

# Application for the mandatory alcohol condition under the Licensing Act 2003 requiring a Designated Premises Supervisor (DPS) in respect of a premises licence to be disapplied

*(Form Last Revised June 2023)*

Licensing Act 2003

LICENSING TEAM

Please read the following instructions, guidance notes at the end of the form and any guidance leaflets or letter enclosed with this application before completing your application form.

## General Matters

1. If you are completing the form by hand please write legibly in BLOCK CAPITALS and write in BLACK INK.
2. In all cases ensure that your answers are inside the boxes. Use additional sheets as necessary.
3. Incomplete or inadequate applications will normally be rejected and will be required to be resubmitted to the Licensing Authority and the Police.
4. The completed application must be returned to The Licensing Team, East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH. With a copy (including all supporting documents) on the same day to Alcohol Licensing, Lincolnshire Police, Police Headquarters, PO Box 999, Lincoln, LN5 7PH.
5. A separate application form must be submitted in respect of each individual premise for which a dispensation from the requirement for Designated Premises Supervisor (DPS) is being sort. The original premises licence must accompany the application. (If the applicant is unable to forward the premises licence then he / she must give written reasons why this is not possible.)
6. Where appropriate the application fee of £23.00 must accompany this application. See notes 11 and 12 below for clarification regarding when the fee of £23.00 is payable.
7. Further information is available by emailing the Licensing Team on: [licensing@e-lindsey.gov.uk](mailto:licensing@e-lindsey.gov.uk).

## Purpose of the Legislative Reform Order 2009

8. Normally, a premises licence that authorises the supply of alcohol includes mandatory conditions that;
  - (a) require a named Designated Premises Supervisor (DPS) to be specified on the licence, and,
  - (b) stipulate that every sale of alcohol at the premises must be authorised by a personal licence holder.
9. The 2009 Order allows a committee (or board of individuals) with responsibility for the management of community premises to apply to have an alternative licence condition included in a premises licence in place of the normal mandatory conditions detailed above. The alternative condition is that every supply of alcohol under the licence must be made or authorised by the management committee. Under this alternative condition there is no requirement for a personal licence holder at the venue.
10. The Government introduced these revised arrangements in order to ease the administrative burden on community premises. In introducing the new arrangements the Government recognised the important contribution, which such premises make to life in our communities.

## Overview of the Process

11. Where the management committee is applying for authorisation for the sale of alcohol for the first time, it should include this notification form (plus supporting documentation) with the new premises licence application (or the premises licence variation application). No extra payment is required beyond the existing fee for a new licence application or a licence variation.

12. Where a community premises already has a premises licence to sell alcohol, but wishes to include the alternative licence condition in place of the usual mandatory conditions, it should submit this form (plus supporting documentation) on its own together with the required fee of £23.00.

## Management of the Premises

13. The Licensing Authority need to be satisfied that the arrangements for the management of the premises by the committee are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
14. The application form requires the applicants to provide the names of the management committee's key officers (e.g. the Chair, Secretary, Treasurer).
15. The application form requires applicants to set out how the premise 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). The application form requires that the community premises submit copies of any constitution or other management documents with their applications.
16. With regard to hiring agreements the Licensing Authority recommend that applicants should refer to the recommendations for best practice made by organisations such as ACRE and Community Matters. Model hire agreements are available from these bodies.
17. The measures detailed below are considered examples of best practice in relation to the management of the premises. This Authority recommends that in order to make a successful application premises should have the following in place and include copies of the same with the application:
  - Rules for the management of the community premises
  - Hiring agreements (based on the best practice model issued by ACRE or Community Matters)
  - Alcohol and children policy
  - Challenge 21 (or Challenge 25) policy
  - Refusals register
  - Staff training
  - Guidance leaflets or guidance posters for bar staff
18. A Licensing Officer will examine the completed application (and supporting documentation) and decide whether in his / her opinion the arrangements are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. If the Officer is of the opinion that the arrangements are not sufficient then he / she will contact the applicant and invite the applicant to consider amending the application or changing the arrangements at the premises.
19. The Police can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder by issuing a notice seeking the refusal of the application to include the new mandatory condition. The Licensing Authority will then hold a licensing hearing (consisting of Councillors) in order to reach a decision on whether to grant the application. The applicant will have the opportunity of attending and addressing the licensing hearing



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

### 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 in written black ink. Use additional sheets if necessary. Once completed please give your application to East Lindsey District Council. You may wish to keep a copy of the completed form for your records.

We 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 or, if none, ordnance survey map reference, or description	
Post town	Postcode

Telephone number at premises (if any)

Premises licence number (if applicable)

**Brief description of premises and the composition of the committee or board of individuals with responsibility for the management of the premises (Please see Guidance Note 3 at the end of this form)**

**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 (Please see Guidance Note 4 at the end of this form)**

**Part 2 – Applicant details**

We are the premises licence holder  (Please tick ✓yes)

Contact phone number in working hours (if any)

E-mail address (optional)

**Current address (if different from premises address)**

**Post Town**

**Postcode**

**Telephone (if any)**

*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 ✓ yes*

**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 *[delete as applicable]*

- 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, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (Please see guidance note 5 at the end of this form)

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

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

## ***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 Alcohol Licensing, Lincolnshire Police, Police Headquarters, PO Box 999, Lincoln, LN5 7PH.



## Data Protection Notice – Premises Licence Application under the Licensing Act

East Lindsey District Council is a Data Controller and can be contacted at: The Hub, Mareham Road, Horncastle, LN9 6PH Tel: 01507 601111

The Data Protection Officer for this Authority can be contacted at the same address.

We are collecting your personal data in order to process your licence application under the Licensing Act 2003 as we are the Licensing Authority.

The Council may share personal information with the Police and the other Responsible Authorities as part of the licensing process. Any information sharing will be managed in accordance with relevant privacy and data protection legislation.

Your data will not be shared with third parties but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

Some limited Premises User / Licence Holder information will be made available to the public as the Licensing Act 2003 requires us to maintain a Register of Licence Applications. The Register includes the name of the licence holder.

In line with our retention policy your data will be kept for the period of time that you hold a licence with this Authority and then for a further 6 years after your licence expires. The data will then be deleted / destroyed.

We also keep data for six years from the resolution of an unsuccessful licence application or the resolution of legal proceedings.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113

If you do not provide the information required on the form then we will not be able to process your licence application.

For further information on our Data Protection Policies please go to our website: [www.e-lindsey.gov.uk](http://www.e-lindsey.gov.uk)

If you would like this information  
in a different format, please  
contact us on 01507 601111.