

Cheer for Owners of Tenanted Pubs

It is common for the licence of managed premises to be held in the name of the owner of the premises (such as a brewery) rather than that of the tenant, since it makes it administratively more simple if the tenant changes. However, if the tenant then breaches the terms of the licence, this can cause problems.

In a recent case, a brewery faced charges arising from breaches of the conditions on the premises licence. It was not denied that the offences had occurred, but the brewery denied it was liable for the offences because, whilst it was the licence holder, it did not carry out the licensable activity.

The brewery was convicted of four offences in the Magistrates' Court, but the convictions were overturned on appeal to the High Court, where it was held that who was the person responsible for the breaches was a matter of fact and that the mere fact that a person held the premises licence did not mean that they were responsible for the licensable activities that took place on the premises.

Contact Katie Gray for assistance with any licensing issue.

*For more information contact PCB Solicitors on 01743 248148
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