



BY EMAIL AND POST  
Licensing Department  
Wolverhampton City Council  
Civic Centre (Reception 14)  
St Peters Square  
Wolverhampton WV1 1DA

Please ask for: Richard Taylor  
Direct Tel: [REDACTED]  
Email: [REDACTED]  
Our ref: RJT / MJM / 098454.23189  
#GS1264155  
Your ref:  
Date: 8 March 2017

Dear Sirs,

**Re: Licensing Act 2003 – Review Proceedings**  
**Bond Street Tavern Public House, 14 Bond Street, Wolverhampton WV2 4AS**

We act on behalf of Ei Group plc (formerly Enterprise Inns Plc). Our client is the freeholder owner of these premises and has received a copy of the application for review of the premises licence issued behalf of the Chief Constable of West Midlands Police and dated 24<sup>th</sup> February 2017.

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

Ei Group plc owns around 5000 public houses in England and Wales. Over 95% of those premises are the subject of lease/tenancy agreements by 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 Bond Street Tavern is the subject of a 5 year lease agreement in favour of Lorraine and Derrick Limited.

Please note, that we take a wholly neutral stance with regard to the allegations against our client's tenant raised in the application for review. As our client has no operational responsibility for the premises, it cannot comment upon those allegations.

The representation made relates to the licensing objective of the prevention of crime and disorder. The Police indicated within the application for review that the purpose of the application is to seek *"a full revocation of its licence and the removal of Mr Minnot as the designated premises supervisor."* That was the position of the Police on the 24<sup>th</sup> February 2017.

We are aware, however, of developments since that statement was made by the Police. On the 3<sup>rd</sup> March 2017, the Police withdrew an objection to the transfer of the premises licence to Lorraine and Derrick Limited. As the Committee will be aware, following Section 42 (6) Licensing Act 2003, the Police may lodge a representation to a transfer application if it is satisfied that the exceptional

circumstances of the case are such that the granting of the transfer application would undermine the crime and prevention objective.

The Police position on the 24<sup>th</sup> February was that the licence needed to be revoked. Less than a fortnight later, however the Police position had changed. By withdrawing the representation to the transfer application, the Police accept that the operation of the premises by the new premises licence holder would not undermine the crime and prevention objective. We understand that the objection to transfer followed an undertaking given that Lorraine Heath would have no role at the premises i.e. she would not be engaged in any operation, management or employment at the premises.

The current position of the Police, therefore, appears to be that the operation of the premises does not undermine the licensing objectives.

In the circumstances, the committee will need to examine the operation of the premises since the transfer was granted i.e. in the period from 3<sup>rd</sup> March to the date upon which the review is considered. If it is clear that the issues raised within the application for review have improved then it would not be a proportionate response to revoke the licence. Instead, we would respectfully submit that if there is no evidence of any difficulty at the premises in the period since the transfer was granted then a proportionate response would be to formalise the undertaking given to the Police upon review and impose a condition on the premises licence that Lorraine Heath would not be engaged in any operation, management, or employment at the premises.

In the event that there has been no difficulty at the premises in the period since the transfer then the committee could determine that the cause of the difficulties at the premises was the involvement of Lorraine Heath. Paragraph 11.20 of the Home Office Guidance is clear that upon review it is expected that the Licensing Authorities should seek to establish the cause or causes of concerns identified by review application and direct the remedial action at those causes. A condition in the terms above would clearly be directed at the cause of the difficulties and would be a proportionate response.

At this stage, 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 seek to expand upon the issues raised within this letter of representation.

We look forward to hearing from you.

Yours faithfully



**GOSSCHALKS**