



City Of Wolverhampton Council
Licensing Services
2nd Floor
Civic Centre
St. Peter's Square
Wolverhampton WV1 1SH

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / 098454.26645
#GS3161583
Your ref:
Date: 01 May 2020

Dear Sir/Madam,

Re: Licensing Act 2003 – Review Proceedings
Pendulum, Blaydon Road, Pendeford, Wolverhampton, WV9 5NP
Premises Licence number 16/02650/PREDEPS

We act on behalf of Ei Group Ltd. Our client is the freehold owner of these premises and we have received a copy of the application for review of the premises licence by PS Reynolds of the West Midlands Police.

We would be grateful if you would accept this letter as a formal representation on behalf of our client.

Ei Group Ltd owns around 4000 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 Soran Rostam, the premises licence holder. Mr Rostam has been operating the premises since October 2016. 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."*

We note that in the application for review, the only clear evidence relates to the events of 6th April, our client's tenant's response to the authorities and an allegation relating to a breach of conditions relating to the CCTV. There is no evidence that the premises have opened save for on that single occasion.

Our client understands that Mr Rostam accepts that he made a mistake and misled the authorities when questioned about this. Our client understands that he regrets this and that he is now fearful that the licence will be revoked and he will lose his livelihood.

Our representation is that the revocation of the premises licence would not be a proportionate response to the single mistake of which there is clear evidence. Instead, a proportionate response may be to remove Mr Rostam as DPS and/or impose a period of suspension, the effect of which would leave the premises closed

for a period once others are permitted to open after the lockdown is lifted. The industry is hoping that public houses may be permitted to open from mid-June 2020.

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

A large black rectangular redaction box covering the signature area.

GOSSCHALKS