



Removing the designated premises supervisor requirement at licensed community premises

Licensing Act 2003

All Premises Licences authorising the supply of alcohol are automatically subject to a mandatory condition, requiring an individual to be specified on the licence as the designated premises supervisor (DPS) for that premises, and for that individual to hold their own Personal Licence. Certain non-commercial 'community premises' may apply for this mandatory condition to be substituted for an alternate condition, which instead requires the members of a management committee to take legal responsibility for the supply of alcohol at the premises.

What are 'community premises'?

The definition within the Act refers to premises that are or form part of a church hall or chapel hall, or a village hall, parish hall, community hall or other similar building. As the definition is quite wide, the licensing authority will decide on a case-by-case basis as to whether a premises meets the requirements.

To benefit from the relaxed conditions, the Premises Licence must be held by (or the application for a new licence made by) a management committee or similar board, made up of individuals who are responsible for managing the premises. Key members of this committee must be identified within the application.

Making an application

Please complete the attached application form in full, giving details of the premises and why you consider it to be a 'community premises', and details of the management committee including the names and roles of the main officers of the committee. If available, a copy of the committee's constitution, and examples of any hire agreements in use, should also be provided.

There are three different circumstances in which an application under these provisions can be made, and these are explained in more detail on the next page.

What happens next?

After receiving an application to change the condition, we will carefully consider the request. If the application is made at the same time as an application for a new premises licence or to vary a current licence, both applications will be considered and determined together. For standalone applications, we will aim to determine the application within 28 days. We may require further information to be provided about the management structures, to satisfy ourselves that robust management and control systems are in place at the premises.

If the application is granted and the new conditions applied, we expect that a member of the committee will ensure that the relevant legal requirements, such as prevention of sales of alcohol to drunk or underage persons, are met at all times. Failure to abide by this requirement may result in prosecution, and/or a review of the licence to restore the original requirement for a designated premises supervisor to be in place.

Did you know?

You can make premises licence applications **online**, and doing so removes the requirement for you to send extra copies of your form to the responsible authorities (we will forward all online applications to them).

Visit our website, www.dacorum.gov.uk/licensing, and follow the 'Apply online' links.

Contact us

For further information or assistance in making an application, please contact us:

Email: licensing@dacorum.gov.uk

Phone: **01442 228000** (ask for Licensing)

Circumstances of making an application

An application to substitute the mandatory condition can be made in one of three ways:

1. For unlicensed community premises, made in conjunction with an application for a new premises licence

Send the completed form at the same time as your main premises licence application, to:

Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
HP1 1DN

You will also need to send a copy of the application to **all** of the responsible authorities, at the same time as you send them a copy of your main premises licence application.

There is no further fee for applications in this circumstance, although you will need to pay the main licence application fee.

We will consider and determine this application at the same time as your main licence application, which can take up to 2 months to complete, dependent on whether any objections are received.

2. For existing licensed community premises which are not currently authorised to supply alcohol, accompanied by an application to vary the premises licence

Send the completed form at the same time as your main premises licence application, to:

Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
HP1 1DN

You will also need to send a copy of the application to **all** of the responsible authorities, at the same time as you send them a copy of your main premises licence application.

There is no further fee for applications in this circumstance, although you will need to pay the main licence application fee.

We will consider and determine this application at the same time as your main licence application, which can take up to 2 months to complete, dependent on whether any objections are received.

3. For existing licensed community premises, as a standalone application

Send the completed form, with your original premises licence and payment for the £23 application fee, to:

Licensing
Dacorum Borough Council
The Forum
Marlowes
Hemel Hempstead
HP1 1DN

Send an extra copy of the form, without the fee, to:

Dacorum Licensing
Hertfordshire Constabulary
Hemel Hempstead Police Station
Combe Street
Hemel Hempstead
HP1 1HL

Payment may be made by cheque (payable to 'Dacorum Borough Council') or credit/debit card only. A surcharge will apply to credit card payments.

We will consider and determine applications in these circumstances within 28 days of receipt.



Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor in respect of a premises licence to be disappplied

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. Once completed please give your application to:

**Licensing, Dacorum Borough Council,
The Forum, Marlowes, Hemel Hempstead, Hertfordshire, HP1 1DN**

You may wish to keep a copy of the completed form for your records.

We

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 being a board or committee of individuals with responsibility for the management of the community premises described in Part 1 below, and being the applicant for a premises licence / premises licence holder *[delete as applicable]* in respect of those premises apply for the condition referred to in section 19(4) of the Licensing Act 2003 to be included in the licence instead of the conditions referred to in section 19(2) and (3) of the said Act.
(see guidance note 2)

Part 1 – Community premises details

Name of premises			
Postal address of premises <i>or, if none, ordnance survey map reference or description</i>			
Post town		Post code	

Telephone number at premises <i>(if any)</i>	
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Premises licence number <i>(if applicable)</i>	
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Brief description of premises and the composition of the committee or board of individuals with responsibility for the management of the premises <i>(Please see Guidance Note 3)</i>

Please describe how you will ensure that alcohol sales are properly supervised and what arrangements you have in place (if any) for hiring out the premises <i>(Please see Guidance Note 4)</i>

Part 2 – Applicant details

Please tick ✓ yes

We are the premises licence holder

Contact phone number in working hours <i>(if any)</i>	
Email address <i>(optional)</i>	

Current address <i>(if different from premises address)</i>			
Post town		Post code	
Telephone <i>(if any)</i>			

Please tick ✓ yes as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence
- This form accompanies a new premises licence application

If you are varying an existing licence and have not ticked one of the first two boxes above, please explain why in the box below.

Reasons why you have failed to enclose the premises licence or relevant parts

Any further information to support your application

Checklist

Please tick ✓

If applying to remove the mandatory requirements from an existing premises licence that already authorises alcohol sales:

- I have made or enclosed payment of the fee
- I have included documents (if available) which identify the premises and how it is managed
- I have included copies of any hiring agreements
- I have sent a copy of this application to the chief officer of police
- I understand that if I do not comply with the above requirements my application will be rejected

If applying alongside a new application or variation for a permission to allow alcohol sales:

- This application accompanies a new premises licence application /
- This application accompanies an application to vary an existing premises licence
- I have enclosed the premises licence or relevant part of it or provided an explanation
- 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 see guidance note 5)*

Signature of applicants. Please provide two signatories of members of the management committee stating in what capacity they represent the premises licence holder.

First Signature	
Date	
Capacity	

Second Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application			
Post town		Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address <i>(optional)</i>			

Notes for Guidance

1. This form may be used by a community premises seeking to replace the mandatory conditions in sections 19(2) and 19(3) of the 2003 Act which requires a personal licence holder and Designated Premises Supervisor where a premises allows the supply of alcohol, with the alternative mandatory condition (in section 19(4) of the Act) that the supply of alcohol is instead authorised by the premises licence holder through either:
 - applying to remove the mandatory conditions of an existing premise licence which allows the sale of alcohol;
 - applying to remove the mandatory conditions when applying for a new premises licence that includes the sale of alcohol; or
 - applying to remove the mandatory conditions when applying to vary an existing premises licence to allow the sale of alcohol.

On applying for the removal of the requirement to have a Designated Premises Supervisor, the management committee should understand that if this is granted they will be responsible for all alcohol sales under the licence.

2. The applicant must be a committee or board of individuals with responsibility for the management of the premises – enter name of committee or board.
3. Describe the premises and the management structure. In particular, explain why you consider it to be a community premises i.e. is it available for community benefit most of the time and accessible by a broad range of persons and sectors of the local community for purposes beneficial to the community as a whole. If the community premises is a registered charity, please include its Charity Commission number. Set out how the premises is managed and the structure of the committee or board of individuals with responsibility for its management (including the names of the committee's or board's key officers, e.g. the chair, secretary, treasurer). Please include any documents e.g. a written constitution or other management documents that show the structure of the premises and how it is managed.
4. Describe how the supervision of alcohol sales is to be ensured in different situations (including e.g. when the community premises is hired to private parties, when the community premises is hired for large fundraising events and when the community premises is hired for short fundraising events by local voluntary organisations). Set out how responsibility for alcohol sales is to be determined in individual cases and discussed and reviewed within the committee's or board's procedure in the event of any issues arising. You should include copies of hiring agreements that describe the arrangement made between the community premises and the hiring party. You should note that sample hire agreements are available from e.g. ACRE and Community Matters. More information about these hire agreements is contained in the statutory Guidance.
5. Applications to substitute the section 19(4) mandatory condition must be made by a management committee or similar structure which holds or will be the holder of the premises licence for the community premises. Please state in what capacity you are signing the application (e.g. Committee Chair, committee member, Hall secretary etc).
6. Please send a copy of this form to the chief officer of police for your area.