

LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 23rd June, 2020
10.00 am





LICENSING ACT 2003 SUB COMMITTEE

Tuesday, 23rd June, 2020 at 10.00 am

All public meetings are being livestreamed on the Council's [Youtube Channel](#)

AGENDA

1) *Appointment of Chair*

To consider the appointment of Chair for the meeting

2) *Apologies for Absence*

To receive any apologies for absence

3) *Minutes of the last Meeting*

5 - 6

To approve as a correct record the Minutes of the last Licensing Act 2003 Sub Committee meeting held on 9th June 2020.

4) *Additional Items of Business*

To determine whether there are any additional items of business which, by reason of special circumstances, the Chair decides should be considered at the meeting as a matter of urgency

5) *Declaration of Interest*

In accordance with the Regulations, Members are required to declare any personal or personal and prejudicial interests they may have and the nature of those interests in respect of items on this agenda and/or indicate if S106 of the Local Government Finance Act 1992 applies to them.

6) *Exclusion of the Public*

To determine during which items, if any, the public are to be excluded from the meeting

7) *Review of a Premises Licence - Kings Arms Padiham*

7 - 28

To determine an application for a review of a Premises Licence under Section 52 of the Licensing Act 2003 relating to the Kings Arms, 2 Mill Street, Padiham.

MEMBERSHIP OF COMMITTEE

Councillor Ivor Emo
Councillor Peter Gill

Councillor Margaret Lishman
Councillor Howard Baker (Reserve)

PUBLISHED

15th June 2020

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BURNLEY BOROUGH COUNCIL LICENSING ACT 2003 SUB COMMITTEE

BURNLEY TOWN HALL

Tuesday, 9th June, 2020

This meeting was remote meeting held under the
Coronavirus Act 2020.

PRESENT

MEMBERS

Councillors F Cant, I Emo and H Baker

OFFICERS

Emma Barker	– Principal Legal Officer - Litigation & Regulation
Imelda Grady	– Democracy Officer
John Clucas	– Licensing and Compliance Officer

27 Appointment of Chair

Councillor Frank Cant was appointed as Chair of this meeting.

28 Apologies for Absence

Apologies were received from Councillor Paul Campbell.

29 Minutes of the last Meeting

The minutes of the meeting held on 21st May 2020 were approved as a correct record.

30 Determination of a Premises Licence Application

John Clucas outlined the reason for the hearing in relation to an application for a premises licence for Lowerhouse Pub Canteen and presented a report to members on behalf of the Licensing Authority under Section 17 of the Licensing Act 2003.

A local resident, presented objections to the application for a premises licence at Lowerhouse Pub Canteen, Lowerhouse Lane, Burnley.

Peter Henderson, as the representative for the applicants presented the case to apply for a premises licence at Lowerhouse Pub Canteen

Christopher Anthony Gorton and Kirk Leigh Gorton, the applicants were present at the meeting.

DECISION AND REASON FOR DECISION

That the application for a premises licence at Lowerhouse Pub Canteen be granted subject to the conditions detailed in the operating schedule as submitted and appended to the report.

The Chair asked the applicants to be mindful of the specified closing times on the licence which were the hours by which customers must have vacated the premises. This would need to be taken into account when stopping serving drinks or playing music.

CLASSIFIED NO	
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REPORT TO LICENSING SUB-COMMITTEE



DATE	Tuesday 23 rd June 2020
PORTFOLIO	Governance, Law & Regulation
REPORT AUTHOR	John Clucas
TEL NO	0114 3999061
EMAIL	jclucas@burnley.gov.uk

Licensing Act 2003 Determination of an application for a review of a premises licence

PURPOSE

1. To advise members of the requirement to determine an application for review under Section 52 of the Licensing Act 2003.
2. The premises are the Kings Arms, 2 Mill Street, Padiham BB12 8 EX

RECOMMENDATION

3. Members are recommended to make a determination at the conclusion of the hearing as required by Regulation 26(1) of the Licensing Act (Hearings) Regulations 2005.

Having considered all relevant facts, the Committee is empowered to take any of the following steps which are necessary to promote the licensing objectives:

- a. to modify the conditions of the licence;
- b. to exclude a licensable activity from the scope of the licence;
- c. to remove the designated premises supervisor;
- d. to suspend the licence for a period not exceeding three months; or
- e. to revoke the licence.

REASONS FOR RECOMMENDATION

4. Members of the Licensing Committee are responsible for determining such applications.

SUMMARY OF KEY POINTS

5. The Licensing Objectives are:
- Prevention of Crime and Disorder
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from Harm

The premises currently hold a Premises Licence granted by Burnley Borough council.

The holder of the Premises Licence is The Midlands Public Loss Assessors Ltd which is a Company with just one director John Duignan, and his correspondence address listed at Companies House is 2 Mill Street Padiham, the address of the Kings Arms pub.

The Designated Premises Supervisor is Michaela Harrington and when she became the DPS of the Kings Arms in December 2017 her address was also the Kings Arms, 2 Mill Street Padiham.

She he holds a Personal Licence which was issued by South Ribble Borough Council in 2007.

A Copy of the Premises Licence is attached as Appendix A

- 6 On Thursday 16th April 2020, the Licensing Authority received an application from Lancashire Constabulary to review the Premises Licence of A to Z Off Licence Kings Arms Padiham. The grounds for the application being that the licensing objectives relating to Public Safety were not being observed at the premises.

The Lancashire Constabulary say that On the 13th of April 2020 they received 2 reports that the premises were allowing people inside the building and loud music could be heard playing.

At this time the premises were subject to closure due in the new regulations restricting the opening of certain businesses following the COVID pandemic.

Police officers attended and found 6 people, some who resided at 2 different addresses and the manager Sarah Sanderson within the premises.

The review application submitted by the Lancashire Constabulary is appended at Appendix 'B'.

The Licensing Authority has received one other representation from Burnley Borough Council Licensing Office, acting in its capacity of a Responsible Authority.

This is attached as Appendix C.

There was also an email sent on the 6th May 2020 into Burnley Council Licensing Office from Sarah Sanderson, who was the bar manager at the time of the incident. This reads in full :-

To whom it may concern,

I am writing in relation to the incident with the kings arms private living quarters on Monday the 13th April 2020, I am formerly the bar manager of the kings arms police attended the flat on the above date as I had 3 friends upstairs in my apartment during the Covid-19 outbreak, I take full responsibility for this the licensee Miss micheala Harrington was not aware of this I did this entirely off my own back.

My actions were silly and reckless and understand the upset I have caused and would like to take this opportunity to apologise.

if there are to be anymore fines prosecutions etc I feel they should be taken up with myself as it's me and only me that was responsible for this, I ask that miss micheala harrington be left out of this as I have caused her enough upset over this matter.

I have ultimately paid the price for my selfish act I have lost my home and my job.

Many thanks
Sarah louise Sanderson
Former bar manager kings arms

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

7. None

POLICY IMPLICATIONS

8. The following paragraph from Home Office Guidance issued under section 182 of the Licensing Act 2003 are relevant to this application.

4.31 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

10.28 The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations.

The following paragraphs from Burnley Borough Council's Statement of Licensing Policy

are relevant to this application:

1.10 We will endeavor to carry out our licensing functions in a way that:

- ensures public safety
- supports well managed premises where licence holders seek to actively promote the licensing objectives and display sensitivity to the potential impact of licensable activities on local residents and other businesses
- protects residents' quality of life.

3.10 Public Safety - The public safety objective is concerned with the physical state of people using the premises.

9.1 Conditions - The authority may only impose conditions where relevant representations are made following an application to grant or vary a licence or where a review request is being considered.

9.3 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned.

10.2 We expect that Designated Premises Supervisors and Personal Licence Holders will ensure that all their staff, including door supervision staff, will be fully trained in the law relating to the rights of entry of authorised persons. We will view obstruction of authorised persons by staff or employed agents of the licensee as a serious matter.

13.4 The holder of a premises licence which includes the sale and supply of alcohol must nominate a Designated Premises Supervisor (DPS). That person will normally have been given day to day responsibility for running the premises. The DPS will also be in possession of a personal licence. The Act does not require the presence of the DPS at all material times.

Members are reminded of the consideration they should give to the Human Rights Act 1998 in particular those rights afforded by Article 6 (right to a fair hearing), Article 1 of the First Protocol (protection of property) and Article 8 (right to respect for private and family life).

DETAILS OF CONSULTATION

9. The statutory consultation has taken place. One representation has been received within this statutory period.

BACKGROUND PAPERS

10. Burnley Borough Council Statement of Licensing Policy.

FURTHER INFORMATION

PLEASE CONTACT:

John Clucas
JClucas@Burnley.gov.uk

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Licensing Unit
 Parker Lane
 Burnley
 Lancashire
 BB11 2DT

Tel: 01282 425011
 Web: www.burnley.gov.uk

Licensing Act 2003

Premises Licence

PLA0209

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION

Kings Arms

2 Mill Street, Padiham, Lancashire, BB12 8EX.

Telephone 01282 931609

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- a performance of live music
- any playing of recorded music
- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday to Saturday	8:00pm	Midnight
F. Playing of recorded music (Indoors)	Monday to Thursday	11:00am	Midnight
	Friday to Saturday	11:00am	2:00am
	Sunday	Noon	Midnight
J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday	11:00am	Midnight
	Friday to Saturday	11:00am	2:00am
	Sunday	Noon	Midnight
Non Standard Timings: From 11.00 untill 02.00 on Christmas Eve and Boxing Day New Years Eve from start of permitted hours on New Year's Eve until end of permitted hours on 2nd January. An additional hour on the day when British Summer Time commences.			

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Thursday	11:00am	12:30am
Friday to Saturday	11:00am	2:30am
Sunday	Noon	12:30am
Non Standard Timings: From 11.00 untill 02.00 on Christmas Eve and Boxing Day New Years Eve from start of permitted hours on New Year's Eve until end of permitted hours on 2nd January. An additional hour on the day when British Summer Time commences.		

Licensing Act 2003

Premises Licence

PLA0209

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Midland Public Loss Assessors & Chartered Accountants, Unit 1 The Old Sawmill, Shawbridge Stree, Clitheroe, Lancashire, BB7 1LY.
Telephone 01254 876237

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Midland Public Loss Assessors Ltd 04815815

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Michaela HARRINGTON Kings Arms, 2 Mill Street, Padiham, Lancashire, BB12 8EX.

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PERS0539 Issued by Ribble Valley

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

No supply of alcohol may be made under the premises licence -

- (a) At a time when there is no designated premises supervisor in respect of the premises, or
- (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Each individual in the premises who carries out a security activity must be licensed by the Security Industry Authority unless the premises or part of the premises where they are present is being used wholly or mainly as a restaurant or guest house, for theatrical performances or plays, or a Gaming Licence is for the time being in force in respect of those premises.

When a film is exhibited, admission of children to that part of the premises must be restricted in accordance with any recommendation made by the British Board of Film Classification in relation to that film.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to

Licensing Act 2003

Premises Licence

PLA0209

ANNEXES continued ...

public safety, public nuisance, or harm to children-

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to-
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

ANNEX 2 - CONDITIONS IMPOSED IN ACCORDANCE WITH THE OPERATING SCHEDULE & UNDER PARAGRAPH 18(4) & 18(5) SCHEDULE 8 LICENSING ACT 2003

The maximum number of persons permitted on the premises shall be 110.

A CCTV system, which monitors the premises both internally and externally, shall be maintained working.

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours are as stated in Part A and include;

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on 31st December).

Except in case of emergency, the fire doors opening onto Calder Street shall be kept closed at all times

The designated premises supervisor, or some other responsible person, shall control the level of amplified music so that noise emitted from the premises does not cause nuisance to nearby residential dwellings

Licensing Act 2003

Premises Licence

PLA0209

ANNEXES continued ...

All external doors and windows shall be kept closed, allowing for normal entry and exit, whenever entertainment involving amplified music is taking place

No person under the age of 16 will be allowed to enter or remain on the premises after 18.00 save with the permission from the Designated Premises Supervisor.

No irresponsible sales promotions of alcoholic beverages shall be offered to customers.

A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

No customers carrying open or sealed bottles shall be admitted to the premises at any time the premises are open to the public.

Membership and regular attendance shall be maintained with the local Pub Watch.

All fire doors shall be maintained effectively self closing and shall not be held open other than by approved devices.

Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

Fire alarms and emergency lighting shall be tested on a weekly basis and logged.

Gas and electrical equipment shall be tested on an annual basis.

Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.

ANNEX 3 - Conditions attached after a hearing by the licensing authority

None

ANNEX 4 - Plan of Premises

The official plan of the premises is attached and endorsed

Licensing Act 2003
Premises Licence Summary **PLA0209**

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION
<p>Kings Arms 2 Mill Street, Padiham, Lancashire, BB12 8EX. Telephone 01282 931609</p>

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
<ul style="list-style-type: none"> - a performance of live music - any playing of recorded music - the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
E. Performance of live music (Indoors)	Friday to Saturday	8:00pm	Midnight
F. Playing of recorded music (Indoors)	Monday to Thursday	11:00am	Midnight
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J. Supply of alcohol for consumption ON and OFF the premises	Monday to Thursday	11:00am	Midnight
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Non Standard Timings: From 11.00 untill 02.00 on Christmas Eve and Boxing Day New Years Eve from start of permitted hours on New Year's Eve until end of permitted hours on 2nd January. An additional hour on the day when British Summer Time commences.			

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
Monday to Thursday	11:00am	12:30am	
Friday to Saturday	11:00am	2:30am	
Sunday	Noon	12:30am	
Non Standard Timings: From 11.00 untill 02.00 on Christmas Eve and Boxing Day New Years Eve from start of permitted hours on New Year's Eve until end of permitted hours on 2nd January. An additional hour on the day when British Summer Time commences.			



Licensing Unit
Parker Lane
Burnley
Lancashire
BB11 2DT

Tel: 01282 425011
Web: www.burnley.gov.uk

Licensing Act 2003

Premises Licence Summary

PLA0209

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption ON and OFF the premises

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Midland Public Loss Assessors & Evans Accountants, Unit 1 The Old Sawmill, Shawbridge Stree, Clitheroe, Lancashire, BB7 1LY.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

Midland Public Loss Assessors Ltd

04815815

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Michaela HARRINGTON

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Restricted by Section 145 of The Licensing Act 2003

**Burnley Borough Council Licensing Unit
Parker lane
Burnley**

**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 Pc 2623 Michael Jones

(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 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Kings Arms 2 Mill Street	
Post town Padiham	Post code (if known) BB12 8EX

Name of premises licence holder or club holding club premises certificate (if known) Midland Public Loss Assessors
--

Number of premises licence or club premises certificate (if known) PLA0209
--

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

Pc 2623 Michael Jones East Licensing Officer Lancashire Constabulary Parker Lane Burnley. BB11 2BT
Telephone number (if any) 01282 472035
E-mail address (optional) 2623@lancashire.pnn.police.uk

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

- Please tick one or more boxes ✓
- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

The review of the premises licence is brought under the Public safety licensing objective following serious and significant concerns that Lancashire Constabulary have during the Coronavirus Pandemic.

On the 13th of April 2020 Lancashire Police received 2 reports that the premises were allowing people inside the building and loud music could be heard playing.

At this time the premises were subject to closure brought about by The Health protection, (Coronavirus, Business Closure)(England) Regulations 2020, which came into force at 14:00 hours on the 21st of March 2020.

Police officers attended and found 6 people, some who resided at 2 different addresses and the manager Sarah Sanderson within the premises.

Please provide as much information as possible to support the application (please read guidance note 3)

On the 1st of April 2020 Lancashire Police received information that the premises were holding lock in sessions every night where clients enter through the side door. The lock ins operate from 18:00 hours and end at various times. The lock ins have been ongoing since the current lockdown was put in place.

LC-20200413-1360.

On Monday the 13th of April 2020 at 21:13 hours Lancashire Police received a report that there was a gathering at The Kings Arms.

The informant was unable to state how many people were within the premises but could hear the music and believed that it was within the upstairs quarters.

LC-20200413-1478.

At 22:58 hours the same day a further report, believed to be from another member of the public stated that the owners had thrown a party and they had seen footage on Snap Chat. The informant stated that they had seen 9 people within the premises on the videos.

The Town Centre CCTV operatives report seeing a couple of people going into the premises from the front and a few having a cigarette.

At 23:46 hours Police officers arrived on scene but couldn't get a reply from the occupants. The officers could hear loud music and persons from the first-floor area
Following a telephone call made to the premises which was not answered officers eventually gained entry.

Upon entry to the premises 6 people were found, the manager Sarah Sanderson and 2 others who did not live at the premises.

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

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

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 **X**
- I understand that if I do not comply with the above requirements my application will be rejected **X**

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

.....

Date **15th April 2020**

.....

Capacity **Police Constable.**

.....

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

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.

Review of Premises Licence - Kings Arms Padiham

Licensing Authority Representations: Karen Davies, Burnley BC Environmental Health and Licensing Manager

The Licensing Authority supports the police application to review the premises licence, and makes the following representations:

- 1) The Licensing Authority (Burnley Borough Council) has been at the forefront of the local response to the coronavirus emergency. The use of the licenced premises for a party on 13th April is of concern due to the lack of responsibility exercised by the premises licence holder and designated premises supervisor in overseeing the closure of the premises.

The incident on the 13th followed previous reports to the police of similar gatherings taking place at the premises.

The Council has dual enforcement responsibility with the police in respect of business closures under the Health Protection (Coronavirus, Restrictions) Regulations 2020. The regulations require pubs to close. Furthermore, the regulations prohibit the person carrying on the business from admitting others onto the premises. Here we have a situation where people were admitted to the premises.

Under the provisions of the Licensing Act 2003, an application for a licence is made by the person (or company, partnership etc) carrying on the business. The application was made by Midland Public Loss Assessors Ltd indicating that they are responsible for carrying on the business.

- 2) As already indicated the Premises Licence Holder (PLH) is responsible for carrying on the business. Here the relationship between the PLH and the manager is arms-length. The PLH has a single director who currently resides in Ireland. The premises have been leased to the Designated Premises Supervisor (DPS) and Catherine Coid, neither of whom live at the premises. The DPS has in turn delegated responsibility to a live-in manager. There is provision for the transfer of a premises licence to another person where the responsibility for carrying on the business changes, but no such application has been made in respect of this premises.

The statutory guidance requires:

Each PLH must specify a DPS. The guidance states "**This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.** The government considers it essential that police officers..... can identify immediately the DPS so that any problems can be dealt with swiftly."

And also states,

The DPS and the PLH remain responsible for the premises at all times, including compliance with the terms of the 2003 Act and conditions.

The PLH and DPS cannot divorce themselves from their statutory responsibility.