

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.