

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Statutory Licensing Sub- Committee</b> 8 June 2022
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**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Regulatory  
**Venue** Online Meeting

## Membership

**Chair** Cllr Phil Page (Lab)

### Labour

Cllr Rita Potter

### Conservative

Cllr Wendy Dalton

Quorum for this meeting is two Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope, Democratic Services Officer  
**Tel/Email** Tel: 01902 554452 Email: donna.cope@wolverhampton.gov.uk  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

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**Email** [democratic.services@wolverhampton.gov.uk](mailto:democratic.services@wolverhampton.gov.uk)  
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Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

<i>Item No.</i>	<i>Title</i>
1	<b>Apologies for absence</b>
2	<b>Declarations of interest</b>
3	<b>Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP (Pages 3 - 78)</b>

<b>CITY OF WOLVERHAMPTON COUNCIL</b>	<b>Statutory Licensing Sub- Committee</b> 8 June 2022
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<b>Report title</b>	<b>Licensing Act 2003 - Application for a Review of a Premises Licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP</b>	
<b>Wards affected</b>	Oxley	
<b>Accountable director</b>	John Roseblade, Director of City Housing and Environment	
<b>Originating service</b>	Licensing	
<b>Accountable employee</b>	Debra Craner	Section Leader
	Tel	01902 556055
	Email	Debra.craner@wolverhampton.gov.uk

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**Recommendation for decision:**

1. To consider this application for a review of a premises licence

## **1.0 Purpose**

- 1.1 To submit for consideration by the Statutory Licensing Sub-Committee an application for a review of a premises licence.

## **2.0 Background**

- 2.1 The current premises licence is attached at Appendix 1.

## **3.0 Review Application**

- 3.1 An application was received from West Midlands Police on 13 April 2022 for a review of a premises licence in respect of The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP.
- 3.2 The premises is located within the Oxley Ward and a location plan is attached at Appendix 2.
- 3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm Licensing Objectives.
- 3.4 Representations have been received from the Home Office, Trading Standards, Licensing and Other Persons. These representations can be found at Appendices 4 to 10 respectively.
- 3.5 The notice of review has been properly served on all Responsible Authorities. The Council has complied the legislative process and displayed the appropriate notice at the premises and on the website as required when the application for review was made.
- 3.6 The applicant for review, the current premises licence holder and those who have made representations have all been invited to attend the hearing.
- 3.7 Additional information has been submitted by the current premises licence holder Mr Mohammed Ali and is attached as Appendix 11.

## **4.0 Financial implications**

- 4.1 There is no fee for the application of a review and there are no direct financial implications arising from this report. The fees and charges in relation to the Licensing Act 2003 are set by the Secretary of State. This was noted by the Licensing Committee on 19 January 2022 [SB/16122021/X]

## **5.0 Legal implications**

- 5.1 Section 51 of the Licensing Act 2003, as amended states that a responsible authority or any other person may apply to the relevant Licensing Authority for a review of a licence.
- 5.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any)

as it considers appropriate for the promotion of the “licensing objectives” which are listed at 5.3.

- (a) Modify the conditions of the licence;
- (b) Exclude a licensable activity from the scope of the licence;
- (c) Remove the designated premises supervisor;
- (d) Suspend the licence for a period not exceeding 3 months;
- (e) Revoke the licence;

5.3 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm;

5.4 In addition, regards shall be had to guidance issued by Secretary of State under Section 182 of the Licensing Act 2003 and Wolverhampton City Council’s Licensing Policy Statement. [DA/17/05/2022/1]

## **6.0 Equalities implications**

6.1 This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in Section 4 of this report may have financial implications for a licensee’s business and livelihood and/or may have impact on the day to day lives of residents living in close proximity to the premises

6.2 Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private family life and his/her home (which includes business premises). This right may be interfered with by the Council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole

## **7.0 All other Implications**

7.1 None

## **8.0 Schedule of background papers**

8.1 Statutory Licensing Sub-Committee hearing dated 24 April 2020 expedited review.

8.2 Statutory Licensing Sub-Committee hearing dated 20 May 2020 review following expedited review.

## **9.0 Appendices**

9.1 Appendix 1 – Current premises licence

9.2 Appendix 2 – Location Plan

9.3 Appendix 3 – Copy of review application

9.4 Appendix 4 – Licensing Representation

9.5 Appendix 5 - Home Office Representation

9.6 Appendix 6 – Trading Standards Representation

9.7 Appendix 7 – Other Persons Representation 1

9.8 Appendix 8 – Other Persons Representation 2

9.9 Appendix 9 – Other Persons Representation 3

9.10 Appendix 10 – Other Persons Representation 4

9.11 Appendix 11 – Premises Licence Holder additional information

# Premises Licence

Appendix 1

Issued in accordance with The Licensing Act 2003

**Name of Premises:** The Pendulum

**Address of Premises:** Blaydon Road  
Pendeford  
Wolverhampton  
WV9 5NP

**Premises Licence Number:** 20/22712/PRE – Replacement Premises Licence

**Date Licence Granted:** 15/11/2020

## 1. Opening hours of the premises

**Normal Hours:** Monday to Wednesday 10:00hrs to 00:30hrs  
Thursday 10:00hrs to 01:00hrs  
Friday and Saturday 10:00hrs to 01:30hrs  
Sunday 10:00hrs to 00:30hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended.

## 2. Licensable activities authorised by the licence and the times the licence authorises the carrying out of these activities

**Activity:** **Films - Indoors**

**Normal Hours:** Sunday to Thursday 10:00hrs to 22:30hrs  
Friday and Saturday 10:00hrs to 23:30hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** **Indoor Sporting Events**

**Normal Hours:** Sunday to Thursday 10:00hrs to 22:30hrs  
Friday and Saturday 10:00hrs to 23:30hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** **Live Music - Indoors**

**Normal Hours:** Sunday to Thursday 10:00hrs to 22:30hrs  
Friday and Saturday 10:00hrs to 23:30hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** **Recorded Music - Indoors**

**Normal Hours:** Sunday to Thursday 10:00hrs to 22:30hrs  
Friday and Saturday 10:00hrs to 23:30hrs

**Seasonal Variations:** None

**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** **Late Night Refreshment - Indoors**  
**Normal Hours:** Sunday to Thursday 10:00hrs to 22:30hrs  
Friday and Saturday 10:00hrs to 23:30hrs

**Seasonal Variations:** None  
**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended

**Activity:** **Sale/Supply of alcohol on the premises**  
**Normal Hours:** Sunday to Thursday 10:00hrs to 22:30hrs  
Friday and Saturday 10:00hrs to 23:30hrs

**Seasonal Variations:** None  
**Non Standard Hours:** When hours for sale of alcohol are extended hereunder these hours are also extended. These relate to Bank Holidays, Christmas and New Years Day.

**3. Name of the designated premises supervisor if the sale of alcohol is involved**

Mohammed Khalil Ali  
Personal Licence Number : PER3603  
Issued by City of Wolverhampton Council

**4. Is access to the premises by children restricted or prohibited**

Provision only as prohibited or restricted under the Licensing Act 2003

**5. Name, (registered) address of the holder of the premises licence**

Mohammed Khalil Ali  
80 Glentworth Gardens  
Wolverhampton  
West Midlands  
WV6 0SG



## **Mandatory Licensing Conditions (Licensing Act 2003)**

### **Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation to the Licensing Act 2003.

## **Conditions consistent with the Operating Schedule**

### **General**

Carry out a Health and Safety Risk Assessment in respect of all such matters including noise, covid infections and visitor capacity.

Carry out a noise assessment risk with regard to noise abatement in and about the premises.

Carry out a fire risk assessment.

Employ suitably trained staff.

### **The prevention of crime and disorder**

A CCTV system will be in place which covers entry/exit points of the premises and all areas where alcohol/money is served/taken, all areas where public have access and the immediate vicinity outside the premises.

The system will be installed and maintained in working order at the premises during all times when licensable activities are authorised by the licence.

The systems recorded images and video will be of court-evidential quality, indicate the correct date and time and be kept for at least 31 days unedited.

Images and video will be downloadable in a suitable format and provided to any officer of a responsible authority upon request.

Signs will display that CCTV is in operation.

To control entry and egress from the premises including assessing the need for door supervisors.

Documented staff training relevant to the prevention of crime and disorder.

To have a written policy in relation to drunkenness.

The previous premises licence holder, Mr Soran Rostam, will have no involvement with the operation nor management of the business.

A Personal Licence Holder must be on site when licensable activities are taking place.

A member of staff will be in the trading area at all times that alcohol is sold or supplied.

Alcohol must be purchased on site; customers are not allowed to bring their own alcohol onto the premises.

An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service.

The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal.

The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.

An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises.

The incidents log will be produced to an officer of a responsible authority upon request.

Where a crime is believed to have been committed, the incident will be reported to the West Midlands Police.

The incidents log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.

All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation and, in particular, to under age and proxy sales.

Training will also cover Challenge 25 and conflict management. This training must be documented and produced to an officer of a responsible authority upon request.

## **Public Safety**

To conduct a Fire Risk Assessment.

Documented staff training to ensure adequate public safety on the premises.

To conduct a Health and Hygiene assessment with regard to the storage and sale of food and alcohol.

To carry out a risk assessment with regard to covid and other associated diseases.

To provide safe smoking points for customers.

Staff will regularly collect empty drinks vessels in the premises and in the immediate vicinity outside

## **The prevention of public nuisance**

To carry out a noise risk assessment and to implement such noise reducing recommendations.

To ensure the orderly exits and dispersal of customers from the premises.

Adequate and secure storage for refuse to be provided.

Devise a policy with regard to delivery and collections.

Signs will be displayed visibly at all premises exits to request that customers leave the premises and area quietly.

External doors and windows must remain closed during periods of Regulated Entertainment, except to permit ingress and egress of patrons.

The licence holder will ensure that adequate measures are in place to prevent litter from accumulating in the immediate vicinity of their premises and to collect this litter regularly throughout the day.

Between the hours of 18:00 – 08:00, the car park is to be used only for the purposes of vehicle parking for patrons of the licensed premises and not for any other business use, including as a car wash or any other service for vehicles.

## **The protection of children from harm**

To carry out a risk assessment with regard to children on the premises.

The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age. Proof of age will only comprise a passport, photo card driving licence, an EU/EEA national ID card or a card bearing the PASS hologram.

To display notices within the premises regarding such a policy.


To exclude any children from gaining access to any activity which has an adult content.

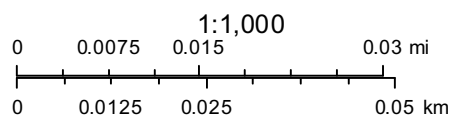
## **Plans**

As submitted with application dated 12/10/2020 and retained by City of Wolverhampton Council.



04/05/2020 13:01:56

 Cumulative Impact Zone



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

**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**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 this 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. You may wish to keep a copy of the completed form for your records.

**I Licensing and Regulatory Officer Aimee Taylor (WMP)**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (Unable to delete but can confirm review of premise license)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> The Pendulum, Blaydon Road,	
<b>Post town</b> Wolverhampton	<b>Post code (if known)</b> WV9 5NP

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Mohammed Khalil Ali
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<b>Number of premises licence or club premises certificate (if known)</b> 20/22712/PRE
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Licensing and Regulatory Officer Aimee Taylor West Midlands Police, Wolverhampton Police Station, Bilston Street, WV1 3AA
Telephone number (if any) <b>101</b>
E-mail address (optional) [REDACTED]

**This application to review relates to the following licensing objective(s)**

- Please tick one or more boxes ✓
- 1) the prevention of crime and disorder
  - 2) public safety
  - 3) the prevention of public nuisance
  - 4) the protection of children from harm

**Please state the ground(s) for review (please read guidance note 2)**

Failing to uphold the Licensing Objectives;  
Prevention of Crime and Disorder  
Public Safety  
Protecting Children from Harm  
Public Nuisance

Based on conditions under all four licensing objectives being breached and concerns around the premise being used to facilitate serious crime.



**Please provide as much information as possible to support the application** (please read guidance note 3)

On Friday 25<sup>th</sup> February 2022 a multi-agency visit took place at the premise involving, Police Licensing, Local Authority Licensing, Gangmaster Labour Abuse Authority and Home Office Immigration. This visit was arranged by West Midlands Police, Serious and Organised Crime Exploitation Department due to intelligence around Human Trafficking at a number of premises in which Mr Mohammed Khalil Ali and his family are involved in, including the Pendulum and the carwash.

A licensing compliance check was conducted during this visit by Police Licensing and Regulatory Officer Aimee Taylor and Section Lead Licensing and Compliance Officer Debra Craner. Mr Ali subsequently received a traders notice due to a substantial number of conditions being breached. The premises were given until 11<sup>th</sup> March (2 weeks) to correct these breaches. The conditions that were identified as being in breach were the following;

#### Prevention of Crime and Disorder

1. Documented staff training relevant to the prevention of crime and disorder.
2. To have a written policy in relation to drunkenness.
3. A Personal License Holder must be on site when licensable activities are taking place.
4. An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service.
5. The refusal log will include the basis of a refusal; the personal making the decision to refuse; the date and time of the refusal.
6. The refusal log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
7. An electronic or written incident log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises.
8. The incident log will be produced to an officer of a responsible authority upon request.
9. The incident log will be kept for at least 12 months and will be produced to an officer of responsible authority upon request.
10. All staff to receive training and refresher training every 6 months on their responsibilities with regards to licensing legislation and, in particular, to underage and proxy sales.
11. Training will also cover challenge 25 and conflict management. This training must be documented and produced to an officer of a responsible authority upon request.

#### The Protection of Children from Harm

12. To carry out a risk assessment with regards to children on the premises.
13. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age.
14. To Display notices within the premises of such a policy.

#### The Prevention of Public Nuisance

15. Signs will be displayed visibly at all premises exits to request that customers leave the premise and area quietly

A further follow up visit was conducted on 18<sup>th</sup> March 2022, (giving the premise 1 additional week to address the breaches raised) by Section Leader, Licensing and Compliance Debra Craner; A number of breaches were again identified resulting in Mr Ali receiving another traders notice. After 3 weeks there had been no effort to rectify the number of license breaches by the PLH/DPS. The breaches of conditions identified during this visit were:

#### The Prevention of Crime and Disorder

1. Images and videos will be downloadable in a suitable format and provided to any officer of a responsible authority upon request. (No one was on site who can operate the CCTV so unable to check the rest the CCTV related conditions).
2. Documented staff training relevant to the prevention of crime and disorder.
3. To have a written policy in relation to drunkenness.
4. A Personal License Holder must on site when licensable activities are taking place.
5. An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service.
6. The refusal log will include the basis of a refusal; the personal making the decision to refuse; the date and time of the refusal.
7. The refusal log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
8. An electronic or written incident log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises.
9. The incident log will be produced to an officer of a responsible authority upon request.
10. The incident log will be kept for at least 12 months and will be produced to an officer of responsible authority upon request.
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14. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age.
15. To Display notices within the premises of such a policy.

#### The Prevention of Public Nuisance

16. Signs will be displayed visibly at all premises exits to request that customers leave the premise and area quietly

Following the previous visits on 25<sup>th</sup> February 2022 and 18<sup>th</sup> March 2022 where several breaches were identified and subsequently a number of Traders Notices were issued. A month later on 25<sup>th</sup> March 2022, another follow up visit was conducted by Police Licensing and Local Authority Licensing. This gave the premise an extra 2 weeks on top of what was agreed with the Premise License Holder to rectify the breaches. During the visit it was evident that no further attempts had been made to correct any of the breaches and the following were still in breach:

#### The Prevention of Crime and Disorder

1. The systems recorded images and video will be of court-evidential quality, indicate the correct date and time and be kept for at least 31 days unedited.
2. Images and videos will be downloadable in a suitable format and provided to any officer of a responsible authority upon request. (No staff in the absence of the PLH are able to operate the CCTV).
3. Documented staff training relevant to the prevention of crime and disorder.
4. To have a written policy in relation to drunkenness.
5. A Personal License Holder must on site when licensable activities are taking place.
6. An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service.

7. The refusal log will include the basis of a refusal; the personal making the decision to refuse; the date and time of the refusal.
8. The refusal log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
9. An electronic or written incident log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises.
10. The incident log will be produced to an officer of a responsible authority upon request.
11. The incident log will be kept for at least 12 months and will be produced to an officer of responsible authority upon request.
12. All staff to receive training and refresher training every 6 months on their responsibilities with regards to licensing legislation and, in particular, to underage and proxy sales.
13. Training will also cover challenge 25 and conflict management. This training must be documented and produced to an officer of a responsible authority upon request.

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14. To carry out a risk assessment with regards to children on the premises.
15. The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age.
16. To Display notices within the premises of such a policy.

#### The Prevention of Public Nuisance

17. Signs will be displayed visibly at all premises exits to request that customers leave the premise and area quietly

Furthermore, during this third visit Deb Craner had informed Mr Ali (DPS/PLH) that the chance of him going to a review following all the repeated breaches, was very likely.

During both visits the Premise License Holders [REDACTED] was present at the premises. During my initial visit [REDACTED] showed us around and was present for the compliance check in the absence of [REDACTED] Mohammed Khalil Ali.

On 15<sup>th</sup> October 2021 [REDACTED] was arrested in Poland for an offence of Human Trafficking, which involved smuggling 45 people in the back of a lorry.

During the Multi-Agency Visit on 25<sup>th</sup> Feb 2022, three males were identified at the premises working illegally. Immigration are in the process of issuing a £60,000 fine which equates to £20,000 per male who had no right to work in the UK. These males explained that they arrived to the UK on a boat and work at the Carwash but lived at the pub. They stated that they pay Mr Mohammed Khalil Ali (PLH) rent to live there however, they have no contracts for this. Mr Mohammed Khalil Ali (PLH) confirmed to West Midlands Police that he runs both the carwash and is the Premise License Holder of the Pendulum PH. Mr Mohammed Khalil Ali on a separate occasion also confirmed to the Exploitation Officer, based in the Serious and Organised Crime Exploitation Department, that he owned both the carwash and the pub. However, on other occasions he has outlined that his [REDACTED] runs the pub and the carwash.

During the visit on 25<sup>th</sup> March 2022, Mr Mohammed Khalil Ali disclosed that he does not spend time at the premise and is only there around 2 hours a week. When questioned as to when this is, he referred to being at the car wash and not the pub.

It is uncertain who actually runs this premise and whether it is in fact Mr Mohammed Khalil Ali or his [REDACTED].

The inconsistency in Mr Mohammed Khalil Ali's accounts cause concern. West Midlands Police are concerned that this premise is being used to facilitate serious crime.

The intelligence WMP received regarding the Human Trafficking that led to the initial visit has

been corroborated by the actual arrest of [REDACTED], the [REDACTED] of the PLH attempting to traffic 45 individuals into the UK illegally. Furthermore there were 3 further individuals that were found at the licensed premises who had no right to work in the UK.

There are ongoing criminal investigations relating to these offences and therefore WMP cannot disclose any further details.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year
2	3	03
2	0	20
2	0	20

**If you have made representations before relating to the premises please state what they were and when you made them**

WMP Licensing have made an application for review for The Pendulum on 23<sup>rd</sup> April 2020. This review was brought about after a number of reports to the police about the premises being open during the very first lockdown under the coronavirus regulations.

This was during the complete lockdown, where no licensed premises were open at all, and people were only allowed out for 1 walk a day and only keyworkers were encouraged to attend their workplace, whilst everyone remained at home.

Local residents and others passing the premises to go to the nearby supermarket were reporting that the premises were allowing patrons in via the back door and there were also reports of noise nuisance emanating from the premises.

Police were doing checks on a number of licensed premises and on one occasion found people inside the premises, sat at the bar. The PLH/DPS at that time immediately turned the lights off upon seeing/hearing the police banging the doors/windows in order to gain entry. The persons that were inside were ushered out the back, before the police were permitted entry.

The PLH/DPS gave a varying amount of different reasons for his actions that day and when asked to provide the CCTV for that date and the previous date where reports were made he stated he could not work it. Police had to later seize the hard drive and the previous dates footage was not on the hard drive.

There were licence breaches in addition to coronavirus regulation breaches, and at the licencing hearing the sub-committee revoked the licence. The revocation was appealed at the Magistrates court which was not successful.

The Licensing Authority have then granted the licence back with a condition on it that the previous DPS/PLH had nothing to do with the premises, and as such has been running with the current DPS/PLH.

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]  
.....

Date **26/04/2021**  
.....

Capacity **Licensing and Regulatory Officer**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) <span style="background-color: black; color: black;">[REDACTED]</span>	
<b>Post town</b> <span style="background-color: black; color: black;">[REDACTED]</span>	<b>Post Code</b> <span style="background-color: black; color: black;">[REDACTED]</span>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> <span style="background-color: black; color: black;">[REDACTED]</span>	

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

[REDACTED]

---

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Amitabh Singh <[REDACTED]>  
**Sent:** 11 May 2022 13:25  
**To:** Elizabeth Gregg <[REDACTED]>; Licensing <Licensing@wolverhampton.gov.uk>  
**Subject:** Support of Licensing Act 2003 - review of premises licence- Pendulum PRE427

Sensitivity: PROTECT

Dear Elizabeth,

Please find attached Licensing Responsible Authority's letter to support the review hearing for the Pendulum premises licence under the Licensing Act 2003.

Your sincerely,

Amitabh Singh  
Section Leader  
Tel. Office: [REDACTED]

[E-mail:](#) [REDACTED]  
City of Wolverhampton Council

Elizabeth Gregg  
Licensing Services  
City of Wolverhampton Council  
Civic Centre  
St Peters Square  
Wolverhampton  
WV1 1SH

11 May 2022

Your reference: PRE427

Dear Elizabeth Gregg,

**Application for a review of a Premises Licence under the Licensing Act 2003 PRE427  
Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP**

I write on behalf of the Licencing Authority, as a responsible authority, in support of the above review application made by West Midlands Police. Representations are made in relation to the licensing objective of 'Prevention of Crime and Disorder, and Protection of Children from Harm and the failure of the current management of the premises to promote and uphold these objectives.

On 26 April 2022, West Midlands Police submitted an application to review the Premises Licence. The issues raised by West Midlands Police relate to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

The Licensing Authority has concerns over the Premises Licence Holder and designated premises supervisor Mohammed Khalil Ali, as the evidence provided by West Midlands Police within their application indicates that he is not upholding the licensing objectives and therefore putting the public at risk.

Following a licensing and multi-agency compliance visit on the 25 February and subsequent licensing compliance follow up visits on the 18 and 25 March, the following breaches were still outstanding:

The prevention of crime and disorder:

- The systems recorded images and video will be of court-evidential quality, indicate the correct date and time and be kept for at least 31 days unedited.
- Images and video will be downloadable in a suitable format and provided to any officer of a responsible authority upon request.
- Documented staff training relevant to the prevention of crime and disorder.
- To have a written policy in relation to drunkenness.
- A Personal Licence Holder must be on site when licensable activities are taking place.



- An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service.
- The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal.
- The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
- An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises.
- The incidents log will be produced to an officer of a responsible authority upon request.
- All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation and, in particular, to under age and proxy sales.
- Training will also cover Challenge 25 and conflict management. This training must be documented and produced to an officer of a responsible authority upon request.

The protection of children from harm:

- To carry out a risk assessment with regard to children on the premises.
- The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age.
- To display notices within the premises regarding such a policy.

The evidence above shows a repeated and blatant disregard for the licensing objectives by the Premises Licence Holder, Designated Premises Supervisor and the management.

A witness statement from Debra Craner outlining the visits can be found at Appendix 1.

If Councillors are satisfied that breaches have taken place, the Licensing Authority requests that the Statutory Licensing Sub-Committee ensure these issues are addressed in accordance with Section 52 of the Licensing Act 2003 and guidance issued by the Secretary of State under 182 of the Act, together with City of Wolverhampton Council's Statement of Licensing Policy.

Councillors may conclude from the evidence, given within the review application and at the hearing, that in order to promote the licensing objectives it is not a suitable option to remove the current management of the premises and that there is no alternative but to revoke the Premises Licence.

The Licensing Authority fully supports the review application brought by West Midlands Police and concludes the above issues must be resolved in order to promote the licensing objectives. I shall be in attendance at the hearing, should Councillors have any questions or require any further assistance.

Yours sincerely,



**Amitabh Singh**  
**Section Leader - Licensing**  
**On behalf of the Licensing Authority**

Direct: 

Email: 

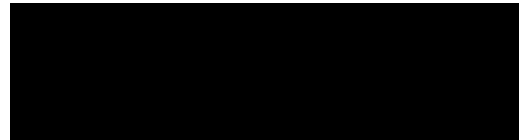
**STATEMENT OF WITNESS**

**(Criminal Procedure Rules r16, Criminal Justice Act 1967 s 9,  
Magistrates' Courts Act 1980 s 5A(3)(a) and 5B)**

**STATEMENT OF**      **DEBRA CRANER**  
**AGE**                      **Over 18 years**  
**OCCUPATION**        ***Section Leader – Licensing and Compliance***

**This statement, consists of 1 page 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.**

**Date** 8<sup>th</sup> April                      **2022**                      **Signed**



- 
1. My name is Debra Craner and I am employed by City of Wolverhampton Council as a Section Leader within Licensing Act team within Licensing Services. I have responsibility for the Licensing and Compliance team and its duties under the Licensing Act 2003. This role includes the overseeing of the co-ordination and process of licensing applications made to the Licensing Authority under the Licensing Act 2003, the inspection and compliance of licensed premises and to present reports for the Licensing Committee and to give evidence to any resulting appeals at court.
  2. On the afternoon of 25<sup>th</sup> February 2022 I attended The Pendulum Public House as part of a multi-agency operation organised by West Midlands Police. The purpose of me attending was to carry out a compliance check on conditions relating to the premise.
  3. The Premises Licence Holder Mohammed Khali was not present but I was able to speak to him via whatsapp video. Several breaches were identified which I noted on a Traders Notice.

I left a copy of this Notice at the premise. I attach a copy of that Traders Notice as **Exhibit DC/1**.

4. On 18<sup>th</sup> March 2022 at approximately 21.10 hours I attended The Pendulum Public House with my colleague Elizabeth Gregg to review the outstanding breaches of conditions. The Premises Licence Holder was not present and did not answer his telephone when I called him. I spoke to a staff member who was in the wash room when we arrived and gave his name as [REDACTED]. He said he could not assist with any of the outstanding conditions and could not operate the CCTV. I left a Traders Notice which I attached as **Exhibit DC/2**.
5. On the afternoon of 25<sup>th</sup> March 2022 I attended The Pendulum Public House with Aimee Taylor from West Midlands Police. The Premises Licence Holder, Mohammed Khali was present and I went through the outstanding breaches on the Traders Notice with him. I made a note of the outstanding breaches on a Traders notice and left a copy with Mr Khali. I attach a copy of that Traders Notice as **Exhibit DC/3**.

**Elizabeth Gregg**

---

**From:** ISD Alcohol Licensing <Alcohol@homeoffice.gov.uk>  
**Sent:** 19 April 2022 15:04  
**To:** Licensing; [REDACTED]  
**Subject:** RE: Review - Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP - PRE427  
**Attachments:** Pendulum - Representation in Support of RA Review\_1.0.docx

**CAUTION:** This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Dear All,

See attached representation from Immigration Enforcement in relation to the above premises.

Regards

Phil Thomas

The Alcohol and LNR Licensing Team  
Interventions and Sanctions Directorate  
Immigration Enforcement  
Home Office

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





# Immigration Enforcement

## Immigration Enforcement Representation in respect of a Premise Licence

On behalf of the Secretary of State, Home Office (Immigration Enforcement) makes representations for the following premises licence application, relating to the crime prevention objective, including the prevention of illegal working and immigration crime in licensed premises.

Home Office (Immigration Enforcement) wishes to make representations on the following:

*(Select as appropriate)*

	Please select
Application for a premises licence review	<input checked="" type="checkbox"/>
Application for the transfer of an existing premises licence	<input type="checkbox"/>
Application for a premise licence	<input type="checkbox"/>

### Premises Licence Details

Licensing Authority Application Reference Number:

Immigration Enforcement Reference Number:

Premises Licence Holder:

**Mr Mohammed Khalil Ali**

Premises Address:

**Pendulum**

**Blaydon Road, Pendeford**

Post Town:

**Wolverhampton**

Post Code:

**WV9 5NP**

### Details of Responsible Authority

Name and Address:

Home Office Immigration Enforcement,  
Alcohol Licensing and Late-Night Refreshment Team,

40 Wellesley Road  
Croydon  
CR9 2BY

**Daytime  
Telephone  
Number:**

**Email address  
(optional):**

**Home Office Representations are being made to:**

		<b>Please select</b>
<input checked="" type="checkbox"/>	<b>In support of an application for the review of a premises license</b>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<b>Request that conditions be attached to the premises Licence</b>	<input type="checkbox"/>
<input type="checkbox"/>	<b>Objection to the grant of a premises license to the applicant</b>	<input type="checkbox"/>

**Representations are being made for the following reasons**

**On Friday 25th February 2022 a multi-agency visit took place at Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP involving West Midlands Police, Local Authority Licensing and Gangmaster Labour Abuse Authority.**

**Three persons were encountered and found to be present in the UK illegally with no right to work and were arrested.**

**HO checks confirmed all 3 subjects entered the UK illegally in 2021 by small boat and had claimed asylum on their arrival. All 3 subjects confirmed they were still living in the accommodation in which they had been allocated to. All 3 subjects were de-arrested and set up on reporting authorised by CIO Atkar.**

**A Civil Penalty Referral notice was served on site to the employer.**

**Reasons for which there is a risk to the licensing objectives, and why the objection or conditions proposed are appropriate to prevent crime including illegal working in licensed premises**

Home Office (Immigration Enforcement) as a responsible authority-

Section 36 and Schedule 4 of the Immigration Act 2016 (the 2016 Act) amended the Licensing Act 2003 (the 2003 Act) to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after 6 April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late-night refreshment.

The Home Secretary (in practice Home Office (Immigration Enforcement)) was added to the list of Responsible Authorities (RA) in the licensing regime, which requires Home Office (Immigration Enforcement) to receive premises licence applications (except regulated entertainment only licences and applications to vary a Designated Premises Supervisor (DPS)), and in some limited circumstances personal licence applications.

In carrying out the role of responsible authority, Home Office (Immigration Enforcement) is permitted to make relevant representations and objections to the grant of a licence or request a review of an existing licence as a responsible authority where there is concern that a licence and related licensable activity is prejudicial to the prevention of immigration crime including illegal working

We feel that this individual breaches the licensing objective - Prevention of crime and disorder.

The above findings constitute a risk of non-compliance.

**Signatures**

**Signature of Responsible Authority**

**Home Office Immigration Enforcement**

**Date:**

**19/04/22**

**Capacity:**

**Responsible Authority**



**From:** Dianne Slack  
**Sent:** 20 April 2022 11:48  
**To:** Licensing; [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Review - Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP - PRE427

Sensitivity: PROTECT

Dear Lizzy,

I write on behalf of Trading Standards as a Responsible Authority to submit formal representations in support of the review applied for by the Licensing and Regulatory Officer for West Midlands Police, in respect of Premises Licence Number: 20/22712/PRE, due to the general failure to comply with conditions applied to the premises licence.

The current premises licence is a relatively young one granted on 15/11/2020 and issued to Premises Licence Holder and Designated Premises Supervisor, Mohammed Khalil Ali. On his application Mr Ali had offered to adhere to robust licensing conditions, in particular of concern to Trading Standards, those under the licensing objectives

The prevention of crime and disorder, including

- The systems recorded images and video will be of court-evidential quality, indicate the correct date and time and be kept for at least 31 days unedited.
  - Images and video will be downloadable in a suitable format and provided to any officer of a responsible authority upon request.
  - Documented staff training relevant to the prevention of crime and disorder.
  - To have a written policy in relation to drunkenness.
  - A Personal Licence Holder must be on site when licensable activities are taking place.
  - An electronic or written refusals log will be maintained at the premises with a record of all refusals of admission or service.
  - The refusals log will include the basis of a refusal; the person making the decision to refuse; the date and time of refusal.
  - The refusals log will be kept for at least 12 months and will be produced to an officer of a responsible authority upon request.
  - An electronic or written incidents log will be maintained at the premises with a record of all incidents of crime and disorder reported to or by the premises.
  - The incidents log will be produced to an officer of a responsible authority upon request.
  - All staff to receive training and refresher training every 6 months on their responsibilities with regard to licensing legislation and, in particular, to under age and proxy sales.
  - Training will also cover Challenge 25 and conflict management. This training must be documented and produced to an officer of a responsible authority upon request.
- and

The protection of children from harm

- To carry out a risk assessment with regard to children on the premises.
- The Challenge 25 scheme will be operated to ensure that any person who appears to be under the age of 25 will provide documented proof that they are over 18 years of age..
- To display notices within the premises regarding such a policy.

The application for review illustrates that no regard has been considered for the said licensing objectives that were relied upon to obtain the premises licence. The results of the visits suggest that no Challenge 25 was being operated nor any risk assessment with regard to children on the premises. Those responsible repeatedly ignored the advice given by licensing officers. If it was discovered that there was an issue of underage sales of alcohol from the premises, the owners and Premises Licence Holder and DPS would not be able to show they exercised all due diligence and reasonable precautions to prevent such sales and legal proceedings would have to be considered.

The premises licence holder and management have failed to uphold the licensing objectives of the Prevention of Crime and Disorder, Public Safety, The Prevention of Public Nuisance and Protection of Children from Harm.

Regards

Dianne Slack  
Tobacco Control Officer  
Tel. Office: [REDACTED]

[E-mail:](#) [REDACTED]  
City of Wolverhampton Council

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**From:** [REDACTED]  
**Sent:** 26 April 2022 13:15  
**To:** Licensing  
**Subject:** Pendulum Pub Licence Review

**CAUTION:** This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Dear Sir/ Madam

Re the licence review for the Pendulum pub on the Blaydon Road in Pendeford.

I strongly oppose the issuing of a licence to this pub - indeed, I support the removal of the existing licence on a permanent basis.

My reasons for this strong opinion are as follow.

Both myself and some of my neighbours have had cause to make official complaints against this pub on numerous occasions.

The biggest cause of complaints being the noise nuisance they constantly cause.

I am aware the they have been spoken to officially on the noise issue, and I am sure they are contrite in their apologies. However, give it a couple days and they are back with ridiculously loud music late at night again. It's water off a ducks back to them. They just don't care about the nuisance they make of themselves.

When the country was in lockdown for Covid reasons, although it was an awful time, it was also a time of great peace to the neighbours of this pub as we finally had months of peace and quite as the pub (with the obvious exception) had to close.

I am not against anyone trying to make a living, but - and it's a big but - not at the expense of the quality of life for those around them.

Another concern is that, with the Pendulum pubs poor reputation, they are effecting the value of our properties.

The problem to be faced though is if you remove their licence, will another friend or family member take it up instead, leaving us no better off?

The residents I have spoken with agree with me on what could / should be done.

Close the pub completely, evict whoever is living there, compulsory purchase the pub, demolish it, rejig the Blaydon Road to add a traffic island where the pub currently stands, make access to the Morrisons supermarket via the traffic island. A cheap option? No, of course not, but there would be some very positive benefits.

It would remove the noise nuisance from the pub, it would slow down traffic on the Blaydon Road and - by removing the current car park entrance to Morrisons and moving it to the island - cut down on the number of road traffic accidents seen on the Blaydon Road.

Anyway, for the sake of the local neighbours of the Pendulum pub, I appeal to you to revoke their licence and return Pendeford to a much quieter and pleasant place to live.

Kind regards  
[REDACTED]

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[Redacted]

[Redacted]

[Redacted]

**From:** Alex Green <[Redacted]>

**Sent:** 09 May 2022 14:52

**To:** Debra Craner <Debra.Craner@wolverhampton.gov.uk>; Licensing <Licensing@wolverhampton.gov.uk>

**Subject:** URGENT - Pendulum, Wolverhampton - Review. GTE:00019000007430

**CAUTION:** This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Good afternoon

Please see attached freeholder representation letter on behalf of the freehold owner of the above premises.

I would be grateful if you could please confirm receipt.

Kind regards

ALEX

**Alex Green** | Partner | Licensing

for and on behalf of Gosschalks LLP

Queens Gardens, Kingston Upon Hull, HU1 3DZ

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

# GOSSCHALKS

BY EMAIL AND FIRST CLASS POST  
City Of Wolverhampton Council  
Licensing Services  
2nd Floor Civic Centre  
St. Peter's Square  
Wolverhampton WV1 1SH

Please ask for: Alex Green  
Direct Tel: [REDACTED]  
Email: [REDACTED]  
Our ref: ARG / SR / 098454.28078  
#GS4520188  
Your ref:  
Date: 09 May 2022

Dear Sir/Madam,

**Re: Licensing Act 2003 – Review Proceedings**  
**Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP**  
**Premises Licence number 20/2712/PRE**

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have been informed about an application for review of the premises licence brought about by West Midlands Police.

Despite numerous requests to the Licensing Authority and the Police, our client has not been sent a copy of the application for review and it is extremely difficult in the circumstances for our client to try and assist the Police with their concerns. Notwithstanding this, we would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Ltd owns approximately 3500 public houses in England and Wales. The vast majority of these premises are the subject of lease/tenancy agreements through which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lies with the tenant. The Pendulum is the subject of a tenancy agreement in favour of Mohammed Ali, the premises licence holder. Mr Ali has been operating the premises since September 2021. His lease term ends in 2025.

The s182 Guidance (April 2018) is clear at paragraph 9.43 that when determining applications and appropriate action to take, *"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve."* Furthermore, in the context of reviews, at paragraph 11.20, the Guidance reiterates that remedial action *"should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."*

Our representation is that the management of the premises seems to be the problem. A proportionate response (in the absence of any more details) may be to remove the DPS/Premises Licence holder if any allegations of criminality against the Premises Licence holder/DPS are proven. We also understand that in the application for review, there may have been allegations relating to breaches of the Premises Licence conditions. We would therefore suggest that further

staff/management training is needed and more stringent premises licence conditions may be required.

We would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may wish to expand upon it at the hearing.

Yours faithfully



**GOSSCHALKS LLP**

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**From:** [REDACTED]  
**Sent:** 11 May 2022 20:34  
**To:** Licensing  
**Subject:** Pendulum Pub Blaydon Road

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Subject Pendulum Pub License Review. I am a resident at [REDACTED] and strongly object to this Pub being given another license . This establishment has had no concern for local residents and has constantly caused noise nuisance and anti social behaviour over many years now , causing many of the local residents including myself to lose sleep and ruin weekends . The noise anti social behaviour carrying on into the small hours of the morning and often carrying on outside after pub has shut At the very least the hours they are allowed to open into the evening needs to be drastically reduced and then enforced by yourselves when we the residents complain if this can't be done then I can't see how a license can be granted as the licensee will certainly push the boundaries as he has demonstrated many times including serving during lockdown which they were prosecuted for a clear indication at to the scant regard he holds laws and regulations in !! Kind Regards [REDACTED]

This page is intentionally left blank

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 11 May 2022 21:08  
**To:** Licensing <Licensing@wolverhampton.gov.uk>  
**Subject:** Review Application for Premises Licence PENDULUM PUB

**CAUTION:** This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

Hi,

Please find my letter attached.

Regards,

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

11<sup>th</sup> May 2022

Dear Sir/Madam,

**RE: REVIEW APPLICATION FOR PREMISES LICENCE – The Pendulum, Blaydon Road, Wolverhampton, West Midlands, WV9 5NP**

I am writing to document my concerns about this pub, something I have done many times previously, and will continue to do until the nuisance this establishment causes in the local community is stopped.

I have lived at my address in Pendeford since [REDACTED], so I have many years of experience of the pub's operation and its various landlords.

When I first moved to the area, it was a well-run, family-friendly pub. I used to enjoy popping in for food & drink and the pub quiz. The opening hours were sensible, and the landlord respected the local community. This is a far cry from the current situation! It appears that for many years now the pub has been run by landlords who just don't care about the local residents. If you mention the pub to neighbours, they don't have a good word to say about it, and they are certainly not using it! It would appear that the pub's clientele is coming into the area from far and wide.

The pub opening during the coronavirus pandemic, when it was supposed to be closed, simply demonstrates the pub's contempt for the law and the health and well-being of local residents. The period during which it was closed was a peaceful time in the area and everyone's quality of life was elevated.

Since it was allowed to open once again, the problems and noise nuisance have started back up. It really is a very stressful experience when you can't hear your television over the sound of the bass, you can't sit quietly and read a book and you can't sleep until the early hours of the morning when all the noise has died down; this includes during the working week. The antisocial behaviour that goes on outside the pub throughout opening hours and then continues after the doors have closed grinds you down.

Several months ago, there was a violent incident which resulted in all the windows being smashed. This was really unsettling for residents, especially when we heard that it could be drugs related.

I wonder how many people involved in issuing a licence to this pub have visited its location. It is situated in a quiet and friendly residential area, just metres away from people's homes. The current licence allows the pub to open until 1:00 AM some days. These hours are more suited to a pub or nightclub located in the city centre and are certainly not appropriate for a residential area. In my opinion, if people want late night drinking, music, dancing, and other entertainment; then this is not the location or venue.

The car wash that operates from the pub car park also creates its own level of noise nuisance during the day.

I do not think this pub deserves to have a licence. The local community would be better served if the building and land was sold off for more shops, a petrol station or housing.

**Please note that I wish to remain anonymous and do not give permission for my name or address to be revealed.**

Yours sincerely,

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering the address area.

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The Pendulum Pub,  
Blaydon Road,  
Pendeford,  
NV9 5NP

5th. May 2022

Dear Sirs,

**RE: Review of the Premises Licence of the Pendulum Pub.**

I write this letter in respect of the Review which you are currently undertaking with regard to the above. I confirm that I am the present Licenece Holder of the above premises. I confirm that this is the first enterprize that I have undertaken in respect of Licensed Premises on my own. I have found that it has been very difficult to both relauch the pub after its extended closure and the present financial climate. There have also been considerable problems in hiring capable staff to help run the pub.

I would like to first of all apologise for the various matters referred to in your Officers Report dated the 25th. March 2022. I confirm that I have addressed all the issues referred to in the same. As a matter of general principle I have adopted all the relevant practices referred to in the Training Manual issued by Staffordshire Council a copy of which is enclosed herewith in relation to Drunkenness, risk assessment for children, and conflict avoidance. i have also put in place manuals in respect of training for staff in respect of CCTV, Prevention of crime, Challenge 25 and Conflict Management. I have also posted Challenge 25 posters within the premises. I have also downloaded footage form the CCTV as requested.

I have realised that in running the pub I require help and assistance. In this respect I have engaged a Manager who will be tasked with specifically undertaking all the issues that have been raised by the Council. I would invite you to consider all the matters refrred to above and to give me the benefit of the doubt so that I can operate a successful, profitable and safe enviroment for all members of the community who use the pub.

Yours Faithfully,

A solid black rectangular box used to redact the signature of the sender.

Mohammed Ali.

# **Trading Standards Licensing Training Booklet**

**(LT Booklet)**



First Published January 2015

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If you would like further copies of this guidance booklet, which is available in a variety of languages and large print, please contact us.

Public Protection  
Trading Standards  
Community Safety Team  
c/o Wedgwood Building  
Block A, Tipping Street  
Stafford  
ST16 2DH

Tel: 0300 111 8045 or the Contact Centre on 0300 111 8000

E-mail: [licensing@staffordshire.gov.uk](mailto:licensing@staffordshire.gov.uk)

Follow SCC on twitter: @staffordshireCC

[www.staffordshire.gov.uk/business/tradingstandards/Alcohol-Licensing](http://www.staffordshire.gov.uk/business/tradingstandards/Alcohol-Licensing)

Other useful websites:

[www.nhs.uk/Livewell/alcohol/Pages/alcohol-units.aspx](http://www.nhs.uk/Livewell/alcohol/Pages/alcohol-units.aspx)

[www.drinkaware.co.uk](http://www.drinkaware.co.uk)

[www.crimestoppers-uk.org](http://www.crimestoppers-uk.org)

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## **INTRODUCTION**

This booklet has been produced by Staffordshire County Council

Trading Standards to help businesses implement regular, recorded training regarding the responsibilities around the sale of alcohol.

It is aimed at helping you to understand your legal and social responsibilities when in a position of selling/ supplying alcohol.

Selling alcohol is a responsibility that is often underestimated. As soon as you take on a job that requires you to sell/ supply alcohol you are agreeing to uphold these responsibilities and to accept the consequences of not doing so. For example if you sell alcohol to an underage person you are likely to end up with a criminal record and financial penalty as well as potentially lose your job; but the wider effects of a criminal record could inhibit your ability to travel to certain countries or pursue certain careers.

The booklet provides details of the social responsibilities and laws governing alcohol; the consequences of breaking the law and practical guidance on how to avoid doing so.

It is in everyone's interest to stop underage persons/ drunken people from buying/obtaining alcohol. Working with your colleagues, as a team, will help you to comply with legislation and your social responsibilities.

## Glossary of Terms

There are a number of abbreviations and terms used throughout this booklet and the accompanying tests of knowledge; as explained below. Please use this as a reference tool when using this booklet.

- Underage** – refers to persons under the age of 18 years.
- DPS** – Designated Premises Supervisor
- PLH** – Premises Licence Holder
- Licence** – The Premises Licence authorising the sale of alcohol or other licensable activities.
- Owner** – The owner and person responsible for the business.
- £90 PND** – £90 Penalty Notice for Disorder (fine)
- CR** – Community Resolution (see page 3)
- CC** – Conditional Caution (see page 3)
- Licence Review** – outcomes included: addition of conditions; removal of DPS; up to 3 months suspension; revocation of licence.
- RA** – Responsible Authority
- ABV** – Alcohol by Volume (percentage alcohol strength)

## IMPORTANT NOTICE

A common method of disposal for many licensing related offences is a £90 PND issued by Staffordshire Police. However, from November 2014 to November 2015 there is a pilot scheme that means alternative methods of disposal are being used in place of the PND, as listed below:

- Community Resolution (CR) – resolution of a less serious offence, through informal agreement between the parties involved.
- Conditional Caution (CC) – a caution given in respect of an offence which has conditions attached to it.

These disposal methods replace the normal criminal justice/ court process. If the CR is not accepted or the conditions of the CC are breached, the offenders will be dealt with via court proceedings.

Therefore, you should be aware that where this booklet refers to a £90 PND you may actually receive one of the above alternatives. Both are disclosed in an enhanced DBS (criminal record) check.

**Please note:** it is currently unknown whether the £90 PND will be re-instated at the end of the pilot scheme in November 2015; please check with your Police Licensing Unit for up to date information.

Where this currently applies it will be marked as follows – **£90\***.

## **SECTION ONE - Legislation**

### **The Licensing Act 2003**

This legislation sets out the provisions for the sale of alcohol; including the requirement to obtain a Licence, as well as stipulating whom it can be supplied by and to whom. The legislation defines alcohol as a product containing an ABV of 0.5% or greater.

The relevant offences you need to be aware of are as follows:

#### ***Underage sale / supply***

##### **Offences:**

- Serving alcohol to an underage person. (s.146)
- For an adult (person over 18) to buy alcohol on behalf of an underage person. (s.149) see page 6 for exception
- To persistently serve alcohol to an underage person. 'Persistently' is defined as a sale on two or more occasions within a three month period. (s.147a)

**Enforcement:** Staffordshire Police and Trading Standards enforce these offences by means of a compliance test operation. Underage volunteers enter a premise and attempt to purchase alcohol. Surveillance can also be used.

**Consequences:** The seller of alcohol to an underage person is liable for a £90\* PND or fine of up to £5,000, if it goes to court. The Owner is liable for a fine of up to £5,000. The Owner/ PLH may face a Licence Review (refer to the Glossary, on page 2, for outcomes). In the case of persistent selling the fine imposed can go up to £20,000 and/ or the premises can be issued with a closure notice (see page 7). The adult who buys alcohol on behalf of an underage person is also liable for the £90\* PND or a fine of up to £5,000 if it goes to court.

## ***Intoxication***

### **Offences:**

- To sell or attempt to sell alcohol to a person who is drunk, or to allow alcohol to be sold to such a person on relevant premises (s.141).
- To knowingly obtain or attempt to obtain alcohol on relevant premises by a person who is drunk (s.142).

**Enforcement:** Staffordshire Police can carry out inspections and assess the level of inebriation of the customers at the time.

**Consequences:** The seller/ supplier of alcohol to a drunken person is liable for a £90\* PND or a fine of up to £1,000 if it goes to court. The Owner/ DPS and PLH are also liable to a fine of up to £1,000. The Owner/ PLH may also have a Licence Review (see Glossary).

## ***Licensable Activity (sale of alcohol; provision of entertainment)***

### **Offences:**

- To carry on, attempt to carry on or knowingly allows to be carried on, a licensable activity on or from any premises otherwise than under and in accordance with a premises licence, club premises certificate or valid temporary event notice (s.136).
- To expose alcohol for sale by retail in circumstances where the sale would be an unauthorised licensable activity (s.137).
- To keep alcohol in one's possession or under one's control with the intention of selling it by retail or supplying it in circumstances where the sale or supply would be an unauthorised licensable activity (s.138).

**Enforcement:** Staffordshire Police and other authorised officers from RAs can carry out inspections to check that licensable activities are being carried out in accordance with the premise licence.

**Consequences:** Any person guilty of the s.136 and s.137 offences can face imprisonment up to 6 months and/ or a fine of up to £20,000. The s.138 offence has a fine up to £200 but no imprisonment. A Licence Review (see Glossary) could also result.

### ***Keeping of smuggled goods***

#### **Offences:**

- To knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported (s.144)

**Consequences:** The Owner/ PLH/ DPS and any other person capable of preventing this offence can receive a fine of up to £1000 for allowing it to be committed. A Licence Review (see Glossary) would also be considered, with a strong risk of a revocation.

### ***Criminal Justice and Police Act 2001***

Section 19 gives Police the power to issue a closure notice for non-compliance with a Licence. This means the business has to stop selling alcohol otherwise they are committing an offence under s136 of Licensing Act 2003. Be aware, it's not just the Owner; PLH and DPS who commits an offence by allowing the continued service of alcohol but also the member of staff actually selling it. So, if a premise has been issued with a Closure Notice all staff should be informed as soon as possible in order to prevent the unwitting committal of an offence.

#### **Offences:**

- Obstructing an Officer issuing a Closure Notice – s.25 (3a)
- Not complying with a Closure Notice – s.25(5)



**Consequences:** Obstructing an Officer from issuing the Closure Notice could lead to a fine of up to £5000 and/ or a one month imprisonment. For not complying with a Closure Notice this imprisonment term can stretch to 3 months and the fine goes up to £20,000. Of course there is always the option of a Licence Review (see Glossary) for the premise as well.

### ***Other Relevant Legislation and Information***

#### ***Licensing Act 2003 – powers of entry/ underage supply***

You should be aware that the Police and Officers from RAs are granted powers of entry for inspection under section 179 of the Licensing Act 2003. This power is to allow relevant, authorised officers to enter premises to ensure that any licensable activities are being carried on under the appropriate authorisations. It is an offence for you to obstruct an officer who is exercising this power and you can face a fine of up to £1000.

Additionally section 180 of the Licensing Act 2003 provides that Police Officers may enter and search premises where there is reason to believe an offence has been, is being or is about to be committed and they may use reasonable force to gain entry.

Section 150 (4) of the Licensing Act 2003 allows alcohol to be supplied to a person aged 16 or 17 years. However, the alcohol must be physically purchased by a person over 18, who is accompanying the 16/ 17 year old person. The 16/ 17 year old must be eating a table (substantial) meal and the alcohol must only be beer, wine or cider. \*see page 16 for more info.

#### ***Misuse of Drugs Act 1971***

Nearly all drugs with misuse and/or dependence liability are covered by it. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor).

If you knowingly permit the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on your premises you could be committing an offence and on summary conviction could face a prison sentence of up to 12 months and/ or a fine up to £2500 depending on the class of drug involved.

## **IMPORTANT** *Consequences:*

If you commit an offence and get a criminal record it will affect your future.

A caution stays on your record for 6 years; a conviction (no custodial sentence) stays for 11 years; a conviction with a custodial sentence will always show on a Disclosure and Barring Service (DBS) certificate. This is a check that employers and other agencies will carry out to assess your suitability for employment, or using their service.

A **£90\*** PND is not a criminal conviction and but will be disclosed on an enhanced DBS check. However, failure to pay it will result in a recordable conviction due to subsequent attendance at court.

- A criminal record needs to be disclosed to insurers; landlords; mortgage providers; financial service providers; education institutions; visa agencies; adoption agencies.
- People with criminal records are highly unlikely to be able to get a job in the health sector; finance and banking; security; government agencies; legal and policing; and working with children or other vulnerable people.

Universities can refuse you a place on a course if you have a criminal record, particularly health, social care or education courses.

Trouble travelling to certain countries, such as the USA, Canada and Australia.

## SECTION TWO - Preventing Underage Sales

### Challenge 25 /No ID No Sale

Challenge 25 is widely used in Staffordshire and Nationally. Anyone who appears to be under 25 should be asked for ID, if they produce ID to prove they are 18 or older you can serve them. It reduces the likelihood of mistaking somebody who is under the age restriction as being old enough; as an underage person is less likely to appear 25 than they are 18. Once you have asked for ID you need to apply a 'No ID No Sale' policy. If they cannot provide reliable ID to verify their age, then under no circumstances should you serve them. Asking for ID is the best way to establish a person's age. Asking questions about age or date of birth is not good enough and would need to be followed up by asking for ID anyway.

Other considerations when deciding when to ask for ID:

- **DO NOT** rely on the fact the door staff have let them into the premise and are likely to have checked their ID; because they may not and it's **YOU** who gets the **£90\*** PND and criminal record for making the sale, not them!
- Do assess who they are with, but **DO NOT** assume that just because they are with older looking people they are old enough.
- You may ask a colleague for their opinion, but if you have already thought about asking for ID you should ask. If your colleague advises you to serve without asking for ID, it will still only be **YOU** who will get the **£90\*** PND!
- What drink are they buying? You may know what products tend to attract the underage clientele.
- Assess their body language as well as how they appear. Sometimes they may appear over confident but many will probably be nervous, avoiding eye contact and not making conversation because they wish to draw very little attention to themselves.

Judging age is a very difficult thing to do and everyone will assess it differently. Therefore using 25 as the age people have to look, makes it more likely you will be asking for ID from underage persons. Lots of people shy away from guessing peoples' ages because they claim they are a terrible judge of age. Working in alcohol retail means that you do not have the luxury of this excuse; you have to assess peoples' ages all the time and if you don't, then you are likely to serve an underage person; which means you are breaking the law and liable to a **£90\*** PND at least, as well as a criminal record.

If you do not feel confident in assessing ages, you need to get lots of practice. There are examples below and there are more in the Guess the Age Book. However, you can practice in your own time by trying to guess the age of people on TV shows and using the internet to discover the answer.



How old do you think they are?

Would you ask them for ID?

## Acceptable ID

- UK Photo Driving licence - full and provisional (1 - 5)
- Passport (6)
- PASS endorsed ID with a PASS hologram, e.g. Citizencard (8)



You should take the ID off the person so you can check if it is genuine or if it has been tampered with. For instance, check a driving licence by running your finger over the person's surname. However, then check to see if it has been tampered with by checking the date of birth, if this is raised it has been tampered with and should not be accepted.

## **Handling and Recording Challenges and Refusals**

Asking for ID is a difficult thing to do because you don't want to offend the customer in any way. Try to do it as casually as you can, make the customer believe that it's a normal part of the transaction. For those who are over 18, but look under 25, this is unlikely to be the first time that they have been asked and they will not be offended. Those over 18 who have forgotten their ID may initially be angry but it is likely they will come back with it later. Underage persons will either walk away sheepishly or try to make a scene.

It is important when refusing to serve somebody that it is done in a **polite** and **professional** manner.

You need to remain calm and apologise, then **transfer the blame** by explaining the business operates a Challenge 25 Policy; so you are saying they don't look over 25 (not 18). It is useful to point to a poster or badge that advertises the operation of a Challenge 25 Policy to emphasise the point and **de-personalise** it. Explain that now you have asked for ID the law says you are not allowed to serve them if they cannot prove they are over 18, and that you can be prosecuted resulting in a fine and criminal record.

Offer a solution such as stating you are happy to serve them when they return with their ID (therefore you are not accusing them of being underage and acknowledging they may have ID they have simply forgotten). If they say they don't have a Driving Licence or Passport you can suggest they apply for a Citizencard which they can do on the Citizencard website. Try not to antagonise or humiliate the person as this may create further problems.

You need to be firm in making the refusal, there is no negotiation even if they are claiming that the colleague next to you has previously served them or indeed that you have. Apologise again and explain that you, and any colleague they have identified, serve lots of people and unfortunately cannot remember everyone, so you would be grateful if they could always bring their ID with them as it would help you to serve them.

If a person is getting aggressive you need to avoid prolonged eye contact and use relaxed body language (such as open handed gestures). Always keep a barrier between you and them to avoid physical violence. If problems persist seek the assistance of another member of staff/ management/ door staff. If the person becomes violent or threatening you should telephone the Police.

Once you have challenged someone for ID you will need to record it, regardless of whether or not they provided ID and you served them, or they didn't have ID and you refused them. Trading Standards have created a Refusal/ Challenge Register to enable you to record this information easily. It also allows other staff to be aware of any potential problem people by looking at the entries, before starting a shift, to identify any customers who may attempt to get served again when a new staff member is working. In the Register you should record: your name; the date and time of the challenge; the product; the reason for refusal and a brief description of the person refused. If you have been provided with ID and make the sale, you record: your name; the date and time, and tick what ID is provided. Ideally you will complete this record straight away but in really busy periods it may mean you are filling it out when you have time, but you need to do it as soon as you can before you forget.

The **Refusals/ Challenge Register** should be kept by the till(s) within easy reach of the staff completing it. You need to familiarise yourself with where it is kept and if there is more than one on site.

Some businesses operate an electronic register that is simply linked to a till prompt. If this is the case where you work you may not have to complete the hand written register.

If you feel uncomfortable asking for ID you must speak to your Manager/ Business Owner. Ask them to provide you with further training, such as shadowing a more experienced member of staff to see how they do it; or doing role play scenarios around refusals.

It is important to have a united front against underage sales so it is a good idea to tell your colleagues at the time when you are making a refusal. So, if you are working a busy bar where there are a few staff, they can immediately look at the person refused and therefore not serve them if they move down the bar and try again.

Where under 18s are not allowed in the premises, you must ask the person refused to leave the premises or ask door staff to eject them.

Some premises will be required to operate an Incident Log so check with your employer. This can be used to record when a person has been ejected and for what reason. You should record whether the Police have been informed and attended. For example, if you have refused a sale and the customer has become aggressive and therefore asked to leave but refuses, you can detail this in the Incident Book as well as the Refusals/ Challenge Register. Before you ask for ID you need to assess whether or not the person is drunk (see pages 18-21 for more information). If they are drunk you will need to refuse the sale straightaway.

Remember, when refusing the sale:

- Be Polite & Professional
- Stay Calm
- Apologise
- De-personalise



- Transfer the Blame
- Offer a Solution
- Be Firm/ Stand Your Ground

If they get aggressive:

- Use relaxed Body Language
- Avoid Prolonged Eye Contact
- Keep a Barrier Between you
- Ask for Management Support
- Call the Police

## **Proxy Sales**

A proxy sale is where an adult (person over 18) purchases alcohol on behalf of an underage person. This is an offence and the adult is liable for a **£90\*** fine with a potential of prosecution which can result in an up to £5000 fine. If you serve the adult when you know they are going to pass it on to an underage person you could also face prosecution or be at risk of losing your job because the business may have their licence reviewed as a result.

When it comes to identifying and preventing proxy sales you have to consider a number of things and use your discretion.

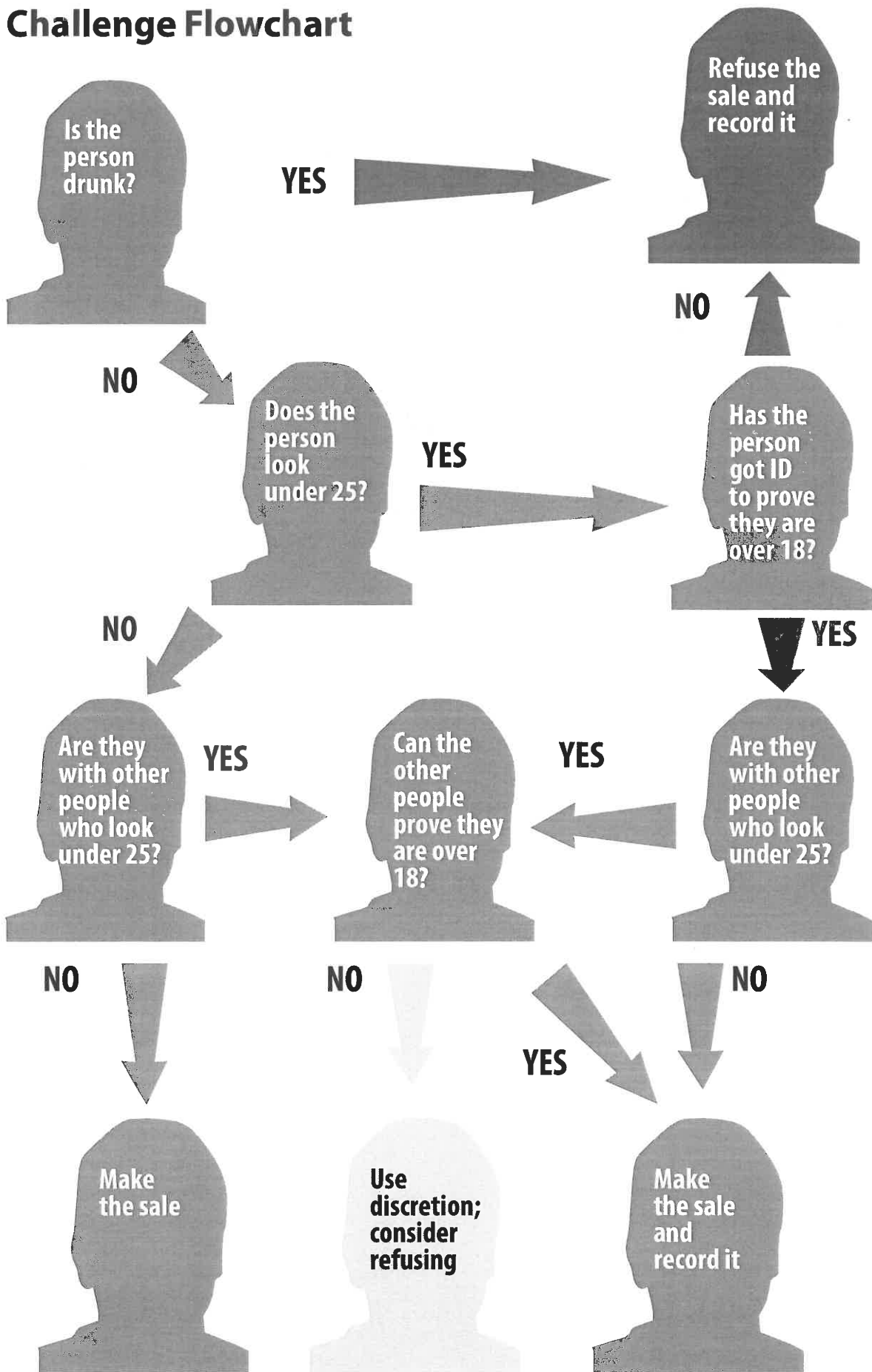
Indications of proxy sales could be that when a group of customers enters the premises only a couple of them come to the bar to order. You need to be aware of these so that you can assess the age of those who don't approach the bar. If this is common behaviour by the nature of the business (such as a family/ food orientated establishment) you need to check if there are any underage persons in the group. Once this is established and you believe the ones at the bar look over 25 you need to see how many are in the group and how many are underage; then you need to ensure the order contains enough soft drinks and alcoholic drinks to cover the group (obviously there may be more soft drinks but there shouldn't be more than one alcoholic drink per person over 18).

You still need to make an effort to see the table and the occupants sat at it as soon as you can afterwards, to check that they have not passed alcohol to the underage members. However, your employer may impose a policy where each, over 18, group member has to approach the bar themselves to order alcohol.

Other dynamics may be a group, of a similar age range, where you have asked the ones at the bar for their ID. They may provide you with ID but then go on to order alcohol for the group members who are not at the bar. At this point you should ask for ID from all of the group members who look under 25, and if they can't provide it you have a decision to make. You have to decide if you have the capacity to monitor the group once they've been served. If you have capacity you could decide to take all their orders separately, restricting the order to only one drink per person, so you can ensure those without ID are only served with soft drinks. However, you will need to listen to the group's discussions to ensure that one of them with ID doesn't agree to buy alcohol on behalf of one who doesn't have ID. You then have to monitor the group to ensure those who purchased the alcohol do not pass it onto one of those without. If you cannot monitor the group it is safer to refuse the sale to the whole group in order to prevent proxy sales.

There is always an exception to the rule, for example underage persons are not allowed to buy alcohol unless they are acting under authorisation of the Police or Trading Standards. There is an exception to allow a proxy sale. An adult can purchase beer, wine or cider for a 16/17 year old if they are accompanying them and the 16/17 year old is eating a substantial meal at the time. The underage person cannot purchase the alcohol directly. The law doesn't specify a limit on the number of drinks they can have so it is **not a recommended practice**. You need to **check with your employer** to see what policy they operate. Best practice would be to not allow this supply or only allow one drink to be served directly with food. If you refuse a sale due to it being a suspected proxy sale you must record it in the Refusals/ Challenge Register.

# Challenge Flowchart



## **SECTION THREE - Social Responsibilities**

There are certain social responsibilities that you have to be aware of and abide by in order to serve alcohol. Here are the ones that are applicable to you as the person serving the alcohol.

- Promote responsible drinking and sensible drinking practices.
- Avoid encouraging or condoning illegal; irresponsible or immoderate drinking (i.e. drunkenness, drink driving, drinking inappropriately).
- Take all precautions against underage sales.
- Avoid any association with violent, aggressive, dangerous, illegal or anti-social behaviour.
- Avoid suggesting that alcohol may enhance social, sexual, physical, mental, financial or sporting performance, or suggesting that not drinking will decrease such performance.

When you are serving alcohol you must always consider these responsibilities and ensure that you are implementing them.

### **Identify a Drunk Person**

Different people have different alcohol tolerance levels, so do not assume that just because a person has only had 2 drinks that they cannot be drunk. There is also no way of knowing how many drinks that person has had prior to entering your premise, so look for signs of intoxication from the first time they come to the bar.

A drunk person may not show all of these signs so it is a good idea to look for any one of these signs:

- Being unsteady on their feet
- Slurred speech

- Glazed or red eyes
- Flushed cheeks
- Loudness
- Rowdy behaviour
- Dropping things (keys, money)
- Smell of alcohol on their breath and clothes
- Overly emotional (crying, shouting, aggression, anger)

Your employer should have a policy regarding the procedure for dealing with drunken persons so you need to familiarise yourself with this. The policy should cover who needs to deal with these customers and when medical help should be sought.

### **How much is too much alcohol? What are the dangers?**

Many people won't see themselves as hazardous drinkers and will believe they only drink what 'everyone else' does. This social norm for alcohol use only encourages hazardous and harmful drinking.

By choosing to work in the sale of alcohol you have accepted the responsibility to help tackle this social norm; to help people to control their drinking, so that they don't put themselves at risk. You are expected to encourage responsible drinking but in order to do that you need to know what is responsible drinking.

The [drinkaware.co.uk](http://drinkaware.co.uk) website has a tool for assessing your drinking levels as well as other helpful information.

You need to understand that how much alcohol we consume is counted by units, not by drink. It is a measurement of the pure alcohol in the drink and a unit is the equivalent of 10 millilitres (8 grams) in the UK. Examples below:

Pint of Beer/ Lager/ Cider (3.6% ABV) = 2 Units

Pint of Beer/ Lager/ Cider (5.2% ABV) = 3 Units

125ml glass of Wine (12% ABV) = 1.5 Units

175ml glass of Wine (12% ABV) = 2.1 Units

25ml shot of spirit (40%) = 1 Unit

35ml shot of spirit (40%) = 1.4 Units

There is a recommended daily allowance of units, to enable you to judge how much you should drink and it differs on gender.

Men should only drink 3-4 Units per day.

Women should only drink 2-3 Units per day.

Please note these allowances are for persons over the age of 18. There is no recommended allowance for underage persons and the official guidance is that persons under 15 years shouldn't be drinking alcohol at all.

If you drink twice the recommended daily allowance you are a binge drinker; you cannot 'save up' your daily allowance to drink over two nights at a weekend for example. It is also recommended that you have at least two alcohol free days a week. The dangers of binge drinking are often underestimated because people believe 'alcoholics' are the only ones doing any long term damage. Yet binge drinking is probably the biggest cause of alcohol poisoning.

These are some interesting, local, facts around alcohol use:

- In Staffordshire there are 131,000 hazardous drinkers, 32,000 harmful drinkers and 21,000 alcohol dependent drinkers.
- The districts of Cannock and Newcastle-under-Lyme tend to record the highest levels of alcohol related harm for under 18s.
- Binge drinking estimates are highest in Tamworth and Stafford.
- All Districts in Staffordshire have a higher estimate of binge drinking than for the West Midlands as a whole and the estimate for Tamworth is also higher than the estimate for England.
- The number of months of life lost attributable to alcohol are highest in Newcastle-under-Lyme where the figure reaches over a year (12.1 months).
- The number of young people in treatment for alcohol has increased by 17% over the last 12 months.
- During 2010/11 there were 51,100 accident and emergency admissions, it is estimated that 28,000 of these were alcohol related with estimated costs of £2,375,700

*(Information correct at time of publication).*

Alcohol dehydrates you, which is dangerous for all your organs but particularly for your brain. Dehydration can cause brain damage and this damage can have a long term impact on your mental health. So drinking plenty of water during and after drinking alcohol is important. Coffee also dehydrates you so even though the caffeine may make you feel more alert you must still drink water!

Alongside the impact on your mental health, alcohol affects every part of the body. If you regularly drink above your recommended daily allowance you put yourself at increased risk of throat and mouth cancer. You can also raise your blood pressure which puts undue strain on your heart.

Most people are already aware of the impact of long term drinking on the liver – cirrhosis (scarring) and hepatitis (inflammation). Drunken people are more likely to engage in risky sexual behaviour and put themselves at risk of sexually transmitted infections.

Alcohol can also impact on your appearance because it dehydrates you and this makes your skin wrinkle and sag as well as looking a little dull/greyish. Alcohol interferes with your REM sleep and this makes you wake up tired, often with the associated ‘bags’ under your eyes. Regularly drinking over the recommended allowance is associated with the skin condition known as Rosacea; symptoms of which can cause persistent redness, visible blood vessels, red bumps and pus-filled spots.

Alcohol contains 7 calories per gram and they have no nutritional value. It slows down the amount of calories you are able to burn during exercise and it makes you crave fattening snacks!

As well as the associated health implications of alcohol there are also the more immediate effects; such as adverse risk taking behaviour due to the fact your inhibitions have been lowered and you are not able to think ahead to assess the consequences. Lack of co-ordination also adds to this and contributes to alcohol related injuries such as falling over or having traffic related accidents.

Alcohol lowers the body temperature but people often refer to a ‘beer jacket’ and don’t wear appropriate clothing for the weather which can lead to hypothermia.

## **Preventing Drug Use**

Where there is a gathering of people there is likely to be those who feel the need to use drugs, to help them have what they might term a ‘good’ night’. Lots of these users are likely to have already abused alcohol and have turned to drugs as an alternative to get the high they crave. A mix of alcohol and cocaine puts them at higher risk of alcohol poisoning due to cocaine hiding the effects of alcohol which alert you to being drunk.



There are signs you can look out for when trying to decide if someone is using or has been using drugs. Signs vary depending on whether the drugs taken are stimulants or depressants. The nature of the premises in which you work may make it difficult for you to identify all of these behaviours but you need to familiarise yourself with those you are likely to be able to identify. General signs of drug use are:

- Rapid and loud speech
- Erratic behaviour and hyperactivity
- Sweating
- Inability to focus
- Incredibly large or small pupils
- Sweaty palms and shaking hands
- Poor co-ordination
- Vomiting and nausea
- Sudden change in personality - aggressive or unusually calm
- Paranoia
- Grinding teeth
- Rashes around the nose and mouth
- Drinking large amounts of water – unquenchable thirst

Alongside drug use you need to be aware of people who may be dealing drugs within your premises. As with detecting signs of drug use it may be difficult to spot some of the signs of drug dealing in certain premises, so you have to decide which signs you are going to be able to identify.

Signs that may indicate that a customer is also dealing drugs are:

- Frequently going to the car park, garden or toilet.
- Short, muffled conversations with several different individuals.
- Trying to stay in the corner to avoid drawing attention to themselves.
- More than one person going into a toilet cubicle at a time
- Keeping hands in pockets.

## SECTION FOUR – Licensing Requirements

### Licensing Act 2003

A Licence is required for businesses that: sell/supply alcohol; play live or recorded music (time dependent); show televised films/sports events; serve hot food between 11pm and 5am; hold indoor sporting events or theatrical performances and/ or have facilities for dancing.

Any person selling alcohol must either be a Personal Licence Holder or have authorisation to sell alcohol from the DPS. Best practice is to have a written authorisation, by the DPS, for staff to be selling alcohol in their absence. You need to know where this authorisation is kept so that in the event of a Licensing Check, by an RA (such as the Police), you can prove you are authorised to sell alcohol.

Location of DPS Written Authorisation (kept in staff area)

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The Licence (or copy) **MUST** be kept on the premises and be accessible to all staff, but not in the public areas of the premises. You need to know where this is kept in order to produce it in the event of a Licensing Check.

Location of Full Licence (This should be on the premises)

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As well as a full copy of the Licence there should also be a Summary of the Licence on the premises. The Summary MUST be displayed in the premises. Again, it would be useful for you to know where it is displayed so you can guide any relevant Officer to it in the event of a Licensing Check.

The Licence may carry conditions which have to be complied with in order to allow the business to continue selling alcohol legally.

**Remember** you commit an offence by not abiding with these conditions.

If you hold a Personal Licence you must have it on you, always!

You must know who your DPS is and how to contact them at all times.

### **Licensing Objectives**

The Licensing Act requires any business that holds a Premise Licence upholds the Licensing Objectives. The information that you have read in this training booklet will help you and the business to ensure that the business can uphold these objectives and trade legally and successfully.

1. The Prevention of Crime & Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm



Working in Partnership with Public Health and the following agencies;

