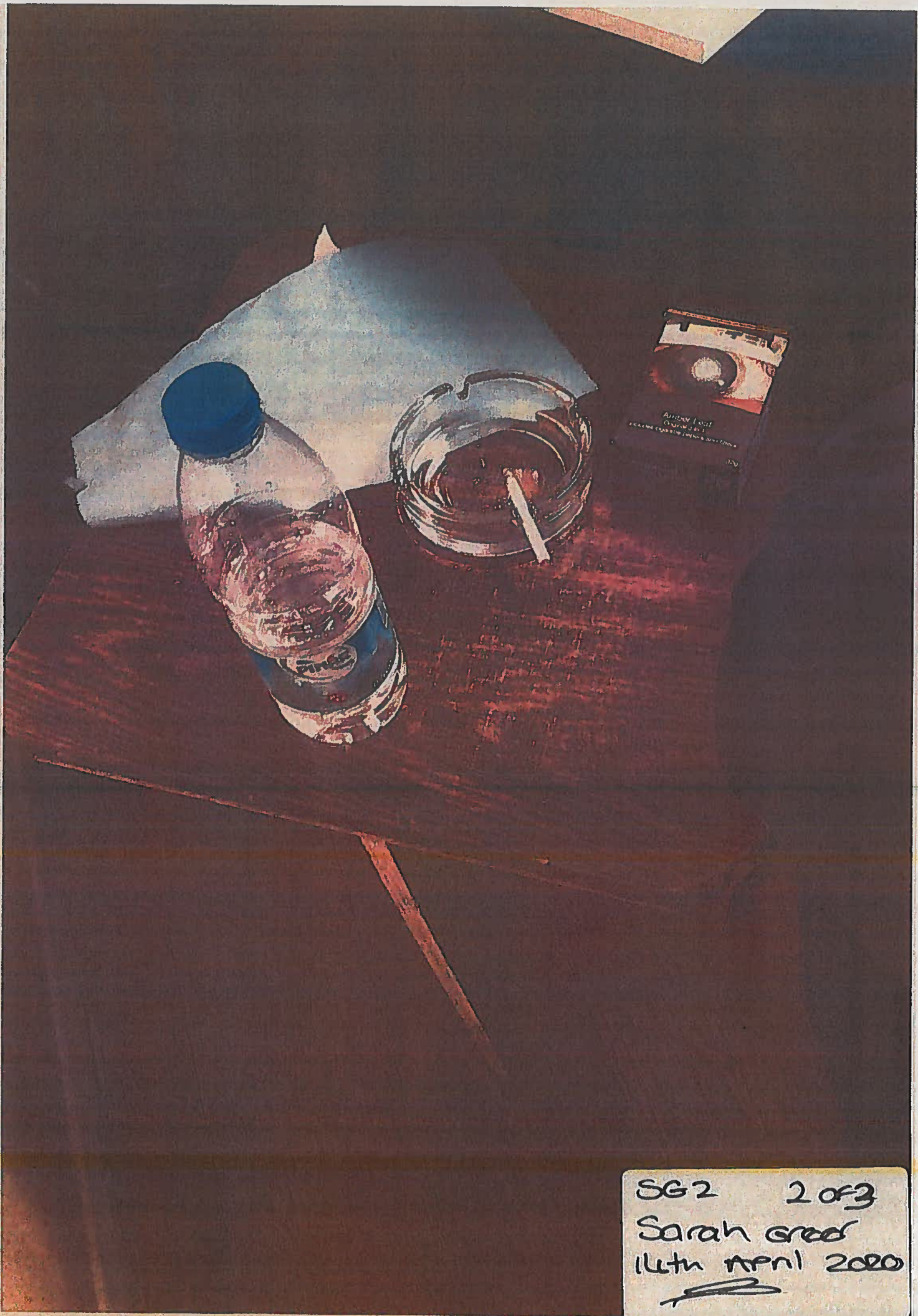
Penalties and fines.


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.

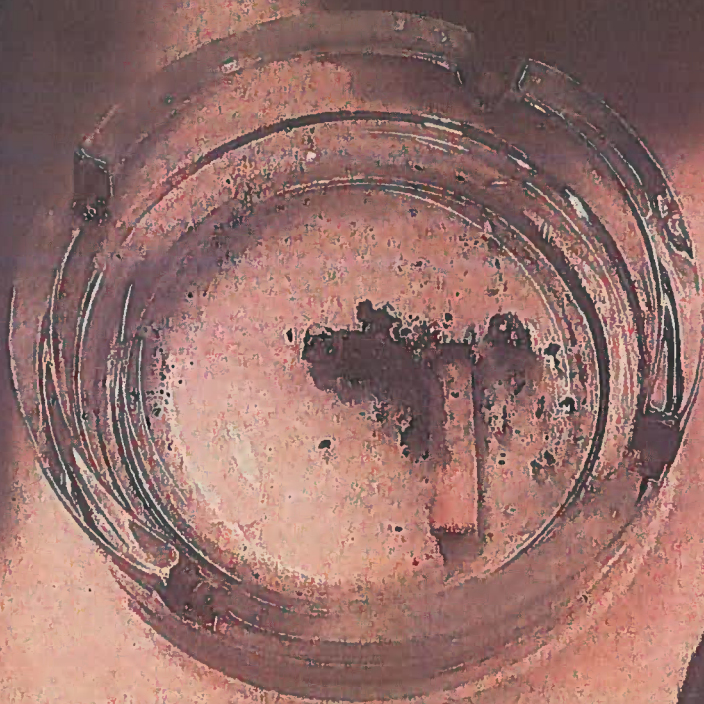
For the sale of tobacco to young persons: This offence carries a fine of £2500. In addition: A fine of £1000 is carried for failure to display a sign stating 'It is illegal to sell tobacco products to anyone under the age of eighteen'.



SG2 1 of 3
Sarah Greer
14th 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


Time and
Reference

8

Thursday 20th Feb 20

20-30 Philie 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 —

SG4 1 of 2
Sorah area
14th April 2020

Time and
Reference

Monday 24th Feb 20

Philip Lane Social
club Mr Toprak
on the premises
I cautioned him
and asked the
following questions
SG 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



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

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: 29th March 2006
6th 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


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: 26th 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.

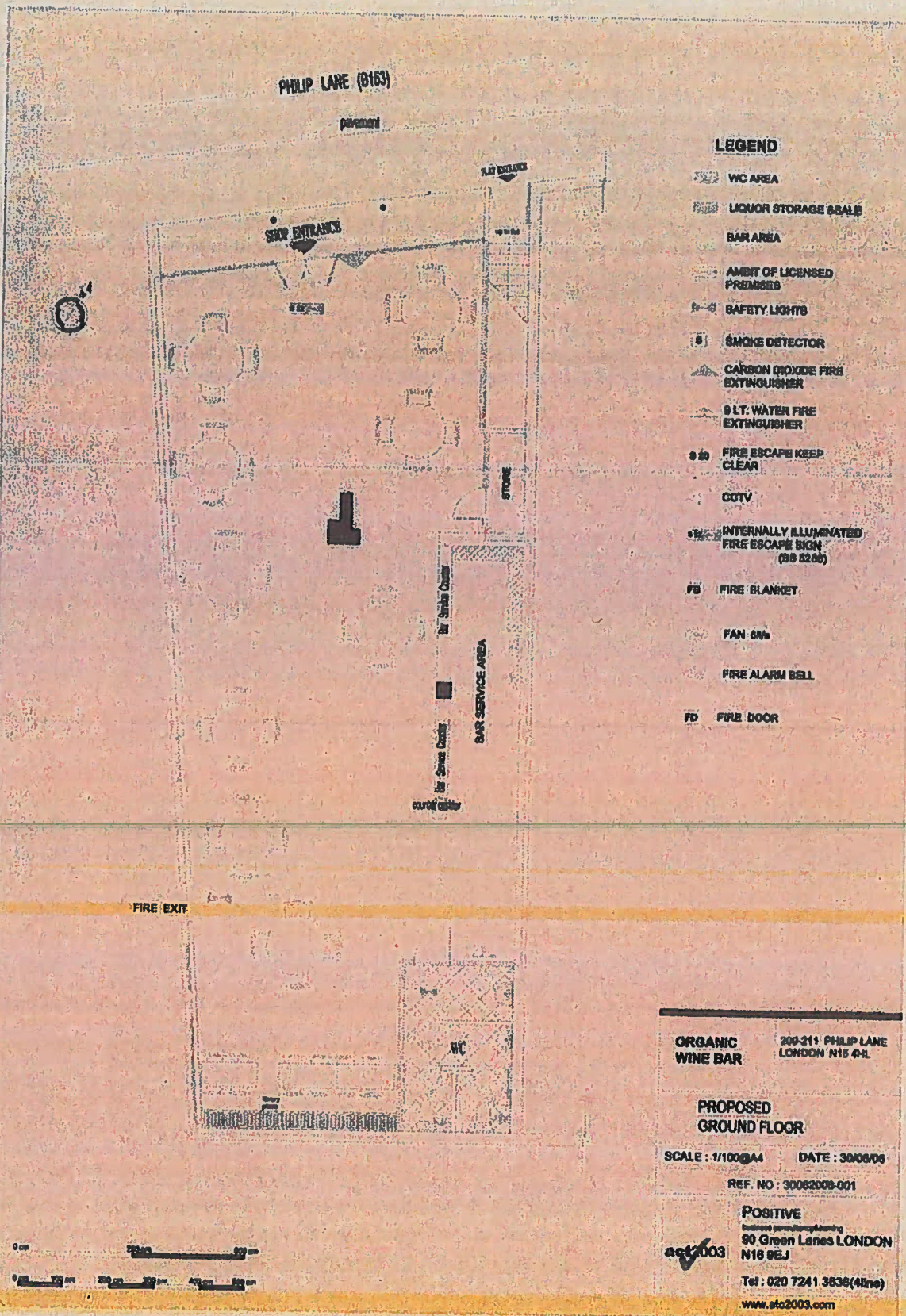
SGG 4 of 6
Sarah Grogan
14th April 2020


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: 8th 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 20th 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: 8th 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 24th 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 15th August 1963".
13. Sarah Greer then asked Mr Toprak questions relating to the 20th 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 20th 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: 8th 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:

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: