

APPENDIX 1

PROTECTIVE MARKING



**METROPOLITAN
POLICE**

TOTAL POLICING

Form 691

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 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:

Express Food & Wine, 21 High Street

Post town: **Wealdstone** Post code:
(if known) **HA3 5BY**

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

Mr Harmeet Singh Kapoor

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

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"/>

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(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 DOWNES - Harrow Police station – Licensing Team	
Telephone Number (if any):	
Email address: (optional)	NWMAILBOX.LICENSINGHARROW@MET.POLICE.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	<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)		
During several visits to the premises, it has been found that the premises licence holder has not been promoting the licensing objectives to the required standard - particularly the prevention of crime and disorder objective.		
During visits by police, the following issues have been found:		
<ol style="list-style-type: none"> Staff with no right to work in the UK have been found employed at the premises on more than one occasion. Non duty paid goods have been found at the premises. There has been a continued breache of a condition on the premises licence. Conditions are put in place to assist the premises licence holder to promote the licensing objectives. 		

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

Wednesday 19th December 2018

The premises was visited on 19th December 2019 as part of a Day of Action in the Wealdstone Area. A licensing inspection was conducted by PC Norton and PS Smith – both NW BCU Licensing officers.

Upon entering the store a male was behind the till serving customers. When the officers began to ask him questions about the licence, such as who the Designated Premises Supervisor was, where any licensing documentation was or how to operate the CCTV, he was unable to answer.

The male was asked to provide some form of identification and the male produced some personal documentation, including a photocopy of his passport. Checks of the males details were conducted with Immigration, and revealed that the male had been failing to comply with his immigration bail conditions for some time and they required him to be detained. The male was arrested and conveyed to a Police Station.

During this visit, a male by the name of Harinder Singh Kapoor came into the venue and informed officers he was in charge of the shop and was the brother of Harmeet Singh Kapoor (The premises licence holder). He stated he had only left for a short while to go to the cash and carry and, leaving the arrested male to work at the shop was a one off. He was reminded that it is an offence to employ anyone who has no status to work in the UK.

Mr Kapoor informed officers that he and his brother were in the process of selling the business.

Friday 1st February 2019

The venue was again visited as a follow up to the previous visit, to conduct a full licensing inspection and ensure that there were no employees working illegally.

I attended along with PC Beresford and PC Wilcock, also in attendance was Harrow Trading Standards officers – Samuel ADULLAHI.

During this visit a male was behind the till when I entered the store and he was in the middle of serving people. There did not appear to be any other members of staff at the venue. When the male had finished serving, I approached the till and informed him who I was, and why I was there. I asked the male to provide me with some form of identification. He handed me a copy of the bio page of his passport and also his most recent Home Office Paperwork. Upon seeing his name I recognised that this was the male who had been arrested previously on 19th December 2019. I called immigration who again checked his status, and confirmed that at this stage he was legally in the country, but should not be working. I was advised that I should tell the male to leave the premises.

When I repeated this information to the male, he said he was not working but was just helping. However, I had witnessed him performing the duties of a cashier and after a check of the shop confirmed that there were no other people there.

During the licensing inspection it was noted that the premises was in breach of condition 1 – “The CCTV system to be maintained and operated in good order and to the satisfaction of Met Police Crime Prevention Officers reasonable requests” As the CCTV monitor was blank and could not be operated.

Found behind the till area was a small amount of non-duty paid tobacco and chewing tobacco – 4x Polish Marlboro Gold x 20 pack and 2x RMD chewing tobacco. This was seized by Trading Standards.

During the visit Mr Harinder Singh Kapoor arrived. I informed him of all our findings and Mr Kapoor stated that he had been to the bank and just asked the male to help out as he knows his Auntie. I explained that this was not acceptable, particularly after the immigration arrest on 19th December 2018 and that I believed that the male was in fact working there on a regular basis. I informed him that employing illegal workers and having non paid goods on his premises could result in him being given a heavy fine and in revocation of his premises licence. I also spoke with Mr Harmeet Singh Kapoor on the telephone and repeated what I had told his brother.

Mr Singh was issued with a notification of alleged offences form and advised that due to the breach of his CCTV condition that he should not conduct any licensable activity until it is fixed. He stated that he would be closing the shop for the evening anyway and that the CCTV would be fixed in the morning.

Friday 22nd February 2019

A test purchase operation was conducted along Wealdstone High Street, with a young person under the age of 18 attempting to buy alcohol with no ID. This premises was included in the operation and rightly refused the sale of alcohol to the young person. As is our usual process, once the test purchase is complete, an officer will re-enter the store and speak with the staff. The young person described the man who had served him behind the till to me, so I knew who to speak to. I suspected that this might be the male who we had encountered on previous visits and who should not be working. When I got to the store, there was only a female behind the till, however as I was talking to her, the male that had been working there on the previous visit walked past the entrance to the shop. It is my belief that he had in fact been inside the premises minutes before and had been working again. I explained to the female behind the till the reason for my visit and then asked her to operate the CCTV so I could see who had been working behind the till at the time of the test purchase. She first stated that the CCTV was not working. When I explained that this was a continued breach of the premises licence, she then stated that the CCTV was in fact working but she did not know

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how to operate it.

As PC Beresford and I were speaking to her, an unknown male came into the premises and attempted to sell an item to the female behind the till. As we were in plain clothes, he had not noticed that we were police officers. Believing that this male was attempting to sell stolen goods, I tried to detain him but he ran away. We searched the area but were unable to track him down. We returned to the shop, and Mr Harinder Singh Kapoor once again came into the store. I informed him that due to the position of his cameras, he would likely have a good image of the male who had tried to sell stolen goods, to assist in a potential investigation or to use for intelligence purposes. Mr Kapoor was unable to operate the CCTV and provide me with any of the footage. He stated that the CCTV has recently been fixed and only his brother, who was unavailable, knew how to download the footage. He did attempt to call his brother several times, to no avail.

I requested that he download an hours worth of footage to be ready for collection the following day. An hour would allow me to see who had been working behind the till and see the male with the potential stolen goods. I explained how this was a prime example of how important it was to have his CCTV in full working order at all times, as per the conditions of his premises licence.

PC Beresford made contact with Mr Kapoor the following day and he stated that he would meet her at his shop at 5pm with the CCTV. Upon arrival, Mr Kapoor was able to show PC Beresford approx. 5 minutes of footage that he had recorded on his mobile phone of the incident involving the stolen goods, and not the hour that had been requested. When she asked Mr Kapoor to bring the footage up on the shop monitor, he said it would take him too long to work out and he could not remember how to do it. He was asked to send the footage via email to our licensing mailbox but this was never received. He was also asked to bring a copy into the police station on a memory stick, but again this has not been received. PC Beresford has tried to contact Mr Kapoor to follow this up but has not been able to reach him.

On Thursday 28th February 2019, I went to visit the venue, but found it closed with the shutters down. I believe the shop has not been open since then.

The guidance under section 182 of the Licensing Act 2003 (paragraph 11.27) states that 'there is certain criminal activity that may arise in connection with licensed premises which should be treated 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;
- The sale or storage of smuggled tobacco and alcohol.

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.'

The area of Wealdstone has for a long time been a hotspot for crime and anti - social behaviour, and hard work and problem solving is being done to improve the area by the Neighbourhood Policing Team with the help of the licensing and the Anti-social behaviour teams. However, it is vital that the local community play their part in this, and this includes business owners like Mr Kapoor and his brother. By employing illegal workers, selling smuggled goods and not having a good grip of their licensing practices they have a hand in allowing criminal activity and anti-social behaviour to continue.

With all of the above, I do not believe that either the premises licence holder Mr Harmeet Singh Kapoor or his brother Mr Harinder Singh Kapoor have demonstrated that they are responsible enough to have a premises licence or have the ability/desire to promote the licensing objectives to a satisfactory standard. Mr Kapoor and his brother have shown that they are unable to adhere to the conditions they already have on their existing licence, and I do not believe that the addition of further conditions will remedy this problem. 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)

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

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

N/A

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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:

Date:

29/03/2019

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)

PC Frankie Downes, South Harrow Police Station, 74 Northolt Road

Post town:

Middlesex

Post code:

HA2 0DN

Telephone Number (if any):

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

NWMailbox.Licensingharrow@met.police.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.