

Division/Station : Licensing Milton Keynes

From : Gemma McCormack
Licensing Officer

To : Licensing
Milton Keynes Council

Ref : Your Ref New Inn Review

Date : 23rd December 2020 Tel.No.

Subject :

Representation

As licensing officer for Thames Valley Police, I am authorised to make representation in relation to applications made under the Licensing Act 2003 on behalf of the Chief Constable as a responsible authority.

In respect of the review of the premises licence at New Inn, Bradwell Road, New Bradwell, I have reviewed the application and wish to submit a representation in relation to the application under the grounds of prevention of crime and disorder.

On 11th December 2020 at 09:00 Thames Valley Police's Stronghold team carried out a drugs warrant at the New Inn, Bradwell Road, New Bradwell. This was the result of intelligence received that [REDACTED] (at the premises at the time) and a second person, both of whom lived in the flat at the premises, were dealing drugs from the premises, specifically using the upstairs Function Room for this purpose.

During the warrant a quantity of drugs and a large sum of money in cash was found hidden in the flat where the persons of interest lived. Both were arrested on suspicion of Possession With Intent To Supply, an offence under the Misuse of Drugs Act 1971. They have been released under investigation, pending further investigation under the Proceeds of Crime Act 2002.

During the carrying out of warrant, an officer carried out a drugs swabbing exercise at various locations at the premises. The drug swabbing involves an officer using a porous swab along flat surfaces where it is believed that drugs may be used. Ordinarily when doing this in a licensed premises, this would be part of a night time economy licensing check and would include (but not limited to) toilet seats, toilet roll dispensers, hand dryers, areas around sink basins. However due to the intelligence regarding the dealing and usage in the upstairs function room and the flat, it was decided in this case swabs were taken in all rooms of the premises. Each swab is then placed in an individual envelope where it is labelled by listing the premises, the area swabbed, the date, the time and the details of the officer who did the swabbing. Swabs are then submitted to the Licensing Officer, (in this case myself), who after the operation puts the swabs through a Rapiscan Itemiser, which is a machine able to sample the swab and provide results as to whether the swab came into contact with a number of drugs, and how much of each substance that it came into contact with.

Thames Valley Police has determined different levels indicate the extent of any drug usage:

Reading is 0

Zero readings are graded as CLEAN

Reading is between 0.01 and 0.9

These are graded as TRACE. The drug levels may be a result of cross-contamination, rather than being in direct contact with the swabbed surface, or else it may be that it is several days since the drugs were there.

Reading is between 1 and 1.99

These are graded as LOW. Although we would not normally be concerned about a low reading, it can depend upon the day and location that the swab was taken – it may be a few days since the drugs were there for example.

Reading is between 2 and 2.99

These are graded as MEDIUM. This is the stage that we would start to be concerned about the readings, as we can be confident that they reflect a genuine and recent presence of drugs. There is one

exception though – some cleaning products can leave traces that result in a false positive for opiates (ie heroin), so we treat any heroin result in this range as LOW.

Reading is 3 or higher

These are graded as HIGH. Any high reading is of serious concern and in urgent need of attention.

The results for the swabs taken at the premises on 11th December 2020 were as follows:

Office, Ground Floor	0	Clean
Kitchen, Ground Floor	0	Clean
Bar, Ground Floor	0	Clean
Kitchen, Function Room	0	Clean
Till, Ground Floor	1.84	Cocaine
Mens Toilets, Ground Floor	2.26	Cocaine
Ladies Toilets, Ground Floor	1.80	Cocaine
Tables in Function Room, First Floor	3.22	Cocaine
Function Room Bar, First Floor	3.25	Cocaine
Door to Main Room of Private Accommodation, First Floor	2.5	Cocaine
Bathroom in Private Accommodation, First Floor	5.27	Cocaine
Drawers In Main Room in Private Accommodation, First Floor	5.11	Cocaine
Bedroom in Private Accommodation, First Floor	3.39	Cocaine

Looking at the areas that got the highest results, this would appear to the private accommodation and the licensed upstairs function room were where drugs were predominantly being used or dealt, which is in line with the initial intelligence that the Stronghold team received, although there is also some usage in the pub toilets as well. The medium level on the door to the main accommodation would not have been from using the door handle for taking cocaine, but more likely as trace transfer from people using it and/or touching it. But the level is considerably higher than usual trace transfer and therefore indicative of a high concentration of trace transfer, i.e prolonged and regular transfer. Similar conclusions can be made from the low levels on the till, indicating that at least one member of staff may have had more than trace transfer contact with the drugs.

Due to the initial intelligence, the items found during the warrant search and the swab results, there was concern that the upstairs private and public areas had been used and without interim additional measures would likely have continued to be used as a place to commit public nuisance (Class A drug usage), so on Monday 14th December 2020, Thames Valley Police's Neighbourhood team who cover New Bradwell issued a closure notice requiring the premises to be closed for 48 hours and on Wednesday 16th December 2020 applied for a Closure Order on the public accessible areas of the premises which was granted for one month.

Since the initial warrant I received regular contact from the premises licence holder, Boris MARCOW, the brewery who holds the freehold of the premises, WELLS & CO, and their legal team, POPPLESTON ALLEN. On Tuesday 15th December 2020, it was confirmed to me that [REDACTED] is no longer in employment or living at the premises as of Monday 14th December 2020. On Monday 21st December 2020 I received notification from MILTON KEYNES COUNCIL, that Mr MARCOW had formally applied to remove Ms HIGGINS from the premises licence and replace her with himself as Designated Premises Supervisor.

Following the warrant, I have assessed previous incidents at the premises, which break down as follows:

08/10/2016 00:20

Male outside the pub being verbally abusive to customers and staff. Male arrested and issued with a Fixed Penalty Notice for Drunk & Disorderly

05/12/2019 21:30

Male being verbally abusive to staff, refused to leave when asked, another customer tried to intervene and the male hit him. Male arrested for ABH and issued a formal caution.

05/07/2020 01:12

Fight between males outside premises, no evidence to support persons involved had been in the pub, 2 male aggrieved's identified but neither willing to support an investigation, no outside CCTV at pub to provide additional supporting evidence. No further lines of enquiry

31/10/2020 22:25

Disorder outside pub resulting in one male receiving a low level GBH injury. Investigation ongoing.

11/12/2020 09:00

Drugs warrant executed at premises. Two persons arrested. Investigation ongoing.

On Monday 21st December 2020, PC PRESTIGE (Thames Valley Police Neighbourhood Team) and myself met with Mr MARCOW, Kym DOWNING (WELLS & CO Head of Commercial Services) and Richard BISHOP (WELLS & CO Operations Director) at the premises, so that I could carry out a full licensing inspection and that we could discuss what had occurred.

Mr MARCOW confirmed that he ran another premises outside of the Thames Valley area and that ordinarily he split his time between the two premises. However, he attended the NEW INN approximately 5-6 days a week, usually arriving in the morning to work from the office and meet with his Designated Premises Supervisor to discuss the previous days work. Prior to the Covid 19 pandemic he attended the premises more and often worked behind the bar covering the closure of the pub at the end of the day, but this had been limited following additional safety measures put in place for the pandemic. This means he would have reduced interactions with other members of staff as well as his time spent at the premises.

The inspection showed that Mr MARCOW was ensuring licence conditions were being complied with, however the licence was initially drafted in 2005, and has several conditions transferred from the varying licences the premises held prior to the introduction of the Licensing Act 2003. This also means that there are conditions missing from the licence that would be appropriate in today's current times, particularly in light of the recent incidents.

Judging the details from the above incidents, there is no indication that Mr MARCOW had any involvement with criminal activity that was taking place. That being said, his trust in his Designated Premises Supervisor was sorely misplaced. [REDACTED] is no longer employed by Mr MARCOW and also no longer living at the premises. If the committee chooses to permit the licence to remain, however I believe the following conditions should be added to the licence to ensure that when the premises can legally reopen, that there are legally binding additional measures in place to promote the licensing objectives and prevent the premises to be used for future criminal activity. In this respect, if the committee does not revoke the licence, then I request the following conditions are added:

An adequate CCTV system must be installed, maintained and operated at the premises. The system will cover all licensed areas and record 24 hours a day. Images must be to an evidential standard, with date and time stamping. The system will cover all licensed internal areas, all entrance and exit points as well as the external beer garden and smoking areas and car park. The system will retain images for a minimum of 28 days and must be made available to the Police, Local Authority or Licensing Authority to view and remove for evidential purposes upon reasonable request.

The licensee shall install, operate and maintain lighting in the car park and entrances and exits whilst the premises is open to the public to ensure adequate visibility on the images of the external CCTV cameras.

All persons (including bar staff) involved in alcohol sales must receive full and adequate training on the law relating to underage sales. A written record of the training that each person has received shall be maintained. The training log and records are to be provided to the Police, the Local Authority or the Licensing Authority on request.

The premises shall operate a zero tolerance drugs policy. This shall be a written policy. All staff will be trained in this, and a written record of the training that each person has received shall be maintained. A copy of these records shall be made available to the Police or Licensing Authority upon request.

Usage by patrons of the upstairs function room shall be limited to pre-booked events only. A log of these bookings, including contact details of the person(s) who book the area, shall be maintained for a minimum of 6 months.

An incident log shall be kept and maintained at the premises. This shall be made available to the Police or Licensing Authority upon request.

An effective 'challenge 25 policy' shall be implemented and maintained in place at the premises. Any persons appearing to be under the age of 25 who attempts to purchase alcohol must be challenged in respect of their age and required to provide adequate proof that they are over the age of 18 before they are sold or supplied with alcohol.

Only photographic based forms of identification shall be accepted as proof of age in respect of suspected underage sales. These must be accredited to the PASS scheme or subsequent equivalent but could also include passport, HM forces ID card, driving licence, national ID card

A refusal log to record all attempts to purchase alcohol that were refused shall be kept on site and all refused sales recorded. The refusal log is to be provided to the Police, the Local Authority or the Licensing Authority on request.

I would also suggest that as some of the conditions (for example the CCTV condition) would not be able to be complied with until after the Closure Order has expired, that licensable activities at the premises shall not take place until such time as they can be confirmed as being in place by either myself or Milton Keynes Council's Licensing Team.

If you wish to discuss the above with me, please do not hesitate to contact me.

Kind regards

Gemma McCormack