

Consultation on proposal to remove requirement for Designated Premises Supervisor from Community premises

Licensing, Item 7

Committee: Licensing

Agenda Item

Date: 12 September 2007

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Title: Consultation on proposal to remove requirement for Designated Premises Supervisor from Community premises

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Item for decision

Summary

The Licensing Act 2003 provides that where a premises licence authorises the supply of alcohol, the licence must include two conditions: no alcohol to be supplied if there is no designated premises supervisor of the premises, or if the designated premises supervisor does not hold a personal licence, and that every supply of alcohol must be authorised by a personal licence holder. As community facilities like village and church halls are usually run by volunteers, it has been suggested that the requirements to have a Designated Premises Supervisor and for alcohol sales to be authorised by a personal licence holder are too onerous these volunteer run facilities.

Recommendations

That Members determine what response (if any) they wish to make to the consultation document.

Background Papers

DCMS consultation paper "Regulatory Reform Order: Proposal to remove the Requirement for the Designated Premises Supervisor for Community Premises" – available at www.culture.gov.uk/Reference_library/Consultations

Impact

Communication/Consultation	None
Community Safety	None
Equalities	None
Finance	None
Human Rights	None
Legal implications	The agreed proposal will affect the

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	conditions placed on premises licences.
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	None

Situation

- 1 Under the Licensing Act 2003, every premises that sells alcohol by retail to the general public needs to have a premises licence, and all premises licences authorising sales of alcohol must specify a designated premises supervisor. The designated premises supervisor must hold a personal licence. In addition, any sales of alcohol made under the licence have to be authorised by a personal licence holder.
- 2 Applicants for personal licences must have obtained a licensing qualification and provide a criminal records bureau check, and have to be individuals. The licences last for 10 years.
- 3 In the case of village hall, church halls and community premises with alcohol licences, the designated premises supervisor is usually a volunteer giving up their own time in the interests of the wider community, or someone else from the community such as a local publican who agrees to act as a DPS for the premises.
- 4 The Designated Premise supervisor has no formal duties under the Licensing Act 2003 apart from being a personal licence holder, but is normally meant to be the person in day to day control of the premises and a formal point of contact for the enforcement agencies when problems arise.
- 5 The Government believes that a low number of premises licences with authorisation to sell alcohol in respect of village halls and similar premises reflects the financial burden of obtaining a personal licence and the reluctance of volunteers to accept the burden of being responsible for the authorising of alcohol sales, and generally for the running of the premises.
- 6 The use of Temporary Event Notices is the only other option for premises to use to enable the selling of alcohol if they have no premises licence, or their licence does not authorise the sale of alcohol. However, each premises is limited to only 12 a year, which can quickly get used up in busy community centre or village hall.
- 7 The Government proposes that the requirement for designated premises supervisors and personal licence holders to authorise all alcohol sales be disapplied in relation to premise licence held by village halls, church halls, chapel halls, community halls and similar community premises.

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- 8 In addition, the Government also proposes that the responsibility for authorising sales of alcohol would fall on the premises licence holder, which is likely to be the Management Committee of the relevant premises, rather than an individual. The intention would be that the premises licence holder would authorise the sale of alcohol in writing to hirers (usually through a hire agreement) who could then sell under the authority of the premises licence.
- 9 The Government proposal is intended only to apply to those community premises which have a formal management or executive committee or trustees who hold the premises licence. This is would ensure that there was an identifiable and organised body who would be responsible for authorising alcohol sales to hirers.
- 10 To achieve its aims of enabling community facilities to continue to be viable community venues by reducing the burden of having a Designated Premises Supervisor and individuals being responsible for alcohol sales, whilst still ensuring the prevention of crime and disorder, and sale of alcohol in accordance with the law, and generally the protection of the public, the Government has three proposals
- a. Remove the requirement for a Designated Premises supervisor and for a personal licence holder to authorise alcohol sales (the 'Mandatory Conditions') in respect of village halls, church halls, chapel halls and similar premises. Give responsibility for authorising every sale to the holder of the premises licence. Do not allow such conditions to be imposed on the licence in any circumstances.
 - b. Disapply the two mandatory conditions in respect of village halls, church halls, chapel halls and similar premises. Give responsibility for authorising every sale to the holder of the premises licence. However following a review of such premises licence, give the Licensing Authority discretion to impose conditions similar to the Mandatory Conditions where necessary to promote the licensing objectives
 - c. Allow relevant premises licence holders or prospective holders to apply for the disapplication of the two mandatory conditions in respect of village halls, church halls, chapel halls and similar premises. Where the application is granted give the responsibility of authorising alcohol sales to the holder of the premises licence. Following a review of such a premises licence, give the Licensing Authority discretion to re-impose conditions similar to the Mandatory Conditions where necessary to promote the licensing objectives.
- 11 The Government prefers option c, as providing the right balance between reducing the burden on community facilities, whilst still providing the right level of protection for the general public by providing for the consideration of whether the removal of the restrictive mandatory conditions is appropriate for the premises at the outset on application, and enabling the conditions to be re-imposed if it is proved that there is a problem with the sale of alcohol at the premises at a later date.

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Risk Analysis

Risk	Likelihood	Impact	Mitigating actions
The removal of the requirement for a responsible individual could reduce the protection of the public on premises where alcohol is sold	Low – the types of premises select are those that have a low risk of disorder	Low	Support the inclusion in the amended legislation of the right of the licensing authority to re-impose the requirement for an individual DPS and personal licence holder to authorise alcohol sales