

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.