

Licensing Committee – 2nd December 2008

7. **Proposal to Allow the Removal of Requirements for Designated Premises Supervisors (DPS) and Personal Licence Holders for Community Premises**

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Purpose of the Report

Report on the proposal to allow the removal of requirements for a Designated Premises Supervisor (DPS) and Personal Licence Holder for community premises.

Recommendation

This report is for information only and committee members are asked to note the contents.

Background

This report summarises the proposed introduction of a new process to allow community premises including village halls, church halls, chapel halls and similar community buildings, to seek to disapply mandatory conditions that currently require;

- A DPS to be specified on every premises licence authorising sales of alcohol; and
- Every sale of alcohol at such premises to be authorised by a personal licence holder.

Proposed amendment to the Licensing Act 2003

Under the Licensing Act 2003 all sales of alcohol must be made or supervised by a personal licence holder and there must be a DPS who holds a personal licence in respect of the premises. There may be more than one personal licence holder on the premises, however there is only the requirement for one DPS for the premises. There is no need for the DPS to be at the premises at all times, they simply must be involved in the day to day running of the premises.

Some community premises have found this obligation difficult to meet as they are often staffed by volunteers, or run by committees. Many have opted not to acquire a personal licence and to simply apply for entertainment only on their premises licence, relying on Temporary Event Notices (TENs) for the supply of alcohol. With the limitations that a TEN imposes, it means that frequently not all social gatherings which involve sale of alcohol can be accommodated by TENs where there is no premises licence for the sale of alcohol.

The consultation for this change took place from November 2007 to February 2008. The Government has selected an option that would remove significant barriers to community premises securing a licence to fully cover all of their activities, whilst still retaining an adequate level of public protection in relation to the sale of alcohol. The option allows relevant premises licence holders to apply for the dis-application of the two mandatory conditions relating to personal licence holders and DPS in respect of premises licences authorising sales of alcohol at village halls, church hall, chapel halls and similar premises. Where such a dis-application is

granted, it would give responsibility for authorising every sale of alcohol at the premises to the holder of the premises licence.

An application to dis-apply can only be made if the licence holder is or is to be a committee or board of individuals with responsibility for the management of the premises. If the application to dis-apply is successful then the effect of the new mandatory condition will be that the licence holder (i.e. the committee or the board) is responsible for the supervision of all alcohol sales made. The Police can in exceptional circumstances object to a request for inclusion of the new mandatory condition on the grounds of crime and disorder and any responsible authority can seek reinstatement of the conditions through a licence review. If the Police do issue a notice seeking the refusal of an application the licensing authority must hold a hearing in order to reach a decision on whether to grant the application. The licence holder may appeal against any decision made not to include the new condition on their licence.

If a premises currently does not have alcohol supply on its premises licence and wishes to take advantage of the new conditions then the applicant simply submits a new premises licence application form, or variation application form (the addition of the sale or supply of alcohol to a licence or club premises certificate is excluded from the minor variation process) together with the new dis-apply application form and the required fee.

The Government expects to set fees at a level that would achieve the full recovery of the administration, inspection and enforcement costs falling on any licensing authority, community halls which are applying for a licence to allow the sale of alcohol for the first time either as a new or varied application will need to go through the full process, therefore it is not felt that an additional fee for the disapplication for the new condition would be required.

If a community premises already have a licence, which allows them to sell alcohol, and they wish to take advantage of the new condition the fee is to be set at £23.

Financial Implications

This should result in a small increase in application fees for the licensing service. However this will be offset against increased officer time to deal with the applications.

Other Implications

None

Background Papers: Licensing Act 2003

Government consultation document with regards to Licensing Act amendments.