



Premises licence Summary Review

The Royal Mortar

120 Military Road, Colchester CO1 2AS

Supplementary documentary information in support of a Summary Review

Premises Licence Holder (PLH) Mr Paul BUGG and Mrs Tanya BUGG

Designated Premises Supervisor (DPS) Mrs Tanya BUGG

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1.0 Background details

1.1 The Ryal Mortar pub is 120 Military Road, Colchester CO1 2AS, The Premises Licence Holder (PLH) is Mrs Tanya BUGG and Mr Paul BUGG, The Designated Premises Supervisor (DPS) is Mrs Tanya BUGG.

2.0 Outline of the circumstances leading to the Summary Review.

2.1 Between June and September 2021 Essex Police has undertaken an Operation to disrupt the supply of class A drugs (including Cocaine) in and around the vicinity of the Royal Mortar. The operation consists of 3 phases, phase 1 being the use of undercover (UC) officers to observe and detect drug deals between June and September 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 14/12/2021 and is ongoing.

2.2 During phase 1, 3 UC officers known for the purpose of this operation as Ruby, Neil and Natalia attended the Royal Mortar on a number of occasions between June and September 2021 and were routinely offered, sold drugs or observed “dealing” (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 or one of the UCs lists the following activities. These are briefly outlined below.

2.4 On 18th June 2021 an operative (U/C) was advised by a subject of the investigation that “the locals take drugs at the pub and if discreet about it, Paul, the landlord does not mind”. It was also noted that a female member of bar staff called “Ash” (and was stated to be the daughter of the Landlord) appeared to be under the influence of drugs and was followed into the toilets where she went into the same toilet with another female. The UC observed similar behaviour during the visit with other pairs of female customers. Drug taking was described as “obvious”. The UC purchased a quantity of cocaine (0.4g) for £40, later tests showed this had a 69% purity.

2.5 On Tuesday 29th June 2021 an exchange of drugs for money took place in the garden of the pub in full view of other customers. Another customer told the UC that the pub was full of drugs and that he was waiting for someone to bring him an 1/8th (approx. 3.5g of cocaine).

2.6 On Friday 2nd July 2021 a UC was advised to meet a subject of the investigation in the pub garden and despite stating he was being watched by other customers he continued to complete the deal under the table.

2.7 On Wednesday 7th July 2021 an operative (UC) was directed to the Royal Mortar where another exchange of drugs for cash took place.

2.8 On 27th August 2021 Undercover Police officers attended the premises and recognised a male that had previously supplied them with cocaine, this suspect reported that he had no drugs presently however someone would be along shortly to resupply him. The officers observed a short while later a male arrived and they both went to the toilet together they were in there for some time. Then the second male came out and started nodding at people who then following him into the toilets. This male had a large wedge of cash in his trouser pocket, which was clear to see, and this action was obvious to all in the pub.

2.9 On 10th September 2021 a UC attended the location (Royal Mortar) where he observed a male who had previously sold drugs to him was with a large group of males and the behaviour is stated as being

consistent with drug dealing whereby persons would approach them for a short period of time and then leave

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 or that the management was complicit in this as evidenced by observations of the landlord's daughter "Ash" as well as the dealer's comments regarding "Paul" (BUGG) doesn't mind. It is the contention of Essex Police that the Crime and Disorder Licensing Objective has been undermined.

3.8 Further evidence of poor management is the observed noncompliance of some of the coronavirus regulations (face masks and social distancing). It is also noteworthy from the statement of Detective Sergeant GILES that despite some of the drug dealing being openly carried out there has been just 2 Information reports to the Police in this regard and one in relation to alleged covid breaches,

this suggests that most customers ignore the situation of are in fear of intimidation/reprisals if they report such matters.

4.0 Outcome Sought

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 Holders as well as the DPS (Mr and Mrs BUGG) have failed to discharge their 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 as well as the DPS which in this case are inextricably linked.

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, the subsequent arrests and seizures for drug offences in and around the Royal Mortar (as reported) the Police would contend that there has been a systematic failure of Premise Management to uphold the Licensing Objectives 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: RUBY

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: R.WILLIAMS..... (witness) Date: 30/11/2021

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 RUBY.

During the period between 7th June 2021 and 10th September 2021 I deployed into COLCHESTER area of ESSEX with fellow UCO's for LEDGE.

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 ROYAL MORTAR PUBLIC HOUSE, MILITARY ROAD, COLCHESTER. I will document the following:-

On 18th June 2021, I attended the above location, at this time Government Covid restrictions were in place, however on arrival at 18.40 hours, there were no restrictions being maintained, no masks being worn or requested. There were approximately 50-60 people inside and 30 outside. Once in the above location and seated in the garden area I was made aware by a female sitting next to me that *"The pub was really friendly and safe – the locals had respect for the landlord Paul – the locals take drugs at the pub and if discreet about it Paul doesn't mind"*. We met with two people in the pub who were under the influence of drugs, called [REDACTED] Enquires were made with these two people about "getting hold of drugs" we were told by [REDACTED] "it wouldn't be too hard in this pub, good quality".

Signature: R.WILLIAMS..... Signature witnessed by:

I observed Kim, going frequently to the toilets, when I spoke to her on her return she appeared to be under the influence of drugs.

There was a bar lady referred to as "Ash" – it was explained to me and my colleague that Ash is daughter of the landlord – Ash would go to the toilets with females from the pub very often – The female from the table and Ash went together a number of times and on one occasion I followed, both were in the same toilet. This happened numerous times on this evening.

Ash description - very dark hair, medium length, late 20's early 30's, very made up, fake lashes, slim, wearing green dress, which was very tight, tall 5'8 very slim. On this date I met a female in the pub who supplied me with Class A drugs within the premises.

On returning from the garden area, I noticed that whilst inside any time females went to the toilet, they went in two's. I would follow and every time the females would be in the same cubicle. I am of the opinion that this is suspicious as it happened countless times throughout the night and it is my belief that the females would be taking drugs inside the cubicle.

On 2nd July 2021, I attended the above location at 16.30 hours. I had been informed that the person I was purchasing drugs from was in this location and to meet there. At 16.38 hours I met with the male inside the public house, who provided 2 bags of white powder (confirmed cocaine). During the time in the bar the male received numerous phone calls on his two mobile phones about drugs purchases. This male had informed me and my colleague that he had been "none stop all day" as it was busy and he would be in tomorrow also as people would be "high as kites" due to the football being shown.

On 10th September 2021 at 18.40 hours, I attended the above location with colleagues, I observed the male who had previously supplied drugs to me on 2nd July 2021, with a large group of males in the pub garden. Their behaviours were consistent with drug dealing, whereby they repeatedly entered the male toilets with different persons.

My original notes were made after each deployment.

Signature:R.WILLIAMS..... Signature witnessed by:

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 ROYAL MORTAR PUBLIC HOUSE, MILITARY ROAD, COLCHESTER. I will document the following: -

On 18th June 2021, at 18.30 hours I attended the above location, at this time Government Covid restrictions were in place, however on arrival at 18.40 hours, there were no restrictions being maintained, no masks being worn or requested. There were approximately 50-60 people inside and 30 outside. Once in the above location and seated in the garden area I was made aware by a female sitting next to me that *"The pub was really friendly and safe – the locals had respect for the landlord Paul – the locals take drugs at the pub and if discreet about it Paul doesn't mind"*.

I observed a number of people regularly attending the toilets together. There was a bar lady referred to as "Ash" – it was explained to me and my colleague that Ash is daughter of the

Signature: Signature witnessed by:

landlord – Ash would go to the toilets with females from the pub very often – The female from the table were we were sitting, and Ash went together a number of times.

We met with two people in the pub who were under the influence of drugs, called [REDACTED].

Enquires were made with these two people about “getting hold of drugs” we were told by [REDACTED] “it wouldn’t be too hard in this pub, good quality”.

My colleague purchased class A drugs at this location on this date.

On 29th June 2021, at 14.50 hours I attended the above location with colleagues, at 17.41 I was provided by a male in the pub a telephone number of someone who could supply me with class A Drugs. On dialling this number, I spoke with a male who stated he was already in the pub garden and to come and find him. On finding this male said he had been “mad busy over the last few days, hitting it hard” – he asked what I was after, he produced a number of bags containing white powder, these were in a little man bag, which was dark in colour, which he was carrying. He gave me one of these 1 bag, at 17.45 hours in the garden of the pub. (This is confirmed as cocaine)

On the table next to us, group were sat, a male called Kevin mentioned the pub was full of drugs, he said he was waiting for someone to turn up with an 8th (weight to be purchased) for him.

It was very busy with about 100 people in the pub.

On 7th July 2021, at 16.56 I made a call to a male whom I was aware could supply class A Drugs. On this call he stated he would be in the “mortar” later about 18.00 hours. I arrived at the Royal Mortar at 18.08 hours and met with this male in the garden, he was surrounded by several other males. I walked over and they had a brief conversation. He apologised for being late saying he was out with his girlfriend having dinner. I handed him £40 in 2 x £20 notes, and he confirmed the order of “1”. He walked over to a female and took something out of her bag. He then walked back over to me and handed me 1 x clip seal bag containing powder. (This is confirmed as cocaine).

On 27th August 2021, at 19.45 hours I attended the above location with colleagues. On entering the pub, I saw the male who had supplied me class A drugs on 7th July 2021. He

Signature:NEIL..... Signature witnessed by:.....

stated he didn't have any "bits" (meaning drugs) on him at the moment, but someone would be coming to bring some.

A short while later a male arrived and they both went to the toilet together; they were in there for some time. Then the second male came out and started nodding at people who then following him into the toilets. This male a large wedge of cash in his trouser pocket, which was clear to see, and this action was obvious to all in the pub.

On 10th September 2021 at 18.40 hours, I attended the above location with colleagues, I observed the male who had previously supplied drugs to me on 7th July 2021, with a large group of males in the pub garden. Their behaviours were consistent with drug dealing, whereby persons would approach them for a short period of time and then leave.

My original notes were made after each deployment.

Signature:NEIL..... Signature witnessed by:.....

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: NATALIA

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:.....Natalia (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 NATALIA.

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

On FRIDAY 2nd JULY 2021 I deployed into COLCHESTER area of [REDACTED] with RUBY approximately 15:15 hours. At approximately 16:05 hours RUBY made a call to a male she knows as [REDACTED], subject [REDACTED]. I heard RUBY ask the person on the phone if they were about today and then she said she would take 0.5g of cocaine and 0.5g of MDMA. She subsequently said she would just take 1g of cocaine instead and was instructed to the ROYAL MORTAR PUBLIC HOUSE.

At approximately 16:20 hours we arrived at the pub. RUBY then called [REDACTED] number again and told him we were in the garden area. At approximately 16:38 hours a male I will now refer to as [REDACTED] walked into the garden. I would describe him as a white male, about 5'10" tall, in his early to mid-20's, chubby build, with short blonde/mousy hair, wearing a white T-shirt, grey shorts, two tone brown [REDACTED] over the shoulder man bag with letters V's printed design and grey and white Nike trainers. He had tattoos on both arms, he had some writing on his inner right arm and unidentified images on his left arm. [REDACTED] then shouted, "WHO IS RUBY?" and as we were the only females present he walked over to us. [REDACTED] confirmed he was called

Signature: Signature witnessed by:

██████ who RUBY spoke to on the phone and sat down at our table. He stated he has been busy and said they have already sold loads. I understood this to mean busy selling drugs.

██████ was holding a bright blue and white NOKIA burner style phone which was ringing every few minutes during our stay in the pub. ██████ asked RUBY words to the affect of "DO YOU WANT TWO TICKETS?". He then reached inside his man bag and asked RUBY for her cigarette packet. ██████ placed two clear plastic bags containing white powder underneath. He then said something like "I'M BEING WATCHED" and looked over his shoulder to where other customers were sat. RUBY asked ██████ it was the same price as before which was £80. ██████ agree and RUBY passed the money to him under the table. ██████ then left and sat at another table. He seemed clumsy and nervous.

At the same time another male walked into the garden. I now know him to be subject ██████ and he later confirmed his name was ██████. I would describe him as a white male, about 5'9" tall- 5'10" tall, in his mid-20's, short shaven slightly receding brown hair, clean shaven with a round midriff. He was wearing a navy Tommy Hilfiger T-shirt, matching shorts and black Nike trainers with a white Nike writing and white tick.

██████ nodded to us and ██████ said to him: "That's RUBY" and pointed towards our table. ██████ and ██████ then sat down at the table together. They were joined by another male and they had general conversation together. I then asked ██████ to come over and asked him if he was going to get some 'mandy' soon and by this I meant MDMA. ██████ stated they were trying to get some, but it would not be this weekend. He said they would send a text when they get it.

██████ again joined ██████ at their table and both males were fielding calls. I could see another burner style phone which was dark grey or black in colour. At one point, ██████ was heard to say to someone on the phone: "I'LL BE OUT IN A BIT" and left via a back gate in the rear of the garden which leads to the main road. When he came back, he put cash on the table which ██████ took possession of.

RUBY and I tried to engage the males in general conversation, but they were not very talkative.

Signature:

Signature witnessed by:

As we were leaving the pub, I asked the males if they were going to be “on” all weekend, referring to selling drugs. [REDACTED] said they are always on and they will be in the pub tomorrow for the football. He said it will be mental and it will be a good night and said everyone will be on the same level and smiled. I understood this to mean that everyone will be using drugs and having a good time as a result. I then noticed an iPhone on the table in front of [REDACTED]. I said we will call them again, said our goodbyes and left the pub.

At 17:15 hours we left the area. At 17:26 hours I sent a text message to the telephone number 07*****0472 belonging to [REDACTED] stating: “HI IT’S NATALIA RUBY’S MATE, SAVE MY NUMBER TOO. CHEERS. PS HAVE A GOOD ONE TOMORROW.” I have saved the number in my phone under [REDACTED].

I had subjects [REDACTED] and [REDACTED] under my observation for about 30 minutes, at the closest distance I was about 0.5 metres away from them, the visibility was good as it was daylight, I had unobstructed view of the males.

1 x still image of [REDACTED] was produced during today’s deployment which I can exhibit as NAT/20210702/1403A I subsequently signed this exhibit and caused this to be placed into secure storage.

This statement has been produced from my original notes made on 2nd July 2021.

Signature: Signature witnessed by:

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 4 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: *J 76025* (witness) Date: 23/11/21

This statement relates to disorderly conduct and other criminal activity witnessed within and connected to, THE ROYAL MORTAR PUBLIC HOUSE on MILITARY 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 ROYAL MORTAR PUBLIC HOUSE on MILITARY 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 ROYAL MORTAR 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: *J 76025* Signature witnessed by:

Drugs activity and Controlled purchases of Cocaine relating to the ROYAL MORTAR

The following controlled purchases were made within the ROYAL MORTAR PUBLIC HOUSE on the relevant dates:

On the 18th JUNE 2021 undercover operatives deployed into the ROYAL MORTAR PUBLIC HOUSE, they observed that there were no bouncers, no Covid restrictions being maintained inside or out, no masks being worn or requested, however, table service was offered to prevent customers at the bar. It was busy, there was about 50 to 60 inside and about 30 outside.

Operatives were advised by a subject of the investigation that the locals take drugs at the pub and, if discreet about it, Paul, the landlord doesn't mind. A female working behind the bar named ASH who is the daughter of the landlord, would frequently go to the toilet with a subject of the investigation who appeared to be under the influence of drugs, on numerous occasions they went into the same toilet cubicle. Drug taking was obvious within the pub on the night. The UC made a controlled purchase of 0.4g of white powder for £40 whilst in the pub garden. This has been forensically examined and is Cocaine 69% purity with Levamisole also present. Also during the evening a customer advised the operative that he had taken 1.7g of cocaine recently and was wasted, he advised that getting hold of drugs would not be difficult in this pub, meaning the ROYAL MORTAR.

On TUESDAY 29th JUNE 2021 a purchase of 0.4g cocaine 69% purity was made within the pub garden. Contact was made by the operative over the phone and the subject advised that he was in the garden of THE ROYAL MORTAR and told the operative to come and find him. When he met with the operative, he advised that he had been mad busy 'out on it' over the last few days which was interpreted to relate to the supply of drugs. The exchange happened in front of customers in the garden. Another customer started speaking to the operative and mentioned that the pub was full of drugs and that he himself was waiting for someone to bring him an 8th (approx. 3.5g cocaine).

On FRIDAY 2nd JULY, an operative contacted a subject of the investigation by phone in order to arrange the purchase of Class A drugs – cocaine. The undercover operative was instructed to go to the ROYAL MORTAR PUBLIC HOUSE for this exchange to take place. Whilst in the

Signature: *J 76025* Signature witnessed by:

garden the dealer shouted out to the crowd in order to identify the operative whom he had arranged to meet, he then advised the operative that he was very busy and had already sold loads. This brazen act obviously attracted the attention of other customers as he then stated that he was being watched, however still continued with the exchange by passing the drugs (0.8g cocaine at 69% purity) under the table and collecting money in the same manner. The male was seen to exchange money with his associate and appeared to be fielding calls on the burner style phones which the operatives had used to make contact. He advised the operatives that he was 'ALWAYS ON' and would be at the pub again tomorrow for the football and that he was expecting it to be a mental night with everyone as high as kites.

On WEDNESDAY 7th JULY another operative made contact with a subject of the investigation in order to facilitate the purchase of drugs. Again, the operative was directed to the ROYAL MORTAR PUBLIC HOUSE for the purchase to occur, the subject was not at the pub but had arranged this as the meeting point. The operative waited in the pub for the subject to attend. The exchange was completed in the garden of the ROYAL MORATAR with a purchase of 0.4g (77% purity) of COCAINE for £40.

Intelligence

The activity that the operatives have witnessed supports the recent intelligence picture around THE ROYAL MORTAR:

Intelligence report 42/100531/21 submitted 17/08/21 suggests that a named male is selling drugs at THE ROYAL MORTAR on the weekends.

Intelligence report 42/81931/21 submitted 02/07/21 suggests THE ROYAL MORTAR are breaking covid rules, people are mixing in large groups and cocaine is going around the venue.

Intelligence report 42/119993/20 submitted 01/09/20 suggests drug taking regularly takes place at THE ROYAL MORTAR

SUMMARY

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Throughout the investigation operatives have been consistently directed to the pub as a venue for purchases to occur – it is evidently seen by the suppliers as a suitably safe place for their illicit trade to take place without consequence or question. This is reinforced by the information given to operatives that the landlord PAUL doesn't mind the locals taking drugs and the behaviour observed regarding the bar staff also participating in the taking of illicit drugs on the premises.

Subjects of the investigation have used the ROYAL MORTAR PUBLIC HOUSE as a safe haven to build associations, advertise their merchandise and exchange illicit product. 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, yet it is supported or at the very least, not deterred by the management and license holder. It is clear the ROYAL MORTAR pub is pivotal to the exchange of drugs for this particular group of subjects yet is an environment where families and members of the public are likely socialising in at the same time.

If THE ROYAL MORTAR is permitted to continue its business in the same way it is currently being managed then it will allow the supply of Class A drugs, the disorderly behaviour that follows and the risk to the personal safety of customers and residents to remain.

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