

Licensing Sub-Committee Hearings Meeting

**Online Meeting, Virtual Meeting Platform
Wednesday, 05 January 2022 at 10:00**

The Licensing Sub-Committee hears and determines applications made under the Licensing Act 2003.

Information for Members of the Public

Access to information and meetings

You have the right of access to all meetings of the Council, its Committees and Cabinet which may be conducted remotely such as by live audio or video broadcast / webcast. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is published on the Council's website at least five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Occasionally certain issues, for instance, commercially sensitive information or details concerning an individual have to be considered in private. When this is the case an announcement will be made, the live broadcast will end and the meeting will be moved to consider in private.

E-mail: democratic.services@colchester.gov.uk

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COLCHESTER BOROUGH COUNCIL
Licensing Sub-Committee Hearings
Wednesday, 05 January 2022 at 10:00

The Licensing Sub-Committee Hearing Members are:

Roger Buston - Member, Beverley Oxford - Member, Tim Young - Member

The Licensing Sub-Committee Hearing Substitute Members are:

All members of the Council who are not Cabinet members or members of this Panel who have undertaken the necessary training.

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 4 are normally dealt with briefly.

1 Appointment of Chairman

To appoint a Chairman for the meeting.

2 Welcome and Announcements (Virtual Meetings)

The Chairman will welcome members of the public and Councillors to the meeting and remind those participating to mute their microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to introduce themselves. The Chairman will, at regular intervals, ask Councillors to indicate if they wish to speak or ask a question and Councillors will be invited to speak in turn by the Chairman. A vote on each item of business will be taken by roll call of each Councillor and the outcome of each vote will be confirmed by the Democratic Services Officer.

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

5 **Premises Licence Summary Review hearing - Licensing Act 2003** 7 - 76

The Sub-Committee will determine an application for a summary review of a premises licence which has been submitted by Essex Police.

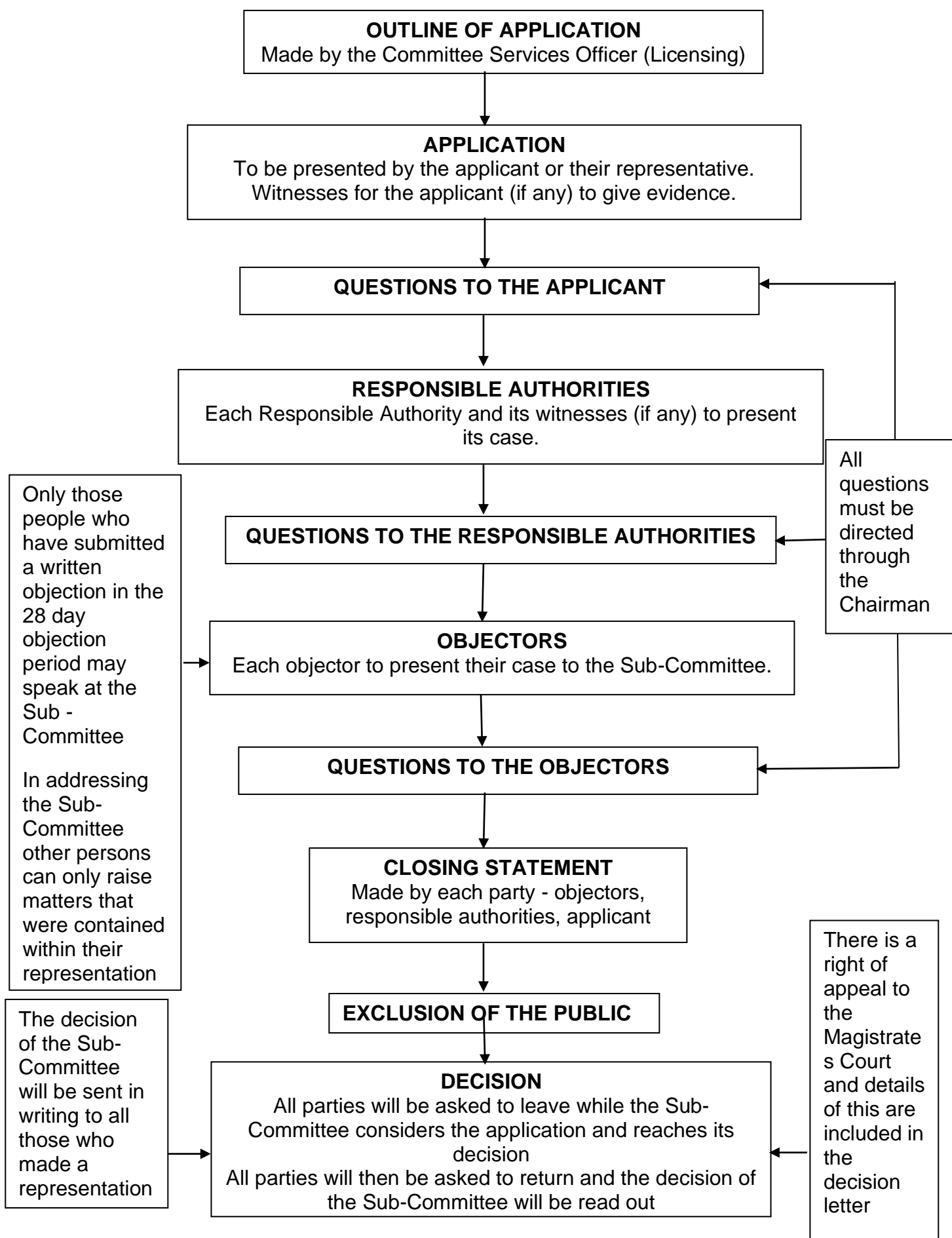
Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)

e-mail: democratic.services@colchester.gov.uk
website: www.colchester.gov.uk

The Licensing Sub-Committee Hearings Process



Licensing Committee – 5 January 2022	Agenda Item 5
The Leather Bottle, Colchester	FOR GENERAL RELEASE

Purpose of the Report	To determine an application for a summary review of a premises licence under the Licensing Act 2003
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1. Application

Applicant and Premises	
Application Type	Summary Review
Applicant	Essex Police
Premises	The Leather Bottle
Premises Licence Holder	Quirebuild Limited,
Premises Address	Shrub End Road, Colchester CO3 4RH
Ward	Shrub End

2. Current Licence

Premises Licence M004426
The licence is attached at Appendix 1 .

3. Application for Summary Review

Licensing Objective
<p>The Licensing Authority accepted an application for the Summary Review of the premises licence in respect of The Leather Bottle, Shrub End Road, Colchester made by Essex Police on 8 December 2021. The application and Superintendent certification are attached at Appendix 2. Additional supporting information received from Essex Police is attached at Appendix 5.</p> <p>The relevant papers and notices were served on 9 December 2021 by the Licensing Authority.</p> <p>A Licensing Sub-Committee Hearing to determine whether any interim steps should be imposed took place on 9 December 2021. The Sub-Committee determined to suspend the licence. The decision notice from this meeting is attached at Appendix 3.</p>

4. Representations received

A representation has been received in support of the Review from the Home Office Immigration Enforcement, **See Appendix 4**

5. Policy Context

Policy references are given for guidance only, they should not be regarded as a substitute for the Policy which contains the necessary detail for all parties in making and determining applications.

Reviews

16.9 The review of a licensed premises is the key protection for residents and businesses where one or more of the licensing objectives are being undermined and these problems can be linked to the operation of a licensed premises. A responsible authority or any other body can ask for the review of a licence.

16.10 When considering a review request, or other possible enforcement action, the Licensing Authority will consider all relevant matters and in particular –

- The use of the premises for criminal activities such as the supply of drugs or money laundering
- Failure to promptly respond to a warning given by a responsible authority
- Failure to engage with the responsible authorities in an effective manner
- Previous convictions for licensing offences
- Previous failure to comply with licence conditions

16.11 The Licensing Authority will not normally engage its role as a responsible authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals are entitled to do so in their own right where there are sufficient grounds to do so.

16.12 Where responsible authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give the licence holder early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given, such as using an Improvement Plan before bringing the premises to review. Responsible authorities may seek to amend a licence via review where evidence indicates the need for permanent enforceable conditions to be added to a licence.

16.13 It should be noted that a review can be called without an early warning where a serious situation has occurred and immediate action is required. Where premises are associated with serious crime and/or disorder a senior Police officer may apply for a summary review of a premises licence.

16.14 The outcome of a review hearing will not ordinarily have effect until such time as the period given for appealing (normally 21 days) expires or an appeal is disposed

of.

6. Crime and Disorder Act 1998

The Council is required to have regard to the wider legislative context arising from Section 17 of the Crime and Disorder Act 1998 which provides that –

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applied to exercise its various functions with due regard to the likely effect of those functions on, and the need to do all that it reasonably can to prevent –

- crime and disorder in its area (including antisocial and other behaviour adversely affecting the local environment); and
- the misuse of drugs, alcohol and other substances in its area; and
- re-offending in its area.

7. Section 182 Statutory Guidance

The following paragraphs of the Section 182 Statutory Guidance issued by the Secretary of State are relevant to this application.

Reviews arising in connection with crime

11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion

of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. 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 – even in the first instance – should be seriously considered.

8. Options available to the Sub-Committee

The Sub-Committee must take such of the following steps as it considers appropriate to ensure the promotion of the licensing objectives –

- Modify the conditions of the premises licence
- Exclude the sale of alcohol or other licensable activity from the licence
- Remove the Designated Premises Supervisor
- Suspend the licence for a period not exceeding three months
- Revoke the licence

Appendices

Appendix 1	Premises Licence
Appendix 2	Application and Superintendent's Certification
Appendix 3	Decision Notice from Interim Steps Hearing
Appendix 4	Representation from Home Office Immigration Enforcement
Appendix 5	Supplementary supporting information submitted by Essex Police

Report Author

John Ruder, Licensing Manager	email jon.ruder@colchester.gov.uk telephone 01206 282840
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Colchester Borough Council

Premises Licence

Granted under the Licensing Act 2003 s18

Colchester Borough Council
Licensing Team
PO Box 889
Rowan House, 33 Sheepen Road
Colchester CO3 3WG

Premises licence number: 004426

PART 1 - PREMISES DETAILS

The Leather Bottle
Shrub End Road
Colchester

Post town:

Post code: CO3 4RH

Telephone number at premises:

Date Licence Granted: 25 August 2005

Regulated Activities authorised by this licence:

Performance of Plays	
Film Exhibitions	
Indoor Sporting Events	
Boxing or Wrestling Entertainment	
Performance of Live Music	Licensed
Playing of Recorded Music	Licensed
Performance of Dance	
Other Music or Dance Entertainment (see Schedule)	Licensed
Facilities for Making Music	
Facilities for Dancing	Licensed
Other Facilities for Music & Dance	
Late Night Refreshment	Licensed
Sale by Retail of Alcohol	Licensed

The times the licence authorises the carrying out of licensable activities:		
a) The sale by retail of alcohol :-		
Monday	10.00 to 0.00	
Tuesday	10.00 to 0.00	
Wednesday	10.00 to 0.00	
Thursday	10.00 to 01.00	
Friday	10.00 to 01.00	
Saturday	10.00 to 01.00	
Sunday	10.00 to 0.00	
Seasonal Variations	On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.	
Non-Standard Times	For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.	
On/Off Premises	Alcohol may be served ON and OFF the premises	
Further Details		
b) The provision of regulated entertainment and entertainment facilities: –		
	Performance of Plays	Exhibition of Films
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Indoor Sporting Events	Boxing or Wrestling Entertainment
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		
Seasonal Variations		
Non-Standard Times		
Indoors/Outdoors		
Further Details		
	Performance of Live Music	Playing of Recorded Music
Monday	10.00 to 23.00	10.00 to 23.00

Tuesday	10.00 to 23.00	10.00 to 23.00
Wednesday	10.00 to 23.00	10.00 to 23.00
Thursday	10.00 to 00.00	10.00 to 00.00
Friday	10.00 to 00.00	10.00 to 00.00
Saturday	10.00 to 00.00	10.00 to 00.00
Sunday	10.00 to 23.00	10.00 to 23.00
Seasonal Variations	On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.	On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.
Non-Standard Times	For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.	For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.
Indoors/Outdoors	Activity may take place INDOORS	Activity may take place INDOORS
Further Details	Limited to a maximum of two performers, as currently permitted under section 182 Licensing Act 1964 and to entertainment bona fida private events as currently permitted at the premises.	The playing of all descriptions of amplified recorded music as permitted under the existing licence(s). Variation applies to hours of operation only.

	Performance of Dance	Other Music or Dance Entertainment
Monday		10.00 to 0.00
Tuesday		10.00 to 0.00
Wednesday		10.00 to 0.00
Thursday		10.00 to 01.00
Friday		10.00 to 01.00
Saturday		10.00 to 01.00
Sunday		10.00 to 0.00
Seasonal Variations		On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.
Non-Standard Times		For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.
Indoors/Outdoors		Activity may take place INDOORS
Further Details		Live entertainment as permitted under the existing licence(s) and karaoke.
	Facilities for Making Music	Facilities for Dancing
Monday		10.00 to 0.00
Tuesday		10.00 to 0.00
Wednesday		10.00 to 0.00
Thursday		10.00 to 01.00
Friday		10.00 to 01.00
Saturday		10.00 to 01.00
Sunday		10.00 to 0.00
Seasonal Variations		On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.

Non-Standard Times		For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.
Indoors/Outdoors		Activity may take place INDOORS
Further Details		As currently permitted at the premises, including at bona fide private events.
	Other Facilities for Music & Dance	Late Night Refreshment
Monday		23.00 to 01.00
Tuesday		23.00 to 01.00
Wednesday		23.00 to 01.00
Thursday		23.00 to 02.00
Friday		23.00 to 02.00
Saturday		23.00 to 02.00
Sunday		23.00 to 01.00
Seasonal Variations		On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.
Non-Standard Times		For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.
Indoors/Outdoors		Late night refreshments may be consumed INDOORS
Further Details		

Monday	09.00 to 01.00
Tuesday	09.00 to 01.00
Wednesday	09.00 to 01.00
Thursday	09.00 to 02.00
Friday	09.00 to 02.00
Saturday	09.00 to 02.00
Sunday	09.00 to 01.00
Seasonal Variations	On St David's Day, St Patrick's Day, St George's Day and St Andrew's Day the finish time will be extended by one hours with seven days notice and agreement with the Police.
Non-Standard Times	<p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with fourteen days notice and agreement with the Police.</p> <p>Notwithstanding these usual opening times the premises in accordance with the converted right may chose to open to the public at any time for non-licensable activities/purposes.</p>

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

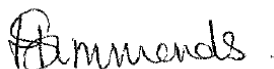
Alcohol may be served ON and OFF the premises

PART 2	
Name, (registered) address, telephone number and e-mail (where relevant) of holder(s) of premises licence	
Licence Holder 1	Licence Holder 2
Quirebuild Limited 44-50 High Street Rayleigh Essex SS6 7EA Tel: E-mail:	Tel: E-mail:

Registered number of holder; for example, company number, charity number (where applicable): 01873512

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol: Ms Sally Ann Crosby Tel:

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol: 4523 Colchester BC



Hazel Simmonds
Assistant Director Environment Services

Date of Issue: 2 November 2017

Annex 1 – Mandatory Conditions

All supplies of alcohol

1. No sale/supply of alcohol shall be made under the premises licence-
 - a. At a time when there is no designated premises supervisor in respect of the premises licence; or
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made, or authorised by a person who holds a personal licence.

Drinks promotions

3(1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

3(2) In this paragraph, an irresponsible promotion means one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises.

- a. games or other activities which require or encourage, or are designed to require or encourage, individuals to –
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- b. provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- c. provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- d. selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- e. dispensing alcohol directly by one person into the mouth of another (other than where that person is unable to drink without assistance by reason of a disability).

Provision of water

4. The responsible person must ensure that free portable water is provided on request to customers where it is reasonably available.

Age verification policy

5(1) The premises licence holder or club premises certificate holder must ensure that the an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

5(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

5(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a. a holographic mark; or
- b. an ultraviolet feature.

Alcoholic drink measures

6. The responsible person must ensure that—

- a. where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
- b. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- c. where a customer does not in relation to the sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available

Minimum Drinks Pricing

7(1). A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

7(2) For the purposes of the condition set out in paragraph (1)-

- a. “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
- b. “permitted price” is the price found by applying the formula-
 $P = D + (D \times V)$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of alcohol;
- c. “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- d. “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the members or officer to prevent the supply in question; and
- e. “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

7(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- 7(4)(1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) or paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (2the second day”) as a result of a change to the rate of duty or value added tax.
- 7(4)(2) The permitted price which would apply on the first day applied to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervision

8. Where a premises licence includes a condition that at specified times one or more individuals must be present at the premises to carry out security activity, they must be licensed by the Security Industry Authority.

Exhibition of films

9(1). Any exhibition of films must be screened in accordance with the category issued by the British Board of Film Classification (BBFC) certification.

9(2). Admission of persons under the age of 18 shall be restricted in accordance with any recommendation made by the above film classification body and any guidance issued under the licensing authority's Statement of Licensing Policy.

Annex 2 – Embedded Restrictions

Annex 3 – Conditions Carried Forward on Conversion

Annex 4 – Conditions Consistent with the Operating Schedule

General - all objectives

We have applied for an extended period between the cessation of the supply of alcohol and the closure of the premises to give us the option to allow for a more gradual dispersal of customers. The style and operation of the pub will not differ significantly during the extended period.

The premises will respect Spirit Group's approach to Responsible Drinks (a copy of which is enclosed in support of this application). Our policies change at regular intervals to reflect current trends and it would be inappropriate to standardise them on a permanent basis. The enclosed policy is included for information only and not as suggested conditions or to form part of any other operating schedule.

Prevention of Crime & Disorder

When door staff are used they will Security Industry Authority (SIA) approved and operate in accordance with the Security Industry guidelines.

A zero tolerance towards illegal drugs will be enforced at all times.

If a disc jockey is used on any night then he/she will ask customers to leave quietly.

If a CCTV system is installed at this site, it will continue to operate during the additional hours of trading and notices will be displayed.

All instances of Crime & Disorder will be reported to the Police and will be kept in an incident log book.

Public Safety

Public safety is integral to the way that the Spirit Group runs its business and is reviewed regularly through our health and safety policy. This policy is fully briefed and trained to all management and staff and we will continue to train our staff to the standards required by relevant legislation. Free drinking water will be available at all times.

Prevention of Public Nuisance

Additional patrols will take place by members of staff internally and externally to limit any noise pollution when entertainment is being offered within the premises.

If appropriate notices will be displayed asking our customers to respect our neighbours when leaving the premises.

Where already used text/radio pagers will continue to be used for the additional hours of trading and will be monitored by a responsible member of staff.

Soft drinks and non-alcoholic refreshment will be available if we decide to use the option to stay open for an extended period between the cessation of the supply of alcohol and the closure of the premises (see above under general).

Protection of Children

When children are allowed upon the premises any entertainment offered within the premises will be suitable for young persons.

Children will be required to be supervised by the accompanying adult at all times.

A no smoking area will be provided.

Soft drinks and non-alcoholic drinks will be available

A recognised proof of age policy will be enforced.

Adult Entertainment Details

Under 18 year olds will not be allowed to play on section 34 permitted AWP machines.

Children will not be allowed in the area immediately adjacent to the bar servery.

Live and amplified music shall be played between the hours of 10.00 to 23.00 Monday-Wednesday, 10.00 to 00.00 Thursday-Saturday, 10.00 to 23.00 Sunday.

The garden must not be used by customers after the hours of 23.30.

All windows and doors must be kept closed other than for access and egress whilst events involving amplified sound are taking place.

Staff shall check prior to entertainment, and periodically during the entertainment, that all windows and doors are shut.

No live or amplified music to be played in the open air (including temporary structures such as marquees and tents).

Prominent and clear notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Annex 5 – Conditions Agreed with Responsible Authorities

Annex 6 – Conditions Attached after a Hearing by the Licensing Authority

Application for summary licence review



Licensing Department
Colchester Borough Council
Rowan House
33 Sheepen Road, Colchester
CO3 2WG

Licensing Authority premises licence number (optional): 004426

Application for the review of a premises licence under section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing the form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. **Use additional sheets if necessary.**

I Ronan McManus on behalf of the chief officer of police for the Essex Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

THE LEATHER BOTTLE
SHURD END ROAD,
COLCHESTER

Post town: COLCHESTER

Post code (if known): C03 4RH

2. Premises licence details:

Name of premises licence holder (if known):

Quire build Limited,
44-50 High Street,
Rayleigh,
Essex SS6 7EA

Number of premises licence holder (if known):

COMPANY NUMBER 01873512

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm) ☒

4. Details of association of the above premises with serious crime, serious disorder or both:
[Please read guidance note 2]

Between 29th June 2021 and December 2021 Essex Police has undertaken an operation to disrupt the supply of Class A drugs (including cocaine) in and around The LEATHER BOTTLE, SHRUB END ROAD, COLCHESTER . This operation has three phases:

Phase 1 being the use of undercover officers to observe and detect drug dealing between July 2021 and November 2021.

Phase 2 the working up of intelligence and evidence.

Phase 3 the arrest of suspects, the execution of warrants and the further investigation of offences disclosed. Phase 3 began on the 09/12/2021 and is continuing.

During phase 1 of the operation undercover officers were deployed to The Leather Bottle, Shrub End Road , Colchester on selective dates. On those occasions the open use of cocaine within the premises was observed and drug dealers routinely sold cocaine on the premises, including to undercover officers.

Where a drug supply offence is selling directly to users (as is this case) - the UK Sentencing Council categorises this as 'Category 3' for the purposes of sentencing, the starting point for those with a lesser role is 3 years imprisonment and for those with a leading role 8 years 6 months imprisonment. These therefore are 'serious crimes' as set out within section 53A(4) of the Licensing Act 2003 which states a 'serious crime' has the same meaning as in the Regulation of Investigatory Powers Act 2000 (s81(2) and (3) and which defines a serious crime as one where a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more (...) or includes the use of violence etc..

In accordance with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2003, will ahead of the hearing provide documentary information in support of this application and to expand upon the details set out below.

25th June 2021 – Undercover Police officers attended the premises where they enquired about buying cocaine. The officer was directed to the gent's toilets with the suspect where he divided the cocaine into bags. On this occasion the officer was supplied with 3 x bags of cocaine. The officer formed the opinion that the DPS was fully aware of what was going on.

On 29th June 2021 - an undercover officer attended the premises and witnessed several people openly smoking cannabis in the garden area. The undercover officer witnessed a customer openly discussing drugs while on his mobile phone. Officers also noted pairs of males sharing toilet cubicles and visibly tidying their noses as they left , indicating cocaine use.

On 7th July 2021 -Undercover officer witnessed a fight at the premises involving 8 males using weapons which escalated into 3 members of the fighting driving at people in the car park. (ATHENA REFERENCE or not reported to Police)

On 17th July 2021 –Undercover Police officers while in the beer garden were offered to purchase class A drugs by a female customer. This female facilitated the sale by a male in her party who sold the police officers cocaine.

On 22nd July 2021 - Undercover officers attended the Leather Bottle, the officers made telephone contact with the male who previously supplied them with drugs. This male made arrangements to meet the officers outside the pub where he supplied one bag of cocaine.

On 29th July 2021 - Undercover officers attended the Leather Bottle, the officers made telephone contact with the male who previously supplied them with drugs. This male made arrangements to meet the officers outside the pub where he supplied one bag of cocaine. This suspect was then joined by another male from inside the premises, the undercover officers noted that these males acknowledged each other and that a drug deal was taking place the male from within the premises referred to the suspect "he's my boy"

13th August 2021 - Undercover officer while sitting at the bar area was offered cocaine for sale. The sale of 2 x bags of cocaine was made in the beer garden. The undercover officers reported that this male was well known to the DPS, staff & customers alike.

20th August 2021 - The Undercover Police officer attended the Leather bottle pub where he sat with the 2 males that had previously sold him drugs on 29th July and the DPS Sally. It was clear to the officer that all parties were well known to each other.

27th August 2021 - Undercover officers evidence attending the premises and being recognised by the suspect who had previously supplied them with cocaine on 13th August 2021. This male offered the officers 3 bags of cocaine for £100. Officers accepted, paid the cash, the suspect then attended another table where he was given a set of car keys by another male. Within 5 minutes the male returned where he supplied officers with 3 bags of cocaine.

On 10th September 2021 - Undercover officers attended the premises where they were offered cocaine by a previous suspect. On this occasion they did not purchase any drugs.

On 12th October 2021 - Undercover police officers while at the premises were again offered cocaine for sale. They declined on this occasion, but did report see this suspect deal drugs to customers near the door. Officers noted that during the deployments taking & supplying appeared to be accepted and known by staff & DPS.

It is Essex Police belief is that the use of cocaine was so blatant and conducted in plain sight that management and staff were either complicit or were wilfully blind to the occurrences. The drug dealing was widespread (it took place on each occasion the premises were visited) and conducted in the open.

At the full hearing Essex Police will be requesting the authority to revoke the premises Licence.

Essex Police consider it absolutely essential to break the offending cycle by immediately closing the premises thus affecting the current customer base and excluding drug dealers. This will have a powerful deterrent effect on other premises where drug dealing is an issue. It will facilitate the current premises licence holder in taking steps to consider how best to prevent a reoccurrence should at a hearing the licence is not revoked – this would provide time to reflect on the staff currently employed, their training and relevant procedures with a view to implanting changes should the licence not be revoked at a hearing. These changes, if the licence is not revoked, would need to include CCTV provision and use of door supervisors.

Essex Police has submitted a summary review application for the reason that immediate suspension of the licence is required – no other interim steps would achieve the objective of preventing the distribution of drugs from this premises.

Essex Police requests that as 'interim steps' the licence is suspended until the full hearing takes place.

Given the nature of the incidents and the use of undercover officers and that these are live criminal convictions, Essex Police asks that in accordance with Regulation 14 of the (Hearing) Regulations that the public are excluded from those parts of the hearing where the specifics of the drug dealing are mentioned and that these are not published in open forum.

Signature of applicant: R McManus

Date: 08/12/2021

Capacity: LICENSING OFFICER, DELEGATED BY CHIEF
OFFICER OF POLICE TO SUBMIT REVIEW
APPLICATIONS

5. Contact details for matters concerning this application:

Address: ESSEX POLICE LICENSING TEAM
POLICE STATION
BLYTHS MEADOW
BRAINTREE
CM7 3DJ

Telephone number(s): 01245 452035

Email: licesning.applications@essex.pnn.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both. Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

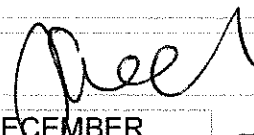
Summary Review – Superintendent's certification



ESSEX POLICE

Protecting and serving Essex

Certificate under Section 53A (1)(b) of the Licensing Act 2003

Certifying officers name: STUART WEAVER	
Rank & PIN: SUPT 81326	Signature:  Supt. 81326
Stationed at: COLCHESTER	Date: 8 DECEMBER 2021 Time: 0932 HOURS

I hereby certify that in my opinion the premises described below are associated with serious crime (*see note below) ~~/serious disorder / both serious crime and serious disorder~~ (delete as applicable)

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are in appropriate because;

Between June 2021 and November 2021 Essex Police has undertaken an operation to disrupt the supply of Class A drugs (including cocaine) in and around Colchester area . This operation has three phases:

Phase 1 being the use of undercover officers to observe and detect drug dealing between June 2021 and November 2021.

Phase 2 the working up of intelligence and evidence.

Phase 3 the arrest of suspects, the execution of warrants and the further investigation of offences disclosed. Phase 3 began on 9th December 2021 and is continuing.

During phase 1 of the operation undercover officers were deployed to the Leather Bottle , Shrub End Road , Colchester on selective dates. On those occasions the open use of cocaine within the premises was observed and drug dealers routinely sold cocaine on the premises, including to undercover officers.

It is not appropriate to proceed by way of normal review procedures as a decision of the licensing sub-committee will not take effect for a considerable period.

In order to disrupt drug supply via this venue its immediate closure (by way of suspension as interim step) appears the most logical approach. This would immediatley sever existing links with customers that use the venue for drug taking and those that supply drugs on the premises and also provide an opportunity for the premises licence holder to take appropriate steps to prevent dug misuse should the premises be permitted to re-open following any suspension.

However the Statutory Guidance to the Act lists the sale and distribution of controlled drugs as criminal activity which should be treated particularly seriously and states that in such circumstances it is expected that revocation of the licence should seriously be considered.

Where a drug supply offence is selling directly to users (as is this case) - the UK Sentencing Council categorises this as 'Category 3' for the purposes of sentencing, the starting point for those with a lesser role is 3 years imprisonment and for those with a leading role 8 years 6 months imorisonment.

These therefore are 'serious crimes' as set out within section 53A(4) of the Licensing Act 2003 which states a 'serious crime' has the same meaning as in the Regulation of Investigatory Powers Act 2000 (s81(2) and (3) and which defines a serious crime as one where a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to

RESTRICTED

be sentenced to imprisonment for a term of three years or more (...) or includes the use of violence etc..

A brief description of why standard review processes are inappropriate e.g. degree of seriousness of the crime/disorder, past history of non-compliance etc. may be helpful but this is not a legal necessity for the issue of a certificate and will be outlined within any application for review, should one subsequently be applied for. Applications are usually sought when 'interim steps' are considered necessary before a review hearing takes place.

There is no requirement to list all occurrences or provide the detail of each occurrence; the sole requirement is that an honest opinion is held that the premise is associated with serious crime/disorder. A single incident may be the trigger for a certificate if it is serious enough. The issue of a certificate does not mean the police **MUST** apply for a review.

***NOTE:** Serious crime includes any criminal conduct that involves the use of violence; serious disorder is not defined and should be given its ordinary meaning.

Premises Name: THE LEATHER BOTTLE

Name of Designated Premises Supervisor: SALLY ANN CROSBY

Premises address: SHRUB END ROAD,
COLCHESTER,
ESSEX
CO3 4RH

Premises Licence No. if known PRM 004426

COLCHESTER BOROUGH COUNCIL

Licensing Sub-Committee

Notice of Determination

Date of Hearing: 9 December 2021

Premises: The Leather Bottle, Shrub End Road, Colchester CO3 4RH

Application: Summary Review of premises licence

Committee Members: Councillors Harris and Moore

Present: Mr Evans, Democratic Services Officer
Mr Ruder, Licensing, Food & Safety Manager
Mrs Rundle, Community Group Manager
Ms Straughan, Legal Advisor to the Committee

Application

A Summary Review of the premises licence of The Leather Bottle, Shrub End Road, Colchester CO3 4RH on the grounds that the licensing objective of the prevention of crime and disorder was being undermined by serious crime taking place at the premises.

Decision

To impose the interim step of suspending the premises licence held by Quirebuild Limited, 44-50 High Street, Rayleigh, Essex SS6 7EA in relation to the Leather Bottle public house, Shrub End Road, Colchester.

Reasons for the Determination

In reaching its decision, the Sub-Committee carefully considered the evidence which had been placed before it as part of the summary review application made by Essex Police, and noted the seriousness of the alleged offences which had been committed in the premises.

Consideration was given to the weight of evidence which had been presented by Essex Police, together with the request that had been made for the suspension of the licence.

The Sub-Committee considered the other options which were available to it, including modification of the conditions of the premises licence, the exclusion of the sale of alcohol by retail from the scope of the licence, and the removal of the designated premises supervisor from the licence, but it considered that none of these steps would have been sufficient to address the serious issues that had been associated with the premises and prevent the continued undermining of the prevention of crime and disorder licensing objective, as set out in the Licensing Act 2003.

Appeal by way of representations

The premises licence holder may make representations to the licensing authority against the interim steps imposed. Any representations should be made in writing to the Licensing Manager at licensing.team@colchester.gov.uk or sent to Colchester Borough Council, Rowan House, 33 Sheepen Road, Colchester CO3 3WG



Immigration Enforcement

Alcohol & Late-Night Refreshment Team,
Interventions & Sanctions Directorate,
Home Office,
15th Floor, Long Corridor
Lunar House,
40, Wellesley Road
Croydon,
CR9 2BY

IE.AlcoholReviews@homeoffice.gov.uk

10th December 2021

In the case of The Leather Bottle - Shrub End Road, Colchester, CO3 2WG

Home Office Immigration Enforcement (HOIE) have worked closely with Essex Police to instigate Licensing Act 2003 proceedings. Essex Police are leading on this case and HOIE have provided evidence support of these proceedings. The fact that Essex Police lead on such cases reflects that those Responsible Authorities are often best placed to make applications in regards the prevention of crime and disorder (including the prevention of illegal working) within their local area. In this case, Essex Police are the appropriate Responsible Authority to take enforcement action.

HOIE's work with Essex Police includes sharing data under the Licensing Act 2003. Section 185 of the Act provides that Responsible Authorities may share data with each other for these purposes.

The absence of specific HOIE representations on such a case does not mean that HOIE is not supporting Essex Police. It reflects the fact that we work closely with Essex Police to identify people who are working illegally.

Yours sincerely

Alcohol & Late-night Refreshment Team
Home Office



Premises licence Summary Review

The Leather Bottle

Shrub End Road Colchester CO3 4RH

Supplementary documentary information in support of a Summary Review

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1.0 Background Details

1.1 The Leather Bottle Pub is situated at Shrub End Road, Colchester CO3 4RH. The premises is the holder of a premises licence number 004426. The Premises Licence Holder is Quire Build Limited, registered at 44-50 High Street Rayleigh, Essex SS6 7EA. The Designated Premises Supervisor (DPS) Is Ms Sally CROSBY.

2.0 Outline of the circumstances leading to the Summary Review.

2.1 Between June and November 2021 Essex Police has undertaken an Operation to disrupt the supply of class A drugs (including Cocaine) in and around the vicinity of the Leather Bottle. The operation consists of 3 phases, phase 1 being the use of undercover (UC) officers to observe and detect drug deals between June and November 2021. Phase 2 is the working up of intelligence and evidence. Phase 3 is the arrest of suspects, the execution of search warrants and the further investigation of any additional matters uncovered. Phase 3 began on 09/12/2021 and is ongoing.

2.2 During phase 1 3 UC officers known for the purpose of this operation as Danny, Tom and Neil attended the Leather bottle on a number of occasions between June and November 2021 and were routinely offered or sold drugs as well as witnessing the open

smoking of Cannabis in the pub garden. (The skeletal witness statements from these UC officers are appendix A to C)

2.3 The Officers supervisor for this operation is Detective Sergeant GILES and she has extensively collated and detailed the evidence gathered and has presented it in her witness statement (appendix D) In her statement she lists the following activities. These are briefly outlined below.

2.4 Friday 25th June 2021 a purchase of 3 x 0.5g of white powder was made and following forensic examination this was confirmed as 1.27 grammes of cocaine 80% purity. The UCs were given the impression that the “landlady” (Ms CROSBY) was aware of what was going on. It was also noted that none of the regulated covid measures were in place with customers ordering from the bar, not wearing masks and not using track and trace.

2.5 On 29th June 2021 UCs attended the Leather Bottle and observed one male openly talking about drug deals on his mobile while in the pub, 2 males emerging from a single toilet cubicle and visibly “tidying” their noses. Customers were observed smoking cannabis in the garden.

2.6 On Wednesday 7th July 2021 a UC contacted a subject of investigation and was advised that approximately 200 people were in the pub and that business (drug supply) was good. Some cocaine was obtained but not actually from the pub.

2.7 On Wednesday 16th July 2021 a female was openly discussing drug use and was seen to pass a clip bag to another female. A purchase was made from the female of 1.7g of white powder for £110. When tested this was found to be cocaine with a 75% purity.

- 2.8 On Thursday 22nd July 2021 a purchase made from a car just outside the pub car park.
- 2.9 On Thursday 29th July 2021 males were observed snorting cocaine in the toilets and a further purchase made by the UCs.
- 2.10 On Friday 13th August 2021 a purchase was made from inside the pub
- 2.11 On Friday 27th August 2021 a purchase of cocaine from a vehicle in the car park(described as in plain view) following some marketing messages (these are listed in Appendix D)
- 2.12 On Friday 8th October while in the pub arrangements were made to purchase drugs from nearby on Straight Road.
- 2.13 On Thursday 12th October 2021 a UC was asked to go into the toilets by a male and was offered a line of “coke”
- 2.14 On Wednesday 3rd November 2021 an arrangement was made in the car park of the pub to purchase an ounce of cocaine and it was agreed that this would take place the next day.
- 2.15 On Thursday 4th November 2021 the transaction was made near the pub and once completed all parties returned to the pub.

3.0 Reasons for a Review

- 3.1 Where a drug supply offence is selling directly to users (as is this case) – the UK Sentencing Council categorises this as ‘Category 3’ for the purposes of sentencing, the starting point for those with a lesser role is 3 years imprisonment and for those with a leading role 8 years 6 months imprisonment. These therefore are ‘serious crimes’ as set

out within section 53A(4) of the Licensing Act 2003 which states a 'serious crime' has the same meaning as in Regulation of Investigatory Powers Act 2000 (s81(2) and (3) and which defines a serious crime as one where a person who has attained the age of twenty-one and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more (...) or includes the use of violence etc...

3.2 The police belief is that the use of cocaine was so blatant and conducted in plain sight. It was clear that management and staff were not taking adequate steps to detect such activity and insufficient procedures and policies were in place to prevent such occurrences. The drug dealing was widespread (it took place on each occasion the premises were visited) and conducted in the open.

3.3 Statutory Guidance to the Act lists the sale and distribution of controlled drugs as criminal activity, which should be treated particularly seriously and states that *in such circumstances it is expected that revocation of the licence should seriously be considered.*

3.4 It was felt therefore that it was therefore **not appropriate** to proceed by way of normal review procedures, as a decision of the

licensing sub-committee would not take effect for a considerable period. A decision was therefore made to apply for a Summary Review. In order to promote the Licensing Objectives

3.5 Paragraphs 12.5 and 12.16 of the Statutory Guidance details that when sub- committees are considering interim steps then it must consider whether it is appropriate or proportionate to impose conditions as part of interim steps they should be wary of measures that require significant cost and/or permanent adjustments to the premises – measures that may be withdrawn at the subsequent full review hearing. This was further reason why as initial interim steps it was considered by Essex Police that suspension of the licence was the most appropriate outcome to be sought.

3.6 Amongst the outcomes sought ahead of the full review hearing was the immediate suspension of the premises licence to break the cycle of offending by both displacing/deterring those taking drugs on the premises and those using the premises as a drugs distribution network.

3.7 There appeared to be either a complete lack of control of management in providing measures to combat the supply of class A drugs and the open use of cannabis use (class B) or that that the

management was complicit in this and turned a “blind eye” It is the contention of Essex Police that the Crime and disorder Licensing Objective has been undermined.

3.8 Further evidence of poor management (should it be needed) was the lack of the enforcement of the corona virus regulations when the UCs first started their operation, this is further compounded by the fact that the pub was in fact served a 2-day closure notice for similar matters on 21/12/2020 (appendix E). Also worthy of note is the incident dated Wednesday 7th July 2021 by Detective Sergeant GILES involving basically a “brawl” in the car park between males. This was never reported to Police by the DPS and it will be noted that when she tried to intervene she was told by a male “NO ITS NOT, THIS IS MY FUCKING PUB”. Perhaps most telling is that fact that no customers reported the matter either suggesting either a general acceptance of this type of violence or a culture of fear and intimidation preventing reporting the matter to the Police. A further assertion of the undermining of the Crime and Disorder Licensing Objective

4.0 Outcome sought at Full Hearing

4.1 Essex Police sought at the initial Summary Review hearing that in order to disrupt drug supply via this venue that its immediate closure (by way of suspension as an interim step) was the most logical approach. This would immediately sever existing links with customers that use the venue for drug taking and those that supply drugs on the premises and provide an opportunity for the Premises Licence Holder to take appropriate steps to prevent drug misuse should the premises be permitted to re-open following any suspension.

4.2 However, the Police contend that the weight of evidence provided suggests that the problems associated with the venue run much deeper and either by act or omission the Premises Licence Holder (PLH) Quire Build Limited are as responsible as the DPS. Given that according to Companies house (accessed 07/12/2021) Mr Paul Carey HILLER appear to be both the Secretary and Director although interestingly different addresses are registered. The Secretary's address is listed in Tolleshunt Knights and the Directors Position in Fordham. Neither address is so far away as to prevent him fulfilling his obligations under the licensing act as at 1.2 of the guidance states *The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.* This must surely include the role of the PLH

4.3 The guidance acknowledges this at 11.22, *Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented.....*

4.4 Paragraph 11.23 also contends that.....*But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.*

4.5 The evidence presented and the subsequent arrests and seizures for drug offences in and around the Leather Bottle that the Police would contend that there has been a catastrophic failure of Premise Management to uphold the Licensing Objectives and for that reason we would seek revocation of the Premises Licence.

5.0_Case Law

5.1 Deterrence is an established part of the Licensing Act 2003 – see the cases of R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350 and East Lindsey District Council v Abu Hanif (Trading as Zara's Restaurant and Takeaway), [2016] EWHC 1265 (Admin) where in both cases the High Court stated remedy of the harm or potential harm is not the only consideration and that deterrence is an appropriate consideration in dealing with reviews where there has been activity in connection with crime. This also forms part of the reason Essex Police has applied for a review of the premises licence.

5.2 Deterrence as a legitimate consideration by a licensing sub-committee has been considered before the High Court where remedial measures (such as the imposition of additional conditions) were distinguished from legitimate deterrent (punitive) measures such as revocation.

5.3 *R (Bassetlaw District Council) v Worksop Magistrates' Court; [2008] WLR (D) 350.*

5.4 This was a case where a premises had sold alcohol to under age persons and subsequently the licensing authority suspended the licence. This was overturned on appeal to the Magistrates' Court and subsequently appealed to the High Court by the authority. The premises licence holder argued that they had a policy in place for checking the age of customers but this was not a perfect policy and had not been adhered to and that rather than revoke the licence, instead stringent conditions on proof of age should instead be imposed on the licence.

5.5 Issues considered in the *Bassetlaw* judgement included whether a licensing authority was restricted to remedial action (as opposed to punitive action such as revocation); and the precedence of wider considerations than those relating to an individual holder of a premises licence when certain criminal activities (as specified in the Guidance) took place.

5.6 It specifically examined (and set aside in the case of 'certain activities') those parts of the Guidance now contained within paragraph 11.20 and 11.23, viz.

5.7 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives.

5.8 In her judgement, Mrs Justice Slade stated (at 32.1 & 33.1 of the citation):

5.9 Where criminal activity is applicable, as here, wider considerations come into play and the furtherance of the licensing objective engaged includes the prevention of crime. In those circumstances, deterrence, in my judgment, is an appropriate objective and one contemplated by the guidance issued by the Secretary of State.(...) However, in my judgment deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable.”

5.10 East Lindsey District Council v Abu Hanif (Trading as Zara’s Restaurant and Takeaway), [2016] EWHC 1265 (Admin)

5.11 This is a recent High Court decision (published April 2016) which related to the employment of an illegal worker and where a prosecution for such had not been instigated.

5.12 Amongst other matters it had been argued for the premises licence holder that the crime prevention objective was not engaged where a prosecution or conviction for a crime was not in place at the time of the licensing hearing. The case reaffirmed the principle that a responsible authority need not wait for the licensing objectives to be undermined, and that in considering whether the crime prevention objective has been engaged a prospective consideration (i.e. what is likely to happen in the future) of what is warranted is a key factor.

5.13 It also reaffirmed the case of *Bassetlaw* in concluding that deterrence is a legitimate consideration of a sub-committee. Mr Justice Jay stated: *“The question was not whether the respondent had been found guilty of criminal offences before a relevant tribunal, but whether revocation of his licence was appropriate and proportionate in the light of the salient licensing objectives, namely the prevention of crime and disorder. This requires a much broader approach to the issue than the mere identification of criminal convictions. It is in part retrospective, in as much as antecedent facts will usually impact on the statutory question, but importantly the prevention of crime and disorder requires a prospective consideration of what is warranted in the public interest, having regard to the twin considerations of prevention and*

deterrence. In any event, I agree with Mr Kolvin that criminal convictions are not required.” (Paragraph 18)

5.14 Mr Justice Jay added: *“Having regard in particular to the twin requirements of prevention and deterrence, there was in my judgment only one answer to this case. The respondent exploited a vulnerable individual from his community by acting in plain, albeit covert, breach of the criminal law. In my view his licence should be revoked.”* (Paragraph

This case affirms the fact that the sub-committee are able to take measures to ensure that other premises are deterred from operating in such a way that the licensing objectives are not upheld.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: DANNY

Age if under 18: Over 18 *(if over 18 insert 'over 18')*

Occupation: Law Enforcement Officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:.....Danny..... (witness) Date:

I am a serving Law Enforcement Officer within the United Kingdom, and I am trained and authorised to take part in Undercover Operations. For the purposes of this operation I shall be known as DANNY.

During this operation I have been using a mobile phone, telephone number *****.

On FRIDAY 25th JUNE 2021 I deployed into COLCHESTER area of ESSEX with NEIL and TOM at approximately 16:30 hours. At approximately 18:40 hours we attended the LEATHER BOTTLE on SHRUB END ROAD COLCHESTER. On entering the premises, it was evident nobody was wearing masks and the only way to get service was to order at the bar. We sat outside and were talking to other customers from the pub. Some time later all three of us were round the pool table. I met a male there who told me his name was "*****". I would describe CARDIFF as being a light skinned black male, 30-35 years old, around 6-foot-tall and of a medium build. He had short afro hair no longer than 4cm that appeared well kept. He had a short patchy beard, no longer than 2cm. He was not wearing any sort of glasses. He was wearing an unusual dark purple t-shirt that had writing on it saying PORTLAND, OREGON. He had a distinctive black bum bag that he wore around his waist the whole time, dark coloured jeans and white trainers. I will refer to him as CARDIFF.

We remained at the pool table until we left the pub. A female named ***** also introduced herself and CARDIFF said this was his girlfriend. I would describe her as a white female, around

22-26 years old. She had shoulder length blonde hair, light skin, very white teeth and was well presented. She was wearing a black top and tight black jeans. She had an unusual accent that I could not say what it was, but I heard her saying to TOM that she had travelled around when she was younger because her dad was in the army. I will refer to her as DORSET. I did not hear the beginning of the conversation, but at one point, CARDIFF was talking with DORSET and turned to others around him and said words to the effect of, "WHO WOULD WANT TO STEAL A NISSAN MICRA?" It was clear from this conversation that DORSET's car was a NISSAN MICRA.

During a game of pool between CARDIFF and TOM, CARDIFF said to TOM he needed to sort something out. I did not pick up on the rest of the conversation, but he left to go outside. A short time later, CARDIFF returned and went into the toilets. There was a clear buzz around the pub as other persons also entered into the toilet area. I couldn't say for sure how many but at least four persons seemed to go towards the toilet including TOM. At some point during this NEIL and I left and went outside. This was around 21.45 hours. I noted it was strange as the staff had turned off almost all the lights and clearly wanted everyone gone from the pub.

TOM and CARDIFF joined us outside the premises. I noted during this that CARDIFF had a small black burner style mobile phone that stood out. He said to TOM that he was living very nearby and gestured towards GOSBECKS ROAD. TOM, NEIL and I left on foot at around 22.05hrs. TOM told us he had bought some cocaine from CARDIFF as we were leaving the pub. Shortly afterwards we drove past the TEXACO GARAGE on SHRUB END ROAD. As we drove past, I noticed a light-coloured NISSAN MICRA parked at the side of the forecourt nearest the road. This was around 22.10hrs.

I would estimate I saw CARDIFF for around 30 minutes. This was on and off over approximately an hour and a half period. The pub was well lit, and my view at times whilst he was playing pool was unobstructed.

This statement has been produced from my original notes made on 25th June 2021.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: TOM

Age if under 18: Over 18 *(if over 18 insert 'over 18')*

Occupation: Law enforcement officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:.....TOM..... (witness) Date:

I am a serving Law Enforcement Officer within the United Kingdom, and I am trained and authorised to take part in Undercover Operations. For the purposes of this operation I shall be known as TOM.

During this operation I have been using a mobile phone, telephone number *****.

On FRIDAY 25TH JUNE 2021 I deployed into COLCHESTER town centre at approximately 16:30 hours with NEIL and DANNY. At approximately 18:20 hours we made our way to the LEATHER BOTTLE in SHRUB END COLCHESTER.

I purchased three beers then myself and NEIL sat outside talking to another customer from the pub. After some time, I then went to the toilet and began talking to some other male customers in the pub. Myself and NEIL were invited over to a seating area adjacent to the pool table. There I met a male named '****' I will refer to him as CARDIFF. I would describe CARDIFF as approximately 6 ft in height, medium athletic strong build. He had black afro hair, with facial hair and was wearing a purple and yellow T-shirt with the lettering 'PORTLAND, OREGAN,' on the front of it. He went on to say that he was 33 years of age. He later gave his name as *****. whilst playing pool CARDIFF introduced me to his girlfriend **** who I would describe as approximately 5'6" in height, of slim build with shoulder length straight blonde hair. She had very white skin with blue eyes and big white teeth. She had an English accent which she

described as a mixture of Cypriot, German and Essex due to her father being in the armed services and having to move around a lot when she was a child. I will refer to her as DORSET. Upon completing a game of pool with CARDIFF he said words to the affect of "HE NEEDED TO SORT OUT SOME COKE" which I took to mean cocaine. I then took the opportunity to ask him to sort me out with some cocaine and I requested three deals from him. CARDIFF said that he would have to go to DORSETS vehicle which he identified as a NISSAN MICRA. CARDIFF then approached DORSET who was conversing with NEIL and asked for her car keys. DORSET handed CARDIFF the keys and CARDIFF exited the pub. When CARDIFF returned, he went into the men's toilets whilst I sat and talked to DORSET. I then entered the toilets and spoke to CARDIFF through the closed cubical door. CARDIFF eventually opened the door after diving the powder into the clip seal bags. I saw four clear plastic clip seal bags containing white powder substance. I believed this to be cocaine. We talked about the price of the deals and CARDIFF stated each was £50 and that it was "BANGING". I asked if he was doing deals and he said no. I asked CARDIFF if he would take £100 and he refused. I asked him to meet me in the middle at £125 which he was happy with. I asked him to hand me the three clip seal bags containing the white substance so I could inspect them which he did at 21:45 hours. I produced this as my exhibit TOM/25062021/2145 – 3 x clip seal bags containing white powder. Once I was happy, I handed him £125. CARDIFF retained a fourth clip seal bag with white substance within and we exited the men's toilets. The pub was closing so we took our drinks to the car park and CARDIFF gave me his mobile number as 07*****. He asked me to call him and he then saved my number to his burner style mobile phone.

I spent a total of approximately one hour and thirty minutes with CARDIFF being within one foot of him at the closest.

At 22:15 hours we exited the Leather bottle.

This statement has been produced from my original notes made on 25th June 2021.

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

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Statement of: NEIL

Age if under 18: Over 18 *(if over 18 insert 'over 18')*

Occupation: Law enforcement officer

This statement (consisting of page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:.....NEIL..... (witness) Date: 30th November 2021

I am a serving Law Enforcement Officer within the United Kingdom, and I am trained and authorised to take part in Undercover Operations. For the purposes of this operation, I shall be known as NEIL.

During the period between 7th July 2021 and 10th November 2021 I deployed into COLCHESTER area of ESSEX with fellow Under Cover Operatives for Operation Monaco 21.

Over this period of time, I have witnessed a number of occurrences at Public Houses within the Colchester area as part of the deployment activity. In respect of those occurrences at The LEATHER BOTTLE, SHRUB END ROAD, COLCHESTER. I will document the following: -

On 25th June 2021, at 18.40 hours I attended the above location, at this time Government Covid restrictions were in place, there was no table service, none of the staff were wearing masks and there were no restrictions in place. A male who gave his name as Nigel, was helping behind the bar, he seemed to be a local male.

I met with some males who were in the pub garden who invited me and my colleagues to go inside and play pool. All of these males were clearly well known and friendly with the bar staff. One of these males supplied Class A drugs to my colleague inside the toilet.

I was made aware of who the landlady of the pub was, she was referred to as Sally, mid 50's, 5'8, short grey hair, very pale slim.

On 17th July 2021, at 18.15 I attended the above location with a colleague. We sat outside in the pub garden next to 2 females one of which offered to supply us with Class A drugs. She was wondering around, on the phone, and confirmed it would be 20 minutes. She then walked over to a group of lads, sitting a little way from us. She got one of these lads, who seemed quite young 19 or 20 years old. He came over and sat next to me, he had a black man bag, he produced a clip seal bag of powder, which he exchanged for cash. (this is confirmed as cocaine).

On 22nd July 2021, at 18.40 I attended the above location with my colleagues. At 19.32 hours I made a call to the male who had supplied me with class A drugs on 17th July. This male said he would come to me at the pub to supply more class A drugs. This male arrived outside the pub at 21.05 and supplied one bag of white powder to me (this is confirmed as cocaine).

On 29th July 2021, at 18.00 hours I attended the above location with my colleagues. I made a call to the male who had supplied class A drugs to me on 17th July and 22nd July. This male arrived at the pub at 20.08 hours and met with me outside, he supplied me with a bag of white powder. (this is confirmed as cocaine). On supplying me with the drugs, an older male in his early 40's who was sat in the main pub walked out to meet with the male I was meeting, the two males acknowledged each other and the deal that was taking place, when the older male walked back into the pub, he stated to me "he's my boy". I have seen this older male sitting with the landlord Sally previously on attending the pub.

13th August 2021, at 19.15 hours I attended the above location with my colleagues. Whilst at the bar area, a male who I had seen in the pub before asked me if I wanted to buy cocaine, he informed me that it would be £40 per bag, I agreed. This male called over another regular who I had seen in the pub before and went with both males to the pub garden where male 2 provided me with 2 bags of white powder. (this is confirmed as cocaine). Both males appeared to be very well known by others in the pub including the staff and landlady and I had seen them on several occasions before in the pub.

On 20th August 2021, at 18.00 hours I attended the above location. I saw at the pub, both of the men from 29th July 2021, sitting together with the landlady Sally and a few other people within the pub.

I joined the group it was clear they were all well known to each other.

On 27th August 2021, at 18.10 hours I attended the above location with my colleagues. There were a number of males I recognised and being there on a regular basis. One of which was the male from 13th August 2021 who supplied class A drugs to me. As soon as I saw this male and sat down, he asked if I wanted to purchase drugs. This male offered to sell 3 tickets (wraps of cocaine, generally each ticket is 0.5 of a gram) for £100, I handed him the money and he got up and walked away from the table, as he did so he passed another table of people and was given a car key by one of the males sitting there, he then left my view, roughly 5 minutes later he returned. He then handed me 3 bags of white powder (this is confirmed as cocaine).

This male was in-between tables and in and out of pub.

On 10th September 2021, at 19.40 hours I attended the above location with my colleague. On arriving at the location, I met with the male who supplied me class A drugs on 13th August 2021. He asked me if I wanted to purchase any drugs, which on this occasion I declined. This male explained that the pub was quite because of what happened last night. He told me a young lad had been "cut" but did not go into detail.

On 12th October 2021, at 18.20 hours I attended the above location with my colleague. Within the pub was the male from 13th August 2021. He was sat with a number of regulars in the pub. He asked me if I wanted to buy any drugs, on this occasion I declined.

Thorough my deployments at this location, the taking and supplying of drugs appeared to be accepted and well known by the staff and landlady, also those supplying and dealing in these drugs were closely associated with the landlady.

My original notes were made after each deployment.

WITNESS STATEMENT**Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

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Statement of: Louise GILES

Age if under 18: over 18 (if over 18 insert 'over 18') Occupation: Detective Sergeant

This statement (consisting of 9 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: *JS 76025* (witness) Date: 23/11/2021

This statement relates to disorderly conduct and other criminal activity witnessed within and connected to, THE LEATHER BOTTLE PUBLIC HOUSE on SHRUB END ROAD, COLCHESTER during a proactive operation – OP MONACO 21.

I am the deputy investigative lead for the proactive operation referred to as OP MONACO which has been conducted to investigate and address serious violence within the night time economy and the supply of Class A drugs, namely cocaine, within the town of COLCHESTER, ESSEX and took place between the dates of JUNE and NOVEMBER 2021.

Several subjects have been identified in relation to the supply of Class A drugs which has occurred primarily in and around THE LEATHER BOTTLE PUBLIC HOUSE on SHRUB END ROAD. The arrest phase has not yet concluded at the time of writing this statement.

I have collated information relating to the experiences of undercover operatives deployed into THE LEATHER BOTTLE PUBLIC HOUSE and reference them below. At the commencement of this operation, COVID regulations were in force and included capacity limits, social distancing guidance, rule of six or two households at one table, use of face coverings in public spaces, the necessity to order, eat and drink whilst seated and a legal requirement to check into venue on the track and trace app. I am aware most covid restrictions were lifted from the 19th July 2021.

Signature: *JS 76025*

Signature witnessed by:

Drugs activity and Controlled purchases of Cocaine relating to the LEATHER BOTTLE

On Friday 25th JUNE 2021 operatives deployed into THE LEATHER BOTTLE PUBLIC HOUSE. Within the venue customers were ordering from the bar and there was no table service or other covid restrictions in place. No one was wearing masks and there was no requirement to register with the track and trace app. During the night one subject of the investigation advised an operative, after meeting him on that evening for the first time, that he needed to 'SORT OUT SOME COKE'. He went to the pub toilets with the operative and divided the cocaine into bags within the mens toilet cubicle. The operatives formed the impression that that the landlady saw everything that was going on.

During the evening, a controlled purchase of 3 x 0.5g of white powder was made and following forensic examination this is confirmed as 1.27g Cocaine 80% purity.

On 29th JUNE 2021 undercover operatives deployed into THE LEATHER BOTTLE PUBLIC HOUSE. They observed that the toilet area was very busy with pairs of males sharing the toilet cubicle and visibly tidying their noses up as they left, suggesting the use of cocaine. There was one male was loudly discussing illicit drugs over the phone in the pub. They also observed that customers were smoking cannabis outside the pub.

On WEDNESDAY 7th JULY 2021 one of the operatives contacted a subject of the investigation over the phone. He advised the operative that on Saturday (3rd JULY) there were approximately 200 people in the leather bottle and that business (meaning the supply of cocaine) had been good. A purchase of cocaine was made on this date from a subject of the investigation; however this was not made from the leather bottle but from the subjects address a short drive away. Forensic examination shows at 0.35g Cocaine, 80% purity. The operative was also advised that the week prior, one of the regulars had been asked by the land lady SALLY to ris of the locals so they could have a lock in.

On FRIDAY 16th JULY 2021 whilst in the LEATHER BOTTLE the undercover operatives were in discussion with a female who was openly discussing recreational drug use and was seen to pass a small clip seal bag to another female who then walked into the pub. The female later facilitated the purchase of 1.7g of white powder for £110. A male subject of the investigation sat next to the operatives on the bench in the seating area within the car park of the pub and

Signature: *JS 76025* Signature witnessed by:

exchanged a clip seal bag of cocaine for the money. When tested was identified to be Cocaine 75% purity with Phenacetin.

On THURSDAY 22nd JULY 2021 a further purchase of 1.7g of COCAINE for £110 was made from a subject of the investigation in a vehicle just outside the car park of the LEATHER BOTTLE around 2100 hours. This has been forensically examined and is 1.62g of Cocaine 77% purity.

On THURSDAY 29th JULY 2021 undercover operatives deployed into THE LEATHER BOTTLE. After a short time one of them went into the male toilets where they witnessed two males in the toilet snorting cocaine. Around 2000 hours a subject of the investigation arrived at the pub and arranged to meet the undercover operative at the back of the car park in order for the operatives to purchase Cocaine. A purchase of 1.7g was made for £110. Forensic examination shows this to be 1.47g Cocaine of 79% purity. The operative noted that the male who supplied the cocaine seemed to be there specifically to make the deal and in fact that he was working for another male, also present on the evening who was more in control of the deal.

A controlled purchase of Cocaine was made on FRIDAY 13th AUGUST from within the LEATHER BOTTLE. An operative was having a conversation with a subject of the investigation within the bar area of the pub who stated that he had cocaine on him and the operative could have some if they liked. This offer was declined at the time. The subject then asked if the operative wanted to buy any and subsequently referred the operative to another subject who produced two clip seal bags of white powder and exchanged this for £80. Forensic examination shows this to be 0.8g (total) of cocaine at 39% purity with boric acid.

On FRIDAY 27th AUGUST 2021 whilst in the LEATHER BOTTLE verbal arrangements were made for an undercover operative to make a controlled purchase of COCAINE from a subject of the investigation, following some marketing messages that were sent advertising the sale of Cocaine. The subject of the investigation was witnessed to go into a vehicle within the car park, he then returned to the pub where he passed three clip seal bags containing powder cocaine to the undercover operative. This was done whilst the operative was sat in the front garden of the pub and is described to be in plain view of others. Forensic examination has identified this to be 0.9g Cocaine (total) at 80% purity.

Signature: JS 76025 Signature witnessed by:

On FRIDAY 8th OCTOBER undercover operatives were within the LEATHER BOTTLE PUBLIC HOUSE when they made contact over the phone with a subject of the investigation that they had previously met through THE LEATHER BOTTLE. Arrangements were made to meet the subjects a short walk from the LEATHER BOTTLE on STRAIGHT ROAD in order that a purchase of cocaine could be made. This transaction took place and three clip seal bags of cocaine were passed to the operatives for £100.

On TUESDAY 12th OCTOBER 2021 undercover operatives deployed to THE LEATHER BOTTLE PUBLIC HOUSE. During the evening, one subject of the investigation, whilst playing pool, requested that the operative followed him to the toilet. Once within the cubicle the subject of the investigation took out a plastic bag containing white powder and offered the operative a line of cocaine saying words to the effect of "I JUST WANT TO OFFER YOU A LINE OF COKE. YOU'RE NOT POLICE ARE YOU?"

On WEDNESDAY 3rd NOVEMBER an undercover operative met a subject of the investigation in the car park of the LEATHER BOTTLE where a request was made for the purchase of 1 ounce of cocaine. The purchase was arranged the following day (THURSDAY 4th NOVEMBER 2021) and the initial meeting point was set by the subject of the investigation, to be THE LEATHER BOTTLE at a specific time on 04/11/21, the operative met the subject of the investigation within the pub and they both walked across the road to the TEXACO garage opposite the pub where they met a further subject of the investigation who supplied the operative with 1 ounce of Cocaine from within a vehicle in exchange for £1400. The parties all returned to the LEATHER BOTTLE following the exchange.

Once within the LEATHER BOTTLE on 4th NOVEMBER 2021 an operative witnessed an exchange of white powder made between a subject of the investigation and a customer. The operative then held a conversation with another customer who asked the operative if he knew any Romanian sex workers, he also said that he would be able to source up to 5 KG of cocaine through some contacts that he knew. This same subject then took the operative into the toilet of the pub offered the operative white powder expected to be cocaine from a key and then proceeded to snort this in front of the operative.

Signature: *JS 76025*

Signature witnessed by:

Marketing messages

Subsequent to associations made at the leather bottle, subjects of the investigation have proactively sent marketing messages to undercover operatives as follows:

On FRIDAY 23th AUGUST a text message sent read "LAST BIT THERE 1.8 FOR 120, BANGING STUFF".

At 2004 HOURS on 22/08/2021 a text message sent read "SORRY ABOUT OTHER DAY MATE I WAS MESSED ABOUT ON MY RELOAD IM BACK IN BUSINESS".

At 2138 HOURS on 22/08/2021 a message received read "THE BEST GEAR IN TOWN LANDED NO DEALS ON THIS ONE DROPS ALL NIGHT GET AT ME".

At 0041 HOURS on 24/08/2021 received message read "THE BEST IS IN DROPS ALL NIGHT".

At 0041 HOURS on 24/08/2021 received message read "ITS FLYING OFF DROPS ALL NIGHT".

At 0151 HOURS on 25/08/2021 received message read "TOP STUFF IN GENTS DROPS FROM NOW TILL MORNING".

At 0937 HOURS on 24th SEPTEMBER 2021 message received read "BACK AT IT WITH THAT 10/10. DOING DROP OFFS".

Disorderly / violent conduct

On WEDNESDAY 7th JULY 2021 a fight broke out in the car park of the leather bottle. Two undercover operatives were present and gave accounts.

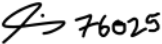
One heard a disturbance and a several people shouting, he then witnessed a fight break out between two white adult males. Several other customers from the pub also became involved in

Signature: *JS 76025* Signature witnessed by:

the fight which happened on the floor of the car park behind a parked car. This disturbance lasted 5 minutes and the fight lasted around 2-3 minutes. One of the males got into a vehicle – a blue van which he drove off at speed, narrowly missing several customers.

Another gives an account that the fight occurred between a regular (REGULAR) and a male from the travelling community who I will refer to as FIGHTING MALE. FIGHTING MALE pushed the REGULAR in the chest and the REGULAR then punched FIGHTING MALE, they both then unleashed a barrage of punches on each other and then grappled with each other banging into a white mini cooper and then onto the ground. One of FIGHTING MALE's associates picked up a wooden handle and began waving it about. SALLY the landlady ran out and tried to stop the fighting telling the locals to get in the pub. The operative then heard the FIGHTING MALE shout 'THIS IS OUR PUB'. SALLY replied with words to the effect of "NO ITS NOT, THIS IS MY FUCKING PUB." FIGHTING MALE and two associates then got back into their small van. Five of the Eastern European males who were friends of the regular then approached the passenger window of the van where the traveller was sat and started punching him through the window, they then went on to damage the van by pulling the nearside wing mirror off the van as well as trying to damage the front windscreen and damaged the near side front passenger door as well as the nearside passenger window. The driver of this van then put it into reverse and reversed at speed without any care for any of the pedestrians stood near it. They then drove a few feet forward turned around and drove back towards the same pedestrians who they had tried to reverse over luckily without making contact with anyone. They then drove off out of view. The undercover operative tried to encourage the regular to leave, the regular said "WE EITHER NEED TO GET TOOLED UP OR NEED TO FUCK OFF."

On FRIDAY 16th JULY 2021 an undercover operative held a conversation with a male whom they recognised as a customer from the LEATHER BOTTLE (CUSTOMER 1). They discussed a fight which they had both witnessed outside of the LEATHER BOTTLE the week prior. The other customer stated that he had since spoken with a Turkish male who was a friend and customer at the LEATHER BOTTLE PUB, they had discussed whether more fights were likely to occur, and the Turkish male had pulled up his top showing him (the other customer) a gun he carried in his waistband and indicated he was ready if there was more trouble.

Signature:  76025

Signature witnessed by:

On THURSDAY 29th JULY 2021 an undercover operative held a conversation with a male customer at the pub and they were discussing the aforementioned fight that had taken place, the customer (CUSTOMER 2) went on to say that the TURKISH/KURDS who helped JOSH during the fight were ready for the men from the travelling community if they attended again. He stated that every one of them had handguns in the waist bands of their trousers.

On FRIDAY 13th AUGUST whilst sat in the garden area of the pub, one customer (CUSTOMER 3) informed an undercover operative that a fight which occurred a few weeks prior had involved some Kurdish males and some men from the travelling community, he stated a few days after the fight he had gone to meet with the travellers and sorted things with them. He said he had arranged for their van to be repaired and there would be no further issues. that the Kurdish males had returned following the fight and had shooters on them in case any trouble occurred.

On FRIDAY 3rd SEPTEMBER 2021 one subject of the investigation spoke to an operative over the phone, he informed him that during the world cup final the LEATHER BOTTLE was crazy, really busy, he did very good business that night (referring to the supply of cocaine) but when England started losing everyone started fighting which was bad for busines.

Crime report 42/192816/21 is a grievous bodily harm with intent offence which occurred at THE LEATHER BOTTLE on the 9th SEPTEMBER 2021. This is currently being investigated outside of OP MONACO. The circumstances of the offence are that the victim was approached by two suspects who were drinking at benches outside of the pub, one suspect punched the victim and the other smashed a glass in his face causing significant facial injuries.

Summary

The LEATHER BOTTLE PUBLIC HOUSE is arguably the heart of a large-scale cocaine supply business and is pivotal in the success of the sale of the drugs for this particular group of subjects.

The venue is frequently used by the customer base of the supply group – the users, as a place to successfully obtain Cocaine and make associations to do so. This is evidenced by the undercover operatives who were able to make purchases with ease from deployments into the

Signature: *S- 76025* Signature witnessed by:

public house but also due to the nature of the conversation they have been involved in and overheard whilst in the pub.

It is also evident that customers of the LEATHER BOTTLE PUBLIC HOUSE are able to openly take illicit drugs within the venue; in full view of any other customers, with a blind eye turned by the management and license holders. On a multitude of occasions, the operatives have been offered cocaine from subjects and other customers within the pub, this has occurred openly in the venue, even in front of the bar.

Subjects of the investigation were witnessed to advertise their merchandise within the venue, make exchanges and also build associations. Therefore, growing their customer base, encouraging sales and enhancing the success of their business. The nature of their business being the supply of illicit drugs is abundantly clear. Throughout the investigation, it has become apparent that a lot of the activity, both wholesale and local dealing, is conducted from the pub – an environment where families and members of the public are likely socialising in at the same time.

Many of the subjects of the investigation have served operatives with drinks or cleared table throughout the operation, despite them not being bar staff. This suggests a high level of familiarity with the management and exchanges of favours.

Disorderly behaviour has occurred within the pub grounds on a number of occasions that operatives were present. Of significance the fight that occurred on the 7th JULY remains unreported to the police, this is indicative that police records are not representative of the true events within the pub. Conversations that the undercover operatives have subsequently had suggest the involved parties have links to firearms and are prepared for significant levels of violence.

Customers regularly use vehicles to get to and from the pub and on occasions these have been seen to be driven in an unsafe and erratic manner causing a risk to other road users and pedestrians. SALLY, the landlady's vehicle is a white mini, through the course of the investigation this has been witnessed by the undercover operatives to be used by a subject of the investigation, to convey his 8 year old child. He is not insured or legally able to drive this

Signature: *J 76025* Signature witnessed by:

vehicle due to disqualification and SALLY's involvement in this suggests that she is complicit in unlawful activity occurring.

If the LEATHER BOTTLE PUBLIC HOUSE is permitted to continue its business in the same way it is currently being managed, then this will allow the supply of Class A drugs, disorderly behaviour, violence and risk to the personal safety of customers and local residents to remain.

J 76025

Signature: *J 76025*

Signature witnessed by:



The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 SI. 2020 No. 1375

CORONAVIRUS IMMEDIATE RESTRICTION NOTICE

Notice Number: CIRN001 / KXP

Date: 21/12/2020

Part A

To: Sally Ann Crosby

Trading as: The Leather Bottle

At: Shrub End Road, Colchester CO3 4RH

Of: Quirebuild Limited

This Coronavirus Immediate Restriction Notice is served under regulation 4 of The Health Protection (Coronavirus, Restrictions) (Local Authority Enforcement Powers and Amendment) (England) Regulations 2020 (the Regulations) and comes into effect **immediately**.

I, Kate Pearsall, designated for the purposes of the Regulations by Colchester Borough Council, have reasonable grounds for believing that you are contravening relevant statutory provisions in circumstances that make it likely that the contraventions will continue or be repeated and those contraventions involve, or would involve if continued or repeated, a risk of exposure to coronavirus

This is set out in Part B below.

I believe that it is necessary and proportionate to issue this Coronavirus Immediate Restriction Notice to prevent continued or repeated contravention of those provisions as the contravention involves, or would involve if continued or repeated, a risk of exposure to coronavirus.

Part B. Contravention of the restrictions

Statutory provisions contravened:

The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Schedule 2 paragraph 14 - Requirement to close businesses selling alcohol of consumption on the premises

14. (1) A person responsible for carrying on a business of a public house, bar or other business involving the provision of alcohol for consumption on the premises must cease to carry on that business, unless sub-paragraph (2) applies.

(2) This sub-paragraph applies if alcohol is only served for consumption on the premises as part of a table meal, and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.

The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulation 2020

Section 1A. (1A) (a)(ii) & (1A) (b)(ii)

(1A) A person who operates or occupies relevant premises in the Tier 2 area must, during the emergency period, take all reasonable measures to ensure that –

(a) no bookings are accepted

(i) for a group of more than six, where the group is to be located outdoors, unless one of the exceptions in paragraph 4 of Schedule 2 to the Principal Regulations applies;

(ii) for a group of two or more persons to be located indoors at the premises unless one of the exceptions in paragraph 4 or 5 of Schedule 2 to the Principal Regulations applies;

(b) no persons are admitted to the premises in -

(i) a group of more than six, where the group is to be located outdoors, unless one of the exceptions in paragraph 4 of Schedule 2 to the Principal Regulations applies, or

(ii) a group of two or more persons, where the group is to be located indoors, unless one of the exceptions in paragraph 4 or 5 of Schedule 2 to the Principal Regulations applies;

Particulars of the contravention:

Colchester Borough Council and Essex Police visited the premises on 19.12.2020 at 20.00 and witnessed the following:

- 10 people seated indoors around tables that had been pushed together. All were drinking alcohol and were not eating. All from various households.
- Approximately 15 persons in the games area playing pool and drinking alcohol.
- Staff members not wearing masks or face coverings and no other physical barriers were in place at the bar

Sally Ann Crosby (Designated Premises Supervisor) told the officer that the people seated were regulars and celebrating a birthday and that there had been a buffet. They had then moved the tables together in order to sit next to each other. Sally Ann Crosby stated that she had told the people playing pool that they should leave, but that they did not listen to her.

Part C. Action required

This Coronavirus Immediate Restriction Notice requires that you **close the premises and remedy the above contraventions and ensure that the contraventions will not be repeated.**

You must complete a, b, c and d shown below:

- a. You must not accept any bookings or admit any persons to the premises in a group of two or more persons, where the group is to be located indoors, unless one of the exceptions in paragraph 4 or 5 of Schedule 2 to the Principal Regulations applies.

- b. You must not serve alcohol for consumption on the premises unless it is part of a table meal and the meal is such as might be expected to be served as breakfast, the main midday or main evening meal, or as a main course at such a meal.
- c. You must display a notice stating that any person present at **Leather Bottle** is required to wear a face covering under the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) Regulations 2020 unless an exemption under those Regulations applies to the person or the person has a reasonable excuse under those Regulations not to wear a face covering; **or** take other measures to ensure that any person who enters the premise without wearing a face covering is given this information; **and**
- d. You must not prevent, or seek to prevent, anyone from wearing a face covering while at your premise

Part D. Notice period

This notice has effect until:

: on 23 December 2020

If you believe that the requirements in the notice are no longer necessary before the end of the period during which the notice has effect, then you may request that a local authority designated officer carry out a review of the notice.

Part E. Consequences of non-compliance with this Notice, and with the Regulations

Failure to comply with this Coronavirus Immediate Restriction Notice, without reasonable excuse, is an offence under regulation 6 of the Regulations, punishable upon summary conviction by a fine (regulation 6(2)) or by a fixed penalty notice (regulation 8).

Part F. Appealing against this Coronavirus Improvement Notice

In accordance with regulation 9 of the Regulations, if you disagree with all or part of this notice, or the decision on a review of the notice, you can appeal to the Magistrates' Court at:-

Essex Magistrates Court, Osprey House, Hedgerows Business Park, Colchester Road,
Springfield, CHELMSFORD, CM2 5PF

The appeal must be made within the period of 28 days beginning with—

- (i) the day on which the notice is issued in the case of an appeal against all or part of this notice
- (ii) the day on which you were notified of the decision of the review in the case of an appeal against a review decision

This notice is not suspended during an appeal. If you are not complying with the relevant statutory provision(s) detailed in Part B, you may still be prosecuted.

When the appeal is heard, the Magistrates' Court may confirm, cancel or vary the notice.

Signed:

Date: 21 December 2020

Name in Capitals: KATE PEARSALL

Colchester Borough Council

Rowan House, 33 Sheepen Road, Colchester, Essex, CO3 3WG

Telephone: 01206 282520

Email: kate.pearsall@colchester.gov.uk

If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice

FAILURE TO COMPLY WITH THIS CORONAVIRUS IMMEDIATE RESTRICTION NOTICE, WITHOUT REASONABLE EXCUSE, IS AN OFFENCE

