

Bath & North East Somerset Council

MEETING: Licensing Sub-Committee

MEETING
DATE:

Tuesday 20 May 2014

AGENDA
ITEM
NUMBER

TITLE: Application for the Summary Review of Premises Licence for **Stones Cross Hotel, 2 North Road, Midsomer Norton, BA3 2QD**

WARD: Midsomer Norton

AN OPEN PUBLIC ITEM

List of attachments to this report:

- Annex A Signed Certificate & Application for Summary Review
- Annex B Copy of Current Premises Licence
- Annex C Site Plan
- Annex D Interim Steps – Decision & Reasons
- Annex E Representation from Review Applicant (Chief Officer of the Police)
- Annex F Representation from Matthew Graham on behalf of the Premises Licence Holder

1 THE ISSUE

- 1.1 An application and supporting certificate has been received from Police Superintendent Richard Cadden on behalf of the Chief Officer of Police for the Summary Review of a Premises Licence under Section 53A of the Licensing Act 2003.
- 1.2 The application relates to the premises licence for the Stones Cross Hotel, 2 North Road, Midsomer Norton BA3 2QD.

2 RECOMMENDATION

- 2.1 That the Licensing Sub Committee determines the application for the review of the Premises Licence.

3 RESOURCE IMPLICATIONS

- 3.1 The application for the Summary Review of the premises licence is free of charge. The estimated cost of processing this application is £1,500.00 and this cost will be covered by reprioritisation within the existing licensing budget.

4 STATUTORY CONSIDERATIONS AND BASIS FOR PROPOSAL

- 4.1 An Equality Impact Assessment (Eq1A) has been completed. No adverse or

other significant issues were found.

- 4.2 Consideration must be given to the Human Rights Act 1998 and the “convention rights”.
- 4.3 The Licensing Sub-Committee has been delegated authority to determine the application on behalf of the Licensing Authority in accordance with the Licensing Act 2003.
- 4.4 When reaching a decision, the Licensing Authority must carry out its functions with a view to promoting the licensing objectives.

5 THE REPORT

- 5.1 Section 21 of the Violent Crime Reduction Act 2006 amended Section 53 of the Licensing Act 2003 (“the Act”) by inserting Sections 53A to 53C inclusive. These provisions allow for a fast track procedure which enables a senior police officer to apply for the summary review of a premises licence authorising the sale of alcohol. On application the officer must certify that in his opinion the premises are associated with serious crime, serious disorder or both.
- 5.2 On Tuesday 22 April 2014, the Chief Officer of the Police served on the Licensing Authority an application made under s.53A Licensing Act 2003, calling for the summary review of the premises licence pertaining to the **Stones Cross Hotel**, Basement, 2 High Street, Midsomer Norton, BA3 2LE (Annex A).
- 5.3 The grounds for the summary review application are that the premise is associated with serious crime as defined by the Regulation of Investigatory Powers Act 2000. Between 2 November 2013 and 8 March 2014, a covert policing operation took place at the premises and identified the following:
 - 42 occasions where drugs were purchased on the premises by covert police officers;
 - 11 occasions where drugs were purchased by covert police officers within the immediate vicinity of the premises;
 - Occasions where drug deals were brokered on the premises, with the supply taking place off the premises;
 - Occasions where drugs have been supplied in the adjacent car park of the Midsomer Norton United Service Club;
 - Occasions where drugs have been supplied a short distance from the premises on the forecourt of Bathwick Tyres;
 - The type of drug predominantly supplied during the operation was cocaine – a Class “A” controlled drug;
 - A number of deals of Class “B” and Class “C” drugs were also made to covert police officers at the Stones Cross Hotel;
 - 2 incidents of handling stolen goods. Intelligence shows the Premises Licence Holder and Manager involved in handling stolen goods;
 - An unacceptable level of aggression shown towards Police officers responding to a complaint in November 2013 by those attending the

premises, and a lack of support or intervention by staff at the premises;

- A high level of criminality carried out in full view of staff and management;
- A failure to promote the prevention of crime and disorder licensing objective at the premises.

5.4 The originating application was accompanied by a signed certificate as required under Section 53A (1) (b) of the Act. The details pertaining to the ground for review (serious crime) have been further amplified within the Police representation attached at Annex E.

5.5 The current premises licence is attached at Annex B and authorises:

Sale of Alcohol for consumption both on and off the premises:

Monday to Thursday 12:00 – 23:30

Friday and Saturday 12:00 – 00:30

Sunday 12:00 – 23:30

Performance of Live and Recorded Music (Indoors only)

Wednesday and Thursday 19:00 – 23:00

Friday and Saturday 19:00 – 23:30

Sunday 14:00 – 17:00 and 19:00 – 22:00

Non Standard Timings

Sale of alcohol: an extra hour on 24 December and on the Sunday and Monday during Bank Holiday Weekends throughout the year. Until 02:00hours on New Year's Eve;

Performance of live music: live music to be performed outside at the front of the property on the annual occasion of the Midsomer Norton Mardi Gras Festival, to include an extra hour on Sunday and Monday during Bank Holiday Weekends throughout the year. Until 00:30 hours on Christmas Eve and New Year's Eve;

Performance of recorded music: until 00:30 hours on Christmas Eve and New Year's Eve.

Opening Hours

Monday to Thursday 12:00 – 00:00

Friday and Saturday 12:00 – 01:00

Sunday 12:00 – 00:00

Non Standard Opening Hours

Premises are to be open for an additional hour beyond the last service for alcohol on 24 December, the Sunday and Monday during Bank Holiday Weekends throughout the year. To be extended until 02:30 the morning following New Year's Eve.

The following conditions are attached to the current licence:

Annex 1 Mandatory

- No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended;
- Every supply of alcohol under the premises licence must be made or authorised, by a person who holds a personal licence;
- Any individual employed to carry out a security activity must be licensed by the Security Industry Authority;
- The mandatory conditions introduced April 2010;
- The mandatory conditions introduced October 2010;

Annex 2 Consistent with the operating schedule

- The first floor shall not be open to the public until the Fire Brigade is satisfied that the schedule of works on the first floor has been completed and has received copies of commissioning certificates for the emergency lighting and fire alarm.
- All complaints received regarding the premises shall be logged and responded to.
- CCTV cameras covering the inside and outside of the premises to be installed and maintained in working order at all times. Recordings to be kept for a minimum of 28 days.
- Two SIA registered door supervisors to be on duty at the premises from 8pm until the licensing activities cease on the day of the Mardi Gras.
- Door supervisors will be employed on other occasions deemed necessary following discussion with the Police. These occasions to be notified to the Licensing Authority in writing.
- All door supervisors to wear yellow fluorescent jackets whilst on duty.
- The following conditions are attached as per the Noise Management Plan supplied with the variation application on 2 May 2010:
 - Windows to be kept shut during performances of music;
 - Speakers to be directed away from local residential premises and placed as far away as possible from noise sensitive areas;
 - No music to be played in the garden area; and

- Signs to be erected in conspicuous positions instructing patrons to be considerate towards neighbouring residential premises.
- 5.6 A site plan is attached at Annex C.
- 5.7 On Tuesday 22 April 2014 following receipt of the application, the Licensing Authority served copies of the application and signed certificate on the premises licence holder and relevant Responsible Authorities.
- 5.8 Under Section 53A(2)(a) of the “Act”, the Licensing Authority must within 48 hours of the time of receiving the application, consider under Section 53(B) whether it is necessary to take interim steps pending the determination of a review of the premises licence.
- 5.9 On Wednesday 23 April 2014, a meeting of the Licensing Sub Committee was convened to consider whether it was necessary to take any interim steps to prevent serious crime from occurring at the premises prior to the review hearing.
- 5.10 The meeting before the Licensing Sub-Committee was attended by Inspector Shirley Eden on behalf of the review applicant (the Chief Officer of the Police) and the Designated Premises Supervisor named on the premises licence Mr Yotjai Potjakapong.
- 5.11 The Licensing Sub Committee decided it was necessary to take interim steps to prevent further serious crime from occurring at the premises prior to the full review and determined that the premises licence be **suspended with immediate effect**. The reason for the decision is attached at Annex D.
- 5.12 Under Section 53B (6) of the “Act”, a premises licence holder may make representations against any interim steps taken by the relevant licensing authority at any time prior to the review.
- No representations have been made by the premises licence holder who was represented by the DPS at the hearing held to consider interim steps on 23 April 2014.
- 5.13 Under Section 53C (2) of the Act, the Licensing Authority must now hold a hearing to review the premises licence in relation to the Stones Cross Hotel.
- 5.14 The Licensing Authority may, having had regard to the application, the signed certificate and any relevant representations, take any of the following steps (if any) as it considers necessary for the promotion of the licensing objectives:
- a) Modify the conditions of the Licence
 - b) Exclude a licensable activity from the scope of the Licence
 - c) Remove the Designated Premises Supervisor from the Licence
 - d) Suspend the Licence for a period not exceeding three months
 - e) Revoke the Licence

Where the Licensing Authority takes a step mentioned in 5.14 (a) or (b), it **may** provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

- 5.15 Under Section 53C(c) of the “Act” the Authority must ensure that any interim

steps considered necessary in the period prior to the review hearing, **cease** to have effect on determination of the review.

5.16 Section 4(3) of the Licensing Act 2003 states that the Licensing Authority will also have regard to its licensing statement published under section 5 and any guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

5.17 **Any determination made by the Licensing Authority does not have effect until the end of the period given for appealing against the decision, or, if the decision is appealed against, until the appeal is disposed of.**

5.18 An appeal may be made to the Magistrates' Court within 21 days of the notification of the decision by the Council by:

- the applicant for the review;
- the holders of the premises licence;
- any other person who made relevant representations in relation to the application.

On appeal the court may either:

- dismiss the appeal;
- substitute the decision appealed against for any other decision which could have been made by the Licensing Authority; or
- remit the case to the Licensing Authority to dispose of it in accordance with the direction of the court.

The court may make such Order for costs as it thinks fit.

5.19 The Licensing Authority displayed notices outside the review premises, in the public area of the Licensing Office at Lewis House, Manvers Street, Bath, BA1 1JG and on the Authority's website for no less than 7 consecutive days following the day after the application was made. Representations were invited for the period commencing the first working day after the day on which the notice was published, and the date of the ninth subsequent working day. The last date for representations to be received by the Authority therefore was Thursday 8 May 2014.

5.20 A representation has been received from the Police in support of the originating application (Annex E).

5.21 A representation has been received from Mr Matthew Graham (Mowbray City Advocates) on behalf of the premises licence holder (Annex F).

5.22 A copy of the written representation submitted by the Police has been forwarded to the premises licence holder in advance of the hearing.

6 RATIONALE

6.1 When reaching a decision the Licensing Authority must carry out its functions with a view to promoting the four licensing objectives.

6.2 The Licensing Sub-Committee must determine the Summary Review application on behalf of the Licensing Authority.

7 OTHER OPTIONS CONSIDERED

7.1 None

8 CONSULTATION

8.1 In accordance with the requirements of the Act and Regulations, the Licensing Authority has given notice of the summary review to the Premises Licence Holder, the Fire Authority, Environmental Health, Development Control, Trading Standards, Director of Public Health and the Child Protection Agency.

8.2 The Licensing Authority advertised the application in accordance with the legislation and invited representations from 24 April 2014 up to and including 8 May 2014.

8.3 This report has not been sent to the Trades Union because they would have no involvement in this application.

9 RISK ASSESSMENT

9.1 A risk assessment related to the issue and recommendations has been undertaken in compliance with the Council's decision making risk management.

10 ADVICE SOUGHT

10.1 The Council's Monitoring Officer (Divisional Director – Legal & Democratic Services), s.151 Officer (Divisional Director – Finance) and the Divisional Director have had the opportunity to input to this report and have cleared it for publication.

Contact person	Terrill Wolyn, Senior Public Protection Officer – Licensing: 01225 396939
Background papers	The Licensing Act 2003 Guidance issued under s.182 of the Licensing Act 2003 The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 The Violent Crime Reduction Act 2006 Home Office Guidance in respect of Summary Reviews issued 2012. BANES Statement of Licensing Policy

Avon and Somerset Constabulary

CERTIFICATE UNDER SECTION 53A (1) (b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime.

The Stone Cross Hotel
2 North Road
Midsomer Norton
Bath BA3 2QD

Premises licence number: 10/02064/LAPRE

Name of premises supervisor: Yotjai POTJAKAPONG

I am Superintendent Richard Cadden in the Avon and Somerset Constabulary.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because:

Immediate action is required in relation to the management and use of the premises, which a standard review cannot speedily access.

Chings Company Ltd is the Premises Licence Holder and Yotjai POTJAKAPONG is the Designated Premises Supervisor of The Stones Cross Hotel.

A Police operation has taken place over the last 5 months and has identified the premises as associated with serious crime, as defined by the Regulation of Investigatory Powers Act 2000, namely the supply of controlled substances, commonly referred to as Class A (Cocaine, MDMA), B (Cannabis, Amphetamine) and C (Ketamine) drugs and the handling/receiving of stolen goods.

A summary review is deemed appropriate at this stage due to the seriousness of the suspected offences and that it will allow the premises to be closed immediately or subject to whatever interim measures the Licensing Committee considers appropriate.

Criminal charges will be brought as part of this operation, however, the criminal investigation may take some considerable time to finalise and therefore the summary review is a necessary step in promoting the Licensing objectives as prescribed by the Licensing Act 2003.

 R. CADDEN SPT 2210
.....
(Signed) (Date) 16.4.14

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

B&NES Environmental Monitoring and Licensing, Lewis House, Manvers Street, Bath BA1 1JQ

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 Superintendent Richard Cadden [on behalf of] the chief officer of police for the Avon & Somerset 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:

Stones Cross Hotel, 2 North Road, Midsomer Norton

Post town: Bath

Post code (if known): **BA3 2QD**

2. Premises licence details:

Name of premises licence holder (if known): Chings Company Ltd

Number of premises licence holder (if known): 10/02064/LAPRE

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]

A covert Policing operation was run at The Stones Cross Hotel between 2/11/2013 and 08/03/2013. The objective of the operation was to :

To provide intelligence and evidence in relation to the illegal activities of the criminal fraternity in Norton-Radstock, namely the supply of controlled drugs, the handling of stolen goods and any associated acquisitive crime.

To provide intelligence and evidence in relation to licensing breaches and any associated anti-social behaviour.

During the operation a considerable number of deals of Class A, B and C drugs were made to covert Police officers at the Stones Cross Hotel.

The operation involved 77 drugs deals and 2 incidents of handling stolen goods. Intelligence shows that the Licence Holder and Manager is involved in handling stolen goods.

In the premises itself there were 42 occasions where drugs were purchased by covert officers. In the immediate vicinity there were 11 occasions where drugs were purchased by covert officers.

As a result of this operation there have been 20 suspects that have supplied controlled drugs of various class classifications within the Stones Cross public house premises, there has been a further 3 suspects who have supplied drugs in the car park of the Midsomer Norton United Services Club, which is adjacent or on the forecourt of Bathwick Tyres, a very short distance from the Stones Cross Public House. These 3 further suspects although have supplied outside of the Stones Cross, the deal has been arranged whilst the undercover Police officers were in the Stones Cross with suspects that frequent the Stones Cross Public House. The type of drug predominately supplied during the operation was cocaine, which is a Class A controlled drug.

The criminal investigation may take some considerable time to finalise and therefore the summary review is a necessary step in promoting the licensing objectives as prescribed by the Licensing Act 2003.

It appears there has been a gross failure to promote the licensing objectives in respect of the prevention of crime. The Licence Holder and Manager have been made aware of Police concerns in relation to drugs at the premises.

On the 1st July 2013 Police Licensing Officer, Martin Purchase, attended the premises and spoke with the Manager and Licence Holder (Kevin Ching) regarding an event they were wishing to hold at the premises. After the event discussions, the Licensing Officer stated there were concerns regarding drug use and possible dealing at the premises. After discussions regarding the event Kevin Ching stated he was always vigilant and had made some alterations to the toilets (which he showed Martin Purchase) to make it less drug use friendly.

On 11 December 2013 a meeting took place at Radstock Police Station with the Manager and Licence Holder (Kevin Ching), Inspector Shirley Eden, Licensing

Officer Martin Purchase and Sergeant Geoffrey Cannon. Inspector Eden pointed out the following points to Kevin Ching :

1. The totally unacceptable levels of aggression and threat that officers received on 14th November 2013 attending a complaint ~~of a serious assault~~ by customers and the total lack of any intervention or support by staff at the premises.
2. The suspected drug use and dealing that was going on at the premises.

Kevin Ching stated that he took this on board and would ensure this did not happen again - he denied there was any drug use at the premises.

This represents a very serious situation within a small rural community. The threat to residents with this level of serious criminality, which is very locally based, needs to be disrupted. From intelligence the management and staff are well aware and involved in the drug dealing and receiving of stolen property and this is totally open . These activities are in full view of staff and management, there being no attempt at any stage to intervein.

The premise licence needs to be suspended in the first instance until there is a full review hearing.

85-90% of the subjects in this case have a connection in the Stones Cross Hotel and have met covert officers at or around this location.

A suspension of licence is strongly sought.

Signature of applicant:

[Handwritten signature] R. CANNON Spd 2210

Date:

16.4.14.

Capacity: Superintendent of Avon & Somerset Constabulary

Contact details for matters concerning this application:

Address: Inspector Shirley Eden, Radstock Police Station, BA3 3SG

Telephone number(s):

01225 842633 (Inspector Eden)

01225 842475 (Martin Purchase)

Email:

shirley.eden@avonandsomerset.police.uk

martin.purchase@avonandsomerset.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.

ANNEX A

**Schedule 12
Part A**

Regulation 33, 34

Premises Licence

Premises Licence Number	10/02064/LAPRE
--------------------------------	----------------

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

Stones Cross Hotel
2 North Road
Midsomer Norton
BA3 2QD

Telephone number 01761 413397

Where the licence is time limited the dates Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Monday to Thursday	12:00 - 23:30
Friday and Saturday	12:00 - 00:30
Sunday	12:00 - 23:30

Performance of Live Music (Indoors only)

Wednesday and Thursday	19:00 - 23:00
Friday and Saturday	19:00 - 23:30
Sunday	14:00 - 17:00
Sunday	19:00 - 22:00

Performance of Recorded Music (Indoors only)

Wednesday and Thursday	19:00 - 23:00
Friday and Saturday	19:00 - 23:30
Sunday	14:00 - 17:00
Sunday	19:00 - 22:00

Non Standard Timings

Sale of Alcohol - An extra hour on 24 December and on the Sunday and Monday during Bank Holiday Weekends throughout the year. Until 02.00 hours on New Year's Eve.

Performance of Live Music - Live Music to be performed outside at the front of the property on the annual occasion of the Midsomer Norton Mardi Gras Festival, to include an extra hour on Sunday and Monday during Bank Holiday Weekends throughout the year. Until 00.30 hours on Christmas Eve and New Year's Eve.

Performance of Recorded Music - Until 00.30 hours on Christmas Eve and New Year's Eve.

The opening hours of the premises

Monday to Thursday 12:00 - 00:00

Friday and Saturday 12:00 - 01:00

Sunday 12:00 - 00:00

Seasonal Variations / Non Standard Timings**Opening Hours -**

Premises to be open for an additional hour beyond the last service for alcohol on 24th December, the Sunday and Monday during Bank Holiday weekends throughout the year. Extended until 02:30 on New Year's Eve/New Year's Day morning.

Alcohol -

An extra hour on 24 December and on the Sunday and Monday during Bank Holiday Weekends throughout the year.

Until 02.00 hours on New Year's Eve/New Year's Day.

Performance of Live and Recorded Music -

An extra hour on the Sunday and Monday during Bank Holiday Weekends throughout the year. Music will cease on Christmas Eve and New Year's Eve at 00:30

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption both on and off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Chings Company Limited
Stone Cross Hotel
2 North Road
Midsomer Norton
Radstock
BA3 2QD

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number - 04820450

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

Mr Yotjai Potjakapong
The Stones Cross Hotel
2 North Road
Midsomer Norton
BA3 2QD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

B&NES/05/04038/LAPER
Bath & North East Somerset Council

This licence is issued by Bath & North East Somerset Council as licensing authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Signed for and on behalf of
Bath & North East Somerset Council:

Dated 14 June 2010

ANNEX B

Annex 1 – Mandatory conditions

No supply of alcohol may be made under the premises licence:

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Any individual employed to carry out a security activity must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

The first floor shall not be open to the public until the Fire Brigade is satisfied that the schedule of works on the first floor has been completed and has received copies of commissioning certificates for the emergency lighting & fire alarm.

All complaints received regarding the premises shall be logged and responded to.

CCTC cameras covering the inside and outside of the premises are to be installed and maintained in working order at all times. Recordings to be kept for a minimum of 28 days.

Two SIA registered door supervisors to be on duty at the premises from 8 pm until the licensing activities cease on the day of the Mardi Gras.

Door supervisors will be employed on other occasions deemed necessary following discussion with the police. These occasions to be notified to the Licensing Authority in writing.

All door supervisors to wear yellow fluorescent jackets whilst on duty.

The following conditions are attached as per the Noise Management Plan supplied with the variation application on 2 May 2010:

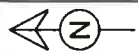
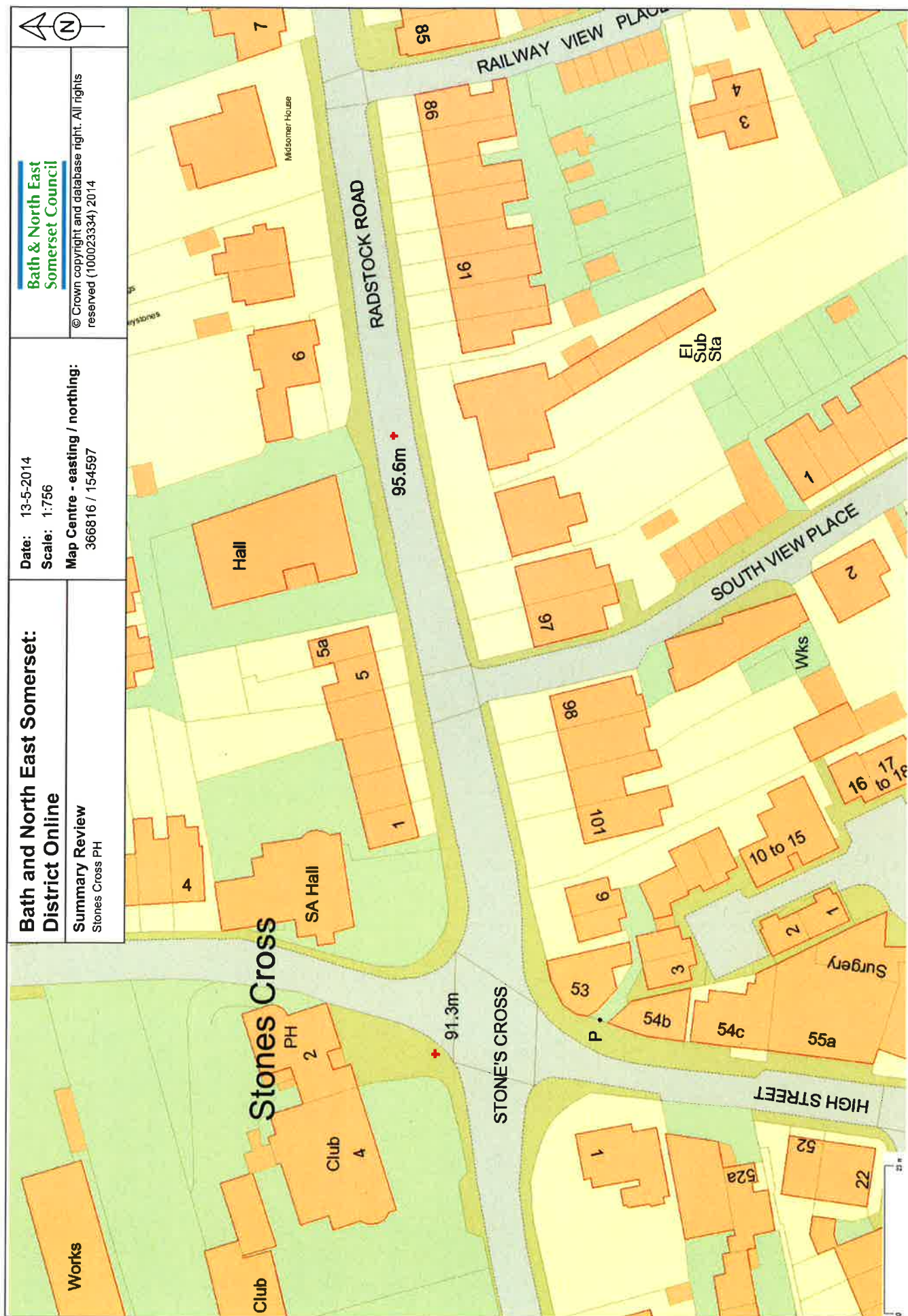
- 1) Windows to be kept shut during performances of music.
 - 2) Speakers to be directed away from local residential premises and placed as far away as possible from noise sensitive areas.
 - 3) No music to be played in the garden area.
 - 4) Signs to be erected in conspicuous positions instructing patrons to be considerate towards neighbouring residential premises.
-

ANNEX B

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

As submitted with application.



Bath & North East Somerset Council
 © Crown copyright and database right. All rights reserved (100023334) 2014

Date: 13-5-2014
 Scale: 1:756
 Map Centre - easting / northing:
 366816 / 154597

Bath and North East Somerset District Online
 Summary Review
 Stones Cross PH

Stones Cross

Members have today determined whether to take interim steps following an application made by Avon and Somerset Constabulary for a summary review of a premises licence at The Stones Cross, 2 North Road, Midsomer Norton. In doing so they have taken into consideration the Licensing Act 2003, Statutory Guidance, Home Office Guidance on Summary Reviews, the Council's Licensing Policy and Human Rights Act 1998.

The application was made by Police on the basis of concerns about serious crime associated with and being carried on at the premises namely dealing Class A, B and C drugs and handling stolen goods. Members heard that as a result of on-going operations incidents of drug dealing in and around the premises were occurring, for example, on 42 occasions drugs were purchased on the premises by covert officers and on 11 occasions drugs purchased in the immediate vicinity. In total there were 77 incidents of drug deals, 2 incidents of handling stolen goods and intelligence showed that the premises licence holder and manager was involved in handling stolen goods. In total 20 individuals have been arrested having sold drugs inside the premises with the type of drug sold predominantly being cocaine; a Class A controlled drug. Members noted that the Police had on occasions provided advice to the Designated Premises Supervisor on the control of the premises, however, the situation had not changed and as a result of an operation carried out resulted in the arrest of 24 people 8 of which have been remanded in custody.

Whilst the Authority is aware that it may determine the application without the premises licence holder being present the premises licence holder had been notified and the DPS attended the hearing. The DPS stated he did not have any case to present at this time given the circumstances. He did state, however, that he was aware that during his time as DPS drugs were being used on the premises although he was not aware of the extent of the criminal activity described by the Police.

Members having listened carefully to the representations from the Police and DPS considered it appropriate and necessary to take the interim step of suspending the licence pending review they having considered no other step would address the situation as the premises are having such a detrimental impact on the licensing objective of the prevention of crime and disorder. This detrimental effect was demonstrated by the evidence presented by the Police of extensive drug and criminal activities carried on, at and in the immediate vicinity of the premises.

The suspension is to take immediate effect.



+Licensing Services, Lewis House ,Manvers St., Bath, BA1 1JG

Representation Form

Responsible Authority. (Please delete as applicable.)

Police / Fire / EP (noise) / Health and Safety / Child Protection / Weights and Measures / Planning Authority / Marine Agency.

Your Name	Shirley Eden
Job Title	Police Inspector
Postal and email address	Radstock Police Station Wells Road, Radstock.
Contact telephone number	

Name of the premises you are making a representation about.	Stones Cross
Address of the premises you are making a representation about.	2 North Road, Midsomer Norton

Which of the four licensing objectives does your representation relate to? Please state yes or no.	Yes or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.
To prevent crime and disorder	yes	<p>The premises of Stones Cross are situated adjacent to the top of the High Street in Midsomer Norton. The premises were subject to an expedited review on 23rd April 2014 at which hearing this committee suspended the licence. A covert Policing operation was run at The Stones Cross Hotel between 2/11/2013 and 08/03/2014. The objectives of the operation was to;</p> <p>To provide intelligence and evidence in relation to the illegal activities of the criminal fraternity in Norton-Radstock, namely the supply of controlled drugs, the handling of stolen goods and any associated acquisitive crime.</p> <p>To provide intelligence and evidence in relation to licensing breaches and any associated anti-social behaviour.</p> <p>A Scoping Profile containing the current licence detail management/DPS. There is an</p>

overview of all calls, recorded crimes and intelligence reports received from, or directly related to, The Stones Cross Hotel over a period of nearly 12 months (01.04.2013-25.03.2014) There is a summary for each crime (Guardian incident) recorded at The Stones Cross and each call (Webstorm log) received to the Police relating to the premises over the period (see Fig 1) The number of calls to the premises and from persons who frequent the premises is very low and suggests from intelligence that there is very much an under reporting of incidents and crime. During the operation a considerable number of deals of class A, B, and C drugs were made to covert Police officers at the Stones Cross. The operation involved 77 drug deals and 2 incidents of handling stolen goods. Intelligence shows that the Licence Holder and Manager is involved in handling stolen goods. He was charged and remanded in custody, Intelligence and the blatant open nature of the drug dealing and use indicates that he was aware of the activity. In the premises itself there were 42 occasions where drugs were purchased by covert officers(.see Fig 2) In the immediate vicinity there were 11 occasions where drugs were purchased by covert officers.(See Fig 2and Fig 3)

As a result of this operation there have been 37 identified suspects who have been arrested and charged with a total of 177 offences so far some of which have been remanded in custody as has the licence holder of the premises. There have been 3 suspects who have supplied drugs in the car park of the Midsomer Norton United Services Club. Which is adjacent or on the forecourt of Bathwick Tyres, a very short distance from the Stones Cross Public House. These 3 suspects have supplied outside of the Stones Cross, the deal has been arranged whilst the undercover Police officers were in the Stones Cross with suspects that frequent the Stones Cross Public House. The type of drugs predominately supplied during the operation was cocaine, which is a Class AS controlled drug.

On the 1st July 2013 Police Licensing officer, Martin Purchase attended the premises and spoke with the Manager and Licence Holder Kevin Ching regarding an event they were wishing to hold at the premises. After the event discussion, the Licensing Officer stated there were concerns regarding drug use and

possible dealing at the premises. After discussion Kevin Ching stated he was always vigilant and had made some alterations to the toilets (which he showed Martin Purchase) to make it less drug use friendly.

On the 11th December 2013 a meeting took place at Radstock Police Station with the Manager and Licence Holder (Kevin Ching), Inspector Shirley Eden, Licensing officer Martin Purchase and Sergeant Geoffrey Cannon. Inspector Eden pointed out to Kevin Ching:

1. The totally unacceptable levels of aggression and threat that officers received on 14th November 2013 when attending the premises to locate a high risk missing person . and the total lack of any intervention or support by staff at the premises.(see FIG 3)

2 The suspected drug use and dealing that was going on at the premises. Kevin Ching stated that he took this on board and would ensure this did not happen again. He denied there was any drug use at the premises. (see Fig 4)

PC Karl Bowen in company with PC Raisey attended the premises on Thursday 14th November 2013 in relation to a high risk missing person. There appeared to be drug offences taking place and an arrest was made. The officers were confronted by a high level of aggression from the customers. (see Fig 5)

A letter was delivered to the premises acknowledging our meeting (see Fig 6)

There has been a gross failure to promote the licensing objectives in respect of prevention of crime . The whole culture of the premises is one of criminal activity that has either been totally ignored or participated in by the management, licence holder and owners.. There are no conditions or measures that can deal with gross lawlessness on this scale other than a revocation of the licence. The community of Midsomer Norton is a relatively small one and many have expressed their support for the police actions. This premises has not engaged with any of the local initiatives including pubwatch and the Community Alcohol Partnership which has been very successful in reducing violence and anti-social behaviour. The threat to residents

		with this level of serious criminality, which is very locally based, needs to be disrupted. 85-90% of the subjects in this operation have a connection in the Stones Cross Hotel and have met covert officers at or around this location.
Public safety	yes	
To prevent public nuisance		
The prevention of harm to children		
Suggested conditions that could be added to the licence to remedy your representation you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	The view of the Police is that the Licence should be revoked. There are no conditions or measures that can deal with this level of criminality and culture.	

N.B. If you do make a representation you will be expected to attend the Licensing Panel and any subsequent appeal proceeding.

Signed:



Date:

6/5/14

Please return this form along with any additional sheets to:

Bath and North East Somerset Council
Licensing Services
Lewis House
Manvers Street
Bath BA1 1JG

E-mail address: licensing@bathnes.gov.uk

This form must be returned within 28 consecutive days of the application being made to the Licensing Authority.

FIG1





AVON AND SOMERSET CONSTABULARY

Scoping Profile

***Stones Cross Hotel
2 North Road,
Midsomer Norton BA3 2QD***

Date of Report: 25.03.2013
Report Owner: Inspector 1511 Shirley Eden
Commissioned by: DCI 3396 Papuca
Analyst Contact: IR 9407 Tara Savage
URN: SP03

5 x 5 x 5 Handling Code

1

May be disseminated with special condition

Scoping Profile

Contents

Section 1 – Licensing Details

Section 2 – Premises Summary

Section 3 – Intelligence Summary

Section 4 – Incident Overview and Summaries (Guardian)

Section 5 – Calls Overview and Summaries (Webstorm)

Introduction

This profile provides details of the current licence for The Stones Cross Hotel and management/DPS details. There is also an overview of all calls, recorded crimes and intelligence reports received from, or directly related to, The Stones Cross Hotel, North Road, Midsomer Norton over a period of nearly 12 months (01.04.2013-25.03.2014).

There is a summary for each crime (Guardian incident) recorded at The Stones Cross and each call (Webstorm log) received to the Police relating to The Stones Cross Hotel within the year period.

SECTION ONE - Licensing Details

**The Stones Cross Hotel, 2 North Road, Midsomer Norton BA3 2QD.
Tel : 01761 413397**

Premise Licence Details dated : 14.06.2010

Premises Licence Number: 10/02064/LAPRE

DPS: Yotjai POTJAKAPONG

**Personal licence number and issuing authority of personnel licence held by
DPS where the premises licence authorises for the supply of alcohol:
B&NES/05/04038/LAPER
Bath & North East Somerset Council**

**Owner : Chings Company Ltd, Stones Cross Hotel, 2 North Road, Midsomer
Norton BA3 2QD. Registered Business Number - 04820450**

Conditions:**Alcohol Operating Hours**

Sunday-Thursday 1200-2330hrs
Friday/Saturday 1200-0030hrs

Performance of Live Music (indoors only)

Wednesday & Thursday 1900-2300hrs
Friday & Saturday 1900-2330hrs
Sunday 1400-1700hrs & 1900-2200hrs

Performance of Recorded Music (indoors only)

Wednesday & Thursday 1900-2300hrs
Friday & Saturday 1900-2330hrs
Sunday 1400-1700hrs & 1900-2200hrs

Non Standard Timings.

Sale of alcohol :An extra hour on 24 December and on the Sunday and Monday during Bank Holiday Weekends throughout the year. Until 0200hrs on New Year's Eve.

Performance of live music to include an extra hour on Sunday and Monday during Bank Holiday Weekends throughout the year. Until 0030hrs on Christmas Eve and New Year's Eve. Live music to be performed outside at the front of the property on the annual occasion of the Midsomer Norton Mardi Gras Festival.

Performance of Recorded Music until 0030hrs on Christmas Eve and New Year's Eve.

The opening hours of the premises:

Monday to Thursday	1200-0000hrs
Friday and Saturday	1200-0100hrs
Sunday	1200-0000hrs

Premises to be open for an additional hour beyond the last service for alcohol on 24th December, the Sunday and Monday during Bank Holiday weekends throughout the year. Extended until 0230 on New Year's Eve/New Year's Day morning.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol is supplied for consumption both on and off the premises.

Door Staff: No door supervisors linked

Capacity: None stated

VISITS:

19.02.2011 PS 461 CANNON - routine visit carried out by PS 461 Cannon & PC 3455 Peard. No offences apparent. Small number of customers in main bar area, small bar & outside. Spoke with Potkjaka Pong, Sinto Thong and John Yotjai and reminded them of their responsibilities. Checked CCTV system and advice given re: position of camera in main lounge area. Unable to check what was upstairs function room as this is now used as a bedroom.

NOTES:

04.06.09 Application received to vary hours for live music, recorded music, performance of dance, light refreshment, alcohol hours & proposed opening hours of 1200-000 Mon to Wed, 1130-0200 Fri & Sat, 1130-0030hrs Sunday.
Application withdrawn 29.07.09

12.05.10 Variation Application. Received to vary hours for live music, recorded music. No Police objection. 01.06.10. Premises licensed granted by B&NES council 14.06.10.

02.07.10 Update during granting process added recorded music as on licence dated 14.6.10.

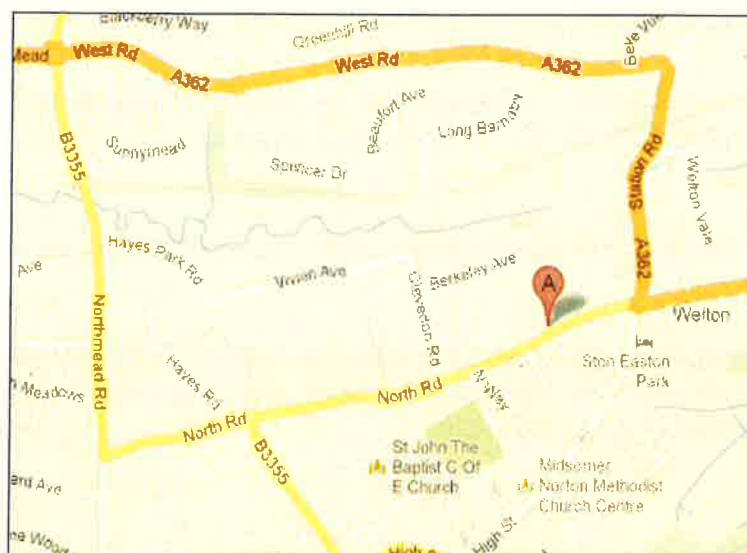
11.12.13 i/c with Inspector Eden and PS Cannon Radstock PS advised manager re incident when a Police Officer attended the premises re a misper and received hostility. Letter written to premises.

SECTION TWO - Premises Summary

The Stones Cross Hotel is situated on North Road in Midsomer Norton on a roundabout which leads to the High Street. The High Street is notorious for anti-social behaviour and violent crime linked to the Night Time Economy, especially on the weekends, due to the number of licensed bars/clubs and takeaways in close vicinity to each other.

The licence for Stones Cross Hotel is held by 'Ching & Company Ltd', with Man Kwong CHING 07.05.61 (aka Kevin CHING), born Hong Kong, being the proprietor. CHING has held the licence since 2005.

Yotjai POTJAKAPONG 11/06/82, born Thailand, is the DPS for the premises. and lives on the premises with Man Kwong CHING and Yuphin HIBBERD 09/06/1961.



SECTION THREE - Intelligence Summary

Between 2006 to date there have been 193 intelligence reports submitted which have been directly linked to The Stones Cross Hotel on Guardian.

Of these 60 (over 31%) have been submitted in the last 12 months.

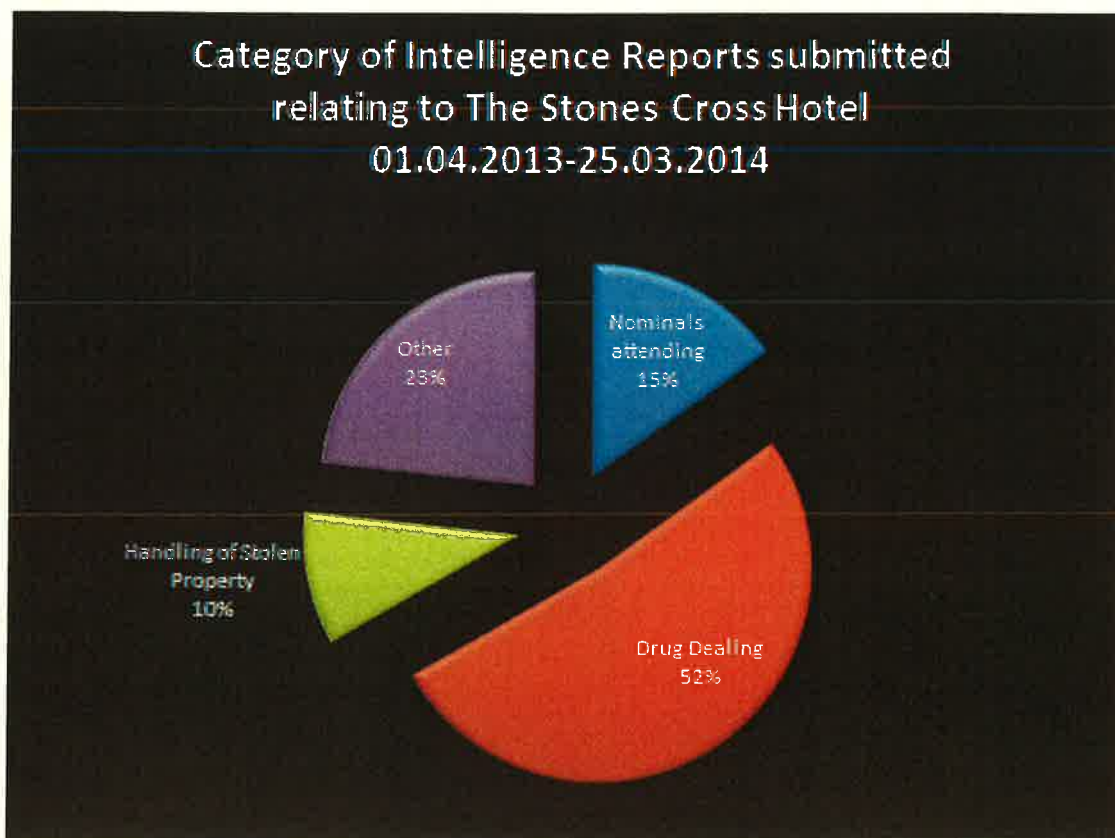
There has recently been a substantial rise in intelligence concerning activities at this location. The sources of the majority of these reports are reliable.

52% (31) of the recent intelligence reports are concerning the supply of Class A, B and C drugs including cocaine, ketamine, MKat and cannabis on the premises.

10% (6) of the reports concern the buying and selling of stolen property at the premises.

15% (9) relate to individuals of concern to the Police frequenting the premises.

There is also intelligence concerning the management (and staff) being aware of drug dealing/use at the premises and also actively purchasing stolen goods.



SECTION FOUR - Incident Overview and Summaries (Guardian)

There have been 2 reported offences at The Stones Cross between 01/04/2013 and 25/03/2014. One offence was for PWITS (cannabis) which is currently under investigation and the other a violent crime outside the premises where a victim was repeatedly kicked and punched in the head.

I have used the other licensed premises in Midsomer Norton as a comparable for violent crime figures. These premises are mainly located on the High Street in Midsomer Norton. They are :

Mallards - 20 High Street, Midsomer Norton, BA3 2DR

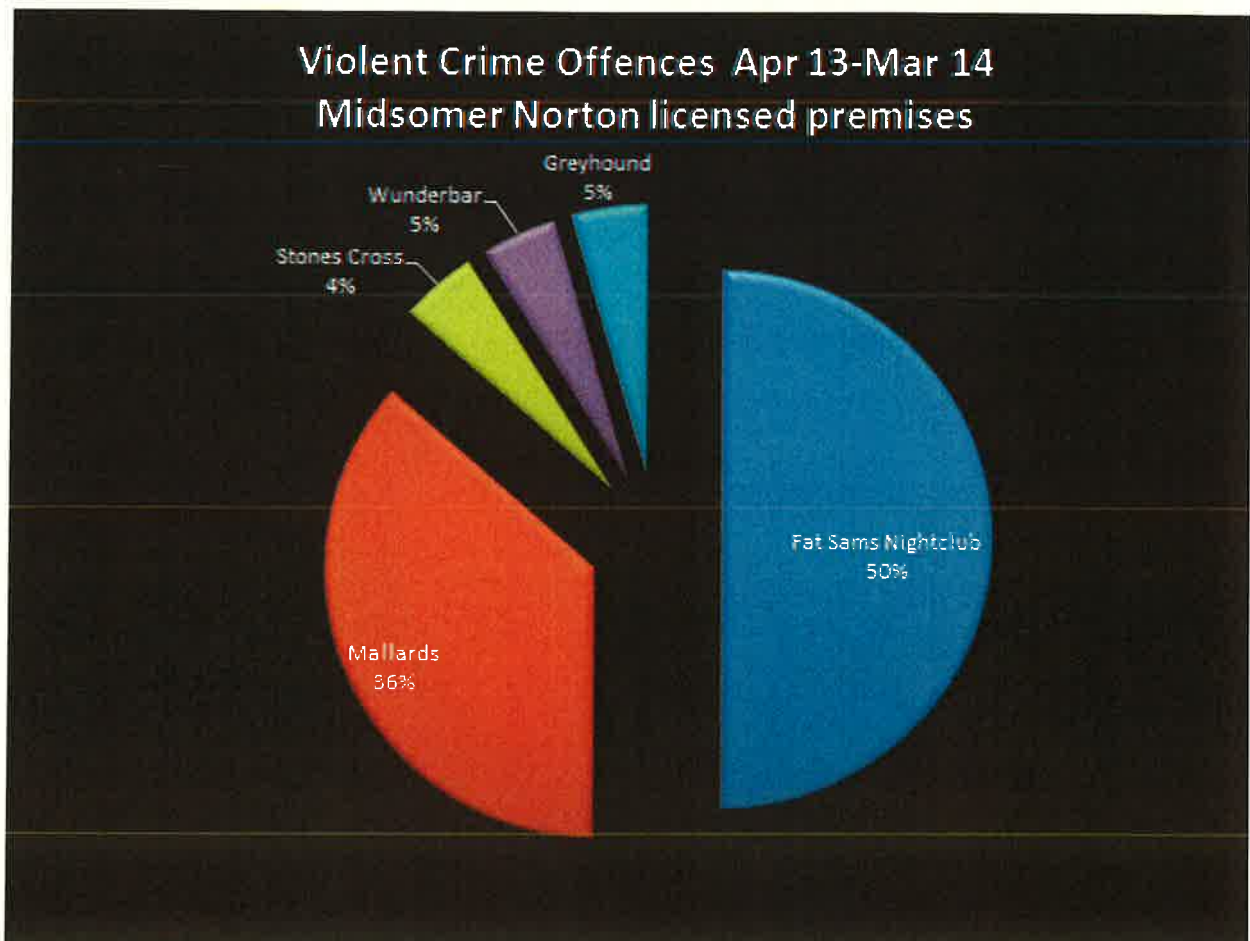
The Riverside - 115 High Street, Midsomer Norton. BA3 2DA

The Greyhound - 1 High Street, Midsomer Norton BA3 2LE

Wunderbar - 2 High Street, Midsomer Norton BA3 2LE

Fat Sams Nightclub - 112 High Street, Midsomer Norton BA3 2DA

The table below shows a comparison of violent crime offences with other licensed premises in Midsomer Norton. Across the time period there were a total of 16 violent crimes recorded at these premises, 5% attributable to The Stones Cross.



INCIDENT SUMMARIES (GUARDIAN)

Crime reference number	4834/14
Webstorm number	AS-20140114-1006
Date	14/01/2014
Time	2035hrs
Offence	Assault occasioning ABH.
MO.	The victim has been invited outside by a possible associate of the offender under the pretence of giving him a cigarette. Once the victim was outside the rear of the pub the offender has appeared from behind a wall and said to the victim ' you're going to get it'. The offender has then punched the victim to the head twice causing him to fall to the ground. The offender has then repeated kicked and punched the head of the victim.
Arrest	1
Disposal	1 charged with Assault occasioning ABH.

Crime reference number	114089/13
Webstorm number	n/a
Date	14/11/2013
Time	1940hrs
Offence	Possession of Controlled Drug with intent to supply
MO.	Officers have attended the pub and smelt cannabis. Male detained for a stop search as he was hiding something down the front of his trousers. Brown resin lumps located and in being removed from the pub, he threw a bag of green vegetable matter to the floor and another was found during a search in custody.
Arrest	3
Disposal	Under investigation.

SECTION FIVE - Call Overview and Summaries (Webstorm)

There have been a total of 7 calls linked to The Stones Cross Hotel received by the Police between 01/04/2013 and 25/03/2013. 5 of these calls are ASB related where a local resident has called in regarding rowdy and nuisance behaviour at the premises. The member of public has reported this as ongoing for 10 years.

CALLS RECEIVED (WEBSTORM)

Call Ref	1
Date	02/07/2013
Time	1816
Informant	Mr Ching
Log no.	AS-20130702-0926
Police Arrival	n/a
Incident	Caller hung up. On Police recall Mr Ching stated no need for Police and that possibly someone misdialled.
Guardian	n/a
Arrest	n/a
Disposal	Contact Record

Call Ref	2
Date	29/07/2013
Time	0034
Informant	Staff
Log no.	AS-20130729-0014
Police Arrival	0047
Incident	Caller asking for assistance to remove a customer refusing to leave. Using an umbrella to bang on door of pub to regain entry. On locating male, words of advice given, watched on CCTV making his way home.
Guardian	n/a
Arrest	n/a
Disposal	ASB - Nuisance

Call Ref	3
Date	17/08/2013
Time	0100
Informant	
Log no.	AS-20130817-0081
Police Arrival	0108
Incident	MOP reporting group of 30 people shouting at each other outside The Stones Cross. On Police attendance at 0108hrs group had dispersed and all in order.
Guardian	n/a
Arrest	n/a
Disposal	ASB - Nuisance

Call Ref	4
Date	14/09/2013
Time	0103
Informant	
Log no.	AS-20130914-0040
Police Arrival	0128
Incident	MOP reporting group of 12-15 people shouting and singing outside The Stones Cross. MOP reporting ongoing ASB. On Police attendance at 0128hrs all in order.
Guardian	n/a
Arrest	n/a
Disposal	ASB - Nuisance

Call Ref	5
Date	27/09/2013
Time	2236
Informant	MOP
Log no.	AS-20130927-1302
Police Arrival	0042
Incident	Loud party/music. Small group of people. MOP reporting ASB is ongoing issue. All units committed. On attendance later all in order.
Guardian	n/a
Arrest	n/a
Disposal	ASB - Nuisance

Call Ref	6
Date	15/12/2013
Time	0002
Informant	MOP
Log no.	AS-20131215-0002
Police Arrival	0010
Incident	MOP reporting large fight at back of pub out of control. On Police arrival spoken to licensee, no offences disclosed and no offenders identified.
Guardian	N/A
Arrest	N/A
Disposal	ASB – Nuisance

ANNEX E

Call Ref	7
Date	22/02/2013
Time	2158
Informant	MOP
Log no.	AS-20140222-111
Police Arrival	2232
Incident	MOP reporting extremely loud music from hotel. Infmt suffering ASB issues ongoing for 10 years. Advised to contact Environmental Health at Council.
Guardian	n/a
Arrest	n/a
Disposal	ASB - Environmental

FIG 2

WITNESS STATEMENT**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

--	--	--	--

Statement of Natalie Louise GEORGE

Age if under 18 Over 18 (if over insert 'over 18') Occupation Police Constable

This statement (consisting of 5 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 *Natalie George - 2543*

Date 10/04/2014

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Constable Natalie GEORGE, shoulder number 2543 of the Avon and Somerset Constabulary based at Bath Police Station working within the District Focus Team.

Between October 2013 and April 2014 I have been the deputy officer in the case for Operation Henotic.

Operation Henotic has been a covert operation its objectives have been:

- To provide intelligence and evidence in relation to the illegal activities of the criminal fraternity in Norton-Radstock, namely the supply of controlled drugs, the handling of stolen goods and any associated acquisitive crime.
- To provide intelligence and evidence in relation to licensing breaches and any associated anti-social behaviour.

These objectives are inextricably linked to the Police and Crime Commissioner's commitment to:

- Reducing the impact that anti-social behaviour has in our communities.
- Preventing and reducing burglary and the fear of burglary.

As deputy officer in the case for Operation Henotic my role has been to collect and collate the information, evidence and intelligence provided by the undercover Police officers. To ensure that all exhibits, statements and evidence are recorded and processed accordingly.

Signature: *Natalie George - 2543*

Signature witnessed by:

2010/11

RESTRICTED (when complete)

RESTRICTED (when complete)

Page No 2 of 5

Continuation of Statement of: Natalie Louise GEORGE

As the deployment phase of the operation has now concluded I have been preparing the suspects case files in preparation for their arrest and anticipated remand in custody.

As a Police officer working on the uniform response team I was stationed in Radstock for approximately five years and have had knowledge of the Stones Cross Public House, North Road, Midsomer Norton. It has a reputation for allowing drug use to take place on its premises and its clientele are well known to the Police for their criminality, which mainly concerns drug use and offences associated with drug use, such as theft.

During the course of Operation Henotic, I have read the undercover Police officers pocket note books, where they have recorded their evidence and have full knowledge of the incidents and evidence that they have obtained.

They have recorded not only the evidence in relation to the offences of supplying controlled drugs, but they have also recorded evidence in relation to blatant drug use and drug supply within the Stones Cross Public House, which had been carried out by its patrons openly in full view in public areas, both within the bar areas and the front and rear smoking areas.

The undercover Police officers have conducted 70 deployments into the Midsomer Norton area between Friday 1st November 2013 and Saturday 22nd March 2014.

In total there have been 20 suspects that have supplied controlled drugs of various class classification within the Stones Cross Public House premises, there have been a further 3 suspects who have supplied drugs in the car park of the Midsomer Norton United Services Club, which is also known as the British Legion, which is adjacent to the Stones Cross Public House or on the forecourt of Bathwick Tyres, a very short distance from the Stones Cross Public House. These 3 further suspects although have supplied outside of the Stones Cross Public House, the deal has been arranged whilst the undercover Police officers were in the Stones Cross Public House, with suspects that frequent the Stones Cross Public House.

Signature: *Natalie George*

Signature witnessed by:

2010/11

RESTRICTED (when complete)

Continuation of Statement of: Natalie Louise GEORGE

There have been 42 drug supplies to the undercover Police officers during the Operation from within the Stones Cross Public House and a further 4 drug supplies at the car park of the British Legion and 7 drug supplies at Bathwick Tyres.

Of the 42 drug supplies in the Stones Cross Public House the following drugs were purchased:

- 28 supplies of cocaine, which is Class A.
- 1 supply of MDMA, which is Class A.
- 8 supplies of cannabis, including cannabis flowering head and resin, which is Class B.
- 3 supplies of amphetamine, which is Class B.
- 2 supplies of ketamine, which is Class C.

These drug supplies took place on the following dates:

- One drug supply on 01/11/2013
- Two drug supplies on 02/11/2013
- Three drug supplies on 07/11/2013
- One drug supply on 08/11/2013
- One drug supply on 20/11/2013
- Two drug supplies on 21/11/2013
- Two drug supplies on 28/11/2013
- One drug supply on 29/11/2013
- Two drug supplies on 05/12/2013
- One drug supply on 14/12/2013
- Four drug supplies on 19/12/2013
- Two drug supplies on 20/12/2013
- One drug supply on 10/01/2014
- One drug supply on 11/01/2014
- One drug supply on 15/01/2014
- One drug supply on 24/01/2014

Signature: *Natalie George*

Signature witnessed by:

RESTRICTED (when complete)

Page No 4 of 5

Continuation of Statement of: Natalie Louise GEORGE

- Two drug supplies on 25/01/2014
- Three drug supplies on 30/01/2014
- One drug supply on 31/01/2014
- Two drug supplies on 05/02/2014
- One drug supply on 13/02/2014
- Three drug supplies on 14/02/2014
- One drug supply on 15/02/2014
- One drug supply on 07/03/2014
- One drug supply on 08/03/2014
- One drug supply on 19/03/2014

Of the 4 drug supplies at the car park of the British Legion and 7 drug supplies at Bathwick Tyres, the following drugs were purchased on the following dates:

- 4 supplies of cocaine, which is Class A, from the car park of the British Legion. On the following dates:

16/01/2014

18/01/2014

01/02/2014

07/03/2014

- 7 supplies of cocaine, which is Class A, from Bathwick Tyres forecourt. On the following dates:

Two drug supplies on 16/01/2014

One drug supply on 24/01/2014

Two drug supplies on 30/01/2014

Two drug supplies on 05/02/2014

The type of drug predominantly supplied during the operation was cocaine, which is a Class A controlled drug.

Signature: *Natalie George*

Signature witnessed by:

2010/11

RESTRICTED (when complete)

Continuation of Statement of: Natalie Louise GEORGE

This was the drug most frequently offered for supply by the suspects and also was often seen being used by patrons of the Public House.

The small zip lock bags that are used to contain the cocaine in where often seen by the undercover Police officers empty and discarded, throughout the Stones Cross Public House.

Patrons often appeared to be under the influence of a controlled drug and often had white powder residue around their nostrils, a typical sign of cocaine use.

They have also witnessed in the rear smoking area white powder believed to be cocaine on the back of a mobile phone, which was then divided and placed into a small zip lock bag and handed to a patron in exchange for money.

Suspects have also weighed out quantities of cocaine from the boot of their vehicle, which was parked in the rear car park of the Stones Cross Public House.

The use of cocaine and other Class A controlled drugs is wide spread and clearly evident to the staff of the Public House who made no attempt to stop patrons from using it.

There has also been blatant use of cannabis, this has either been in the form of it being smoked in a 'joint', a rolled cigarette containing tobacco and cannabis, or it has been smoked through the use of a 'bong' (a bottle with tubes and water) a bong is a filtration device/apparatus generally used for smoking cannabis. Cannabis has a very distinctive smell when it is smoked and its use was wide spread and clearly evident to the staff of the Public House who made no attempt to stop patrons from using it.

Natalie George - 2543

Signature: *Natalie George*

Signature witnessed by:

FIG 3

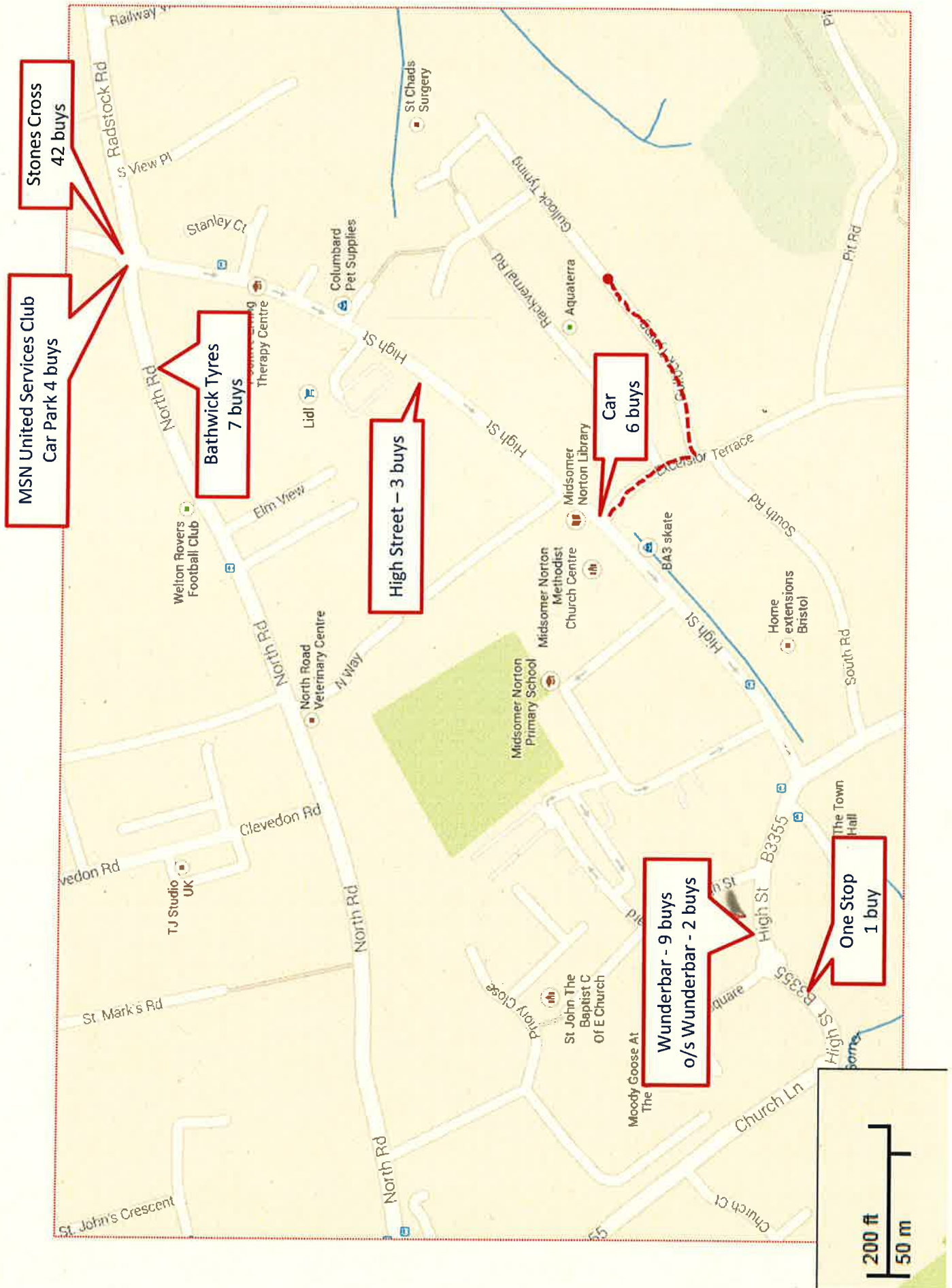


FIG 4

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

--	--	--	--

Statement of Shirley Eden

Age if under 18 Over 18 (if over insert 'over 18') Occupation Inspector 1511

This statement (consisting of 2 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

Date 30/04/14

Tick if witness evidence is visually recorded (supply witness details on rear)

I am the above named person employed by the Avon and Somerset Constabulary stationed at Radstock Police Station.

On Wednesday 11th December 2013, I had cause to speak with the manager of the Stones Cross public house, Man Kwong CHING. Also known as Kevin CHING.

I had asked Mr CHING to attend at Radstock Police Station to discuss an incident that had occurred at the Stones Cross on 14th November 2013.

The incident involved PC 400 Karl BOWEN and PC 4531 Jon RAISEY attending the premises to locate a high risk missing person who may have been in the premises according to information we had received.

Whilst there, the officers had cause to speak to a male they suspected of being in possession of cannabis. Whilst they were speaking with this male, they were subjected to unacceptable levels of aggression and threat from other clientele. The manager and staff were there and made no attempts to assist or intervene.

During our meeting, I explained my concerns to CHING and reminded him of his responsibilities under the licensing objectives, in particular the prevention of crime and disorder. I also stated that I expected him to assist officers in future and to address the suspected drug use at the premises.

Signature:

Signature witnessed by:

2010/11

RESTRICTED (when complete)

FIG 5

RESTRICTED (when complete)

MG11

WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN

Statement of: Karl BOWEN

Age if 18 or under: Over 18 *see overleaf (if over 18 insert 'over 18') Occupation: Police Constable

This statement (consisting of 3 page(s) each signed by me is true to the best of my knowledge and belief and 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.

Victim / Witness signature:



Date: 22/04/2014

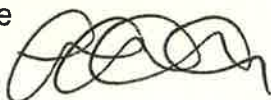
I am the above named person employed by the Avon & Somerset Constabulary currently stationed at Radstock Police Station.

On Thursday 14th November 2013 at approximately 19:40hrs I was in company with PC 4531 RAISEY when we attended the Stones Cross public house located on North Road, Midsomer Norton. The purpose of our visit was to try and locate a high risk missing person. I parked the patrol car at the front car park area of the social club next to the Stone Cross. As I walked up to the front of the pub I could see that there were two males and one female smoking. They did not see me at first but when one of the males looked in our direction he immediately ran into the pub shouting,

"You better get out round the back".

This male was quickly followed by the other male and female and as ran towards the pub entrance I could smell the heavy smell of burnt cannabis and knew then that the three had been smoking cannabis. I could see the last of the three running towards the rear exit door so followed them believing my colleague was behind me. As I ran past the male and female toilets I turned left and came out into the covered smoking area. The air was full of smoke and smelt heavily of burnt and unburnt cannabis. I could see that there were upwards of ten or more people already running away into the darkness at the rear of the pub's garden and parking area. As I looked to my right I saw a male I now know to be Wesley MILES stood in a corner. He quickly turned his back to me and appeared to be busily concealing items into the front of his trousers.

Signature



Signature Witnessed By

Page Number

1

of

3

Pages

RESTRICTED (when complete)

MG11

As the air was thick with the smell of cannabis and MILES suspicious behaviour I informed him I believed that he had drugs on his person and was going to search him under Section 23 of the Misuse of Drugs Act. I was then aware that there were upwards of about persons at my back telling me to let him go. One male in particular I recognised as Shane BYRNE said to me,

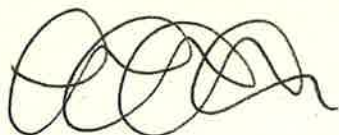
"He's a good working bloke you He's just been to a funeral you need to go and pick on someone else".

As BYRNE said this he said it through gritted teeth and appeared to be very aggressive. It was as I looked behind me to see where my colleague was that I saw BYRNE trying to pull me away from MILES. I could also see the other males were now shouting at me to let MILES go and I could feel myself being pushed and shoved by some of them. I recognised one of these males within the group as being Danny COLLINS. I was now joined by PC 4531 and with his assistance I managed to walk MILES away from the group of males and into the small corridor where the toilets are located. I made cursory search of MILES and located two small cubes of brown vegetable matter. I seized this as my exhibit 400KB1.

At 19:45hrs I arrested MILES for being in possession of a controlled substance. As I cautioned Miles the group of males became even louder behind me and I could still feel myself being pushed and shoved by them. I took MILES into the female toilets to get away from them and tried to conduct some checks on him. As I was trying to do this a female came into the toilet so we had to leave and I moved him to the male toilet located next door. Again the group of males were being too abusive and aggressive for me to remain in the pub so I placed MILES in handcuffs and started to escort him through the pub. PC 4531 led the way followed by MILES with me behind holding onto MILES arm. As we walked past the bar area I could see that there were bar staff behind the bar just looking on at what was happening. As we walked through the bar I could see MILES discard a small clear plastic bag. As I walked I bent down and scooped up this and could see that it was full of green vegetable matter. I seized this as my exhibit 400KB2.

Although being pulled from behind by unknown persons I managed to get MILES outside and as I walked across the small pub's front beer garden area the same group of males were now surrounding me and MILES. They were still trying to free MILES by pulling at my arms. One male in particular was stood next to

Signature



Signature Witnessed By

Page Number

2

of

3

Pages

me and was being threatening and obstructive warning me to let go of MILES. I did not recognise this male but would describe him as being as tall as myself and 6'5", of a big build and scruffily dressed wearing a felt wide brimmed hat. The group of males had pushed me and MILES up against the wall and I could see PC 4531 trying in vain to push them off us. I managed to twist and pull MILES free and we made our way to the nearby patrol car. When we got to the car I tried to place MILES into the rear nearside seat of the patrol car but the same group of males were preventing me from opening the car door. As this was happening I could see BYRNE hurriedly talking to MILES. MILES was telling BYRNE to get his keys out of his pocket and he twisted his hip towards him to make it easier it get his hand into his pocket. I could not prevent this from happening as there were too many people pushing and shoving at me.

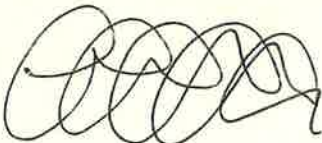
MILES then said to BYRNE,

"It's behind the airing cupboard".

I saw a flash of keys and then BYRNE and COLLINS ran off in the direction of Radstock Road. I persisted in trying to open the patrol car door and eventually pushed the males away with the assistance of PC 4531. Having placed MILES in the rear of the patrol car I reversed out of the car park. As I did this the male in the felt hat kicked out at the patrol car making contact but causing no damage. I drove a short distance away from the situation and then waited for PC 4531 to join me. As I drove in the direction that BYRNE and COLLINS had run I made contact with PC 1309 DEEGAN, PC 1496 SWIFT and PC 2361 HAWES. I explained to them what had happened in the pub and the fact that I believed that BYRNE and COLLINS were possibly making their way to MILES home address in order to retrieve drugs from the rear of the airing cupboard.

I continued on towards Bath Custody Suite where MILES detention was authorised. During a strip search MILES produced from the front of his underpants a clear plastic bag similar to the one I saw his dispose in the bar area as he was being escorted. I produced this as my exhibit 400KB3. I also seized from his property a small tin containing vegetable matter and seized this as 400KB4. A small pipe 400KB5 and a black mobile telephone 400KB6.

Signature



Signature Witnessed By

Page Number

3

of

3

Pages

FIG 6

Radstock Police Station
Wells Road, Radstock BA3 3SG
Telephone: 101 Facsimile: 01225 842617
Office Hours: 1200-2000 Mon & Tues 0830-1630 Wed-Fri

Our Ref: ER/GC/LPP

Your Ref:

Date: 11th December 2013

Dear Kevin

I am writing to confirm details of the meeting that you attended at Radstock Police Station today with Inspector Eden, Licensing Officer Martin Purchase and myself. We discussed the incident that occurred on the evening of Thursday, 14th November during which Police Officers effected an arrest at your licensed premises. As a result of this action those officers were confronted by customers and were put at risk of injury. They reported that they did not receive help from you or staff on the premises at that time.

We have reminded you of your responsibilities as the manager and person in charge of the premises. Please ensure you heed our advice as any further incidents of this nature may have an impact on your licence or future applications.

Yours sincerely

Sergeant Geoff Cannon
Radstock Neighbourhood Policing Team
geoffrey.cannon@avonandsomerset.police.uk

Terrill Wolyn

From: Matthew Graham <mag@mowbraycityadvocates.co.uk>
Sent: 08 May 2014 18:14
To: Terrill Wolyn
Cc: jonnyace4@hotmail.co.uk
Subject: Stones' Cross Public House

Dear Sirs,

I am instructed by Potjakapony Singththony (Johnathon Hibbard) in respect of the premises licence at the Stone's Cross, due for review I understand on the 20th May. I will attend with him at the hearing to deal with the representations of the police and assist the committee with queries relating to the steps now being taken to ensure the Stones' Cross can operate properly.

I have now seen the representations served by the police, which I think emerged yesterday. I understand that he has been given until midnight tonight to submit representations, albeit he can submit further information thereafter. I'm afraid I am unable to complete those representations fully by the end of this evening due to other professional commitments, but will aim to do so by the end of tomorrow.

In essence, the position is that the previous occupier and operator of the pub, 'Kevin' Ching, is now in prison. Mr Singththony will ensure that he is in the future excluded from the premises – it is quite clear that he will be able to have nothing whatsoever to do with the running of the establishment and has, it transpires, engaged himself in criminality. It seems clear that he had lost control of the establishment. Going forward, Mr Singththony will take control of operations. He has previous experience of successfully running the establishment some years ago. He runs a successful and well regarded Thai Restaurant nearby already. There will plainly have to be a new regime, and one that satisfies the licensing committee and the police, as well as the local residents. Measures to address all of those concerns will be put in place. It is proposed that all of those involved in police operation Henotic be given 10 year bans from the establishment, and Mr Singththony will support the police and the CPS in seeking formal exclusion orders. There will be a physical refurbishment to help revive confidence. He would propose operating an over 21 policy only after 19.00, with a strictly enforced challenge 25 policy at all times. New CCTV will be installed throughout including the car park, which both works and records. With regard to music, Mr Singththony is content with any restriction or condition considered appropriate. It may be that there should be no live music and no music at all after 23.00.

Perhaps most importantly, Mr Singththony is highly anxious to rebuild trust and confidence with the local police and community. He would hope to have an opportunity to meet with the local officers to discuss their concerns, to share information and to work together to re-establish the Stone's Cross as a decent, community centred establishment.

In essence, the submission will be that further restrictions and conditions on the premises licence can allay the understandable concerns of the police and the licencing authority regarding the previous regime to allow a centuries old public house to remain in existence.

Further more detailed submissions will follow as soon as possible.

With Regards

Matthew Graham
Partner

T: 01225 400666
F: 01225 400667
E: mag@mowbraycityadvocates.co.uk



This e-mail is from Mowbray City Advocates, a division of Mowbray Woodwards Solicitors. The e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Any unauthorised dissemination or copying of this e-mail, and any use or disclosure of any attachments contained in it, is strictly prohibited and may be illegal. If you have received the e-mail in error please notify info@mowbraycityadvocates.co.uk or telephone 01225 400666 and delete it from your system. Any views expressed by an individual within this e-mail which do not constitute or record legal advice do not necessarily reflect the views of the firm. We do not accept service via e-mail.

Our postal address is;

Lower Ground Floor, 3 Queen Square, Bath, BA1 2HG, England, UK.

Partners: Robin Phillips, Tracey Smith, David Whitworth, Meg Moss, Luke Watson, Matthew Graham, Patrick Mears, Kate Jackson.

Mowbray City Advocates is a division of Mowbray Woodwards Solicitors
Solicitors Regulation Authority Registered Name: Mowbray Woodwards Solicitors
Authorised and Regulated by the Solicitors Regulation Authority. 00052623

Web site: www.mowbraycityadvocates.co.uk

