


**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.



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 29APR'19 IE

10:18 NO 29APR'19 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:

