

## **APPLYING TO REMOVE THE REQUIREMENT FOR A DESIGNATED PREMISES SUPERVISOR IN COMMUNITY PREMISES.**

You should read these notes together with the guidance notes which are attached to the application form before completing your application. The fee is £23 and cheques should be made payable to NKDC.

This kind of application must be made by a management committee; defined as a 'board or committee of individuals with the responsibility for the management of community premises'. If your community premises already has a premises licence but it is held by a named individual then an application to transfer the licence to the committee must also be made. We can process both applications at the same time. **We will send both sets of forms should this be the case.**

### **Transfer of Premises Licence**

If you need to transfer the licence into the name of the management body as well as apply to remove the Designated Premises Supervisor you should also complete and return the two forms:

- Application to Transfer Premises Licence
- Consent of Licence Holder to Transfer

These should be returned with the rest of the application documents and copied to the police. There is a separate fee of £23 for the transfer.

### **Adding the Sale of Alcohol to a licence**

If your Community Premises already has a licence but you want to add the sale of alcohol as a licensed activity and apply to remove the requirement for a Designated Premises Supervisor (DPS) then it will be necessary to apply for a full variation of the licence and also apply to remove the requirement for a DPS. The fee for the variation will depend on the non domestic rateable value of the premises. There will be no separate charge to remove the DPS requirement. **If alcohol is to be added as a licensed activity then the exemption from payment of the annual fee will cease. Annual fees are also based on rateable value.**

### **Brief Description of Premises – Application Notes for Guidance 3:**

Give as much detail as possible, using a separate sheet if necessary. Remember to include the names of the key officers and to send a copy of the written constitution or other management documents. We will expect to see these documents as the minimum necessary to illustrate a competent management structure:

- A set of Rules for the management of the premises.
- A standard information sheet for hirers, giving details of emergency contact numbers, closing times etc.

Examples of these documents are available from the Licensing Team and they can be downloaded from the ACRE web site. ([www.acre.org.uk](http://www.acre.org.uk)) \*

#### **Supervision of Alcohol Sales – Application Notes for Guidance 4:**

This section of the application is important; the police have a right of objection and they will be looking for evidence in your application to show that the Committee will be capable of managing the sale of alcohol responsibly. Remember to include information about how sales will be managed when the premises are hired out to third parties. We will expect to see these documents as the minimum necessary to illustrate a competent management structure:

- A formal hiring agreement including details of licensed activities
- A formal agreement to use a Temporary Event Notice at the premises
- A formal application for the use of the licensed bar, including acceptance of liability

Examples of these documents are available from the Licensing Team and they can be downloaded from the ACRE web site. ([www.acre.org.uk](http://www.acre.org.uk)) \*

***(See also the extract from the Governments' Statutory Guidance to Licensing Authorities – reproduced below.)***

\* *By kind permission of ACRE: Action with Communities in Rural England.*

#### **Informing the Police – Application Notes for Guidance 6:**

You must send copies of all application documents to:

**Chief Officer of Lincolnshire Police  
Licensing (Alcohol)  
Police Headquarters  
PO Box 999  
Lincoln  
LN5 7PH**

## **CONTACT US**

IF YOU HAVE UNANSWERED QUESTIONS ABOUT MINOR VARIATIONS PLEASE CONTACT US BY:

Visiting the Council's website [www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk) or telephone the Licensing Team on 01529 414155 or e-mail [licensingteam@n-kesteven.gov.uk](mailto:licensingteam@n-kesteven.gov.uk). Alternatively you can also make an appointment with an officer of the Licensing team.

The Licensing Team  
North Kesteven District Council  
District Council Offices  
Kesteven Street  
Sleaford  
Lincolnshire  
NG34 7EF

**PLEASE NOTE THAT THE INFORMATION CONTAINED IN THIS GUIDANCE DOCUMENT IS THE LICENSING AUTHORITY'S UNDERSTANDING OF THE CURRENT LEGISLATION. APPLICANTS ARE STRONGLY ADVISED TO SEEK ADVICE FROM A QUALIFIED PROFESSIONAL**

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**Extract from Home office Statutory Guidance to Licensing Authorities.  
(Issued under S182 Licensing Act 2003: April 2017)**

### **Management of the premises**

4.61 Sections 25A(1) and 41D(1) and (2) of the 2003 Act allow applications by community premises to apply the alternative licence condition rather than the usual mandatory conditions in sections 19(2) and 19(3) of the 2003 Act only where the applicant for the licence is the management committee of the premises in question. In addition, sections 25A(6) and 41D(5) require the licensing authority to be satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.

4.62 The reference to a "committee or board of individuals" is intended to cover any formally constituted, transparent and accountable management committee or structure. Such a committee should have the capacity to provide sufficient oversight of the premises to minimise any risk to the licensing objectives that could arise from allowing the responsibility for supervising the sale of alcohol to be transferred from a DPS and personal licence holder or holders. This could include management committees, executive committees and boards of trustees. *(NKDC note: - The application form requires the applicants to provide the names of the management committee's key officers e.g. the Chair, Secretary, Treasurer).*

4.63 The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations (e.g. when the hall is hired to private parties) and how responsibility for this is to be determined in individual cases and discussed within

the committee procedure in the event of any issues arising. The application form requires that the community premises submit copies of any constitution or other management documents with their applications and that they provide the names of their key officers. Where the management arrangements are less clear, licensing authorities may wish to ask for further details to confirm that the management board or committee is properly constituted and accountable before taking a decision on whether to grant the application (subject to the views of the police). Community premises may wish to check with the licensing authority before making an application. The management committee is strongly encouraged to notify the licensing authority if there are key changes in the committee's composition and to submit a copy to the chief officer of police. A failure to do so may form the basis of an application to review the premises licence, or be taken into account as part of the consideration of such an application.

4.64 As the premise licence holder, the management committee will collectively be responsible for ensuring compliance with licence conditions and the law (and may remain liable to prosecution for one of the offences in the 2003 Act) although there would not necessarily be any individual member always present at the premises. While overall responsibility will lie with the management committee, where the premises are hired out the hirer may be clearly identified as having responsibility for matters falling within his or her control (e.g. under the contract for hire offered by the licence holder), much in the same way that the event organiser may be responsible for an event held under a Temporary Event Notice. **Where hirers are provided with a written summary of their responsibilities under the 2003 Act in relation to the sale of alcohol, the management committee is likely to be treated as having taken adequate steps to avoid liability to prosecution if a licensing offence is committed.**

4.65 As indicated above, sections 25A(6) and 41D(5) of the 2003 Act require the licensing authority to consider whether the arrangements for the management of the premises by the committee are sufficient to ensure adequate supervision of the supply of alcohol on the premises. Where private hire for events which include the sale of alcohol is permitted by the licence, it would be necessary to have an effective hiring agreement. **Licensing authorities may wish to consider model hiring agreements that have been made available by organisations such as ACRE and Community Matters. Such model agreements can be revised to cater for the circumstances surrounding each hire arrangement; for example to state that the hirer is aware of the licensing objectives and offences in the 2003 Act and will ensure that it will take all appropriate steps to ensure that no offences are committed during the period of the hire.**

## **Police views**

4.66 In exceptional circumstances, the chief officer of police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, and any responsible authority or other person can seek reinstatement of the mandatory conditions through a review of the licence (as provided in section 52A of the 2003 Act). The police will want to consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements. If the chief officer of police issues a notice seeking the refusal of the application to include the alternative licence condition,

the licensing authority must hold a hearing in order to reach a decision on whether to grant the application.

## **Appeals**

4.67 Where the chief officer of police has made relevant representations against the inclusion of the alternative licence condition, or given a notice under section 41D(6) which was not withdrawn, the chief officer of police can appeal the decision of the licensing authority to allow the inclusion of the alternative licence condition. Similarly, a community premises can appeal a decision by the licensing authority to refuse to include the alternative licence condition following a hearing triggered by relevant representations or by a notice given under section 41D(6). Following a review of the licence in which the mandatory conditions are reinstated, the licence holder may appeal against the decision. If the alternative licence condition is retained on review, the applicant for the review or any person who made relevant representations may appeal against the decision.

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