

Licensing Act 2003

Guidance for change of Designated Premises Supervisor

By law, in every premises licensed for the sale / supply of alcohol, a personal licence holder must be specified as the 'Designated Premises Supervisor' (DPS) for the premises.

It is an offence to sell / supply alcohol under a premises licence at a time when there is no designated premises supervisor in respect of that licence.

What is the role of the DPS?

A DPS is responsible for the day to day activities at licensed premises and acts as the point of contact for any licensing, compliance or enforcement enquiries / activities with the licensing or police officers.

Completing the Form

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. An application to vary a premises licence so as to name a different premises supervisor may be given immediate effect (that is, from the time that the application is received by the licensing authority) if the premises licence holder requests it at the time he makes an application under section 37. Section 38 enables the holder of a premises licence to continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work. If the application is rejected, the licence reverts to the form it took before the application was made
3. A full copy of the application form must be sent to the chief officer(s) of police for the police area(s) in which the premises are situated. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
4. Section 37(4)(b) of the Licensing Act 2003 requires the premises licence holder to notify the existing designated premises supervisor (if any) about this application. It is sufficient for the licensee to inform the existing premises supervisor in writing, without the need to share the specific details of the application. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
5. The application form must be signed.
6. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have authority to do so.
7. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
8. This is the address which we shall use to correspond with you about this application.

What happens next?

On receipt, an application for change of DPS will be checked to ensure that it is valid and has been satisfactorily completed i.e. all the relevant information and documentation has been provided.

What will happen if the police make a representation?

Where we receive representation(s), the law requires us to hold a hearing of our Licensing Sub-Committee to determine the application (unless all parties agree that a hearing is not necessary).

The police may object to the designation of a new premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.

Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties will have an opportunity to speak.

Appeals

Any appeal must be made to the magistrates' court in the area in which the premises concerned are situated. For more information see www.hmcourts-service.gov.uk

Any appeal must be lodged within a period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision to be appealed against.