

K7 Enterprise Review – Form 691


**METROPOLITAN
POLICE**
TOTAL POLICING

Form 69

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 Ailly DARWOOD
**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:

K7 ENTERPRISE, 134 PINNER ROAD, HARROW, MIDDLESEX, HA1 4JE

Post town:

HARROW

Post code:
(if known)

HA1 4JE

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

Vijitharan Pathmakumaran

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

LN/000000632/2017/9

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:	
Ally DARWOOD, PC2158NW, Metropolitan Police Service	
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 checked="" type="checkbox"/>
3	The prevention of public nuisance	<input checked="" type="checkbox"/>
4	The protection of children from harm	<input checked="" type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

K7 ENTERPRISE, 134 PINNER ROAD, HARROW, MIDDLESEX, HA1 4JE currently holds a licence for retail sale of alcohol off premises. Its licensable hours and opening hours run concurrently and consist of Monday - Saturday 0800hrs-2300hrs and on Sunday 1000hrs-2230hrs.

The Licence Holder, Mr Vijitharan Pathmakumaran, of K7 Enterprise, is failing to promote all four of the licensing objectives

- Prevention of crime and disorder.
- Public safety.
- Prevention of public nuisance.
- Protection of children from harm.

The licence holder at K7 Enterprise has shown themselves to be one of the main contributors of Anti-Social Behaviour in the Pinner Road and immediate area. They have been involved in serious crime incidents and have also been accused of theft, and threatening a member of public with a knife. The poor practices, and running of the store are having a significant negative impact

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on the local community. The Licence holder has also failed to maintain the CCTV in the venue, which has been unavailable for several months despite multiple requests from Police and the Local Authority to get it repaired.

In the stores' recent history there have been multiple instances that have caused concern amongst the local community and with the relevant authorities. K7 Enterprise has a long history of coming to police notice (As detailed chronologically below). Whilst being found to be allowing criminality to occur, they also call upon police resources as the victims of Anti-Social Behaviour and crime. However, on every occasion, management have failed to assist in the investigations, by not providing vital CCTV evidence which could have brought offenders to justice. Unfortunately due to a complete lack of conditions on the Premises Licence, these problems have perpetuated.

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

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(Please see attached chronologically listed details of incidents)

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

☐

(Please tick yes)

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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:



PC 2158 NW

Date:

04/05/2021

Capacity:

POLICE CONSTABLE HARROW LICENSING - METROPOLITAN POLICE

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

HARROW POLICE STATION, 74 NORTHOLT ROAD

Post town:

HARROW

Post code:

HA2 0DN

Telephone Number (if any):

N/A

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

NW MAILBOX • LICENSING-HARROW @ 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.

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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:			

Form 691 Evidence Continuation

Form 691 Evidence Continuation

Premises; K7 Enterprise, 134 Pinner Road, Harrow, HA1 4JE.

Licence Holder; Mr Vijitharan Pathmakumaran

- Appendix 1 – Copy of the Premises Licence

Chronologically listed Evidence, including details of incidents (with redacted reference numbers due to data protection);

28th JULY 2019:

QAZS000***01

Three males stop and searched at the rear of K7 Enterprise 134 Pinner Road, all three males found to be drinking alcohol.

This incident shows Mr Pathmakumaran failing to uphold the Prevention of Public Nuisance licensing objective.

25th JULY 2020:

Reference number; 2010***/20

Report of K7 Enterprise selling alcohol to a 13 year old.

Parents of the child have reported to police that one of their children (aged 13) was sold alcohol from this shop. The child went to buy a small bottle of vodka and was told by the owner to wait until the other customers had left and proceeded to sell the child the alcohol.

- Appendix 2 – Copy of the redacted crime report

This incident shows that Mr Pathmakumaran is allegedly committing criminal acts whilst also completely failing to uphold the licensing objectives of Protecting Children from Harm & Public Safety

5th August 2020:

Visit conducted by Police, reacting to previous intel report of alleged sale of alcohol to a child by the shop owner (Mr Pathmakumaran).

Multiple points of concern as listed below;

- Power tools left out in customer area accessible to anyone who entered (in reach of children)
- Hammer behind Till area
- Aisles were only approximately 45cm wide.
- Up to 9% alcohol being sold, no ticket price
- Nappies on top of fresh fruit, stored in a basket on the floor.

-Pans with oil and burnt food left out in staff room, no door between staff room and customer area, unattended children could walk right into hazards.

-Open food containers

-Cannabis grinders on sale as 'pepper grinders'

-General state of cleanliness was extremely poor, dust on every surface and most products

-Wiring underneath till was excessive and dangerous and split in some areas exposing the copper wiring inside.

-3 out of 16 cameras were operating, Licence holder stated that he would get these fixed

-Fridge half blocking entrance to staff area

-Rear of premises was hazardous

-Member of public found outside rear of premises drinking and smoking

-Vape oils used and left open on shelves

-Price machine left out

-Meats from various supermarkets in freezer at the front of the store. Licence holder claimed they are his own personal products.

The Licensing Team at Harrow Council were informed after the visit.

The Licence holder was instructed to fix the above issues and was advised that the officers would return after a sufficient period of time had passed. Advice was given for each point above and what the police expected to see on the next visit.

This visit showed that Mr Vijitharan Pathmakumaran was struggling to maintain his premises and failing to uphold the licencing objective of Protecting Children from Harm & Public Safety.

8th SEPTEMBER 2020:

Reference number; 201***7/20

Theft case: A customer has been unable to pay for goods, a staff member (description matching the Licence Holder) has accepted that the customer could come back later and pay. The customer has left their Polish Passport and Bank Card with the Licence Holder. The customer has returned later and talked to the Licence Holder however the Licence Holder has claimed not to know what the customer was stating regarding the Passport and Bank Card. The customer has alleged Theft and Fraud against the Licence Holder. No CCTV has been provided as evidence for offence (or Defence).

- Appendix 3 – Copy of the redacted crime report

This incident shows that the Mr Pathmakumaran is allegedly committing criminal acts.

14th OCTOBER 2020:

Follow up visit conducted by licensing team;

The Local Authority Licensing Team were called whilst on site to deal with issues as they were more aligned with them, Environmental Health and Trading Standards. They were advised to conduct a visit as soon as possible.

During this visit the majority of the issues from the previous visit were still present, these consisted of;

- Tools left out in customer area within easy reach of customers / children
- Aisles were extremely narrow
- Up to 9% alcohol being sold, no ticket price
- Dirty trainers on the shelf resting on the top of items for sale
- Used food items and pans in the staff room, still no door between staff room and customer area
- Cannabis grinders still on sale
- General state of cleanliness was still extremely poor
- Wiring underneath till was still exposed
- Only 3 out of 16 cameras were operating
- Fridge half blocking entrance to staff area remained
- Rear of premises was closed this time however the area was hazardous with refuse piled against the rear door
- Price machine left out
- Meats from various supermarkets in a freezer, moved from the initial visit to a freezer to the rear of the shop. However they were still in the customer area. Licence Holder stated again that they were for his own use and not for sale.

Further words of advice given to Mr Pathmakumaran about the state of disrepair in the shop. He has stated that he will sort out everything in the near future, however when challenged as to what he needed to fix he became visibly nervous and could not repeat back to officers what he had just been told. I advised Mr Pathmakumaran that the council would visit very soon and that he needed to show some improvement.

This visit showed that Mr Pathmakumaran was still struggling to operate his premises in a safe manner. He showed a complete lack of interest or intent on improving his store and continued to show his failings in upholding the licencing objectives; namely of Protecting Children from Harm & Public Safety.

15th OCTOBER 2020:

Email detailing visit to K7 Enterprise conducted by council licensing team and Environmental Health;

'...visited the premises today.

Both of us witnessed quite a few health and safety issues at the premises and the owner, Mr Vijitharan Pathmakumaran has agreed to voluntarily close the premises whilst he takes care of the most urgent issues affect the premises...

...I have also sent out a letter to him today advising him that he needs to submit new plans as the plans currently attached to the licence do not match the layout of the premises.'

*No plans or variation have been submitted since this visit.

- Appendix 4 – Copy of Letter sent to Licence Holder to amend Plans

2nd MARCH 2021:

Reference number; 200***8/21

Robbery. Victim States that whilst inside K7 Enterprise he has seen two males in the back entrance to the shop. One of these males has spoken to the victim regarding buying cannabis. When the victim has declined and has not bought any, one of the males has hit the victim over the head with an empty bottle of Magnum Tonic wine which the victim states the suspect had been drinking in the store. The suspects have then followed the victim from K7 Enterprise to the victims house, assaulted the victim and taken personal property, before leaving and going back into K7 Enterprise. No CCTV was made available to assist the investigation, no statement was provided by the Licence Holder.

- Appendix 5 – Copy of the redacted crime report

This incident showed that Mr Pathmakumaran has failed to uphold the licencing objective of Prevention of Crime and Disorder, and the objective of Public Safety.

15th MARCH 2021:

Reference number; 200***3/21

Threats with Bladed Article made by Licence Holder. Cross allegation of shoplifting a packet of crisps. Police called to an altercation between two members of the public and the Licence Holder, Members of public having been accused of shoplifting by the Licence Holder. When spoken to, the two members of public have alleged that the Licence Holder has threatened them with a knife. No CCTV available to prove or disprove either offence despite cameras being present.

- Appendix 6 – Copy of the redacted crime report

This incident showed that Mr Vijitharan Pathmakumaran has allegedly committed a criminal act. And has failed to uphold the licencing objective of Prevention of Crime and Disorder.

22nd MARCH 2021:

Reference number; 200***9/21

Arrest inside K7 Enterprise for Possession with intent to supply class A and B drugs (namely cocaine and cannabis)

Circumstances: A group of youths were reported to be smoking drugs inside the venue. When officers attended two males were standing in the back section of the store, these males have attempted to climb over the back fence out of the rear of the venue to escape. One escaped and one male was detained, searched and arrested following drugs and other items found. Officers have conducted an area search of K7 Enterprise and its outdoor section to the rear and found multiple knives and machetes near the back exit, weighing scales with cannabis on them, and further suspected bags of class A (cocaine), all within the store. No CCTV available to assist in the investigation.

- Appendix 7 – Copy of the redacted crime report

This incident shows that Mr Pathmakumaran is completely failing to uphold all of the licensing objectives, Protection of Children from Harm, Prevention of Crime and Disorder, Prevention of Public Nuisance, and Public Safety.

TUESDAY 20th APRIL 2021:

Visit conducted by Metropolitan Police, Safer Neighbourhood Team (SNT)

A Police Sergeant and Police Constable from the local SNT have visited K7 Enterprise, HA1 4JE on Tuesday 20th April 2021 at approximately 1300hrs. They have provided statements evidencing what they have encountered inside the premises. A summary of the issues encountered are below, Mr Pathmakumaran (the licence holder) was present during this visit;

- Member of public in the rear of the store, claimed to be a 'cash in hand' employee. Mr Pathmakumaran claimed he was not an employee.
- Store was very messy, thick layers of dust on every shelf and food items.
- Store was cramped. Officer unable to move between shelves without knocking into display cabinets and shelving.
- Multiple trip hazards down narrow aisles.
- Licence holder challenged on selling expired and damaged produce, with no response other than a shrug of his shoulders.
- CCTV still unavailable despite the serious crime occurring inside the store in MARCH 2021.

Mr Pathmakumaran stated that he did not have time to clean or maintain the shop, and did not have the custom to afford staff to do it. Showing a disregard for his responsibilities as the licence holder.

- Appendix 8 – Copy of the redacted MG11 Statement from Police Sergeant Miller
- Appendix 9 – Copy of the redacted MG11 Statement from Police Constable Sikotra

This visit showed that despite the seriousness of recent events inside his premises, Mr Vijitharan Pathmakumaran simply cannot control what happens inside his store. He has repeatedly showed a lack of intent or effort in upholding the licensing objectives, and has consistently failed to assist criminal investigations.

Summary

Mr Pathmakumaran as the licence holder, has been present on every occasion that these incidents have occurred. He has shown that he has no control over what happens inside his store, whether it be anti-social behaviour where the public are drinking to the rear of the premises, or crimes being committed; such as drug dealing from the premises.

Mr Pathmakumaran has consistently shown he is incapable of upholding all four of the licensing objectives. Despite multiple requests from Police and the Local Authority, Mr Pathmakumaran has failed to assist in any investigation. He has ignored his responsibilities as the licence holder by failing to fix the multitude of issues found within his store and has proven to be a danger to himself and the members of public that use his store.

Due to this, I do not believe implementing numerous stringent conditions would improve upon the abhorrent state of this store or his ability to manage it. I therefore see no other alternative than to request that the licensing sub-committee revoke the licence for K7 Enterprise, 134 Pinner Road, Harrow, HA1 4JE.

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