

# Licensing Panel SUPPLEMENTAL AGENDA

**DATE: Monday 20 May 2019**

## AGENDA - PART I

5. **EXPRESS FOOD & WINE, 21 HIGH STREET, WEALDSTONE, HARROW, MIDDLESEX, HA3 5BY** (Pages 3 - 12)

Additional information to Appendix 4 - Representations

*Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda item has been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-*

Agenda item

Special Circumstances/Grounds for Urgency

5. Express Food & Wine,  
21 High Street,  
Wealdstone – Appendix  
4 – Additional  
information

This information was not available at the time the agenda was printed and circulated. Members are requested to consider this information as a matter of urgency in order that the Panel considers all available information.

## AGENDA - PART II - NIL

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### 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 1529NW

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  Date: 03.02.2019

I am the above named officer and my current role is licensing officer on the North West Basic Command Unit. I have been in the role for approximately four (4) years. This statement refers to a licensing visit at EXPRESS FOOD & WINE, 21 HIGH STREET WEALDSTONE, HA3 5BY.

On FRIDAY 1<sup>st</sup> FEBRUARY 2019 I was on duty in plain clothes, conducting licensing visits on HIGH STREET, WEALDSTONE, HA3. At approximately 1950 hours I attended EXPRESS FOOD & WINE, 21 HIGH STREET, WEALDSTONE, HA3 5BY in company with PC Vicky WILCOCK 1349NW, PC Kirby BERESFORD 1330NW, PC Paul SCOTT 3302NW and a colleague from Harrow Trading Standards, Samuel ABDULLAHI. The purpose of the visit was to follow up and conduct a licensing inspection after an immigration offender was found working at the premises and was arrested on WEDNESDAY 19<sup>th</sup> DECEMBER 2018.

On entering the premises there were two (2) people waiting to be served at the till and there was one male behind the till putting items in a customer's bag and taking money from him. As we were standing waiting to speak with the male, another customer came in and was served by the man behind the till. We then asked the male behind the till if he would mind closing the shop for a few minutes, just so we could conduct the inspection. There was no one else in the shop who appeared to be working. After the last customer had left the shop, I approached the till and explained to the male why I was there. I asked him his name and if he had any identification. He presented me with a photo copy of a Fijian passport, in the name of  dob  born FIJI. I recognised this name to be that of a male that was arrested for immigration offences at the store on 19<sup>th</sup> DECEMBER 2018. I asked  if he was the person who had been arrested and he said yes and produced some further paperwork from the Home office. The paperwork had a reference number of  on the top and listed his bail conditions. One of which was that he was not to work whilst here in the UK.

To ensure this was the case and to confirm that there were no further immigration offences, I spoke with someone from the Immigration contact centre who confirmed that  was now complying with his bail conditions to sign on with UKBA, but should not be working. The person I spoke with informed me that  was not arrestable but should be told to leave the shop. After this conversation, I asked  if he knew he was not allowed to work, and he said he was just helping for a few minutes, however we had already been in the shop for around 20 minutes at this point.

Witness Signature:

Signature Witnessed by Signature:.....

Continuation of Statement of: PC FRANKIE DOWNES 1529NW

I then asked him to call his boss and approximately 10 minutes later, a male by the name of Mr Harinder SINGH entered the store and said he runs the store. When I asked him if he was aware that he had someone working illegally in his premises, he said that on both this occasion and the last occasion (19<sup>th</sup> DECEMBER 2018), he had just popped out and asked [REDACTED] to cover for him. I told him that under no circumstances is [REDACTED] allowed to work in his shop as it is part of his bail conditions. Mr SINGH then used his mobile phone to call his brother Mr Harmeet SINGH so I could speak with him. Harmeet SINGH is named on the premises licence as the premises licence holder and designated premises supervisor. I explained the situation to him and he claimed not to know that [REDACTED] was not allowed to work in the UK. For the avoidance of any further doubt, I again explained [REDACTED]s immigration status to Mr Harmeet SINGH.

Further checks of the shop uncovered a small amount of non-duty paid cigarettes and chewing tobacco which were seized by Trading Standards, and also found that they were in breach of their premises licence by not having CCTV in working order. A Notification of Alleged Offences was served on Mr Harinder SINGH. Mr SINGH informed me that he would be closing the shop for the evening and that [REDACTED] would be leaving the venue.

[REDACTED]

[REDACTED]  
Witness Signature [REDACTED]

Signature Witnessed by Signature:.....

### WITNESS STATEMENT

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

URN

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Statement of: Sergeant Damien Smith 253NW

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

This statement (consisting of 2 pages) 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: 21/12/18

On Wednesday 19th December 2018 I was on duty in full uniform. I attended Wealdstone High Street to assist a colleague responsible for supervising that ward, Police sergeant Paul McCauley. Wealdstone High Street is responsible for a higher degree of reported Anti-social behaviour and street drinking issues compared with surrounding wards. In order to tackle some of the residents and councillors concerns a week of action was set up and part of that action was for the trained licensing officers to attend the licensed venues on the High Street.

Accompanied by two officers from the safer neighbourhood team familiar with their area I attended 21 High Street named Express Food & Wine store. Prior to entering the store I could not see any signs or poster about age verification regarding alcohol sales. When inside the store I could not see any licence or copy of licence displayed regarding the premises being licensed or any of the timings that the premises would be in operation. There was one male serving behind the counter. He appeared nervous on seeing uniformed officers in his store. I asked the male if he was the DPS – Designated premises supervisor. He replied with I don't know what that means. I asked if he held a licence to serve alcohol? He replied No. I asked if he held any authority to sell alcohol at the venue and he informed me he was only covering for a friend who owned the store. I asked where is your friend? He replied at the cash and carry he will soon be here and picked up his mobile. I asked him not to call anyone as I was in the middle of talking to him. I asked the male if he had any identification on him to confirm who he is.

The male grabbed a blue plastic bag from behind him full of photocopies of documents, mobile phone documents addressed to Mr [Redacted] and among the pile were documents from the UKBA, banks, DVLA and solicitors which was located further along the High Street. The male produced a photocopy of a passport bearing his photograph in the name of [Redacted] date of birth [Redacted] place of origin FIJI. I recorded the passport details and noted its personal issue number as [Redacted] Mr [Redacted] has a National Insurance reference of [Redacted]. Mr [Redacted] still remained nervous and I asked him what his immigration status in the UK was? He replied with something like I am separating from my wife and looking to remain. The immigration team have my details and he pointed to the bag where there were more documents. A colleague conducted checks via the Police National Computer and it revealed Mr [Redacted] was wanted by the UKBA for failing to comply with his signing on and informing them of his location since 2015. Mr [Redacted] was asked if he works at the store all the time and he stated he helps out but today was helping because the boss had gone to the cash and carry.

Satisfied with knowing the males identity he used his mobile to call the store owner and a relative to let them know what was happening. Mr [Redacted] was arrested and conveyed to Wembley Police Custody to be interviewed by UKBA. While waiting for transportation another male arrived. He informed me he had just come from the cash and carry. I asked where are the goods you have purchased if you have been to the cash and carry? He had no real explanation for not having anything with him.

This male identified himself as Mr Harinder Singh KAPOOR date of birth [Redacted]. He produced his personal licence for alcohol issued by Ealing Council with reference number 03961 expiry 7/10/23. He provided me with his home address as [Redacted] and telephone number [Redacted]. He informed me the premises has a licence and provided me a ref number as 3831/2013/2&3. He told me the premises is owned by his brother and he was in the process of selling the business as they trade elsewhere on the borough and sales had dropped off in Wealdstone. I asked him to provide me with his brothers contact details in order to arrange a meeting at a later date to discuss how the premise was being operated and apparent breaches of licence conditions that were not meeting the licencing objectives. He provided his brothers details as Mr Harmeet SINGH of [Redacted] contact number [Redacted].

Witness Signature: [Redacted]

Signature Witnessed by Signature: [Redacted]

Continuation of Statement of:

The transportation arrived for Mr [REDACTED] Mr [REDACTED] remained agitated and asked what will happen to me now as he was escorted off the premises. Mr KAPOOR remained at the venue as a personal licence holder he continued to sell alcohol. At the venue there were no logs available for refusals, training or any record as to who was authorised to sell alcohol. The licence for the premises is an older licence which would benefit from more up to date mandatory conditions to insure the store is managed more aligned to the 4 licensing objectives. I advised Mr KAPOOR that my visit would be followed up in the near future by police and the local authority.

Upon my return to the Police station I captured my visit on a system specifically designed for licensing and contacted Harrow council to inform them of the visit and outcome. I was informed that during the month before Harrow council had paid the premise a visit and found several issues around environmental matters and that notices had been served on the owner. It also transpires that Mr [REDACTED] was at the premises that day, covering for his colleague who had gone to the cash & Carry. I viewed this information as more than coincidental.

At the time of recording this information a follow up day of action at Wealdstone was in place scheduled for February 2019. PS Damien Smith 253NW [REDACTED]

Witness Signature: ..... [REDACTED] .....

Signature Witnessed by Signature ..... [REDACTED] .....

### WITNESS STATEMENT

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

URN

Statement of: Police Sergeant Damien Smith 253NW

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

This statement (consisting of 3 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:  Date: 10/5/19

On Friday 10<sup>th</sup> May 2019 I was on duty in plain clothes. I was conducting licensing visits to premises in Kingsbury NW9. At around 11.55 Hours I attended the premise named Costcutter at 270 Kingsbury Road NW9. I was accompanied by PC Gary Norton 2965NW and PC Nicola McDonald 2157NW also in plain clothes. Upon entry to the venue I noticed a male behind the counter to my left and he appeared familiar to me. This male saw me and as I introduced myself to his face dropped and he openly said "Shit". I went to get my warrant card out he seemed to walk towards the end of the counter as if to get away from me and the service area. I walked to him and asked him to remain where he was while I asked him some questions. I asked him if he had any identification and he said "it is in my jacket at the back". I asked if he was allowed to serve alcohol and he replied "I am not working here, she has gone away for one minute, and the lady will be here". I asked where did you work before and it dawned on me he was arrested previously for an immigration matter at a licensed premises in Harrow and Wealdstone, 21 High street food express. He confirmed this by answering "Harrow". I asked has anything changed ? are you allowed to serve alcohol, do you now hold a personal licence and he replied "No". The male was extremely nervous as if caught doing something he shouldn't. At the point of entry the male was alone and served customers.

I asked the male to remind me of his name, he replied  I recalled his name from the previous encounter and remembered he said he was from FIJI. I also recalled he was arrested in October 2018 for failing to sign on since 2015. I asked  if he was allowed or meant to be working ? He replied "No". I asked are you meant to be signing on ? He replied "Yes but I haven't for 2 months as I have a bad back". I asked have you notified Immigration and he again replied "No". I informed him that we will call immigration now and see what they have to say. Midpoint a female walked in and the male said here she is, she is the one working here. At 1200 hours the female smiled and went behind the counter. The female said she had seen the male there for 2 weeks only. All 3 plain clothes officers identified themselves with Warrant cards. She provided her name as Siona  She and the male were informed that they were being recorded on Body Worn Video. The male wrote his details as  dob

My colleague Nicola went to continue the Licensing visit with the female while Gary Norton and I remained with the male. The female was able to produce her personal licence issued by Harrow Council but was not able to produce a copy of the premises licence. She informed my colleague that her boss would have access to this and he was named Harmeet Singh. The female informed Police that Harmeet comes to the shop to work and she was given authority to work there as well as the male who was found in the shop by police as the lone

Witness Signature:

Signature Witnessed by Signature: .....

Continuation of Statement of:

staff member. She provided a mobile number [REDACTED] for her boss. The female was asked how long had she worked there and she replied one year.

A male delivering snacks from company named Polish Foods came in with a trolley full of products and went out again and returned with more products. I saw him come and go a few times. The delivery driver then approached the male standing with me and held out the delivery note, the male shook his head. This suggested to me the delivery driver had previously dealt with the male as a staff member accepting his delivery.

PC Norton 2965NW got through to immigration while Mr [REDACTED] was being spoken to and they confirmed that he had not been signing on as required to do so. They informed PC Norton that the male was due to sign on at Eaton House today (10<sup>th</sup> May 2019). Eaton House is open until 1600 hours daily. The immigration officer informed Pc Norton that the males names is Mr [REDACTED] and said that if Mr [REDACTED] made his way to Hounslow today and signed on he would likely satisfy his agreement with immigration. If he failed to do so and if he did not comply again he would be circulated as 'wanted'. This was conveyed to Mr [REDACTED]. He was informed he is NOT permitted to work anywhere. The male provided his home address as [REDACTED]. This was confirmed with immigration. The male was asked if you are well enough to come here to work, are you well enough to sign on? He made no reply. The male then said something about he will soon be married and this will stop happening. He was told to go to Hounslow – Eaton House and sign on today. He was then informed he can get his jacket and leave. Finally he was asked "How long have you worked here? He replied 2 weeks. I asked did he work for the same brothers that owned the shop in Harrow and he said "yes". Mr [REDACTED] went to the rear of the premises and went straight onto his mobile phone. I continued my visit and filmed the layout and storage areas of the rear in case there were any illegal products being sold or stored. There did not appear to be any high strength alcohol on the premises. I then noticed the delivery driver by the till purchasing some alcohol and asked him where he worked, he answered Polish Foods. I asked him if he had seen the male I was with earlier and he said yes of course. I asked him had he seen him in the shop before and again he said yes, he works here so why would I not see him before. I thanked him and he left.

At 1220 Hours all officers left the premises. Once outside the next licensed premises to be visited was close by and officers reset their cameras for that visit. Mr [REDACTED] left the building and crossed over towards a bus stop.

Once complete at the other venue officers walked past the entrance to Costcutter and a male introduced himself as Mr Singh the owner. Officers were invited into the store to speak to him about the earlier visit and Police findings. The male identified himself as Mr Harmmeet SINGH telephone [REDACTED]. My colleague PC McDonald 2157NW spoke to him and informed him that police came in and found a male working there that shouldn't have been. PC McDonald informed Mr Singh that I had previously dealt with the male at a shop in Harrow. Mr Singh denied a male was working there but the female was the only one. It was put to him that [REDACTED] had been working there and again he looked blank and denied any male had worked there that day. I interjected and stated it is a condition on the licence for CCTV to be available upon request and retained for 31 days. He said he does not have the key to the room where CCTV is kept.

As he stood with my colleagues I went to the till and asked the female for the store room key or CCTV room, she provided me with a bunch of keys. I took the keys to my colleagues and handed the keys to the male. He shrugged his shoulders and said he didn't know which key opened the door. He was asked for the copy of the licence and he said it was in the locked office. PC McDonald enquired about how staff were paid. Mr Singh stated by direct debit.

Witness Signature: [REDACTED] .....

Signature Witnessed by Signature: .....

Continuation of Statement of:

This contradicted what the female said as she said she was paid cash. Then Mr Singh changed his reply. On seeing the keys Mr Singh stated they were not the keys for the office. PC McDonald opened the room with the keys produced and gained entry. Once inside Mr Singh could not produce the copy of the licence. He wanted to call someone but asked not to in order for the CCTV to be viewed. After approximately 5 minutes it was clear to see that Mr Singh could not operate the CCTV software. This prevented any recording of the police visit or male working there from being shown. Mr Singh again was asked about [REDACTED] working there and he denied knowing him. Mr Singh said he had gone to the bank and not aware of him working there. He told officers the female is responsible for the shop. Mr Singh informed police that his brother is also involved with the business. PC McDonald asked if staff are trained and if so where this was recorded or stored. Mr Singh could not find or produce any written documents at all. Mr Singh was asked how long he has owned the shop he answered "more than 3 years now" he said he employs 4 people, him, his brother the female and another male called Rishi. He did not acknowledge anyone named [REDACTED]. At 1249 the female staff member left as her shift was finished. I asked her what name does the male that was working in the shop use, reluctantly she answered [REDACTED]. Mr Singh was looking for documents behind the counter. It was clear that they were not accessible. PC McDonald asked him to stop looking and pointed out had there been an incident the log should be easier to find. Mr Singh provided a contact email for him. PC McDonald highlighted one further matter that as he opens at 0600 hours his alcohol must be covered between 0600 up to 0700 hours. The female had indicated the fridge is covered but there were no covers for anything else. Mr Singh informed PC McDonald that he did cover alcohol but couldn't account how this was done. PS Damien Smith 253NW [REDACTED]

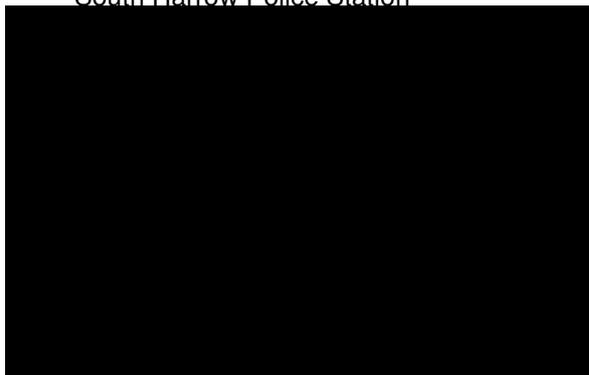
Witness Signature: [REDACTED]

Signature Witnessed by Signature: .....



Mr Harmeet Singh  
Express Food & Wine  
21 High Street  
Wealdstone  
Harrow.  
HA3 5BY

North West Command Unit  
Barnet/Brent/Harrow Licensing Dept  
South Harrow Police Station



Dear Mr Singh

I am writing to you following several visits by the licensing team to Express Food & Wine, 21 High Street, Wealdstone, HA3 5BY, where you are shown as the premises licence holder and designated premises supervisor. I wanted to keep you informed of the results of the visits and of our actions going forward.

**Visit 1 – Wednesday 19<sup>th</sup> December 2018**

The venue was visited by PS Smith and PC Norton. They spoke with a male behind the till with the intention of trying to carry out a licensing inspection, however when questioned the male was unable to answer any questions relating to the premises licence. The male was asked to provide identification so that the officers could verify his details, and following some checks with UKBA, it became apparent that the male was wanted for immigration offences. He was arrested and taken to custody. Whilst my colleagues were at the venue, a Mr Harinder Singh Kapoor arrived and stated that he was one of the owners and that the male behind the till was only working there as a one off whilst he went to the cash and carry.

**Visit 2 – Friday 1<sup>st</sup> February 2019**

The venue was visited by myself, PC Beresford, PC Wilcock and a colleague from Harrow Trading Standards. Upon entering the shop, there two people waiting to be served and no other staff members in the shop. I began speaking with the male behind the counter and informed him of who I was and why I was there. I asked the male if he could identify himself and he showed me a photo copy of his passport which showed him to be Mr [REDACTED]. I recognised this male to be the same person who was arrested before for immigration offences. I made further enquiries with UKBA and they informed me that whilst Mr [REDACTED] was permitted to be in the country, was not permitted to work and should be told to stop immediately. Mr [REDACTED] himself also showed me some documentation that stated he should not be working.

Again Mr Harinder Singh Kapoor arrived at the store whilst we were there and again stated that Mr [REDACTED] was only there as a one off as he had been at the bank.

During the inspection, I discovered that the CCTV was not in working order. This is a breach of ***annex 2 (1) The CCTV system to be maintained and on good order and to the satisfaction of Met Police Crime Prevention Officers reasonable requests.***

Mr Kapoor stated that the CCTV was due to be fixed the next day.

My trading standards colleague also found and seized an amount of non-duty paid goods behind the counter. Namely 4 packets of Polish Marlboro Gold and 2x RMD chewing tobacco.

As a result of the above, PC Wilcock issued Harinder Singh Kapoor with a Notification of Alleged Offences form for the following:

- 1. Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on.***
- 2. Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on the premises.***

At the end of the visit, Mr Kapoor advised that he would be closing the shop for the evening.

### **Visit 3 – Friday 22<sup>nd</sup> February 2019**

The venue, along with several other premises on Wealdstone High Street, were subjected to a test purchase by a person under the age of 18. The person serving behind the till correctly asked for ID and refused the sale of alcohol when no ID was presented. As is our usual process, I then entered the store with my colleague PC Beresford to inform the staff member that a test purchase had just taken place. Whilst speaking to the female behind the till, an unknown male entered the store and attempted to sell her some items that I suspect were stolen. Once the male became aware that I was a police officer, he ran away and unfortunately was not caught. In order to assist in identifying this male, I asked the female behind the till if I could view the CCTV to get a still image of his face. She was unable to do this. Mr Harinder Singh Kapoor again attended the store and tried to operate the CCTV, but was unable to do so. Mr Kapoor asked that we give him until the following day to access the CCTV, however when PC Beresford contacted him the CCTV had still not been downloaded in a format that could be taken away. He advised PC Beresford to contact him by phone on Monday 25<sup>th</sup> February, which she did, but unfortunately he did not answer any of his calls.

I would appreciate it if you could download the shop footage from Friday 22<sup>nd</sup> February 2019 between 4pm and 5pm asap.

I understand that you may be looking to move on from the premises in the near future, however I am not satisfied that up to now the licensing objectives have been promoted to a satisfactory standard and am concerned that without further action, the premises will continue to be poorly run.

Yours sincerely,

PC Frankie Downes 1529NW  
Licensing Officer  
South Harrow Police Station  
74 Northolt Road  
HA2 0DN