

Licensing Panel AGENDA

DATE: Monday 22 July 2019

TIME: 7.30 pm *

VENUE: Committee Room 5, Harrow Civic Centre, Station Road, Harrow, HA1 2XY

* THERE WILL BE A BRIEFING FOR MEMBERS AT 7.00 PM IN COMMITTEE ROOM 5.

MEMBERSHIP (Quorum 3)

Chair: (To be appointed)

Councillors:

Michael Borio
Maxine Henson

Ramji Chauhan

Reserve Members:

Note: There are no Reserve Members currently appointed to this Panel.

Contact: Daksha Ghelani, Senior Democratic Services Officer
Tel: 020 8424 1881 E-mail: daksha.ghelani@harrow.gov.uk

Useful Information

Meeting details:

This meeting is open to the press and public.

Directions to the Civic Centre can be found at:
<http://www.harrow.gov.uk/site/scripts/location.php>.

Filming / recording of meetings

The Council will audio record Public and Councillor Questions. The audio recording will be placed on the Council's website.

Please note that proceedings at this meeting may be photographed, recorded or filmed. If you choose to attend, you will be deemed to have consented to being photographed, recorded and/or filmed.

When present in the meeting room, silent mode should be enabled for all mobile devices.

Meeting access / special requirements.

The Civic Centre is accessible to people with special needs. There are accessible toilets and lifts to meeting rooms. If you have special requirements, please contact the officer listed on the front page of this agenda.

An induction loop system for people with hearing difficulties is available. Please ask at the Security Desk on the Middlesex Floor.

Agenda publication date: Wednesday 17 July 2019

AGENDA - PART I

1. APPOINTMENT OF CHAIR

To appoint a Chair for the purposes of this meeting.

2. DECLARATIONS OF INTEREST

To receive declarations of disclosable pecuniary or non pecuniary interests, arising from business to be transacted at this meeting, from:

- (a) all Members of the Panel;
- (b) all other Members present.

3. MINUTES

[Note: Licensing Panel minutes are:-

- (1) approved following each meeting by the Members serving on that particular occasion and signed as a correct record by the Chair for that meeting;
- (2) not submitted to the next panel meeting for approval.

Reasons: The Licensing Panel is constituted from a pooled membership. Consequently, a subsequent Panel meeting is likely to comprise a different Chair and Members who took no part in the previous meeting's proceedings. The process referred to at (1) above provides appropriate approval scrutiny].

4. LICENSING PROCEDURES (Pages 5 - 6)

Procedure to be followed at an oral hearing.

5. APPLICATION FOR REVIEW OF THE PREMISES LICENCE FOR HR FOOD AND WINE, 120 HIGH STREET, WEALDSTONE, HA3 7AL (Pages 7 - 38)

Report of the Corporate Director Community.

6. ANY OTHER URGENT BUSINESS

Which cannot otherwise be dealt with.

AGENDA - PART II - Nil

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Licensing Panel – Licensing Act 2003

Procedure For A Review Hearing - Oral Hearing in Public

*This document provides a summary of the Panel's procedure for the conduct of this oral hearing in public. This procedure is followed during a **REVIEW** procedure.*

*Please note that the **Applicant** is the party who has requested the Hearing*

- i. **Introductions** by the Chair of the Panel:
 - Members
 - Officers and Officers of Responsible Authorities
 - Applicants and Objector(s)
 - the Procedure for the hearing
- ii. **Presentation** of the report (**agenda item 6**) by Officers of the Relevant Authority.
- iii. **Introduction** by the **objector(s)** of their statement. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
- iv. **Questioning** of the **objector(s)** by:
 - the applicant
 - the Panel
- v. **Presentation** by the **applicant**, or their representative, of their statements. Additional material may be submitted with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.
- vi. **Questioning** of the **applicant** by:
 - the objector
 - the Panel
- vii. **Concluding statement** by the applicant.
- viii. **Concluding statement** by objector(s).
- ix. The Panel together with its legal advisor and committee clerk withdraw to consider of the application. Should the Panel wish to clarify any point with any particular party, all sides are recalled for the questions to be asked.
- x. The hearing is reconvened for the Panel to announce their decision.

Agenda Item 4

Should the application be refused or conditions be placed on the licence the Panel must give reasons for this action.

NOTES

WITNESSES: *Either side may call witnesses to support their case. Witnesses should have submitted written statements before the hearing which they present and on which they may be questioned. Witnesses introduced at short notice may speak with the agreement of the Panel and the other party, subject to advice by the Council's legal advisor at the time.*

ADJOURNMENT: *The Panel may at any time adjourn to a later date for the further consideration of an application. The date and time should be agreed with all parties as far as possible.*



REPORT FOR: LICENSING PANEL

Date of Meeting: 3 July 2019

Subject: Application for review of the premises licence for HR Food and Wine, 120 High Street, Wealdstone, HA3 7AL

Responsible Officer: Paul Walker – Corporate Director – Community Directorate

Exempt: No

Wards affected: Wealdstone

Enclosures: Application for review (appendix 1)
Location map and image (appendix 2)
Current premises licence and plan (appendix 3)
Representations (appendix 4)
Licence review guidelines (appendix 5)

Section 1 – Summary

An application has been received from the Metropolitan Police Service to review the premises licence for HR Food and Wine, 120 High Street, Wealdstone, HA3 7AL, on the grounds of the prevention of crime and disorder.

Representations received

From	Representations details
The Planning Authority	No representations received
Health & Safety	No representations received
Environmental Health	No representations received
Trading Standards	No representations received
Area Child Protection Service	No representations received
London Fire Brigade	No representations received
<i>Metropolitan Police</i>	Application made
<i>Licensing authority</i>	No representations made
<i>Home Office</i>	Representation received

Representations from other persons

None

Section 2 – Report

- 2.1 An application has been received on behalf of the Metropolitan Police Service to review the premises licence of HR Food and Wine, 120 High Street, Wealdstone, HA3 7AL on the grounds of preventing crime and disorder (appendix 1).
- 2.2 Description of premises
The premises are located on the busy shopping parade of High Street, Wealdstone. The premises comprise a three storey building. Primarily, the ground floor is an off licence with grocery.
- 2.3 An image of the premises and a location map are provided at appendix 2.
- 2.4 Licensing history
A premises licence was first granted on 3 June 2015. There have been no other applications received since the licence was initially granted.
- 2.5 The current premises licence and plan are attached at appendix 3.
- 2.6 Details of the application
Received: 14 May 2019
The application has been advertised in accordance with the prescribed regulations.
- 3.1 Representations
There has been one representation made by the Home Office which gives information regarding a civil penalty notice issued to the licensee in respect of immigration offences.

- 3.2 Officer observations
The application describes how during visits by the police, the licensee has not been able to uphold the licensing objective for the prevention of crime and disorder. The application describes how, on more than one visit, immigration offences have been found at the premises. The applicant has tried to work with the licensee but this has not been successful. The Home office have also issued a civil penalty notice to the licensee in respect of allowing persons to work on his premises who do not have to right to do so.
- 3.3 Statutory guidance
The following passages and paragraphs of the statutory guidance issued by the Secretary of State in April 2018 are relevant to this application.
- 3.4 Paragraph 11.10 of the guidance refers to good practice for responsible authorities to engage with premises to resolve concerns at an early stage without the need for formal action such as a review.
- 3.5 Paragraph 11.20 of the guidance refers to the need for licensing authorities to ensure remedial action should be addressed to the causes identified in the application or representations, and that decisions must be appropriate and proportionate to those concerns.
- 3.6 Paragraph 11.27 and 11.28 of the guidance refers to criminal activity arising from licensed premises which should be treated particularly seriously. This includes the use of licensed premises for employing a person who is disqualified from that work by reason of their immigration status in the U.K. and for the sale or storage of smuggled tobacco or alcohol. Paragraph 11.28 states: “It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are 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”.
- 3.7 Licensing policy
The Panel will bear in mind appendix 1 to the statement of licensing policy, attached to this report at appendix 5. The Panel has discretion to depart from the guidelines, which are designed with consistency and transparency of decision-making in mind.
- 3.8 Legal implications
The Licensing Authority is required to hold a hearing to consider the review application and any relevant representations made. The hearing must be held in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.
- 3.9 The Licensing Panel is required to give appropriate weight to the review application, representations (including supporting information) presented by all the parties, the Guidance issued pursuant to section 182 of the

Licensing Act 2003, the Council's statement of licensing policy and the steps (if any) that are appropriate to promote the four licensing objectives.

3.10 Having considered those relevant matters, the Licensing Panel can take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives –

1. to modify the conditions of the licence;
2. to exclude any of the licensable activities from the scope of the licence;
3. to remove the designated premises supervisor;
4. to suspend the licence for a period not exceeding 3 months;
5. to revoke the licence

and for this purpose the conditions of the licence are modified if any of them are altered or omitted or any new condition added.

3.11 If the Panel takes a step mentioned in 1 or 2 of paragraph 3.10 above, it can specify that the modification or exclusion is to have effect for a period up to three months if it considers this to be appropriate.

3.12 It should be noted that –

- clear reasons must be given for the decision;
- any additional or modified conditions should be practicable and enforceable;
- the applicant for the review, the premises licence holder and any person who made relevant representations would have the right of appeal to a magistrates' court on one of the grounds provided in schedule 5 to the Licensing Act 2003.

3.13 In addition to determining the application in accordance with the legislation, Members must have regard to the –

- common law rules of natural justice (i.e. ensuring a fair and unbiased hearing etc);
- provisions of the Human Rights Act 1998;
- considerations in section 17 of the Crime and Disorder Act 1998.

3.14 The Panel must also act appropriately with regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms implemented under the Human Rights Act 1998, particularly articles 6 (relating to the right to a fair trial); article 8 (protection of private and family life); and article 1 of the First Protocol (protection of property).

3.15 The Panel, when exercising its powers, must consider section 17 of the Crime and Disorder Act 1998 which states:

'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 functions on, and the

need to do all that it reasonably can to prevent, crime and disorder in its area.'

Financial Implications

3.16 There are no financial implications.

Appeals

3.17 If any party is aggrieved with the decision of the licensing panel on one of the grounds set out in schedule 5 to the Licensing Act 2003, they can appeal to a Magistrates' Court within 21 days from notification of the decision.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 20 June 2019		
Name: Andrew Lucas	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 20 June 2019		

Name: Paul Walker	<input checked="" type="checkbox"/>	Corporate Director
Date: 20 June 2019		

Ward Councillors notified:	Yes
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Section 4 - Contact Details and Background Papers

Contact: Richard Le-Brun, Head of Community and Public Protection, Ext. 6267

Background Papers:

Revised guidance issued under section 182 of the Licensing Act 2003 (April 2018)

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>


**METROPOLITAN
POLICE**
TOTAL POLICING

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 **PC FRANKIE DOWNES 1529NW**

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

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

120 High Street, Wealdstone

Post town:

Harrow

Post code:
(if known)

HA3 7AL

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

Mr Dijeet Singh Kapoor

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

LN/000008387

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)	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)										
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>	
Surname:						First Names:				
I am 18 years old or over				<input type="checkbox"/>						
Current postal address if different from premises address:										
Post town:						Post code:				
Daytime Tel. No.:						Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
PC Frannkie DOWNES - Harrow Police station – Licensing Team	
Telephone Number (if any):	
Email address: (optional)	

This application to review relates to the following licensing objective(s)		
Please tick one or more boxes		
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		
On two occasions, during visits to the premises, it has been found that the licence holder has not been promoting the licensing objectives to the required standard - particularly the prevention of crime and disorder.		
During visits by police, the following issues have been found:		
1. Staff with no right to work in the UK have been found working at the premises		
2. Breaches of the conditions attached to the premises licence.		

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

Wealdstone High Street is a hotspot for anti-social behaviour and crime. I attend regular meetings with partner agencies and the Neighbourhood Policing Teams exploring ways to reduce the crime and asb in the area, and improve the quality of life for the residents and business owners in the area.

Since the start of 2019, the licensing team have been conducting visits at off licences in the area. The aim of the visits is to ensure that staff are complying with their premises licence and to remind them of their responsibilities to promote the licensing objectives. HR Superstore, 120 High Street, Wealdstone, HA3 is just one of the off licences included in these visits.

Thursday 28th February 2019

On Thursday 28th February 2019, the police licensing team had invited the off licences on Wealdstone High Street to a community meeting. The purpose of the meeting was to discuss the ways we as police could work with the premises licence holders to combat the issues of street drinking and alcohol related anti-social behaviour in the area. Unfortunately, attendance to the meeting was very poor, so it was decided that we would go to the venues themselves and speak with staff. 120 High Street, Wealdstone, HA3 was the first off licence visited on this occasion and working at the venue were 2 males. Both confirmed they were members of staff who had been working at the store for some time. They confirmed that they got paid in cash and were paid between £5 & £6 per hour. During the inspection we were able to determine, with the assistance from the Home Office contact centre, that neither of the males had a right to work in the UK. Furthermore one of the males had no right to remain in the United Kingdom at all, having been in the country on an expired student Visa, and was arrested at the scene by PC Omar Aurakzai who is a police officer on the neighbourhood policing team for Wealdstone. The details of the second male were passed to Immigration for them to conduct further investigation.

At the time of the visit, the premises licence holder Mr Dijeet Singh Kapoor was spoken to on the telephone and given a verbal warning by PC Downes as to the seriousness of employing people with no status to work in the UK, and was reminded of his responsibilities as the premises licence holder.

4th April 2019

A joint operation with the licensing team and Immigration was conducted on Wealdstone High Street. The focus of the inspection was to check compliance with immigration legislation after illegal working had been uncovered at some of the premises on the high street, and also to check compliance with the premises licence.

Several breaches of the premises licence were found – these are detailed in a letter sent to the premises licence holder (attached). It was worrying that the staff member on duty, who had only had a few days training, was allowed to run the store on his own. He had only been shown the basics of how to open the store and use the till, and had no knowledge around the conditions on the premises licence. I had concerns when I discovered the fire exit at the back of the store was bolted shut, and the member of staff was unable to fully open the door. I have passed this information to the London Fire Brigade.

Further investigation of the staff member by immigration found him to be in breach of his tier 4 student visa. His visa allowed him to work 20 hours a week only and during questioning, he admitted to working at least 25 hours in the shop that week. Attached are the signed statements from the Immigration officers who interviewed Mr Kapoor and the staff member on the day in question. The male member of staff was arrested under paragraph 17(1) of Schedule 2 of the IAA 1971, and escorted from the store. He was given the option of voluntary deportation to India on the same day.

I spoke with Mr Kapoor on the phone again on this occasion, as he was unable to get to the premises and informed him of the situation. I informed him that a review of his premises licence was likely.

I met with Mr Kapoor on Friday 3rd May 2019 at South Harrow police station to discuss the previous visits, and explain to him my concerns. I reiterated the importance of promoting the licensing objectives and explained that at present, I do not have any confidence that the store is being run to the required standard. He admitted that he knew that the male arrested on 28th February 2019 had no right to be or work in the United Kingdom. He maintains that he did run the appropriate checks on the male arrested on the 4th April 2019 and knew he could only work 20 hours per week – however this is at odds with the interview he gave to the immigration officers where he said he thought his employee could work 25 hours a week. Employing someone with no right to work or who may be in breach of their working restrictions, usually means they are poorly paid in cash, meaning that tax can be evaded and minimum wage laws can be avoided by the employer.

Mr Kapoor is fully aware of my intention to apply for a review of the premises licence and was keen to ensure me that these issues would not arise again. However, as is stated in the Licensing Act 2003 S.182 guidance (paragraph 11.27) 'there is certain criminal activity that that may arise in connection with licensed premises which should be taken particularly seriously'.

Among other activities, this includes:

- Employing a person who is disqualified from that work by reason of their immigration status in the UK.

Paragraph 11.28 states:

'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.'

There are considerable efforts being made by the police and partner agencies to improve the area of Wealdstone, however this can only be achieved with a buy in from the businesses and residents in the area. By employing illegal workers and not having a good grip of their licensing practices, business owners have a hand in allowing criminal activity and anti-social behaviour to continue.

PROTECTIVE MARKING

I therefore respectfully request that consideration is given to the revocation of the premises licence.

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

(Please tick yes)

PROTECTIVE MARKING

	Day	Month	Year		
If yes, please state the date of that application:	0				

If you have made representations before relating to this premises please state what they were and when you made them:

PROTECTIVE MARKING

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 (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:

[Redacted Signature]

Date:

13/05/2019

Capacity:

Licensing Officer - Metropolitan Police

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

South Harrow Police Station, 74 Northolt Road,

Post town:

Harrow

Post code:

HA2 0DN

Telephone Number (if any):

[Redacted Telephone Number]

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

[Redacted E-mail Address]

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.

Retention Period: 7 years
MP 321/12



METROPOLITAN POLICE

Mr Dijeet Singh Kapoor
HR Food & Wine
120 High Street
Wealdstone
HA3 7AL

Licensing Team
[REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]

www.met.police.uk

Your ref:

Our ref:

04/04/2019

Dear Mr Kapoor,

I am writing to you following two recent visits to your premises – HR Food & Wine, 120 High Street, Wealdstone, HA3 7AL.

On Thursday 28th February 2019, I attended your store along with Sergeant Jane Tuffin to conduct a licensing inspection. When we entered the store there were two males working inside – Mr Nirav DALWADI and Mr Bankim PATEL.

During the visit, we had reason to suspect that Mr DALWADI may have no status to work in the UK. This was confirmed by immigration who advised that he was in fact an overstayer and had no right to work. Mr DALWADI was arrested on the request of immigration.

Further checks conducted on the status of Mr PATEL revealed that at the time of our inspection, he had no right to work in the UK. This information was passed to immigration. Both Mr PATEL and Mr DALWADI confirmed that they were employed to work at the premises and were paid £6 & £5 an hour respectively.

On Thursday 4th April 2019, I again attended your premises in company with immigration officers from the Home Office. The intention of the visit was for a full licensing inspection to be conducted and for the immigration status of any employees to be checked.

Upon arrival, there was one male working inside the shop. He identified himself as Mr Nilay Sureshbhai PATEL. He informed us that he had only started working at the store a few days previous and was still on training. Despite that, he had been left in charge of the store for several hours. Upon further questioning with yourself and Mr PATEL, it became apparent that he had been working/training at the premises for more than his permitted 20 hours per week. As a result, Mr PATEL was arrested for being in breach of his working visa and detained by immigration.

On this occasion, I was also able to conduct licensing inspection. The following breaches were identified (all were breaches of annex 2):

Condition 1 & 2: Mr Patel did not know how to operate the CCTV and therefore could not demonstrate that footage was being stored for 31 days. He would not have been able to view or download the footage with immediate effect as per these conditions.

Condition 6: Mr Patel could not provide with any records of staff training

Condition 7: Mr Patel could not provide me with a written authority from the DPS.

Condition 8: Mr Patel gave me a record of incident log book, but the last entry was from 2016.

We spoke on the phone during this visit and you informed me that both the front door and the back door are fire exits. However, the rear exit was blocked by a metal roller shutter which had been padlocked. Clearly this is a potential public safety risk and needs to be rectified with immediate effect.

Unfortunately, I do not believe that this premises is being run responsibly, nor are the licensing objectives being fully promoted. Under the Licensing Act 2003, employing a person who is disqualified from that work by reason of their immigration status in the UK, is taken particularly seriously. At this stage my intention is to submit a review of the premise licence. I will inform you once the review application is complete.

If there is anything you wish to discuss please do not hesitate to contact me.

Yours sincerely,

PC Frankie Downes 1529NW
Licensing Officer
South Harrow Police Station

WITNESS STATEMENT

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

Statement of: Maninder [REDACTED]

Age: (if over 18, put "Over 18) Over 18

Occupation: Immigration Officer

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 anything in it which I know to be false or do not believe to be true.

Signature [REDACTED]

Date: 29th April 2019Tick if witness evidence is visually recorded (supply witness details on rear)

I am employed by the Home Office as an Immigration Officer attached to Eaton House, [REDACTED]. On Thursday 4th April 2019 upon intelligence we visited HR Food and Wine, 120 High Street, Wealdstone, HA3 7AL. Entry to the premises was gained via informed consent at 11:42 hours. Nilay Sureshbhai Patel was the only person present in the shop standing behind the cashier counter, I presented my Home Office issued warrant card as a identity, Metropolitan police officers were also present during this visit.

Nilay Sureshbhai Patel presented his valid Indian passport [REDACTED] Residence permit card [REDACTED] and Provisional driving licence [REDACTED] his identity was confirmed as Nilay Sureshbhai Patel, born on [REDACTED] Indian national male.

Home office checks revealed he was intially granted a Tier 4 student visa valid from 28/09/2018 till 28/10/18. On 16/02/2019 Nilay extended his student Tier 4 leave till 30/11/2021 allowing him to work 20 hours per week.

When initially encountered, Nilay stated he had a valid student visa and he is allowed to work 20 hours a week. When asked whether Nilay had a payslip to confirm this information, he wasn't able to answer. I then conducted the following interview at 12:01 hours:

How long have you been working here? *1st of April 2019*

When did you first started working here? *1st of April 2019*

What hours did you do on 1st April? *2pm and I left at 2.45*

When was the second day you worked? *2nd April 2pm started and 15.15 hours*

Did you work any other day? *3rd April 2pm till 4pm Today 4th*

What hours did you start work today? *7am and I was suppose to finish at 11. Harmeet the owner is running late.*

What other days are you suppose to be working here? *I don't know yet, he will tell me when I finish after this shift.*

What is your role here? *Operating the till, stock filling.*

How much will you get paid? *He will pay me after seeing your work, 1st April and 2nd April were free because of training. I will get paid from yesterday 3rd 8.50 an hour.*

So since yesterday you are no longer under training? *Yes*

Do you know the likelihood of hours you will be working tomorrow? *No*

Signature: [REDACTED]

Signature witnessed by:

Continuation of Statement of Maninder [redacted]

Has the owner discussed how many hours you will be doing once you have the job permanently? 10 Hours a week

What documents did you show the owner before you applied for the job? My passport, student card

Are you working tomorrow? I don't know

Are you likely to work on Friday? No

Are you likely to work on Saturday? No not at all

Another officer has spoken to the owner and he has confirmed that you started working at this shop on 25th March. You were on training and you worked every other day. So from 25th Monday, Wednesday 27th Friday 29th and Sunday 31st the Owner has confirmed that you did 25 hours that week. Is that true? No obviously not

Why has the owner said that you worked 25 hours last week? I don't but I was here to see how the shop runs but I wasn't working. I was here learning

Why has the owner told the officer that you worked Monday 1st 2-7. Tuesday 2-7. Today he has started 6am until the owner arrives? I thought he wasn't paying me so I thought I wasn't working. However yes i was working. I understand now it's my fault I was wrong.

So is it fare to say that you have been working at this shop for more then 20 hours a week? Yes

Do you work any where else? Yes I do as a career, Sihara Career agency

What is your duty there and when did you started working there? Taking care of old age people and I started working from 3RD of January.

How much do they pay you? 8.50 an hour

How many hours are you suppose to be working there? I work 9 hours a week. 45 minutes day time and 30 minutes in the evening 7 days a week.

Who is the person who employed you here? Harmeet Is the owner

Did he check on you immigration status to see if you are allowed to work and how many hours? He only asked my 2days ago, he did not ask me when he first gave me the job.

So have you understood all my questions? Yes

Is there anything you want to ask me? No

This interview was concluded at 13:02 hours, Nilay signed this interview log to confirm this interview took place on 4th April 2019.

Based on above, I was satisfied Nilay was working in breach of his leave conditions.

At 13:11 hours I cautioned Nilay and arrested him under paragraph 17 of the Immigration Act 1971 as a person liable to be detained under paragraph 16 (2) of the same Act. [redacted]

IO- M [redacted] 29/04/2019- 10:30

10:18 NO 29APR19 IE

10:18 NO 29APR19 IE

Signature: [redacted] by: [redacted]

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2: Criminal Justice Act 1967, s.9: Magistrates' Court Act 1980, s.5B

Statement of Amanjot [redacted] URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Immigration Officer

This statement (consisting of 2 pages and 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 anything in it which I know to be false, or do not believe to be true.

Signature: [redacted] Date: 18th April 2019

Tick if witness evidence is visually recorded (supply witness details on rear)

I am an Immigration Officer employed by the HOME OFFICE currently attached to WEST LONDON Enforcement Office, [redacted]. On Thursday 4th February 2019 I was on duty with West London Arrest Officers. Under NOD visit reference TS21EYS1375 and Pronto Reference EV27-14,824, we attended HR Food and Wine, 120 High Street, Wealdstone, HA3 7AL, following intelligence that the business were employing illegal workers.-----

At 1142 hours immigration officers entered the front of the property and obtained fully informed consent from an employee working behind the till, who we now know to be Nilay Sureshbhai [redacted] GROVER had encountered this individual and had subsequently arrested PATEL under Para 17(1) Schedule 2 of the Immigration Act 1971 as this individual was working in breach of his visa conditions. -----

PATEL contacted his manager Harmeet as he was unable to answer certain questions regarding the business. -----

At 1202 I conducted a full Q and A with the manager over the phone from the business premises. The manager confirmed his full name as Dijeet Singh KAPOOR and confirmed he was happy to be interviewed in English. This interview is recorded in Pronto. Q. WHAT IS THE NAME OF THE BUSINESS? A. HR FOOD AND WINE LTD. Q. WHAT ARE THE COMPANIES HOUSE AND VAT NUMBERS OF THE BUSINESS? A. COMPANIES HOUSE NUMBER 09869402. Q. WHAT IS YOUR POSITION HERE? I AM THE MANAGER, MY WIFE IS THE DIRECTOR. WIFE IS CALLED RIMI KAUR. Q. HOW LONG HAVE YOU BEEN WORKING HERE? A. 3 YEARS. The following questions and answers are regarding the employee Nilay Sureshbhai PATEL; Q. HOW LONG HAS THE EMPLOYEE BEEN WORKING HERE? A. HE WAS ON TRAINING FOR THE WEEK. Q. WHEN WAS HIS FIRST DAY HERE? A. MONDAY WAS HIS FIRST DAY FROM WHEN HE WAS BEING PAID. Q. WHEN HE WAS SPEAKING TO YOU HE TOLD YOU THAT I HAVE BEEN HERE 2 OR 3 DAYS. WHY DID HE NEED TO TELL YOU THIS? A. TO AVOID CONFUSION AS HE WAS ON TRAINING AND DID NOT KNOW WHEN TO TELL US HE STARTED Q. WHAT IS THEIR JOB ROLE/ DUTIES? HE IS MOSTLY ON THE TILL AND A LITTLE ON THE FLOOR. Q. WHAT DAYS/ HOURS DO THEY WORK EACH WEEK? A. AT THE MOMENT HE DOES NOT HAVE SET SHIFTS. 6 HOURS, 4 DAYS A WEEK. Q. SO THIS WEEK WHAT HOURS HAS HE WORKED? A. MONDAY 2PM-7, TUESDAY 2PM - 7PM, WEDNESDAY HE WAS OFF. THURSDAY 6AM SHOULD HAVE FINISHED AT 12 BUT 1 AM RUNNING LATE. FRIDAY HE MIGHT BE OFF. WE MIGHT GET HIM IN ONE DAY ON THE WEEKEND. HE IS A STUDENT AND IS ONLY ALLOWED TO WORK 24 HOURS A WEEK. Q. WHO GAVE THE EMPLOYEE THIS JOB? A. ME AND MY WIFE. Q. WHO TELLS THEM WHAT DAYS AND HOURS TO WORK? A. I DO AT THE MOMENT AS MY WIFE IS NOT ATTENDING THE BUSINESS AS SHE HAS JUST GIVEN BIRTH. Q. WHO TELLS THEM WHAT TASKS OR DUTIES TO PERFORM EACH DAY? A. MYSELF AND THE OTHER STAFF WHO ARE IN THE SHOP IN THE MORNING. IT IS MAINLY ME. Q. WHERE ARE THE EMPLOYEE RECORDS? A. I HAVE A RECORD OF ALL THE OTHER EMPLOYEES. NILAY HAS BEEN EXPLAINED EVERYTHING BUT I DID NOT HAVE A SPARE FORM FROM THE COUNCIL FOR HIM. THE FILE IS IN THE RECORD IN THE SHOP. Q. IF THE PAYMENT INCLUDES MONEY, HOW MUCH AND HOW IS IT PAID? A. PAID HOURLY, MINIMUM WAGE. I BELIEVE IT IS £7.83. I TOLD HIM THAT IS MUCH HE IS PAID. Q. DO YOU COME TO THE SHOP EVERY DAY? A. I DO EXCEPT SUNDAYS. I COME DEPENDING ON WHAT HOURS THE STAFF ARE NOT HERE. THERE ARE NO FIXED HOURS AS I HAVE OTHER SHOPS. I DO

Signature: [redacted] Signature witnessed by:

Continuation of Statement of Amanjot [REDACTED]

ABOUT 40 HOURS IN THIS SHOP A WEEK. I COME 6 DAYS A WEEK. Q. WHO PAYS THE EMPLOYEE? A. IT IS GOING TO BE ME, HE HASN'T BEEN PAID YET. HE WILL BE PAID MONTHLY. Q. DO YOU DEDUCT INCOME TAX FROM THE EMPLOYEE'S SALARY? A. PART TIME HE WILL ONLY BE PAYING NI. Q. HOW WILL HE BE PAID? A. BY BANK. Q. WHAT DOCUMENTS DID YOU ASK TO SEE BEFORE OFFERING EMPLOYMENT? A. MY WIFE HAS TAKEN HIS DOCUMENTS FROM HIM. PASSPORT, NI AND STUDENT CARD. SHE CAME IN WHEN HE JOINED. Q. WERE YOU SHOWN ANY ORIGINALS? A. SHE SAW ORIGINALS AND TOOK COPIES. Q. WHEN DID YOU LAST CHECK THE PERSON'S EMPLOYMENT STATUS? A. WHEN HE JOINED. LAST MONDAY WAS HIS FIRST DAY WHEN HE STARTED TRAINING. Q. WAS HE TRAINING ALL WEEK LAST WEEK? A. HE TRAINED FOR 25 HOURS. CAME EVERY SECOND DAY. MONDAY WAS HIS FIRST DAY FOR TRAINING. Q. AND YOU SAY HE WASN'T PAID FOR TRAINING? A. I BELIEVE HE WAS NOT PAID UNLESS MY WIFE PAID HIM. USUALLY WE DO NOT PAY FOR TRAINING.

The manager confirmed he understood all of the questions and all of the answers he had provided were correct. As this interview was conducted over the phone, there was no signature at the end of this interview.


[REDACTED]

[Dotted lines for text entry]

[Handwritten signature]

Signature: Signature witnessed by:



Legend
Points
 Override 1

H.R Food & Wine

OFF-LICENCE GROCERY DAIRY PRODUCTS CONFECTIONERY ROMANIAN FOOD POLISH FOOD



OFF LICENCE
OPEN TILL LATE

PIZZA CHALET



Fresh
Pizza

AVAILABLE
TO LET
FOR MORE INFO

BLUE COLOUR
TO LET
FOR MORE INFO

No loading
7am - Midnight
CARS
WAS
WANTED
07746
108216

LICENSING ACT 2003

APPENDIX 3

Schedule 12
Part A (Regulation 33,34)

HARROW COUNCIL, P O BOX 18, STATION ROAD, HARROW

Premises Licence Number:

LN/000008387/2015/1

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description:

Wealdstone Food and Wine, 120 High Street, Wealdstone, Harrow, Middlesex, HA3 7AL

Telephone Number:

Where the licence is time limited, the dates:

N/A

Licensable activities authorised by the licence:

Sale of retail alcohol

Signed by Richard LeBrun

Environmental Services Manager (Public Protection)



Premises Licence



**Licensable Area
Hours open to public**

Sunday	00:00 - 02:00	06:00 - 00:00
Monday	00:00 - 02:00	06:00 - 00:00
Tuesday	00:00 - 00:30	06:00 - 00:00
Wednesday	00:00 - 00:30	06:00 - 00:00
Thursday	00:00 - 00:30	06:00 - 00:00
Friday	00:00 - 00:30	06:00 - 00:00
Saturday	00:00 - 00:30	06:00 - 00:00

The times the licence authorises the carrying out of licensable activities

Location: Licensable Area

Sale of retail alcohol

Sunday	00:00 - 02:00	06:00 - 00:00
Monday	00:00 - 02:00	06:00 - 00:00
Tuesday	00:00 - 00:30	06:00 - 00:00
Wednesday	00:00 - 00:30	06:00 - 00:00
Thursday	00:00 - 00:30	06:00 - 00:00
Friday	00:00 - 00:30	06:00 - 00:00
Saturday	00:00 - 00:30	06:00 - 00:00

Where the licence authorises supplies of alcohol – whether these are on and/or off supplies
Sale by retail off premises



Part 2

Name, (registered) address, telephone number and email (where relevant of holder of premises licence):

Dijeet Singh Kapoor



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

N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol:

Dijeet Singh Kapoor



Personal licence number and issuing authority of personal licence held by designated premises supervisor – where the premises licence authorises for the supply of alcohol:

HILLINGDON - LBHIL2964

State whether access to the premises by children is restricted or prohibited: N/A



Annex 1 – Mandatory Conditions

Mandatory conditions where licence authorises supply of alcohol:

- 1 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
2. Every supply or sale of alcohol made under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition where licence requires door supervision:

Where one or more individuals are required to be at the premises to carry out a security activity, such individual(s) must be licensed by the Security Industry Authority.

The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available."

Mandatory Condition order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1—

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence—

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Mandatory conditions where licence authorises exhibition of films:

(1) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the British Board of Film Classification, except where condition 2 applies.

(2) The admission of persons under the age of 18 years to exhibitions of films must be restricted in accordance with any recommendation made by the relevant licensing authority regarding the film in question

Annex 2 - Conditions consistent with the Operating Schedule

1. The CCTV system to be maintained and operated in good order and to the satisfaction of the Metropolitan Police's reasonable requests as documented in the Harrow Police Security Recommendations document. The medium upon which the images are recorded will be clearly identifiable, stored securely and retained for a period of not less than 31 days and will be made available to Council officers and Police immediately upon request.

2. Such footage must be provided in an immediately viewable format and must include any software etc. which is required to view the footage. Any discs, portable drives or other storage media onto which the footage is transferred must be provided by the premises.

3. The Designated Premises Supervisor must ensure that the CCTV system is checked at least once every

week by a suitably trained member of staff. This check must include the operation of the cameras, the recording facilities, the facilities for providing footage and the accuracy of the time and date.

4. Prominent, clear and legible notices shall be displayed at the entrance/exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

5. As per Mandatory Conditions - The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 the age verification policy shall apply to persons who appear to be under the age of 25 years old ("Challenge 25 policy"). A record of age related refusals of sale will be kept and will be made available to officers of the police or local authority immediately upon request.

6. All staff shall receiving training with regard to the Challenge 25 Policy. The record will be made available to officers of the Metropolitan Police and the local authority immediately upon request.

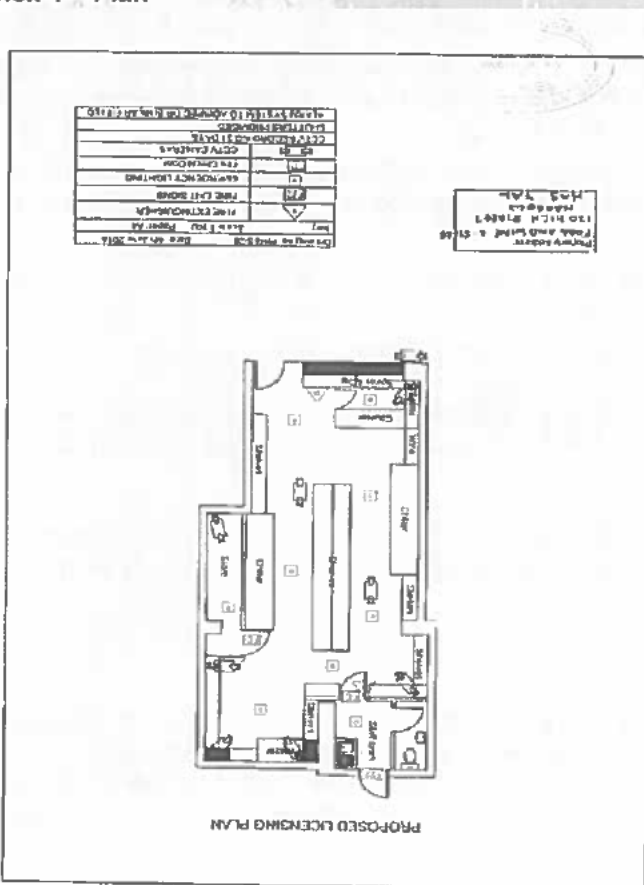
7. A written authority from the DPS will be kept at the premises where he authorises any member of staff to sell alcohol on his behalf. This authority will be produced immediately upon the request of an officer of the police or the licensing authority.

8. A record of any incident that takes place at the premises which would undermine one or more of the four licensing objectives to be kept at the premises. The record will be made available to officers of the Metropolitan Police and the local authority immediately upon request.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

Annex 4 – Plan



Date of original grant: 03/06/2015	Reason for issue: New Application
Date of issue: 6th July 2015	Issue Number: 1

APPENDIX 4

Ash Waghela

From: ISD Alcohol Licensing <Alcohol@homeoffice.gov.uk>
Sent: 16 May 2019 15:13
To: license
Subject: RE: Review Application - 120 High Street Wealdstone, HA3 7AL AL25219

Good afternoon,

Thank you for providing the review for the above premises.

Further to our search we wish to add to your submission details below:

A visit was conducted at Address: HR Food and wine, 120 high street, Wealdstone, Harrow HA3 7AL

Where on entry one male illegal worker was encountered and confirmed as an overstayer in the UK.

A civil penalty of £10,000 for the employment of one person with no right to work in the UK was issued to Mr Mr Dijeet Singh Kapoor on the 04.04/2019. This amount is still outstanding.

Regards

Paul Wynter

Interventions and Sanctions Directorate/ Alcohol and LNR licensing Team

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Appendix 5

APPENDIX 1

Licence review guidelines

	Aggravating factors	Mitigating factors
Prevention of crime and disorder	<ul style="list-style-type: none"> • Failure to heed police or licensing authority advice • Encouraging or inciting criminal behaviour associated with licensed premises • Serious injury results from poor management • Previous track record • Deliberate or direct involvement in criminality 	<ul style="list-style-type: none"> • Minor breach of condition not justifying a prosecution • Confidence in management ability to rectify defects • Previous track record • Voluntary proposal/acceptance of additional conditions
Prevention of public nuisance	<ul style="list-style-type: none"> • Noise late at night in breach of condition or statutory abatement notice • Previous warnings ignored • Long and prolonged disturbances • Excessive noise during unsocial hours (relating to locality and activity concerned) 	<ul style="list-style-type: none"> • Noise limiting device installed • Licence-holder apologised to those disturbed by nuisance • Hotline complaints telephone available • Undertaking/commitment not to repeat activity leading to disturbance • Willingness to attend mediation • Voluntary proposal/acceptance of additional conditions
Public safety	<ul style="list-style-type: none"> • Death or serious injury occurred • Substantial risk in view of a responsible authority to public safety involved • Previous warnings ignored • Review arose out of wilful/deliberate disregard of licence conditions 	<ul style="list-style-type: none"> • Minor or technical breach of licence condition • Confidence in management to rectify defects • Confidence in management to avoid repetition of incident • Voluntary acceptance/proposal of additional condition
Protection of children from harm	<ul style="list-style-type: none"> • Age of children • Previous warnings ignored • Children exposed to physical harm/danger as opposed to other threats • Activity arose during normal school hours • Deliberate or wilful exploitation of children • Large number of children affected/involved • Children not allowed on premises as part of operating schedule/conditions 	<ul style="list-style-type: none"> • Conduct occurred with lawful consent of persons with parental responsibility for child • Short duration of event • No physical harm • Short-term disturbance • Undertaking/commitment not to repeat activity • Children permitted on the premises as part of operating schedule • Not involving under-age exposure to alcohol

	Aggravating factors	Mitigating factors
Application for review after other enforcement action taken by responsible authorities	<ul style="list-style-type: none"> • Penalty imposed by court • Previous warnings ignored • Previous review hearing held resulting in any corrective action • Premises licence holder previously convicted or cautioned for same or similar offences/contraventions • Offences over prolonged period of time • Offences resulted in significant danger or nuisance • Offences as a result of deliberate actions or reckless disregard for licensing requirements • Offence likely to be repeated 	<ul style="list-style-type: none"> • Compensation paid by offender or agreement towards mediation • Voluntary acceptance/proposal of additional conditions • Offence disposed of by way of simple caution or fixed penalty notice • First offence or warning • First review hearing • Single offence/breach • No danger to the public or nuisance • Offences merely administrative in nature • Offence unlikely to be repeated
Range of likely responses available to the Licensing Panel	<ul style="list-style-type: none"> • To take no action • To issue a written warning • To remove the designated premises supervisor (or require a designated premises supervisor in community premises without one) • Modify the conditions of a premises licence or club premises certificate, including adding new conditions or deleting old conditions • To exclude a licensable activity or qualifying club activity from the scope of the premises licence or club premises certificate • To suspend the licence for a period not exceeding three months • To revoke the premises licence or withdraw the club premises certificate 	

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: PC Frankie DOWNES

Age if under 18: Over 18

(if over 18 insert 'over 18')

Occupation: Police Officer

This statement (consisting of 2 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.

Witness Signature: [REDACTED]

Date: 26/06/2019

I am the above named officer and my current role is as licensing officer on the North West Basic Command Unit. I have been in my role for approximately four (4) years. This statements refers to a licensing visit at 120 HIGH STREET WEALDSTONE, HA3 7AL.

On WEDNESDAY 19th JUNE 2019 I was on duty in plain clothes in company with PC WILCOCK 1349NW, conducting licensing visits at two properties in Wealdstone High Street – 1 Masons Avenue, HA3 5AH and 120 High Street, HA3 7AL. The premises licence holder for both venues is Mr Dijeet Singh KAPOOR. Mr KAPOOR is also the premises licence holder for 27 High Street, Wealdstone, HA3 5BY. All three venues are off licences. Officers from the HMRC Individuals and Small Business Compliance Team were also conducting inspections at the same venues. The purpose of the visits was to follow up after an amount of non-duty paid and counterfeit tobacco was found by police at 27 HIGH WEALDSTONE on SATURDAY 18th MAY 2019. The goods seized on this occasion were handed to over to HMRC.

At approximately 1100 hours, I entered 1 MASONS AVENUE, HA3 5AH with PC WILCOCK to find officers from HMRC already on scene at the back of the store. They informed us that they had found some evidence that the owners of the store had been only been paying the duty on some the alcohol purchased from the cash and carry, BERKSHIRE BEVERAGES. We were shown invoices detailing alcohol purchased legitimately, but attached to each invoice was a handwritten receipt which showed the cost of alcohol which had been purchased 'off book' i.e. without the duty being paid. It was also pointed out to me that the price of some of the high strength beer was low, indicating further that the duty had not been paid on some of the stock. Upon being told this information, PC WILCOCK and I made our way to 120 HIGH STREET, WEALDSTONE to speak with staff and preserve any evidence of similar offences. The walk from 1 MASONS AVENUE to 120 HIGH STREET, WEALDSTONE is approximately 2 – 3 minutes. Upon arrival there was a male and female behind the till, and both were rifling through a bag of paper documents. PC WILCOCK and I introduced and identified ourselves as police officers and asked the male and female to put down the paperwork and step out from behind the till. We were then able to see that invoices specifically from BERKSHIRE BEVERAGES were being pulled out and put to one side, with the handwritten receipts, similar to those at the 1MASONS AVENUE store, being ripped and separated from the invoices. I strongly suspect that somebody had placed a call to the male and female to warn them about what was being found at the other venues owned by Mr KAPOOR and had told them to conceal or destroy any similar evidence. Once they were out

Witness Signature: [REDACTED]

Signature Witnessed by Signature:

Page 1 of 2

Continuation of Statement of:
from behind the till, I explained to the male and female that we were there to conduct a
licensing inspection and to look for any non-duty paid or smuggled tobacco or alcohol. I
asked them to temporarily close the store for the duration of the visit to which they obliged.

On previous visits to this store, I had encountered staff members who had no right to work in
the UK so I asked the male the female to provide me with some form of identification. The
female was able to show me her Home Office issued residence permit which identified her
as [REDACTED]. I noted that her permit allowed her to work no more
than 20 hours per week. I asked her how many hours she works at the store, to which she
stated she works whenever she is needed with no set days. I asked her how she manages
her hours to ensure that she does not breach her visa, and she stated that she thinks her
employer keeps a record but was not sure. She was not able to provide me with this record
as it was not on the premises.

The male provided me with a picture of his Home office issued residence permit which
identified him as [REDACTED]. The permit showed he was allowed to work in
the UK. Both informed me that they are paid in cash and are paid £6.50 an hour. The
minimum wage as of April 2019 is £8.21 for those aged 25 and over and £7.70 for those
aged 21 to 24.

I proceeded to conduct a licensing inspection as there had been breaches of the conditions
of the premises licence at the previous visit on 4th April 2019. On this occasion all of the
conditions were being adhered to and no breaches were found. I then noticed that a door at
the back of the premises was open and looked to lead to a rear yard and outbuilding. I went
to see if there was anything or anyone outside and saw a large amount of stock, mostly beer
and other alcohol stacked up in the outbuilding. PC WILCOCK placed a call to the HMRC
officers who were still in the process of seizing alcohol at the 1 MASONS AVENUE store to
inform them of what had been found. They advised that the outbuilding should be locked and
no alcohol removed until they were able to attend the store. After waiting for around an hour
for HMRC officers to attend, it was decided that the staff would lock the outbuilding and
provide us with the key. The key would be given to HMRC in order that they could go back
and seize items as necessary. Both staff members were notified of this and understood that
no one was to be allowed to remove or sell any alcohol from the out building until HMRC had
concluded their visit. PC WILCOCK and I then left the premises and walked back to 1
MASONS AVENUE to hand the outbuilding key and BERKSHIRE BEVERAGES invoices to
HMRC officers.

We were made aware that the goods from this store would be seized on 21st June 2019.

Witness Signature: [REDACTED]
Signature Witnessed by Signature:.....

38