

To: LBHF Licensing Team

Date: 29/05/20

**LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY**

**Callow Ruscoe (Jack's), 152 Wandsworth Bridge Road, SW6 2UH**  
**Trading Standards representation to review application**

Statement of facts

1. Following the application to review the licence made by the Licensing Authority, I wish to make the following representation to expand upon my only visit to the business on 11<sup>th</sup> May.
2. On that day, I had planned some visits to check for compliance with the COVID Regulations following complaints received that businesses were open when they were not permitted to be. One of the businesses I visited was Jack's.
3. I spoke with Mr Defeo there who told me he was the licensee. He and confirmed that he had been allowing people to drink at tables outside the premises since the previous Friday, which was VE day. I told him that it was not legal to open for on-sales and that although he could make off-sales, customers had to leave the premises before consuming what they had bought. Mr Defeo responded that the Police had been satisfied that he could allow people to sit outside – he said he had received more than one visit from the Police over the long weekend.
4. I told him that the Police had been incorrect if they had said this and that the law was clear: on-sales were not permitted even if social distancing was observed and the customers were outside. I informed him that I would ask my Licensing Team colleagues to confirm this in writing.
5. During the conversation I was having with him, I had to take a step back on two or three occasions, as he moving to nearer than 2 metres away from me. I am unsure of the reason for this: Mr Defeo may not know how far 2m is or it may have been an attempt to, literally, put me on the back foot during our interaction. Whatever it was, it felt unnecessary – there was not much background noise to make communication difficult and Mr Defeo did not tell me he was struggling to hear what I was saying.
6. After our brief conversation, I telephoned Adrian Overton, Licensing Team Manager, immediately to outline the conversation I'd had with Mr Defeo and suggested that he should be written to urgently.

Recommendations

7. Since my sole interaction with Mr Defeo, I have been aware of the continuing breaches outlined in the application and heard reports of Mr Defeo's attitude to Authorised Officers and I am firm in my recommendation that the Licensing Committee should revoke the licence.
8. Mr Defeo clearly believes that the law does not, for some reason, apply to him and his behaviour towards officers is not appropriate in any circumstances. The current COVID crisis

will, eventually, pass and the breaches of the emergency Regulations may fade in the memory. However, authorised officers should be able to go about their business without being prevented from carrying out their duties or - however hollow the threat actually is – being told they would be thrown out of the shop. The fact that this threat and another less specific, but more sinister threat (of the nature, 'You don't know who I am or what I will do') was uttered in the presence of a Police officer, makes it difficult to envisage that Council Officers could ever attend the shop without police support until Mr Defeo is no longer involved with the premises.

9. This unacceptable consequence of his behaviour marks him out as being totally unsuitable to be a premises licence holder in LB Hammersmith and Fulham.

I believe this representation is consistent with the LBHF Statement of Licensing Policy and the promotion of the Licensing Objectives,

**Doug Love**  
**Senior Trading Standards Officer**