

[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

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

Name of premises licence holder or club holding club premises certificate (if known) Mr Mohammed Khalil Ali

Number of premises licence or club premises certificate (if known) 20/22712/PRE

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)

101

E-mail address (optional)

██

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

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 25th 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 11th 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 18th 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.
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Following the previous visits on 25th February 2022 and 18th March 2022 where several breaches were identified and subsequently a number of Traders Notices were issued. A month later on 25th 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.
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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 15th 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 25th 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 25th 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
20	2	0

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 23rd 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**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) [REDACTED]	
Post town [REDACTED]	Post Code [REDACTED]
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [REDACTED]	

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.