

**Licensing Sub-Committee
Wednesday, 5 January 2022**

Present: Councillor Buston*, Councillor B. Oxford*,
Councillor T. Young*,

Substitutes: None

*attended remotely

65. Appointment of Chairman

RESOLVED that: Councillor Buston be appointed Chairman for the Sub-Committee meeting.

66. Premises Licence Summary Review Hearing – The Leather Bottle Public House

Jon Ruder, Licensing and Food Safety Manager attended the meeting to introduce the report. The Sub-Committee heard that an application for a summary review of the Leather Bottle Public House, Shrub End Road Colchester, had been received from Essex Police and all the necessary paperwork and information was before the Sub-Committee.

The Sub-Committee was advised that it was required to determine what steps it considered were appropriate to take to ensure the promotion of the licensing objectives, and these steps were:

- The modification of the conditions of the premises licence
- The exclusion of a licensable activity from the scope of the licence
- The removal of the designated premises supervisor from the licence
- The suspension of the licence for a period not exceeding three months
- The revocation of the licence

The Sub-Committee confirmed that it was not within its function to consider any criminal proceedings, but to consider whether the licensing objectives had been compromised, or whether it was likely that they could be compromised in the future.

All members of the Sub-Committee confirmed that they had read the meeting documents and had no questions in relation to these.

A submission had been received from Mr O'Toole of John Fowler Solicitors, who had been instructed on behalf of the licence holder, which was read to the Sub-Committee by Sarah White, Senior Licensing Officer, as follows:

"I am afraid I cannot attend tomorrow as the notice is not sufficient for me to arrange court commitments where peoples liberty is at stake but would ask the review panel to lift the suspension of our clients licence.

My non-attendance is not any disrespect for the review committee.

Our clients maintain that natural justice has not been applied in this case as a peremptory decision was made without any attempt to liaise or engage before the drastic decision was made to suspend the licence with our clients.

Our client is prepared to implement any new conditions that the committee thinks suitable and categorically rejects that any members of staff or the licence holders were involved in any illegal activities such as allowing others to drug deal or commit any acts of violence either on or off the premises.

The premises have been used successfully for a long number of years as a local licensed premises both wet and dry trade and is an important hub in the local area for the neighbouring areas, has raised money for charity and has encouraged good behaviour from all its patrons.

It is our client's intension to appeal to the Magistrates Court in the event of a decision to continue the licence or premises suspension."

Alan Beckett, Essex Police Licensing Officer, addressed the Sub-Committee and confirmed that there had been no convictions in relation to offences associated with the premises which had been investigated. He did, however, state that the decision to charge the individuals involved with offences would not have been taken lightly, particularly in the light of the fact that the severity of the charges brought would result in the majority of cases being heard in the Crown Court. It was further contended that the designated premises supervisor (DPS) of the premises, as the premises licence holder's appointed representative, had been clearly aware of the criminal activity which had been associated with the pub.

RESOLVED that: the premises licence held by Quirebuild Limited in relation to the Leather Bottle public house, Shrub End Road, Colchester be revoked.

Reasons for the decision

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, together with the additional evidence which had been supplied, and noted the extreme seriousness of offences which had been alleged to have been committed at the premises. Careful 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 revocation of the licence. The Sub-Committee had 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.

The Sub-Committee considered that the supplementary information that had been provided by Essex Police contained overwhelming evidence suggesting that extremely serious criminal activity had been associated with the premises, and the Sub-Committee took the view that the licence holder had either been aware of the activities that were referenced, or should have been aware of them. The Sub-Committee noted that the summary review process allowed the licence holder to make representations against the interim steps which had previously been imposed, however, no such representations had been made. Although a last minute email had been received from a solicitor representing the licence holder, no other evidence had been advanced by the licence holder by way of defence or mitigation. It was considered that the lack of engagement of the licence holder with the proceedings did not give the Sub-Committee confidence that the issues which had been identified at the premises would be addressed. The Sub-Committee was further concerned at the apparent disregard which had been evidenced regarding the Coronavirus regulations, and the apparent cavalier attitude towards public safety which this demonstrated.