

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 The Licensing Authority - Hammersmith and Fulham Council

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Callow Ruscoe (Jack's)
152 Wandsworth Bridge Road

Post town London

Post code (if known) SW6 2UH

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

Callow Ruscoe Limited

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

2018/01346/LAPR

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)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address The Licensing Authority Hammersmith and Fulham Council 45 Beavor Lane, Hammersmith W6 9AR
Telephone number (if any) 0208 753 1081
E-mail address (optional) licensing@lbhf.gov.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 checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Background

A premises licence was granted to Callow Ruscoe (currently known as Jack's), 152 Wandsworth Bridge Road, SW6 2UH on the 30th October 2018. The licence is held in the name of a limited company - Callow Ruscoe Limited. Mr Vincenzo Defeo is named as the sole director of this company on companies house. The designated premises supervisor named on the licence is Matthew Ward. A copy of the current premises licence can be found at Annex 1 of this application.

Timeline

On the 11th May 2020 the Council's trading standards service received an allegation that Jack's, 152 Wandsworth Bridge Road, SW6 2UH had been open as a bar for several days with several groups of men sitting drinking on tables outside for long periods of time contrary to the coronavirus business closure regulations 2020.

On the same day Mr Love (senior trading standards officer) spoke with the Licensee (Mr Defeo) about the allegation. Mr Defeo explained that he was unsure what he was allowed to do and said that he was permitting people to drink at his outside tables, which were in 2m square 'pitches' marked on the forecourt. He also explained that local police officers had visited the premises and told him that he was operating in a legal way. Mr Love explained that he had unfortunately been misinformed by the Police and that he must not allow the sale or consumption of alcohol on the premises and must not operate in this way in future. He also explained that the licensing team would be in contact with him shortly to clarify the advice in writing.

On the 12th May 2020 Ms Perez (licensing enforcement officer) spoke to Mr Defeo on the phone to clarify the way in which the premises could operate. Mr Defeo explained that he had been open since VE day (8th May 2020) and was selling alcohol for consumption in the garden area and directly outside his premises. Mr Perez explained to Mr Defeo that he could not operate in this way and was only able to provide off sales for customers to take away. During this phone call a contact email address of : Defeo@jacks.london was also agreed with Mr Defeo for any future correspondence.

On the 13th May 2020 Ms Perez and Mr Overton (licensing manager) visited the premises at approximately 8pm and observed male and female customers in the front outside area of the premises consuming alcohol. Customers could also be seen consuming alcohol in rear garden area. Mr Defeo again claimed that he felt the way he was operating was safe and permitted by the regulations. Ms Perez and Mr Overton both spoke to Mr Defeo and informed him that allowing customers to consume alcohol on the premises was an offence under the coronavirus business closure regulations 2020 and that if the premises continued to operate in this way the Council may consider reviewing the licence and / or instigating a prosecution. Mr Defeo again

explained that he felt he was operating as per the regulations and explained that it would negatively impact his business if he had to alter his operation. Both officers again gave advice explaining that he could still operate a take away service and stay within the regulations.

On the 14th May 2020 Ms Perez visited the premises at approximately 8pm and found it open but with no customers.

On the 15th May 2020 Ms Perez sent a prohibition notice and covering letter to Mr Defeo on the previously agreed email address (Defeo@jacks.london). A copy was also sent in the post to the licence holders address. (Annex 2)

On the 19th May 2020 Ms Perez spoke to Mr Defeo on the phone to check if the prohibition notice had been received. He explained that he had been unable to check his emails as there was a problem with his computer and that he would check his email and junk box again. He also said that he felt bullied and harassed by Council officers and that the Police had offered contrary advice telling him that he could remain open. Ms Perez reiterated the advice she had given previously.

On the 22nd May 2020 at approximately 6pm both Ms Perez and Mr Overton visited the premises with three SNT Police officers. A group of approximately 10 people were found in the rear garden area consuming alcohol. When officers asked to speak to Mr Defeo he became aggressive and threatened both Mr Overton and Ms Perez and subsequently refused to speak to them any further. Police body worn footage captured this visit and is available as Annex 3. Ms Perez was unable to check the CCTV at the premises to look for further offences as Mr Defeo refused to allow access to the CCTV system. Ms Perez left a further paper copy of the prohibition notice sent to Mr Defeo on the premises although Mr Defeo refused to acknowledge the document.

On the 23rd May 2020 Police SNT officers visited the premises and on arrival there were around 5 people outside drinking and around 20 people in the rear garden drinking alcohol. Mr Defeo spoke to the Police and explained his actions by saying it was better for customers to be in the garden rather than on the pavement outside. He was ordered to shut and all the customers quickly dispersed. He denied any wrongdoing and the Police present said that they thought it was likely he would continue to trade in the same way in future.

On the 24th May 2020 Police SNT officers attended the venue again at 14:15 hrs along with the two PCs from the Police licensing team. Mr Defeo was not there however the two members of staff were working behind the counter and were serving customers. Three customers were consuming alcohol directly outside the premises.

On the 25th May 2020 two Police licensing officers attended the premises at 18:03. Mr Defeo was there with the two members of staff working behind the counter as they was serving customers. Six people were drinking alcohol to the right of the shop, there was also a male drinking a beer standing outside the owners shop and three beers on the table which is bolted down to the

floor. Officers again spoke to Mr Defeo and warned him that he is breaching COVID-19 regulations.

Summary

This premises appears to be operating with a complete disregard for the law and the licensing objectives. The current operation of the premises is a danger to public safety as the coronavirus business closure regulations 2020 are being completely ignored. We have tried to offer advice to Mr Defeo in the first instance as per the Council's enforcement policy. We have also issued a prohibition notice but have continued to receive complaints and evidence that the premises is operating in the same way from the Police and concerned residents.

As such, given the serious and repetitive nature of these incidents, we respectfully ask that the licence is revoked in line with the following licensing objectives:

- the prevention of crime and disorder
- public safety
- the protection of children from harm

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

Please see grounds for review section.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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

N/A

Please tick ✓

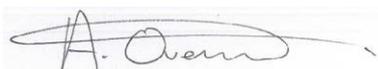
yes

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**



Signature

.....

Date **03/06/20**

.....

Capacity **Licensing Policy and Enforcement Manager**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
FAO : Adrian Overton The Licensing Authority Hammersmith and Fulham Council 45 Beavor Lane	
Post town Hammersmith	Post Code W6 9AR
Telephone number (if any) 020 8753 1081	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing@lbhf.gov.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.