

# Licensing Sub-Committee report



milton keynes council

## REVIEW IN RESPECT OF THE NEW INN, NEW BRADWELL, MILTON KEYNES

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### 1. Purpose

- 1.1 To formally Review a premises licence following a closure order imposed by Milton Keynes Magistrates Court on 16 December 2020 provided to the Council by the Court on 18 December 2020.

### 2. Background Information

- 2.1 Milton Keynes Council (“The Council”) is the local Licensing Authority for its district under the Licensing Act 2003 (“the Act”). The Council has granted a premises licence (by transfer in 2016) in respect of the above premises to Mr Boris Marcow (“the premises licence holder”). At the time the Closure Order was imposed the Designated Premises Supervisor (DPS) specified on the licence was Sharon Higgins.
- 2.2 On 14 December 2020 Thames Valley Police served a Closure Notice on the premise which led to a Closure Order from the Magistrates Court being requested for three months. The Court subsequently imposed a Closure Order limited to a period of one month with effect from 16 December 2020. This and the accompanying information are attached at **Annex A**. Following notification to the Council by the Court the Licensing Authority is required to complete a Review of the premises licence in place, no later than 15 January 2021 (within 28 days of 18 December). A Review is a formal process to look again at a licence in place. The licensing objectives of crime and disorder and public nuisance are relevant as detailed in the Closure Order.
- 2.3 The licence currently in place is provided at **Annex B**. Mr Marcow has held the premises licence since November 2016. Being a canal side location, the pub has been in existence for many years.

## LEGAL REQUIREMENTS TO BE COMPLIED WITH BY THE COUNCIL

- 2.4 Once a Review is required the Licensing Authority is obliged to advertise the matter. This involves the display of a notice at the premises and on the Council's website. In addition, in accordance with the Council's licensing policy all properties within 50 metres of the premises as well as Parish Councillors and Ward Members have been notified. The notices give an opportunity to what are termed 'Other persons' (in addition to statutory Responsible Authorities) to submit representations in respect of the application within seven days. The last date for representations for this case was 25 December 2020.

## RESPONSIBLE AUTHORITIES

- 2.5 Two representations have been received in respect of the Review. These are detailed as follows:
- (a) Thames Valley Police (attached at **Annex C**); and
  - (b) the Licensing Authority (attached at **Annex D**).

## OTHER PERSONS

- 2.6 One representation has been submitted by the brewery connected with the premises in support of the licence holder. This representation recognises additional requirements need to be in place at the premises on the licence (attached at **Annex E**).

## HISTORY OF PREMISES AND PREMISES LICENCE HOLDER

- 2.7 For background information an examination of the licensing records of the New Inn and of the premises licence holder is provided at **Annex F**. Mr Marcow has held several licences and positions of DPS in Milton Keynes since 2005 when the current system began.

## 3. Issues and Choices

- 3.1 The Sub-Committee have a wide range of options in respect of reviews. These range from:
- (a) revocation;
  - (b) suspension for a period not exceeding three months;
  - (c) removal of the designated premises supervisor;
  - (d) exclusion of a licensable activity from the scope of the licence;
  - (e) modification of the conditions of the licence (i.e. add, remove or amend conditions of the licence);

- (f) modifying the conditions of the licence for a limited period of time not exceeding three months;
- (g) a warning;
- (h) or taking no action.

3.2 In this case the Sub-Committee are advised that the Designated Premises Supervisor (DPS) at the premises at the point of the Closure Notice, Ms Sharon Higgins, has been removed by application with effect from 18 December 2020 and is no longer associated with the premises. The appointment of a new DPS, who is appointed with Police consent is still under consultation. The new DPS is Mr Boris Marcow. He will therefore potentially be the premises licence holder and the DPS.

3.3 When carrying out its functions under the Act, and determining an application, the Licensing Authority must have regard to the Guidance issued by the Home Secretary under section 182 of the Act and its own Statement of Licensing Policy. To assist the Sub-Committee extracts from the statutory guidance are provided at **Annex H**. Extracts from the Council's statement of Licensing Policy are provided at **Annex I**.

3.4 In order to clarify and confirm some of the evidence submitted by all parties and to thus assist the Sub-Committee in its judgement, questions have been asked of the premises licence holder, the Thames Valley Police, Charles Wells & Co and the Council's Licensing Officer who has made representation. These are provided at **Annex G**. Any further information received on these matters will be provided by way of an update prior to the hearing at **Annex J**.

3.5 Thames Valley Police and the Licensing Authority are proposing additional conditions as a potential resolution including a restriction that these are fully in place before the premises could reopen for licensable activities. These are listed in their respective representations.

## 5. Implications

### 5.1 Policy

See Annex H. A full copy of the statement of licensing policy can be found at: <https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/licensing/beer-and-entertainment/milton-keynes-council-licensing-policy>

### 5.2 Resources and Risk

The Licensing Act allows for a right of appeal to the Magistrates Court by any party to the hearing following the decision of the Sub-Committee.

### 5.3 Legal

Statutory provisions regarding review and hearings can be found in the Licensing Act 2003 and its subordinate regulations but include that a decision on the matter must be made at the end of the hearing.

#### List of Annexes

- Annex A** Copy of Closure Order
- Annex B** Copy of existing premises licence
- Annex C** Thames Valley Police Representation
- Annex D** Representation from Licensing Authority
- Annex E** Representation from Charles Wells & Co
- Annex F** History of licence holder in Milton Keynes
- Annex G** Requests for information on Representations received
- Annex H** Statutory Guidance Extracts
- Annex I** Extracts of Milton Keynes Statement of Licensing Policy
- Annex J** Subsequent information received prior to the hearing amplifying representations

#### Background Papers:

Licensing Act 2003 Section 182 Statutory Guidance:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)