



**LICENSING SUB-COMMITTEE HEARING
MEMBERS' RECORD OF DETERMINATION**

**THE NEW INN, 2 BRADWELL ROAD, NEW BRADWELL
REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003
(‘THE ACT’)**

11 JANUARY 2021

Constitution of the Sub-Committee:	Councillors Marlow and Trendall	
Chair	Councillor Legg	
Legal Advisor:	Meurig Tiley	
Committee Manager:	Jane Crighton	
Licensing Officers:	Simon Teesdale	Licensing and Business Manager
	Ed Fisher	Senior Licensing Officer
Premises Licence Holder	Mr Marcow	
Wells and Co. (Brewery)	Kym Downing	Head of Commercial Services
	Richard Bishop	Head of Operations
Legal Representative	James Anderson	Poppleston Allen
Also Present:	Gemma McCormack (Thames Valley Police)	
	James Sloan (Licensing Authority)	
Documentation:	Report of the Senior Licensing Officer and documentation.	
Apologies:	None	
Disclosures of interest:	None	

1. Reason for Hearing

The Senior Licensing Officer advised the Sub-Committee that a hearing was necessary to formally Review a Premises Licence in respect of The New Inn, New Bradwell.

2 Considerations

On 14 December 2020, Thames Valley Police served a Closure Notice on the premises which had led to a Closure Order from Milton Keynes Magistrates Court being granted for a period of one month with effect from 16 December 2020.

During the necessary advertisement that a review of the licence was required, three representations had been received from Thames Valley Police, the Licensing Authority and Wells and Co.

Gemma McCormack (Thames Valley Police) informed the Sub-Committee that the Police had executed a drugs warrant at the premises on 11 December 2020 which had found a large quantity of drugs and money; two people had been arrested on suspicion of 'Possession with Intent to Supply'; the Premises Licence Holder, the Brewery and their Legal team had been actively working to resolve the matter; and the removal of the Designated Premises Supervisor had been a step in the right direction.

The Sub-Committee heard evidence from James Sloan (Licensing Authority) and Gemma McCormack (Thames Valley Police) who, in summary, informed 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; there had been a lack of evidence received in relation to promoting the licensing objectives; but that further conditions had been proposed to support improved monitoring and due diligence at the premises which would ensure the objectives would be better promoted in the future.

James Anderson (Poppleston Allen), the Premises Licence Holder (Mr Boris Marcow) and Brewery (Wells and Co.) representative, informed the Sub-Committee that The New Inn was a well-run and popular pub; Mr Marcow had now been appointed as the Designated Premises Supervisor and the Police had no objection; 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 them to run the business as they had had significant experience in the licencing trade, having previously operated their own pub(s); and there had been 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 conditions proposed.

3. Decision

The Sub-Committee carefully considered all the evidence before it, including the submission from James Anderson, the legal representative for the Premises Licence Holder, Mr Marcow, and Wells and Co., brewery, and the representations from the Responsible Authorities, and 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. This was 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 in (1) must be demonstrated to and verified by Thames Valley Police and the Licensing Authority before the recommencement of licensable activities at the premises.

4. Reasons

The Sub-Committee heard representations from the Premises Licence Holder and those of the legal representative Mr Anderson and they carefully considered the submissions from the Responsible Authorities on this matter.

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 have since left the licensable premises and there are ongoing criminal proceedings in respect of Misuse of Drugs Act 1971 and the Proceeds of Crime Act 2002.

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 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 states *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”*.

This was a very serious matter and one which clearly undermined the licensing objective of the Prevention of Crime and Disorder. The Sub-Committee 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 in which 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 in which to comply with the conditions under 3(1) and (2) above, the Sub-Committee considered it reasonable and proportionate to prevent the Premises Licence Holder from operating licensable activities for a period of three months.

5. Appeal

An appeal must be commenced by notice of appeal given by the applicants to the designated officer for the Magistrates' Court within the period of 21 days beginning with the day on which the applicant was notified by the Sub-Committee of the decision appealed against.

Should they choose to appeal this decision, they are advised to seek independent legal advice.