



Minutes of the meeting of the LICENSING SUB-COMMITTEE held on MONDAY 11 JANUARY 2021 at 6.00 pm

- Present:** Councillor Legg (Chair)
Councillors Marlow and Trendall
- Officers:** S Teesdale (Licensing and Business Manager), E Fisher (Senior Licensing Officer), J Sloan (Senior Licensing Officer), M Tiley (Solicitor - Litigation) and J Crighton (Committee Manager)
- Also Present:** Mr Marcow (Premises Licence Holder), R Bishop (Head of Operations [Wells and Co.]), K Downing (Head of Commercial Services [Wells and Co.]), J Anderson (Solicitor [Popleston Allen]) and G McCormack (Responsible Authority)

LSC18 DECLARATIONS OF INTEREST

None disclosed.

LSC19 EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee considered excluding the public and press representatives from the meeting by virtue of Paragraph 2 (Information likely to reveal the Identity of an Individual) of Part I of Schedule 12A of the Local Government Act 1972.

RESOLVED -

That the public and press representatives not be excluded from the meeting by virtue of Paragraph 2 (Information likely to reveal the Identity of an Individual) of Part I of Schedule 12A of the Local Government Act 1972.

LSC20 REVIEW OF A PREMISES LICENCE - THE NEW INN, 2 BRADWELL ROAD, NEW BRADWELL

The Sub-Committee reviewed the Premises Licence in respect of The New Inn, New Bradwell.

The Senior Licensing Officer advised the Sub-Committee that, on 14 December 2020, Thames Valley Police had served a Closure Notice on the premises which had led to a Closure Order being granted by Milton Keynes Magistrates Court for a period of one month with effect from 16 December 2020.

The Sub-Committee, as the Closure Order was coming to an end, was now required to review the licence and three representations had been received from Thames Valley Police, the Licensing Authority and Wells and Co.

G McCormack (Thames Valley Police) informed the Sub-Committee that the Police had executed a drugs warrant at the premises on 11 December 2020 and had found a large quantity of drugs and money; and two people had been arrested on suspicion of 'Possession with Intent to Supply'.

G McCormack added that the Brewery and its Legal team had been actively working to resolve the matter and had removed the Designated Premises Supervisor which the Police considered to be a step in the right direction.

The Sub-Committee heard evidence from J Sloan (Licensing Authority) and G McCormack (Thames Valley Police) who, in summary, informed the Sub-Committee that, when the Closure Notice was served, there had been a lack of evidence the licensing objectives were being adequately promoted, therefore, if the premises were to reopen additional conditions should be added to the License to support improved monitoring and due diligence at the premises which would ensure the objectives would be better promoted in the future, although it was recognised that the current Premises Licence Holder had not been directly responsible for the incident that had led to the Closure Order being put in place.

J Anderson (Poppleston Allen), the Premises Licence Holder (Mr Boris Marcow) and the Brewery (Wells and Co.) representative, informed the Sub-Committee that The New Inn had, prior to the drugs incident, been a well-run and popular pub; Mr Marcow had now been appointed as the Designated Premises Supervisor and the Police had no objection to Mr Marcow; Wells and Co. owned the freehold to the premises; the Closure Order had been necessary to resolve matters and the decision had not been appealed; Mr Marcow had appointed the previous Designated Premises Supervisor and had trusted her to run the business as she had had significant experience in the licencing trade, having previously operated their own pub(s); and there was an ongoing commitment to work with the Police and the Licensing Authority in order that The New Inn would, once again, be an important part of the community. The licence holder agreed to the suggested additional condition(s).

The Sub-Committee noted that Mr Marcow had extensive knowledge of the licensing industry and recognised his responsibility as a Premises Licence Holder. He had worked in the public area of the premises every day prior to July 2020, at which time additional safety measures had been put in place due to the Pandemic.

It noted that Mr Marcow had held meetings with the previous Designated Premises Supervisor and had been satisfied that the licensing conditions were being complied with, and the incident that led to the Closure Order being granted had left him feeling ashamed.

The Sub-Committee noted that the incident related to two individuals who had since left the licensable premises and there were ongoing criminal proceedings in respect of Misuse of Drugs Act 1971 and the Proceeds of Crime Act 2002.

It noted that the drugs warrant executed by Thames Valley Police on 11 December 2020 had found traces of a Class A drug (Cocaine) within the licensable premises. Whilst it was noted the higher levels of the traces were found within the living quarters, traces had been found within areas in which the public had access. This was a considerable concern for the Sub-Committee as members of the public, including children, were potentially exposed to a Class A drug. Moreover, the Sub-Committee heard that large sums of money and a supply of Class A drugs were found within the licensable premises which had resulted in the Closure Order under the Anti-Social Behaviour Crime and Policing Act 2014.

The Sub-Committee referred to the guidance at 11.28 which stated inter alia:

“where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - in the first instance - should be seriously considered”.

The Sub-Committee recognised that this was a very serious matter and one which clearly undermined the licensing objective of the Prevention of Crime and Disorder. The Sub-Committee, therefore, had to seriously consider whether the licence should be revoked as per 11.28 of the guidance.

The Sub-Committee noted that the Premises Licence Holder had been working with the Police and Licensing Authority to draw up several conditions relating to the installation of equipment and training. Given the seriousness of this matter and the work that needed to be carried out by the Premises Licence Holder to comply

with the conditions, the Sub-Committee considered it reasonable and proportionate to prevent Mr Marcow from operating licensable activities for a period of three months.

RESOLVED -

That the Premises Licence Holder be prevented from operating licensable activities for a period of three months from the date of the hearing, Monday 11 January 2021, to allow time for the following:

1. Compliance with the conditions, as set out at Pages 31, 32 and 34 and Appendix J to the report, that were now added to the licence as a decision of the Sub-Committee.
2. That a further condition be added to the licence that compliance with the conditions must be demonstrated to and verified by Thames Valley Police and the Licensing Authority before the recommencement of licensable activities at the premises.

THE CHAIR CLOSED THE MEETING AT 7.30 PM