

LICENSING ACT 2003 - GUIDANCE NOTES

DESIGNATED PREMISES SUPERVISORS

A Designated Premises Supervisor (DPS) is the person identified on the premises licence as the person who supervises the premises. Any premises where alcohol is supplied under a premises licence must have a DPS. They will be named in the premises licence, a summary of which must be displayed on the premises.

The DPS will not necessarily be the premises licence holder, although this may sometimes be the case. They will be the points of contact for the premises at all times for licensing authorities, or the Police or Fire Services if problems occur at the premises.

Any application for a premises licence must also include a form of consent given by the individual whom the applicant wishes to have specified in the premises licence as the DPS.

More information on premises licences can be found in the Guidance Note relating to *Premises Licences*.

Does the Designated Premises Supervisor (DPS) have to be on the premises at all times when alcohol is being sold?

No, in some cases this will not physically be possible. However, it will be expected that the DPS will spend a significant amount of time on the premises. It is essential that the DPS is contactable at all times, particularly when problems arise on the premises.

A personal licence holder can supervise or authorise the sale of alcohol. Any premises at which alcohol is sold or supplied may employ more than one personal licence holder. For example, there may be members of staff who hold personal licences as well as the owner or senior manager.

The Act and Guidance requires DPS and personal licence holders to have responsibility for the sale and supply of alcohol because of its impact on the wider community and on crime and disorder and anti-social behaviour, as this carries with it greater responsibility than that associated with the provision of regulated entertainment and late night refreshment. A personal licence holder can supervise the sale of and authorise such sales and supplies.

More information on personal licences can be found in the Guidance Note relating to *Personal Licences*.

Can anyone object to a person who is specified as a Designated Premises Supervisor

Only the Chief Officer of Police will be able to make representations about the specification of any DPS if he feels, in the exceptional circumstances of the case, that the crime prevention objective could be undermined by that specification. This could include fears that the DPS would not be able to fulfil the responsibilities in respect of the crime prevention objective for more than one premises at the same time. Where the Chief Officer of Police makes representations about the DPS, the licensing authority must hold a hearing to consider them (unless all parties agree that this is unnecessary). As a result of the consideration of the representations, the licensing authority may refuse to specify the DPS if it considers it necessary for the promotion of the crime prevention objective to do so.

Can there be more than one designated premises supervisor (DPS) at the same premises?

The Act and Guidance specifies that there may only be one DPS for any premises.

What happens if the designated premises supervisor leaves his employment, notifies the licensing authority, but does not tell the premises licence holder?

The DPS must inform the relevant licensing authority if he or she wishes to be removed as DPS. Within 48 hours of the Notice being given to the licensing authority, the individual must also give the premises licence holder a copy of the Notice sent to the licensing authority. The DPS must also send a Notice directing the licence holder to send to the relevant licensing authority the premises licence or if that is not practicable, a statement of the reasons for the failure to provide the licence within 14 days of receiving the Notice.

If the holder fails to comply with the direction he will commit an offence.

Can I apply for a premises licence during transition if the person I have named as the DPS has not yet obtained their personal licence under the new regime?

Yes, you do not have to hold a personal licence when you are named as DPS during transition. However, if the person named as DPS does not have a personal licence by the second appointed day you will be in breach of the conditions of the premises licence and you will not be able to sell alcohol.

Can I be a designated premises supervisor at more than one premises at the same time?

Yes. The only requirement for being a DPS is that the individual concerned must be the holder of a personal licence. This ensures that where the activities concern the supply of alcohol, there is a person who supervises the premises who has an understanding of the social issues, potential problems associated with the sale of alcohol and who is responsible for licensable activities at the premises.

How do you change the details of the DPS?

Where a designated premises supervisor is to be newly specified, the normal procedure is for the premises licence holder to notify the Police of this. The whole premises licence does not have to be provided for the amendment. The Act states that part of the licence must be submitted with the application. This will also require submission of a schedule to the main licence giving personal details of key individuals. This should be amended by the licensing authority.

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