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## Brent

# Alcohol and Entertainment Licensing Sub-Committee 

## Tuesday 1 March 2022 at 2.00 pm

This will be held as an online virtual Meeting Details on how to access the link in order to view the meeting will be made available online via the following link: HERE

## Membership:

## Members

Councillors:

Long (Vice-Chair)
Ahmed
Hector

## Substitute Members

Councillors:

Chohan, Denselow, Hylton, Grahl, McLeish, Maurice, Shahzad

For further information contact: Devbai Bhanji, Governance Assistant Tel: 0208937 6841; Email: devbai.bhanji@brent.gov.uk

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www.brent.gov.uk/committees

The press and public are welcome to attend this meeting as an online virtual meeting. The link to view the meeting will be made available via the following link: HERE

## Notes for Members - Declarations of Interest:

If a Member is aware they have a Disclosable Pecuniary Interest* in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent and must leave the room without participating in discussion of the item.
If a Member is aware they have a Personal Interest** in an item of business, they must declare its existence and nature at the start of the meeting or when it becomes apparent.
If the Personal Interest is also significant enough to affect your judgement of a public interest and either it affects a financial position or relates to a regulatory matter then after disclosing the interest to the meeting the Member must leave the room without participating in discussion of the item, except that they may first make representations, answer questions or give evidence relating to the matter, provided that the public are allowed to attend the meeting for those purposes.

## *Disclosable Pecuniary Interests:

(a) Employment, etc. - Any employment, office, trade, profession or vocation carried on for profit gain.
(b) Sponsorship - Any payment or other financial benefit in respect of expenses in carrying out duties as a member, or of election; including from a trade union.
(c) Contracts - Any current contract for goods, services or works, between the Councillors or their partner (or a body in which one has a beneficial interest) and the council.
(d) Land - Any beneficial interest in land which is within the council's area.
(e) Licences- Any licence to occupy land in the council's area for a month or longer.
(f) Corporate tenancies - Any tenancy between the council and a body in which the Councillor or their partner have a beneficial interest.
(g) Securities - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds $£ 25,000$ or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

## **Personal Interests:

The business relates to or affects:
(a) Anybody of which you are a member or in a position of general control or management, and:

- To which you are appointed by the council;
- which exercises functions of a public nature;
- which is directed is to charitable purposes;
- whose principal purposes include the influence of public opinion or policy (including a political party of trade union).
(b) The interests a of a person from whom you have received gifts or hospitality of at least $£ 50$ as a member in the municipal year;
or
A decision in relation to that business might reasonably be regarded as affecting the well-being or financial position of:
- You yourself;
- a member of your family or your friend or any person with whom you have a close association or any person or body who is the subject of a registrable personal interest.


## Agenda

Introductions, if appropriate.

Item Page
1 Apologies for absence and clarification of alternate members

2 Declarations of Interests

Members are invited to declare at this stage of the meeting, the nature and existence of any relevant disclosable pecuniary or personal interests in the items on this agenda and to specify the item(s) to which they relate.

## 3 Application for New Premises Licence by Fancy Delivery UK Ltd for the premises known as Gopuff, Unit 1, Fourth Way, Wembley, HA9 OJL, pursuant to the provisions of the Licensing Act 2003

## Date of the next meeting: Date Not Specified

Please remember to SWITCH OFF your mobile phone during the meeting.

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## Agenda Item 3

## LICENSING ACT 2003

## Application for New Premises Licence

## 1. The Application

| Name of Applicant: | Fancy Delivery UK Ltd |
| :--- | :--- |
| Name \& Address of Premises: | Gopuff, Unit 1, Fourth Way, Wembley, HA9 0JL |
| Applicants Agent: | Keystone Law |
|  |  |

The application is for a new premises licence:

1. For the sale of alcohol and to remain open for an online grocery service 24 hrs a day Monday to Sunday.
2. Background

None
3. Promotion of the Licensing Objectives

See separate proposed conditions
4. Relevant Representations

Representations have been received from the Police and Licensing Officers.

## 5. Interested Parties

None

## 6. Policy Considerations

## Policy 1 - Process for Applications

Conditions on the licence, additional to those voluntarily sought/agreed by the applicant, may be considered. Conditions will focus on matters which are within the control of individual licensee and which relate to the premises or areas being used for licensable activities, the potential impact of the resulting activities in the vicinity. If situations arise where the licensing objectives may be undermined but cannot be dealt with by the use of appropriate conditions the Licensing Authority will consider whether it is appropriate for a licence to be granted or continue to operate.

## 7. Determination of the Application

Members can take the following steps when determining a new premises licence application:

- grant the licence;
- exclude from the scope of the licence any of the licensable activities to which the application relates;
- refuse to specify a person in the licence as the premises supervisor;
- reject the application

8. Associated Papers
A. Copy of Application Form \& Plan
B. Police Representation
C. Licensing Representation
D. OS Map

## 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.

1/We Fancy Delivery UK Limited
(Insert name(s) of applicant)
apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and $I /$ we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises details

| Postal address of premises or, if none, ordnance survey map reference or description <br> Gopuff, Unit 1, Fourth Way <br>  |  |  |
| :--- | :--- | :--- |
| Post town | London | Postcode |


| Telephone number at premises (if any) |  |
| :--- | :--- |
| Non-domestic rateable value of premises | $£ 92,500.00$ |

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as
a) an individual or individuals *
b) a person other than an individual *
i as a limited company/limited liability partnership
ii as a partnership (other than limited liability)
iii as an unincorporated association or
iv other (for example a statutory corporation)
c) a recognised club

## Please tick as appropriate

please complete section (A)please complete section (B)please complete section (B)please complete section (B)please complete section (B)please complete section (B)
d) a charity
e) the proprietor of an educational establishment
f) a health service body
g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England
h) the chief officer of police of a police force in England and Wales
please complete section (B) please complete section (B) please complete section (B) please complete section (B) please complete section (B)
$\qquad$
$\square$
SECOND INDIVIDUAL APPLICANT (if applicable)


## (B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Fancy Delivery UK Limited
Address
48 Hoxton Square, London, N1 6PB

Registered number (where applicable)
12793914

Description of applicant (for example, partnership, company, unincorporated association etc.)
Company

Telephone number (if any)
V.

E-mail address (optional)

## Part 3 Operating Schedule

When do you want the premises licence to start?

If you wish the licence to be valid only for a limited period, when do you want it to end?


Please give a general description of the premises (please read guidance note 1) Grocery delivery company.

The proposed application is to facilitate an online grocery service that requires the Sale by Retail of Alcohol Monday to Sunday 00:00 to 00:00 on such other times and on such other terms as set out in the application.

No customers to be permitted on the premises.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.


What licensable activities do you intend to carry on from the premises?
(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)
Please tick all that apply
a) plays (if ticking yes, fill in box A)
b) films (if ticking yes, fill in box B)
c) indoor sporting events (if ticking yes, fill in box C)
d) boxing or wrestling entertainment (if ticking yes, fill in box $D$ )
e) live music (if ticking yes, fill in box E)
f) recorded music (if ticking yes, fill in box F)
g) performances of dance (if ticking yes, fill in box G)
h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H )

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes $K, L$ and $M$

A


| Supply of alcohol Standard days and timings (please read guidance note 7 ) |  |  | Will the supply of alcohol be for consumption please tick (please read guidance note 8) | On the premises | $\square$ |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  | Off the premises | 区 |
| Day | Start | Finish |  | Both | $\square$ |
| Mon | 00:00 | 00:00 |  | State any seasonal variations for the supply of alcohol (please read guidance note 5) |  |  |
| Tue | 00:00 | 00:00 |  |  |  |  |
| Wed | 00:00 | 00:00 |  |  |  |  |
| Thur | 00:00 | 00:00 | Non standard timings. Where you intend to use supply of alcohol at different times to those list left, please list (please read guidance note 6) | premises the colum |  |
| Fri | 00:00 | 00:00 |  |  |  |
| Sat | 00:00 | 00:00 |  |  |  |
| Sun | 00:00 | 00:00 |  |  |  |
|  |  |  |  |  |  |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| Name Rosie Craig |
| :--- | :--- |
| Date of birth |
| Address |
| Postcode |
| Personal licence number (if known) |
| Issuing licensing authority (if known) |

## K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

## L



## M

Describe the steps you intend to take to promote the four licensing objectives:
a) General - all four licensing objectives ( $b, c, d$ and e) (please read guidance note 10)

Please see conditions attached.
b) The prevention of crime and disorder

Please see conditions attached.

## c) Public safety

Please see conditions attached.

## d) The prevention of public nuisance

Please see conditions attached.
e) The protection of children from harm

Please see conditions attached.

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 - Signatures (please read guidance note 11)
Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

|  | LApplicable to individual applicants only, including those in a partnership <br> which is not a limited liability partnership] I understand I am not entitled to <br> be issued with a licence if I do not have the entitlement to live and work in <br> the UK (or if I am subject to a condition preventing me from doing work <br> relating to the carrying on of a licensable activity) and that my licence will <br> become invalid if I cease to be entitled to live and work in the UK (please <br> read guidance note 15). <br> Declaration <br> The DPS named in this application form is entitled to work in the UK (and is <br> not subject to conditions preventing him or her from doing work relating to <br> a licensable activity) and I have seen a copy of his or her proof of <br> entitlement to work, or have conducted an online right to work check using |
| :--- | :--- |


|  | the Home Office online right to work checking service which confirmed <br> their right to work (please see note 15) |
| :--- | :--- |
| Signature | Keystone Law Limited |
| Date | 11/01/2022 |
| Capacity | Solicitors on Behalf of Applicant |

For joint applications, signature of $\mathbf{2}^{\text {nd }}$ applicant or $2^{\text {nd }}$ applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

| Signature |  |
| :--- | :--- |
| Date |  |
| Capacity |  |


| Contact name (where not previously given) and postal address for correspondence associated with |
| :--- |
| this application (please read guidance note 14) |
| Andrew Wong, Marcus Lavell and Darren O'Leary |
| Keystone Law |
| 48 Chancery Lane |
| Post town |
| Telephone number (if any) |

## PROPOSED CONDITIONS

1. All staff will be fully trained in their responsibilities and with regard to the promotion of the licensing objective in particular sale of alcohol, and will be retrained every six months, with recorded training records kept for inspection.
2. Members of the public shall not be allowed on the premises at any time.
3. The licence and premises are to fulfil internet generated sales for delivery and no direct sales shall take place to the general public from the site.
4. A CCTV system is in operation for the warehouse, to provide security and identify any culprit who is intent in causing trouble. All images are stored for a period of 31 days after which they can be erased or saved at the request of the police. All current security measures will remain in operation. All staff will be fully trained in the operation of the CCTV to ensure it is operational all the hours of trade. Images will be made available to the police or authorised licensing officer from the council on request.
5. All potential customers must verify on the payment page of the website that they are at least 18 years of age. If the applicant is in any doubt as to the age of the customer, they will only deliver the alcohol if the owner of the card that made the payment is present at the delivery address; Orders will only be despatched to bona fide addresses,

- No deliveries will be made to an open space,
- All sales of alcohol for delivery must be paid for by credit card, debit card (prepaid or otherwise) or electronic payment,
- Details of the order (including the type, amount of alcohol, name and address of the customer and delivery address if different) must be included with the order. The detail shall be shown on the printout dispatched with the order,
- All delivery drivers and riders must allow any police or authorised local authority officers to inspect any alcohol,
- Deliveries only made to those over the age of 18 .

6. A challenge 25 age verification scheme will be used. ID will be required for deliveries to customers who do not look 25 years old. They will be required to prove by way of photographic ID, either a passport or driving licence that they are at least 18. The card used for purchase will also be checked against the ID provided. If the business is in any doubt then the delivery of alcohol will not be made, and a full refund will be issued. Postal/ carriage deliveries will only be made once a verified payment method has been established, and the customer has confirmed they are 18 or over when making the purchase.


## METROPOLITAN POLICE

TERRITORIAL POLICING

Engineers Way
Wembley
Middlesex
HA9 OFJ

Brent Police Licensing Unit
Brent Civic Centre

NW BCU Licensing Department - Brent
Harrow Police Station
74, Northolt Road
Harrow
HA2 ODN
Tel: 02087335008
Email:
nwmailbox.licensingbrent@met.police.uk
Web: www.met.police.uk

Date: Monday the $24^{\text {th }}$ of January 2022

Police representations to the application for a new Premises Licence for 'Fancy Delivery UK Ltd / Go Puff, Unit 1 Fourth Way, Wembley. HA9 0L'

Police certify that we have considered the application shown above and wish to make representations that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the reasons indicated below.

Police are of the opinion that the risk to the Council's objectives can be mitigated by removing the requested variations or attaching conditions to the Licence as shown below. If these conditions were accepted in full, police would be in a position to withdraw their representations.

## Officer: PC Phil Graves

Licensing Constable 3122NW

An officer of the Metropolitan Police, in whose area the premises are situated, who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the Licensing act 2003. The Police representations are concerned with all four of the licensing objectives, namely:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.


## The Application

Gopuff is an application for an online Grocery store situated on an industrial estate next to Wembley Stadium with alcohol been an addition to their range of products. The venue wishes to operate twenty four hours a day seven days a week. There will be no customers permitted inside the venue, with all of the products been delivered by a courier service.

With such close proximity to the National Stadium, this venue falls inside the 'Wembley Footprint' with regards to match day restrictions

## Personal License Holder

The sale of alcohol to drunken people and children is a major concern to Police and highlighted in the governments Alcohol Harm Reduction Strategy. Those who sell or provide alcohol should be fully aware of the legislation and issues around alcohol and should be fully trained to a national standard.

## Closed Circuit Television (CCTV)

Good quality CCTV is a basic requirement to help deter and detect criminal activity for all reputable license holders. Therefore a decent quality CCTV system is an essential tool and should be installed and maintained in accordance with Home Office Guidance. The system should be fully operational during the hours of business, with a member of staff present who can operate and if required download footage upon request of the police or other recognised authority.

Notices should also be displayed advertising the presence of the CCTV to help promote a secure and safe working environment.

## Police Representations

Police require the following points should be added as conditions on the premises licence as below:

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council upon request.
2. CCTV camera shall be installed to cover all the entrances and exits of the premises including the loading bay area.
3. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open for trading.
4. The CCTV system shall display on any recordings the correct date and time of the recording.
5. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
6. A suitable intruder alarm complete with panic button shall be fitted and maintained.
7. A 'Challenge 25' policy shall be adopted and adhered to at all times.
8. An incident log shall be kept at the premises and made available for inspection on request to an authorised officer of Brent Council of the police, which will record the following:
a) Any complaints received.
b) Any incidents of disorder.
c) Any faults in the CCTV system.
d) Any visit by a relevant authority or emergency service.
9. A refusal book detailing date and time of the refused sale (of alcohol), the name of the person refusing the sale and a description of the person attempting to purchase alcohol, shall be kept and maintained and made available for inspection by authorised officers from Brent Council or the police.
10. Regular documented staff training on licensing legislation and operating procedures shall be given. The training shall be signed and dated and a copy of these training records available for inspection by Police and local enforcement officers.
11. Members of the public shall not be allowed onto the premises at any time.

## The online Orders

12. The license and premises are to fulfil internet generated sales for delivery and no direct sales shall take place to the general public from the site.
13. Full name and address details, including postcode, must be given when placing an order.
14. Acceptable proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID - No delivery.
15. Drivers shall not deliver to any person anywhere other than that at the residential/business address given when the order was placed. There shall be NO deliveries made to any open/public spaces.
16. The minimum age of delivery drivers will be 18 .

## Additional

17. On major event days at Wembley Stadium the following shall apply:
a) The DPS or deputy shall work in partnership with the police and if necessary comply with any direction given by a senior Police Officer on duty at the event.

In addition, a $\mathbf{2 4}$ hour premises licence application has been has been applied for. Police foresee no issues with those trading hours.

## Yours Sincerely,

PC Phil Graves 3122NW
NW BCU - Brent Licensing
Philip.Graves@met.police.uk

Fancy Delivery UK
Gopuff
Unit 1
Fourth Way
Wembley
HA9 0JL

8 February 2022
Our Ref: 23513
Dear Sir/Madam,
Licensing Representation to the Initial Application for the Premises Licence at Gopuff, Unit 1, Fourth Way, Wembley, HA9 0JL

I certify that I have considered the application shown above and I wish to make a representation that the likely effect of the grant of the application is detrimental to the Licensing Objectives for the reasons indicated below.

An officer of the Licensing Authority, in whose area the premises are situated, who is authroised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

The application has been made for a new premises licence under section 17 of the Act.
The Licensing Authority representations are primarily concerned with the four licensing objectives;

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

The Licensing Authority require the following points to be included in the operating schedule or added as conditions on the premises licence. This has taken into consideration the proposed conditions but have been reworded for the purpose of clarity and ease of understanding:-

1. CCTV shall be installed and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and authorised Officers from Brent Council upon request.
2. CCTV camera shall be installed to cover all the entrances and exits of the premises and further cameras installed to cover the loading bay area.
3. A member of staff trained in the use of the CCTV system shall be available at the premise at all times that the premises are open for trading.
4. The CCTV system shall display on any recordings the correct date and time of the recording.
5. The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulder image of every person entering or leaving the premises.
6. The Licence holder /DPS/Manager shall inspect and test that the CCTV is operational and working correctly on a weekly basis. A signed and dated record of the CCTV examination and any findings shall be kept on the premises and made available to the police and authorised officers of the Local Authority on request.
7. All sales of alcohol are for delivery only. Members of the general public must not be allowed access to the premises in order to buy, collect, browse or be supplied directly with alcohol at any time.
8. An incident log shall be kept at the premises, and made available for inspection on request to an authorised officer of Brent Council or the Police, which will record the following:
(a) all crimes reported to the venue
(b) any complaints received
(c) any incidents of disorder
(d) any faults in the CCTV system or searching equipment or scanning equipment
(e) any refusal of the sale of alcohol
(f) any visit by a relevant authority or emergency service.
9. At the time the order is placed, a declaration will be required from the person placing the order that the person is over '18 years of age'.
10. A "Challenge 25 " policy shall be adopted and adhered to at all times. If the driver considers the recipient of alcohol appears under 25, recognised photographic identification to be requested before any alcohol is given to the recipient.
11. Acceptable of proof of age shall include identification bearing the customer's photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. No ID - No delivery.
12. Drivers shall not deliver to any person anywhere other than that at the residential/business address given when the order was placed. There shall be NO deliveries made to any open/public spaces.
13. Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.
14. All delivery drivers shall be a minimum of eighteen (18) years of age.
15. A copy of the premises licence summary including the hours which licensable activities are permitted shall be visible from the outside of each entrance to the premises.
16. Staff training must take place at least every six months, be documented and based on legislation and operating procedures. All training shall be signed and dated and a copy of such records will be available for inspection by Police and Local authority enforcement officers.
17. All riders shall wear high visibility coloured clothing to ensure they can be seen

In order for the Licensing Authority to withdraw this representation, it will be necessary for you to confirm in writing that your client is willing to accept the above conditions.

I look forward to hearing from you soon.

Yours faithfully


Susana Figueiredo
Licensing Inspector
Regulatory Services

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