

**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 Charlotte Palmer Senior Licensing Enforcement Officer**

**apply for the review of a 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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Lefke Social Club, 281 Hertford Road	
<b>Post town</b>	<b>Post code (if known)</b>
Edmonton	N9 7ES
<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	
Mr Sadi Esendag	
<b>Number of premises licence or club premises certificate (if known)</b>	
LN/200600140	

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises ☐
  - b) a body representing persons living in the vicinity of the premises ☐
  - c) a person involved in business in the vicinity of the premises ☐
  - d) a body representing persons involved in business in the vicinity of the premises ☐
- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A)) ☐

below)

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

**Please tick**

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

☐

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Charlotte Palmer  
Licensing Authority  
London Borough of Enfield  
PO Box 57  
Civic Centre  
Silver Street  
EN1 3XH

Telephone number: 020 8379 3965

E-mail address: charlotte.palmer@enfield.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



#### **Please state the ground(s) for review:** (please read guidance note 1)

Enfield Licensing Authority is seeking a review of this premises licence on the grounds that unlawful gambling has taken place at the premises in the form of illegal gaming machines repeatedly being found on the premises. Illegal gaming machines were seized from the premises in June 2016 and December 2016 despite the owner having been advising to remove all illegal machines.

This review is primarily based on the prevention of crime and disorder, licensing objective. **The review application is to revoke the premises licence.**

#### **Background Information:**

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

#### **Operation Bandit Background Information**

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.

There are some premises which are permitted gaming machines for example any premises that has an alcohol licence and a bar at which alcohol is served for consumption on the premises without the requirement that alcohol is served only with food. Such premises may provide up to two gaming machines of categories C or D by way of a notification procedure.

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.

In 2016 the Licensing Enforcement Team in partnership with HMRC, the Gambling Commission and Police Licensing Enforcement Officers conducted two separate days of visits to premises believed to have illegal gaming machines.

Letters were sent to premises prior to the visits advising businesses of what was and wasn't permitted and warning them of the consequences of having illegal machines on their premises. During the visits officers seized illegal machines.

### **Lefke Social Club**

One of the premises visited at part of this project was Lefke Social Club now trading under the name of Gecitkale Social Club and Snooker.

The licence for this premises was granted on 24<sup>th</sup> May 2006. The licence permits the following:

Open:	24 hours a day everyday
Late Night Refreshment:	23:00 – 05:00 everyday

As this premises is not licensed to sell alcohol no gaming machines are permitted on the premises.

The current licence holder was first seen at the premises in 2011 but the licence was not transferred to him until **05/11/12**.

Detailed below is the history of the premises since 2015:

**26/02/15** – Police Report - CRIS: 5204237/15, 02:30 hours. Assault/ABH. Victim was inside venue playing cards on a table and asked a group of males to quieten down on the next table. One of the males got up and punched the victim to the side of his head and on being ushered out of the club made threats to kill the victim. The Police Licensing Officer later spoke to a Ms Zehra AkbicaK who stated that she is a manager of the club regarding CCTV and was told that although a system is fitted, it is not currently recording as Police had taken the hard drive regarding another matter. Ms AkbicaK went on to say that she had booked an engineer to attend the club that day in order to fit a new hard drive but that he had cancelled at the last moment. The Officer informed Ms AkbicaK that the club should not be offering late night refreshment until such time that the CCTV system is back up and running as it would be in breach of the licence. Ms AkbicaK stated that she understood.

**27/02/15** - 21:15 - Police visit - Manager - Zehra AkbicaK. There were 2 staff on duty. There were 2 males drinking whisky like alcohol, and on entering the premise there

was a heavy smell of smoke and smoke was visible in the air. The licence was not displayed.

**09/03/15** – Advise letter sent to premises following police visit – **Appendix 1**

**20/03/15** - 22:55-23:05 – Out of Hours Licensing Enforcement Officer visited the premises. On arrival there were two males smoking in the premises. They seemed to be customers and were playing some type of game. One got up and walked out, the other put the cigarette out. Officers attempted to speak to the female member of staff but during this time a male was shouting very loudly at the male who had put out his cigarette. The Officers felt that he was about to turn his attention on them so decide to leave for their own safety. They advised the member of staff that they would come back another time and left.

**27/03/15** – 22:35 – 23:30 Out of Hours Licensing Enforcement Officers (CPX/EVG) entered the premises which smelt of tobacco smoke. Males in premises playing games. Three Joker Poker machines and one Black Horse machine were in the rear room. Officers advised that the Black Horse machine must be removed as it was an illegal machine. There was also what looked like a bookmakers betting terminal on the wall. However officers could not see where money would be inserted and the men claimed it was just to look up results. The plan attached to the licence needed updating, officers advised they would email an application to them. Advised that smoking cannot take place in the premises or the room towards the rear of the premises as both are more than 50% enclosed. Recommended they contact [development.control@enfield.gov.uk](mailto:development.control@enfield.gov.uk) as their planning permission is less than their licenced hours. CCTV did not appear to be stored for 31 days, seemed to just be 27 but they said there had been an incident and the police had needed footage so this could have been why. Given 14 days to comply. **See Appendix 2.**

**02/04/15** – Minor variation application sent via email for the attention of Mr Esendag. **See Appendix 3.**

**10/04/15** - 20:30 – 20:40 Out of Hours Licensing Enforcement Officers (EVG/CT) entered premises and met with Ms Zehra Akbica, the wife of the Premises Licence Holder, who was also present. Following outstanding conditions checked: C2 - CCTV now recording for 31 days. The Black Horse machine in rear room was still there but switched off and pulled away from the wall. The betting terminal screen on the wall opposite the counter was switched off. Advised that the plan is still not accurate, so a minor variation would need to be submitted. Discussed whether they actually needed a licence, they would like to continue to offer Late Night Refreshment so they do. Inspection report completed, copy signed by and issued to Ms Akbica. **See Appendix 4.**

**08/06/15** – Letter sent to premises as minor variation not yet received. **See Appendix 5.**

**23/06/15** – Minor variation and new plan submitted.

**06/08/15** – A Licensing Enforcement Officer contacted the local Gambling Commission Compliance Officer for 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.

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.

**30/03/16** – Police received an allegation that drug taking and gambling takes place at the premises. CAD5877.

**23/05/16** – Advice letter sent to premises prior to Operation Bandit stating what machines were not allowed and the consequences of having such machines on the premises. **See Appendix 6.**

**06/06/16** – Operation Bandit Day 1 – 13:15 – 14:15. Premises were visited by Licensing Enforcement Officers (EVG/VPK), HMRC, Police Licensing Officers (MF) and Gambling Commission Officer (CK). Six illegal gaming machines were seized from this premises along with betting slips and a notebook. **See Appendix 7 for the Search Notice, Appendix 8 for the Disclaimer to Property form and Appendix 9 for photos of the machines.**

**17.06.16** - 19:55 – Out of Hours Licensing Enforcement Officers (EVG/CPX) visited the premises. Met with Mr Sadi Esendag, who is licence holder and the owner's brother. Advised licence is suspended as annual fee had not been paid. Request to resend renewal letter. No machines on site, checked all back rooms, and outside, no evidence. Inspection report completed, signed by Mr Esendag and copy left. **See Appendix 10.** Saw customers smoking inside - apparently he was just visiting from Cyprus – verbally warned.

**27/06/16** - Follow up letter sent to premises addressed to the owner of the illegal gaming machines asking them to make contact with the Licensing Enforcement Team by 04/07/16. No response was received and the machines were later destroyed. £150.20 was removed from the machines.. **See Appendix 11.**

**16/09/16** – 20:55 – 21:10 - Out of Hours Licensing Enforcement Officers (VPK/CPX) visited the premises to see if there were any gaming machines. Two were seen in the premises, one £100 jackpot and one £75 jackpot. Advised that machines would not be permitted unless there was a current alcohol licence and correct notification given. Owner claimed he had an alcohol licence - there were Budweiser's in the fridge although he said they were for their own consumption and an annual fee letter on the wall - he kept pointing to the word alcohol on it - Officers explained several times that the letter said they have a licence for one or more licensable activity (i.e. alcohol, late night refreshment or regulated entertainment) and that he was only licensed for late night refreshment as shown on the licence which was also on display. He claimed that he had also paid for what sounded like a notification - officers explained that without alcohol on the licence he could not give notification.

He seemed convinced so officers said they would double check the system and get back to him. Inspection report left. **See Appendix 12.**

**29/09/16** – Licensing Enforcement Officer (CPX) and Police Licensing Officer (KS) visited the premises. The two illegal machines were still on the premises. The Premises Licence Holder was not there but an inspection report was left on site for him advising that they must be removed as the premises was not licensed for the sale of alcohol so there was no legal way they could be there. **See Appendix 13.**

**12/12/16** – Operation Bandit Day 2 - two Joker Poker gaming machines were seized. No one at the premises would sign the paperwork. **See Appendix 14 for the Search Notice, Appendix 15 for the Disclaimer to Property form and Appendix 16 for photos of the machines.** No one came forward to claim the machines and they too were destroyed. £6.10 was removed from the machines.

The premises licence holder has been written to and invited to attend a formal interview under caution as part of a potential prosecution.

#### **Additional Information:**

DCMS 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.

DCMS 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.

The Licensing Authority 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.

#### **Conclusion:**

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the repeated siting of illegal gaming machines at this premises 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.

**The Licensing Authority reserve the right to add any additional information to support this review application.**

<b>Suspension of Licence:</b>	<b>N</b>
<b>Revocation of Licence:</b>	<b>Y</b>
<b>Recommended period of suspension (max 3 months):</b>	

The Secretary of State believes that unlawful gambling should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.

**Please tick yes**

Have you made an application for review relating to this premises before Yes ☐

If yes please state the date of that application

Day Month Year

☐

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

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



**Signature:**

**Date:** 13<sup>th</sup> January 2017

**Capacity:** Senior Licensing Enforcement Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**



**Notes for Guidance**

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