

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 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: 13th January 2023

1. I am Sarah Greer, I am employed by the London Borough of Haringey as an Interim Enforcement Manager covering the east of the borough, this area includes Tottenham Hale Ward. Parts of my duties are to investigate offences under the Licensing Act 2003 and the Health Act 2006.
2. Under the Health Act 2006, Premises are deemed as being smoke free if they are open to the public; they are used as a place of work by more than one person and where members of the public might attend for the purpose of seeking or receiving goods or service from the person or persons working there.
3. It is the duty of any person who occupies or is concerned in the management of a smoke free premise, to ensure that 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.
4. 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 covered by smoke free law. The smoke free law includes, manufactured and hand-rolled cigarettes, pipes, cigars, herbal cigarettes, and water pipes (including shisha hookah and hubble-bubble pipes).
5. On Monday the 14th of November 2022, at approximately 22:04, I attended Rakkas, 369 Green Lanes, London, N4 1DY, with my colleagues Stephen Davies and Maria Barbeito, as part of a routine licensing inspection. As I approached the entrance of the premises, I observed two male SIA security standing in front of the door, I identified myself to them by showing my authorisation and informed them I would be carrying out a licensing inspection. I then proceeded to go into the premises.
6. As I walked into the business, I could smell shisha and see smoke from a room that appeared to be at the rear of the premises.

Signed:

Dated: 13th December 2023

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7. I approached the bar area and identified myself to the person behind the bar by showing my authorisation and asked to speak to the manager.
8. Whilst I was waiting for the manager to arrive, myself and Steve Davies walked to the rear of the premises. As we walked into the room, I observed that it was filled with smoke and had a very strong smell of shisha, I also observed seventy people sitting at tables in the room and each table had at least one person smoking shisha.
9. I looked up to the ceiling and observed that the roof area was closed, I looked round the room and observed that only a small area of window on the top floor of the premises was open and was aware that this was not 50% open as the Health Act 2006, requires.
10. I was approached by a man who identified himself as Mr Has Yildiz, Mr Yildiz declined to give me his date of birth and home address. Mr Yildiz informed me that he was the manager of the business and gave me details of the owner as Mr Garip Toprak of Carnegie Close, Enfield, London EN3 6XX.
11. I informed Mr Has Yildiz, that I believed an offence had been committed under the Health Act 2016, as the premises was not 50% open. Mr Has Yildiz took us upstairs to the area where a couple of windows were open and whilst we went upstairs the roof started to open automatically.
12. Once upstairs he showed me windows that were open and informed me that he felt the business was compliant, he also said that he would like me to tell him what should be open for compliance. I informed him that what I observed was not compliant and that the side windows being open did not fit in with the requirements of the Health Act 2016. I suggested he get an architect to come into the premises and show him exactly what is 50% open and is compliant with the Health Act 2016.
13. I informed Mr Has Yildiz that I would be reporting him to the licensing department. **I exhibit photographs taken on the day as SG1.**
14. I am willing to attend court.

