

**ADDITIONAL INFORMATION RECEIVED PRIOR TO HEARING FROM RELEVANT PARTIES**

Further to the Committee report the following additional information has been provided by parties to the hearing since the report was published.

Administrating Licensing Officer

Mr Boris Marcow has now been appointed as Designated Premises Supervisor on to the licence with no Police objection.

Thames Valley Police

In response to questions asked at Annex G: TVP are not seeking an extension of the closure order beyond its current expiry date of 15 January 2021 (one calendar month from 16 December 2020).

Premises licence Holder: Mr Marcow

In response to questions asked at Annex G of the report, the licence holder has submitted the joint response with the brewery overleaf.

Other Persons: Charles Wells & Co

In response to questions asked at Annex G of the report, Charles Wells have submitted the joint response with the licence holder overleaf.

**NEW INN, 2 BRADWELL ROAD, NEW BRADWELL, MILTON KEYNES, MK13 0EN**

**REVIEW HEARING ON 11 JANUARY 2021 AT MILTON KEYNES COUNCIL**

**SUBMISSION ON BEHALF OF BORIS MARCOW (“BORIS”) THE PREMISES LICENCE HOLDER, AND WELLS & CO (“WELLS”) THE FREEHOLDER AND INTERESTED PARTY**

### **Introduction**

The New Inn is a food-led community pub on the outskirts of Milton Keynes. It trades on two floors, has an extensive outside area adjacent to the canal.

It has built up particularly under Boris’ operation (since 2012) and has a reputation as a popular community pub doing excellent food.

This is supported by Trip Advisor comments, a “fantastic, welcoming pub/restaurant” from September 2020, and a “lovely pub, great food” from August 2020.

Of 118 reviews posted, 68 are excellent, 27 very good, which is a percentage of 81%.

### **Wells**

Wells are a respected Bedford based family brew and pub retailer trading since 1876.

They own 180 pubs situated between London and Derbyshire, but principally located in the home counties and east midlands.

The current Managing Director Peter Wells is the fifth generation Wells family member involved in the business.

Wells, (formerly known as Charles Wells) have recently built a new brewing and pub retail site in Bedford.

Wells own the Freehold of property at The New Inn and let the premises to Boris Marcow as a tenanted partner under a Lease. Boris is the business owner and therefore responsible for the operation of The New Inn. Wells provide business support to their tenanted pub partners.

### **Boris Marcow**

Boris was born in Cape Town, South Africa, from a hospitality family, he “grew up in the trade”.

Boris came to the UK in 1979 with his family to escape the then political problems in South Africa, with virtually no money.

He initially established a hotel in Watford and has owned and operated various licensed retail businesses including freehold and leasehold premises throughout a long career.

Boris' relationship with Wells goes back over 30 years, when he had a portfolio of 5 licensed premises and was a prominent free trade customer of Wells.

He currently has 2 pubs, The New Inn and The King William and holds the premises licences for both. Boris is not the DPS at The King William.

### **The Issues**

The execution of the Police search warrant at The New Inn and its results have caused great shock and consternation to Boris and Wells.

Both expressed an immediate commitment to co-operate as fully as possible with the Police and this is referred to in Gemma McCormack's representation at the bottom of page 2, and the meeting at the premises on 15 December between the Police, Boris Marow and Wells.

The conditions discussed at that meeting and contained in the representation are all agreed, and Boris invites the Committee to impose these on the premises licence at the review.

All these conditions will be implemented in full prior to the premises reopening to the public, subject to being allowed to do so by current or future COVID Regulations. Both Wells and Boris agreed to close the pub voluntarily following the Police intervention but have accepted the Court's closure order for one month as being necessary and have not appealed against it.

### **The Role of Boris**

Boris is the premises licence holder and recognises that responsibility, Boris holds the licence in his own name and does not hide behind a corporate entity (most premises licences are in a limited company name).

On the day after the Police visited the premises, the Manager and [REDACTED] submitted her written resignation (considering the Police investigations) which was accepted. [REDACTED] and her family members left the premises that day. The locks to the premises have been changed.

Boris used to work in the public area of the pub on the ground floor until July 20 but since then has been principally based in his office on the ground floor normally during office hours. Boris concentrates his time on the commercial aspects of the business as the owner leaving [REDACTED] as the Manager of 7 years to deal with operational management of the premises.

Boris did not, nor would it be appropriate for him to do so, visit the private accommodation on the first floor of the pub, which had been occupied by [REDACTED] and her daughter until recently when [REDACTED] son had also moved onto the premises.

Boris appointed [REDACTED] as General Manager over 7 years ago and trusted her to run the business. She latterly became the DPS in April 2019.

On her appointment as Manager, [REDACTED] presented as a middle-aged woman with significant experience in the license trade, having previously operated her own pub/s including a spell at The New Inn which [REDACTED] had operated with her deceased husband as a tenant.

Over the 7 years of [REDACTED] management, Boris recognised that the business was successful in terms of trading, popular with local people and the evidence therefore strongly supported the fact that he could rely on [REDACTED] to run the premises well and to promote the licensing objectives.

This is further supported by the fact that there was no intervention from the Responsible Authorities other than in 2016 one incident, none in 2017, 2018 and the whole of 2019 until December (see Gemma McCormack's statement). Boris had regular operations meetings with [REDACTED] and was satisfied that the premises licence conditions were complied with and there was no operational concerns.

Boris is completely at a loss as to why [REDACTED] with her background, experience, length of employment with Boris and standing should allegedly become involved in such issues which have led to the closure order and the review. The matter may coincide with the arrival of [REDACTED] son to live at the site. Boris would say that such an occurrence was completely unforeseeable.

### **The Premises in the Future**

Both Wells and Boris appreciate that what happened at the premises is serious. There is an ongoing commitment to work with the Police and Licensing Authority so that The New Inn can once again be an important part of the community for customers to come in, to enjoy good company, good beer, soft drinks, and good quality food.

The continued closure of the pub is not, we respectfully submit, in anyone's interests.

However, certain measures will be taken, and all the conditions agreed will be in place prior to reopening.

In addition, the following:

1. All the agreed Police conditions (see Gemma McCormack's statements) will be in place. This includes CCTV, staff training and trading of the function room by way of advance bookings only (where drug traces were found).
2. To agree the Local Authority condition (James Sloan's representation).
3. To emphasise that staff training will be provided by Wells.
4. Boris will appoint an experienced General Manager to replace him as DPS and this will be completed prior to reopening.
5. Boris will return to having more involvement in supervising the public trading areas including unannounced visits at the weekends and in the evening.
6. Boris will meet at least once a week the DPS to check CCTV if necessary, to check the incident log and generally discuss the previous week's trading and any issues which have arisen. This will include specific reference to any suspicious behaviour and the drugs policy.
7. Boris will liaise with the Police Licensing Officer at least once a month to discuss any local issues that he should be aware of.
8. Wells will continue to support and will visit the premises at least once a month to carry out compliance checks and to meet with Boris and the DPS.

### **Conclusion**

Both Wells and Boris consider that these measures will be sufficient to promote the licensing objectives and that the pub can reopen on this basis.

The issues have arisen solely because of perpetrators who have now left the premises and not for any other institutional reasons.

This matter is not a case of regular incidents leading to regular Responsible Authority intervention and a review being the only alternative.

The New Inn was a well-run, popular pub. The incidents which have occurred recently are almost certainly brought about by the perpetrators and related to the drug issues.

As far as we are aware, there were no issues involving drugs until the arrival of the [REDACTED] relative to the premises in or around July 2020 and this is the sole reason for the issues.

The removal of these individuals we believe has led to the removal of the problem.

This is coupled with the period of closure, the appointment of a new DPS, and more rigorous conditions, greater supervision by the premises licence holder (Boris) and by Wells the freeholder.

06 January 2021