

## **Information Sheet**

# **Licensing Act 2003 – Community Premises**

### **Application to remove mandatory condition requiring a DPS**

#### **Overview**

Community premises can now apply to have the standard mandatory conditions relating to alcohol removed. The standard mandatory conditions require that an individual, who must hold a personal licence, is named on the Premises Licence as the designated premises supervisor (DPS). The DPS has overall responsibility for the sale of alcohol. The mandatory conditions also require all sales of alcohol to be made or authorised by a person who holds a personal licence.

Where such an application is granted an alternative condition will be placed on the licence which states that all sales of alcohol to be made on such premises must be authorised by the management committee.

The prescribed application forms refer to this process as an application for the mandatory condition requiring a designated premises supervisor to be disapplied.

#### **What are community premises?**

They include premises such as church halls, chapels and community and village halls.

The guidance from the Government advises that where it is not clear whether premises are “community premises”, the matter should be approached on a “case-by-case” basis, with the main consideration being how the premises are predominantly used, for example:-

- If they are genuinely made available for community benefit most of the time and;
- are 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;

#### **Who can apply on behalf of the community premises?**

Only the management committee of the premises can apply under this procedure. The application form requires the applicants to provide the names of the management committee’s key officers to the Licensing Authority.

#### **How do community premises that already have a premises licence that includes sale of alcohol apply to have the mandatory conditions disapplied?**

Where a community premises already has a Premises Licence to sell alcohol, but wishes to benefit from the relaxation in the requirements regarding DPS, the management committee should apply by submitting the prescribed form together with the prescribed fee of £23.

### **How do community premises that already have a premises licence that does not include sale of alcohol apply to have the mandatory conditions disapplied?**

An application for a variation to the Premises Licence should be submitted which should be accompanied by the prescribed form requesting the removal of the mandatory DPS condition.

As the variation application relates to alcohol it cannot be dealt with under the minor variation process and therefore a full variation must be submitted in the normal manner. This will include the blue notice, newspaper advertisement and the 28 days representation process.

Such premises also need to be aware that once sale of alcohol is included on the Premises Licence they will no longer benefit from the community premises exemption from paying fees and therefore will also incur an annual fee.

### **How do community premises that do not currently have a premises licence apply to have the mandatory conditions disapplied?**

A new Premises Licence application that includes sale of alcohol should be submitted which should be accompanied by the prescribed form to disapply the mandatory condition requiring a DPS. The application process will be same as the variation process detailed above.

#### **The fee**

Existing Premises Licence holders that already have alcohol included on their licence must pay the prescribed fee of £23.

Premises that do not currently have alcohol included on their Premises Licence must pay the application fee to vary the licence to include alcohol. For example a village hall that does not have a non domestic rateable value this would be £100. There is no extra charge for the application to disapply the mandatory conditions if that is submitted at the same time.

Similarly premises that do not hold a Premises Licence must submit and pay the fee for a new Premises Licence application and there is no extra charge for the application to disapply the mandatory conditions if submitted at the same time.

#### **The decision process**

The Licensing Authority must first be satisfied that the premises are operating as a community premises. They must then be satisfied that the management committee can ensure that alcohol sales can be properly supervised. This will include considering the committee structure and how they will control sales of alcohol if the premises are hired out for a private event. This may involve the committee having a hiring agreement with the hirer that includes a written summary of the hirers' responsibilities under the 2003 Act in relation to the sale of alcohol. Model agreements are available through organisations such as ACRE and Community Matters.

## Police objections

Only the police can object to the application to disapply the mandatory condition requiring a DPS and this can only be exceptional circumstances where they believe the application will have impact on the crime and disorder objective. In such a case they must issue an objection notice and the licensing authority must then hold a hearing in order to reach a decision on whether to grant the application. The decision can be appealed by either party.

## Where do I send the application?

Applications should be submitted to Stroud District Council at the following address

The Licensing Section  
Stroud District Council  
Ebley Mill  
Westward Road  
Stroud  
Gloucestershire  
GL5 4UB.

A copy of the application must be sent to the relevant for Police Station

For all areas in Stroud District except  
Hardwicke and Upton St Leonard wards  
this is;

Licensing Officer  
Gloucestershire Constabulary  
Stroud Police Station  
Parliament Street  
Stroud  
Gloucestershire  
GL5 1QQ

For Hardwicke and Upton St Leonards  
wards this is;

Licensing Officer  
Constabulary,  
Gloucester Police Station  
Bearland  
Longsmith Street  
Gloucester  
GL12JP

## Contact Details

For more information please contact the Licensing Section at Stroud District Council

Telephone           01453 754440  
Email                [licensing@stroud.gov.uk](mailto:licensing@stroud.gov.uk)  
Web                  www.stroud.gov.uk