
From: James Sloan
Sent: 23 December 2020 16:45
To: Eddie Fisher
Subject: FW: Review of The New Inn - Representation Licensing Authority

Acting on behalf of the Licensing Authority I am responding as a Responsible Authority in respect of the Closure Order and consequent review of the premises licence at The New Inn.

I have reviewed the history of the premises and also the other licensed premises that Boris Marcow has been the premises licence holder for. This will be included as part of the report issued by the Licensing Officer to the Licensing Sub-Committee. Whilst there has been some Service Request (complaints) linked on our licensing records to those premises, my representation is centred on the closure order and related incident.

Specific incident

Crime and Disorder incidents are usually investigated by the Police as the experts in this field. However, for a premises to be considered necessary to be served a Closure Order, leads me to question how the licensing objectives were being promoted in this premises. Whilst the premises licence holder (PLH) does not need to be present or required to be involved in the day-to-day operation of the business, I would expect there to be robust systems in place to enable the PLH to monitor the operation of the premises and ensure the objectives are being promoted and not undermined. The Thames Valley Police closure order states:

“Excessive high level results of cocaine usage were found within the private accommodation where the designated premises supervisor is currently living and within the licensed upstairs function room. Swabs also indicate usage within the pub toilets.”

Although it may be difficult for the PLH to determine/ monitor what is happening in the private area of the pub, that the drugs usage appears to have spilled into the public areas directly undermines the objectives. I would expect the PLH to be able to explain what controls were in place to prevent this, and what in this instance went wrong.

I therefore make **representation in support of the review** unless the PLH is able to demonstrate that he had a suitable control system in place to ensure the DPS or pub manager was promoting the licensing objectives. If there was a suitable system in place, I would expect to receive an acceptable explanation as to why it failed on this occasion.

Inspection of the premises and management controls

I would usually inspect a premises that was to be reviewed and speak with the PLH and/ or DPS. Due to the nature of the closure order and the Covid-19 difficulties I appreciate this will not be possible.

The premises licence has a number of conditions attached. There are seven mandatory conditions. I would expect the premises licence holder to be able to demonstrate how those seven conditions were being complied with, be it with a documented system or verbal agreements and expectations between the PLH and DPS.

Annex 2, details over 100 additional conditions, some would have be carried over from the previous licensing legislation. Looking at the detail of the conditions, it may be hard to demonstrate how these were complied with, without a visit to the premises. However I would still like to know how the PLH ensured compliance with these conditions.

Therefore I also make **representation in support of the review** in respect of compliance with conditions, unless the premises licence holder can suitably demonstrate there were effective systems in place.

Whilst I accept it may be difficult for specific conditions to be considered to prevent such an incident occurring again, conditions to support improved monitoring and due diligence would help ensure the licence conditions and licensing objectives are better promoted in future, if the licence is to remain in place. I don't feel that with the information available to me at the moment I can make a decision as to whether the current PLH can be considered suitable to hold the licence. The Sub-Committee will need to assess all the information in the case and take guidance from the TVP as experts in the Crime and Disorder objective. I will of course expand or clarify my representation following receipt of any additional information provided by the PLH.

Proposed condition:

That a 'Licensing Folder', containing the following information, be kept on site and be made available at the request of Licensing Officers:

- (i) a copy of the Premises Licence together with the plan of locality;*
- (ii) a list of staff who had been trained and authorised to sell alcohol under the premises licence;*
- (iii) an example of training material used;*
- (iv) refusal and incident logs;*
- (v) an Age Verification Policy;*

Best wishes,
James

James Sloan
Licensing Officer

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