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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

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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

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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.

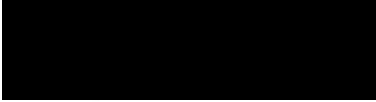
The s182 Guidance (April 2018) is clear at paragraph 9.43 that when determining applications and appropriate action to take, *"The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended 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