

# 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 ROYAL MORTAR,  
120 MILITARY ROAD,

Post town: COLCHESTER

Post code (if known): C01 2AS

#### 2. Premises licence details:

Name of premises licence holder (if known):

Mr Paul Kevin BUGG, and Tanya BUGG  
The Royal Mortar,  
120 Military Road,  
Colchester .  
CO2 7RB

Number of premises licence holder (if known):

**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 7<sup>th</sup> 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 Royal Mortar, 120 Military 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 will begin on the 14/12/2021 and will be ongoing.

During phase 1 of the operation undercover officers were deployed to The Royal Mortar , 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.

**18<sup>th</sup>/19<sup>th</sup> June 2021** – Undercover Police officers attended the premises. Officers noted 50-60 inside 30 people outside. Officers enquired about buying cocaine and were told by a customer *“locals had respect for Paul the landlord, and if you are discreet Paul doesn't mind “* The officers observed a female bar staff member called Ash reported to be the daughter of the premises licence holder visiting the toilets on a very regular basis . The officer was supplied with class A drugs on the premises on this occasion, and also noted that whilst inside any time females went to the toilet, they went in two's. The police officer followed and every time the females would be in the same cubicle. The officer formed the opinion this was suspicious as it happened countless times throughout the night and it was their belief that the females were taking drugs inside the cubicle.

**On 29<sup>th</sup> June 2021** – Undercover Police officers attended the premises and were supplied with one bag of cocaine. The suspect who supplied the drugs reported was already at the premises when officers arrived, he reported he was “made busy over the last few days, hitting it hard”. The officers engaged a customer sitting on another table and it was reported to them “the pub was full of drugs”

**On 2<sup>nd</sup> July 2021** - an undercover officer made telephone contact with suspect who instructed the officers to meet at the Royal Mortar this suspect supplied two bags of cocaine. This male reported “none stop all day “. The suspect was in company with another male and the officers reported both were receiving telephone calls every few minutes arranging other drug deals. The main suspect reported that he would be back the pub tomorrow night (3<sup>rd</sup> July) – This coincided with the England v Ukraine Euro quarter finals football match.

**On 7<sup>th</sup> July 2021** -Undercover officer made arrangements to purchase drugs. Officers were directed to the Royal Mortar where they met a male who supplied the officer with a bag of cocaine. Officers noted that the drugs were held by a female sitting nearby while the male collected the money & orders and supplied customers.

**On 27<sup>th</sup> 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 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 10<sup>th</sup> September 2021-** Under Cover officers deployed at the premises and reported a suspect who had previously supplied them with cocaine was sitting a large group of males in the pub garden. The behaviour were consistent with drug dealing, whereby the suspect repeatedly entered the male toilets with different customers.

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 and drug use 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 at 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.