

Appendices



NORTHAMPTON
BOROUGH COUNCIL

Item No.

6

Ward: N/A

Name of Group:	LICENSING
Meeting Date:	15 September 2009
Directorate:	Public Protection
Head of Service:	Steve Elsey
Corporate Director	Julie Seddon

Report Title	Licensing Act 2003. Section 182 The removal of the requirement for a designated premises supervisor and personal licence at community premises.
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1. Recommendations

That the report be noted.

2. Summary

On 29 July 2009 the Government introduced an amendment to the Licensing Act 2003 in order to remove the requirement for a designated premises supervisor and personal licence at community premises.

Any application to remove the Designated Premises Supervisor and Personal licence holder requirement would need to satisfy the criteria contained in the amendment to the Act.

This amendment 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 a 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.

The applicant must be a committee or board of individuals with responsibility for the management of the premises – the name of the committee or board will be on the application form.

The applicant must describe the premises and the management structure.

(In most cases, it should be self evident whether a premises is, or forms part of a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.)

Where it is not clear whether premises are “Community premises”, licensing authorities will need to approach the matter on a case by case basis. The main consideration in most cases will be how the premises are predominately used. If they are genuinely made available for community benefit most of the time, and accessible by a broad range of persons and sectors of the local community for purposes, which include purposes beneficial to the community as a whole, the premises will be likely to meet the definition.

An application from a premises used solely by one section of the community would not be deemed to be ‘community premises’.

(A copy of the guidance is attached.)

3. Procedures

- No requirement to serve copy of application on responsible authorities, although a copy must be served on the Chief Officer of Police.
- The Licensing Authority must be satisfied that the arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- The committee or board will have the same responsibilities as a Designated Premises Supervisor to ensure the safe running of the premises. Names of the committee or board members especially those of the key officers e.g. Chair, Secretary, Treasurer etc should be on the application form.
- There must be information on how the premises is to be managed and how the sale of alcohol is to be supervised to include procedures in place should the premises be hired to private parties. How this will be determined in individual cases, any safeguards in place and how any issues arising will be addressed.
- It is recommended that the Licensing Authority be notified of any changes in

- members of the Committee as they occur, together with the police.
- In exceptional circumstances the Chief Officer of Police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on grounds of crime and disorder. Any of the responsible authorities and/or interested party can seek reinstatement of the mandatory conditions through a review of the licence. The police will want to consider any history of incidents at an establishment in light of the actual or proposed management arrangements, including the use of appropriate hire agreements.
 - If the Chief officer of Police issue a notice seeking the refusal of an application to include the alternative licence condition, the licensing authority must hold a hearing in order to reach a decision on whether to grant the application.
 - Both the applicant and the police have a right of appeal to the magistrates against any decision made by the Licensing Authority.

3A. Any Relevant Policies

Guidance issued under Section 182 of the Licensing Act 2003.
Northampton Borough Licensing Policy.

4. Options and Evaluation of Options

That the Committee note the report.

5. Resource Implications (including Financial Implications)

N/A

6. Consultees (Internal and External)

Internal	N/A
External	N/A

7. Compliance Issues

Finance Comments
N/A
Legal Comments
N/A
Crime and Disorder Issues
N/A
Equality Impact Assessments

N/A
Human Rights Act Implication
N/A

Other compliance issues

None

8. Background Papers

DCMS	Guidance issued under section 182 of the Licensing Act 2003	
	Supplementary Guidance	July 2009

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