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1. REVIEW APPLICATION

On the 3 June 2020, an application for a review of a premises licence under section 51 of the Licensing Act 2003 was served by Mr Adrian Overton on behalf of the Licensing Authority. The review application is in respect of the premises known as Jack's, Basement and Ground Floors, 152 Wandsworth Bridge Road, London SW6 2UH. At the time the application was received, Mr Vincenzo Defeo was the licence holder.

The application for a review of the premises licence was made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm following continuous breaches of licence conditions as well as breaches against COVID-19 regulations found between May 2020 and July 2020.

Mr Overton on behalf of the Licensing Authority details in the review that this premises appears to operate with a complete disregard for the law and the licensing objectives. According to the review application, the current operation of the premises is a danger to public safety as the coronavirus business closure regulations 2020 are being completely ignored. Mr Overton also confirms in the review that the licensing authority has 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.

Mr Overton is concerned with the management of the premises due to the nature of the offences and requests that the Licensing sub-committee consider revoking the premises licence. Mr Overton believes that any further conditions imposed on the licence would not be complied with and a suspension of the licence would only prevent further offences occurring on a temporary basis.

A copy of the review application and supporting documentation can be seen on pages 9 to 34 of this report.

On the 21 July 2020 Mr Overton in support of the review application submitted further documents. Among these is a 'Licensing Consultation Internal Memo' that points out an error with the review application and confirms the correct email address used during correspondence with the licence holder. A copy of the extra information submitted can be seen on pages 134 to 169 of this report.

2. CURRENT LICENCE

The premises have traded under a premises licence which permits the following licensable activities:

Sale of alcohol – Both On and Off the premises

Monday to Sunday: 11:30 - 21:00

Hours premises open to the public

Monday to Sunday

11:30 - 21:00

A copy of the current premises licence can be seen on pages 35 to 44 of this report.

3. 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.

On the 12 June 2020 a Designated Premises Supervisor (DPS) variation was submitted to remove Mr Matthew Ward as the DPS and to replace with Mr Carlo Cataldi. This application was validated on the 17 June 2020 and subsequently granted on 2 July 2020. A copy of the new premises licence can be seen on pages 35 to 44 of this report.

The premises are located on Wandsworth Bridge Road. The premises operates as a cafe/bar on the ground floor of the building. A plan of the premises can be seen on pages 45 to 46 of this report.

The main access to the premises is located on Wandsworth Bridge Road. There is a mixture of both residential and commercial premises within the area. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 47 to 48 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Wandsworth Bridge area. Both Parsons Green and Fulham Broadway tube stations are a 15-minute walk away from the premises.

4. CONSULTATION

A public notice was displayed by the Council near the premises. A further public notice was displayed by the Council at Hammersmith Town Hall. Details of the application were also published on the LBHF Web Site and sent to the local Ward Councillors.

A notice of review was served on the premises licence holder and all the statutory responsible authorities as required by regulation.

4.1 Relevant Representations

The licensing section have received a total of 36 representations from responsible authorities, a Councillor and residents in support of the review application.

The licensing section received a representation in support of the review application from Councillor Loveday. Councillor Loveday recommends the licensing

subcommittee revokes the premises licence. A copy of Councillor Lovedays representation can be seen on pages 49 to 56 of this report.

The licensing section received a representation in support of the review application from Mr Doug Love, Senior Trading Standard Officer. Mr Love recommends that the premises licence be revoked. A copy of this representation can be seen on pages 57 to 58 of this report.

The licensing section received a representation in support of the review application from London Metropolitan Police. The representation includes 4 police statements and body worn CCTV footage dated the 22.05.2020, 23.05.2020, 24.05.2020 and 25.05.2020. The Metropolitan Police recommends that the premises licence be revoked. A copy of this representation and supporting statements can be seen on pages 59 to 72 of this report.

Further representations were received from 33 local residents in support of the review application. The residents recommend that the premises licence be revoked. A copy of the representations can be seen on pages 73 to 129 of this report. Two resident representations contain links to video evidence and photos of the premises. On Monday 20 July 2020 additional video evidence was submitted by local resident.

5. OTHER INFORMATION

5.1 Enforcement History

See review application and appendices.

5.2 Temporary Event Notices (“TENs”)

No TENs have been submitted in respect of this premises in the past twelve months.

6. POLICY CONSIDERATIONS

- 6.1 It is the Council’s duty under the Licensing Act 2003 to determine the review with a view to promoting the four licensing objectives; Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and the Protection of Children from Harm.
- 6.2 In reaching a decision the Council must have regard to the Council’s adopted Statement of Licensing Policy (“SLP”) and the guidance issued by the Secretary of State under section 182 Licensing Act 2003.
- 6.3 The revised guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 (“the Guidance”) contains advice in paragraphs 11.16 to 11.28 in relation to the review of a premises licence. Paragraphs 11.16 to 11.28 of the revised guidance can be seen on pages 130 to 133 of this report.
- 6.4 The Council’s own SLP gives guidance concerning the review of a premises licence.

- 6.5 Section 21.1 page 36 of the SLP states that the Act describes two “groups” that may make representations to applications and may apply for an existing premises licence or club premises certificate to be reviewed by the Licensing Authority. These groups are Responsible Authorities and “Other Persons”.
- 6.6 Section 21.2 page 36 of the SLP states that “Other Persons” means any individual, body or business who is affected by the operation of a licensed premises regardless of their geographical location. Although they may be in any geographical position, any representation they make must be relevant to one or more of the licensing objectives, and must not be considered to be frivolous or vexatious in nature. Additionally, any application to review a premises licence must not be repetitious.
- 6.7 Section 21.3 page 37 of the SLP states that the Licensing Authority will, however, look at the geographical location of the author of any representation or review application received. Where the author lives or works a significant distance from the premises subject of an application or review, this Authority will examine the content of the representation particularly closely to ensure that it is valid and complies with the requirement of the Act.
- 6.8 Section 21.5 page 37 of the SLP states that at any stage, following the grant of a premises licence, a Responsible Authority, such as the police or the fire authority, or other persons, may apply for a licence to be reviewed because of a matter arising at the premises in connection with any of the four Licensing Objectives.
- 6.9 Section 21.6 page 37 of the SLP states that a licence may be reviewed where it is alleged that the Licensing Objectives are not being promoted and there is evidence to show this. The Licensing Authority will regard applications for the review of any premises licence particularly seriously where they involve evidence of:
- Incidents of disorder;
 - Instances of public nuisance where warnings have been disregarded;
 - Serious risks to public safety which the management is unable or unwilling to correct; and
 - Frequently operating outside permitted hours.

7. THE REVIEW HEARING

In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Take no further action.
- (b) Modify the conditions of the licence.
- (c) Exclude a licensable activity from the scope of the licence.
- (d) Remove the Designated Premises Supervisor.
- (e) Suspend the licence for a period not exceeding three months.
- (f) Revoke the licence.

Where the Committee takes a step mentioned in (b) or (c) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

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

It must also have regard to its own SLP and the Guidance.

If the Committee is minded amending the licence, conditions may be attached to the licence to alleviate the concerns raised through representations; nevertheless, this is a matter for the Committee to determine in light of the above matters, and any others it considers material.