

[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: 

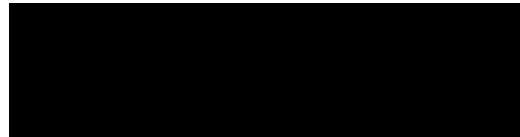
STATEMENT OF WITNESS

**(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 **8th April** **2022** **Signed**



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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 25th 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.

City of Wolverhampton Council
St. Peter's Square
Wolverhampton
WV1 1SH

 wolverhampton.gov.uk
 @WolvesCouncil
 WolverhamptonToday

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

4. On 18th 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 25th 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**.