

Summary Review – Superintendent's certification



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

Protecting and serving Essex

Certifying officers name: STUART WEAVER

Rank & PIN: SUPT 81326

Signature:

[Handwritten 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

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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