

WARRINGTON
Borough Council



**Application to vary a Premises
Licence to specify an individual as a
Designated Premises Supervisor
(DPS)**

**GUIDANCE NOTES TO
APPLICANTS**

Licensing Act 2003

Licensing Section
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In offering this guidance Warrington Borough Council wishes to make it clear that:

The Licensing Authority's role in the Licensing System is primarily administrative and regulatory. The Licensing Authority is therefore only able to offer guidance as to the processes which need to be followed to make an application. The Licensing Service is not available to give advice as to what details should be contained in an application or which type of application may be most appropriate to an applicant's specific circumstances. Applicants are strongly advised to seek advice from a licensing specialist before submitting their applications.

Legislation may change over time and the advice given is based on the information available at the time the guidance was produced. Only the courts can interpret statutory legislation with any authority. This advice is not intended to be a definitive guide to, or substitute for, the relevant law. Independent legal advice should be sought where appropriate.

What is a Designated Premises Supervisor?

A Designated Premises Supervisor must hold a Personal Licence and is the person specified on the Premises Licence who is responsible for authorising the sale of alcohol.

In every premises licensed for the sale/supply of alcohol, a personal licence holder must be specified as the designated premises supervisor (DPS). This will normally be the person who has day-to-day responsibility for running the premises.

If the designated premises supervisor changes, the premises licence must be varied to show the new DPS. It is important that the licensing authority and police are notified of this.

Who can I apply for a change of DPS on a Premises Licence?

Only the **premises licence holder can apply** to vary the person named for the role of DPS.

How do I apply to vary a designated premises supervisor?

An application to vary a designated premises supervisor (DPS) must be made to the licensing authority for the area in which the premises is situated.

- The application must be accompanied by the premises licence or, if that is not practicable, a statement of the reasons for the failure to provide the licence

- The application must be accompanied by a consent form from the proposed DPS to show that they consent to taking on this responsible role (if the application is made online, the consent may also be given online)
- Only one DPS may be specified in a single premises licence
- The applicant must give notice of the application to the Chief Officer of Police for the police area in which the premises are situated and to the existing DPS (if there is one) at the same time that the application is served on the Licensing Authority. Please submit your application to the Chief Officer of Police - Force Licensing Department, Cheshire Constabulary HQ, Clemonds Hey, Oakmere Road, Winsford, CW7 2UA or e-mail warrington.licensing@cheshire.pnn.police.uk,
- If the application is made online, the licensing authority will, within one working day, serve copies on all relevant responsible authorities on your behalf.
- Enclose the correct fee for the application - £23.

How much is the DPS application?

The application fee is £23. If you sending the application by post please make the cheque payable to “Warrington Borough Council” and post it to address detailed below. Cash must not be sent through the post.

How to submit your DPS application

You can submit your DPS application in the following ways:-

Apply online

<https://www.gov.uk/apply-for-a-licence/premises-licence/warrington/change-2>

Please note if you are submitting your DPS application online you will need to pay for the application online.

By post:

Please send postal applications to:

- Licensing Authority - Licensing Section, Regulation & Protection, Warrington Borough Council, New Town House, Buttermarket Street, Warrington, WA1 2NH or e-mail cexlicensing@warrington.gov.uk.

You must also:

- give a copy of the application to the chief officer of police - Force Licensing Department, Cheshire Constabulary HQ, Clemonds Hey, Oakmere Road, Winsford, CW7 2UA or e-mail warrington.licensing@cheshire.pnn.police.uk,

- give a copy of this form to the existing premises supervisor, if any

How is the application to vary a designated premises supervisor processed?

The Licensing Act 2003 provides a mechanism, which allows the variation of designated premises supervisor (DPS) to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there is no interruption to normal business at the premises.

The Chief Officer of Police has 14 days, beginning with the day on which they are notified, to consider the application.

The Chief Officer of Police can either:

- Object to the designation of the new premises supervisor where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective as set out in the Licensing Act 2003, or
- Raise no objection to the application

What is the timescale for processing the application if no objection is received from the Police?

If we receive no objection, the total timescale for determining an application for variation of designated premises supervisor is expected to be no more than 15 consecutive days. This commences with the correct receipt of the application paperwork (including the Chief Officer of Police) and the application fee of £23. In this situation, the licensing authority has to grant the variation of designated premises supervisor.

What is the timescale for processing the DPS application if the Police object?

If an objection is received from the Chief Officer of Police, then arrangements will be made for the council's licensing sub-committee to hear the application and objection notice within 20 working days beginning the day after the period within which the Chief Officer of Police may give a notice.

The timescales for processing an application do not start until all the necessary information has been received in full.

Will tacit consent apply to vary a designated premises supervisor?

Yes. This means that you be able to act as though your application is granted if you have not heard from the licensing authority by the end of the target completion period of 60 calendar days.

However, if an objection is received from the Chief Officer of Police, then arrangements will be made for the council's licensing sub-committee to hear the application and objection notice within 20 working days beginning the day after the period within which the Chief Officer of Police may give a notice.

The timescales for processing an application do not start until all the necessary information has been received in full.

What happens if the police object to a designated premises supervisor application?

If we receive an objection from the Chief Officer of Police, we will make arrangements for the council's licensing sub-committee to hear the application and objection notice within 20 working days beginning the day after the period within which the Chief Officer of Police may give a notice.

At least 10 working days before the day of the hearing we will send the applicant and the Chief of Police details of the date and time of the hearing together with details of the procedures to be followed.

The applicant and Chief Officer of Police must give notice to Warrington Borough Council's Committee Section at least two working days before the start of the hearing stating:

- Whether they will attend the hearing in person
- Whether they will be represented by someone else (for example a lawyer)
- Whether they think a hearing is unnecessary (if, for example an agreement has been reached before a formal hearing)
- Any request for another person to attend the hearing, including how they may be able to assist the licensing authority in relation to the application

Hearing - What action is available to the Licensing Sub-Committee?

A hearing will go ahead, unless the licensing authority, the applicant and the Chief Officer of Police (giver of notice) agree through mediation that a hearing is unnecessary.

The 2003 Act provides that the applicant may apply for the individual to take up the post as designated premises supervisor immediately and, in such cases, the issue would be whether the individual should be removed from this post. The committee

must therefore restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision.

In this case, the committee would reject the application if it felt sufficient grounds existed; otherwise, the application would be approved.

Determination (hearing)

Where the application is either granted or rejected, the licensing authority will give a notice to that effect to the applicant, the proposed designated premises supervisor and the Chief Officer of Police.

Where there is a hearing, the committee must give clear and comprehensive reasons for its eventual determination of the application.

Where the application is granted, the notice must state the time when the variation takes effect.

Can I appeal?

Both the applicant and Chief Officer of Police have the right of appeal exists to the Magistrates' Court. You must lodge it with the court within 21 consecutive days of the date of the objection notice.

What if I no longer want to be the designated premises supervisor?

For a variety of reasons, there may be circumstances when a designated premises supervisor (DPS) decides to leave a premises selling alcohol by retail and no longer wishes to authorise the sale or supply of alcohol. Until the premises licence has been varied to specify a new DPS, any sale or supply of alcohol would be unlawful.

We recommend that the departing DPS advises, in writing, the licensing authority and the premises licence holder, informing them that they have left the premises and they no longer authorise the sale of alcohol.

Where the DPS is the holder of the premises licence, the notice must be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practicable, by a statement of the reasons for the failure to provide the licence (or part of it).

The outgoing DPS must no later than 48 hours after giving the notice to the Licensing Authority, also give the holder of the premises licence:

- a copy of that notice, and
- a notice directing the premises licence holder to send to the relevant licensing authority within 14 days of receiving the notice, the premises

licence (or the appropriate part of the licence), or if that is not practicable, a statement of the reasons for the failure to provide the licence (or part of it).

How to submit my request to be removed as a DPS

Apply online

<https://www.gov.uk/apply-for-a-licence/premises-licence/warrington/change-10>

By post:

Please complete the form and post it the address below:

- Licensing Authority - Licensing Section, Regulation & Protection, Warrington Borough Council, New Town House, Buttermarket Street, Warrington, WA1 2NH or e-mail cexlicensing@warrington.gov.uk

By email:

- Please e-mail your notice Licensing Section at cexlicensing@warrington.gov.uk.

You must also give your notice to the Premises Licence Holder within 48 hours of giving the notice to the the Licensing Authority, as advised above.

What happens when the Licensing Authority receives my request to be removed as a DPS?

On receipt of your request to be removed as a DPS, the Licensing Office will check to ensure that the above requirements have been complied with before processing your request to be removed as the DPS.

Contact information

Licensing Section

Regulation & Protection
Warrington Borough Council
New Town House
Buttermarket Street
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WA1 2NH
Tel: 01925 442119
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Disclaimer

Nothing in this guidance document can be considered as legal advice. Independent legal advice should be sought in the event of queries, advice and information can also be obtained from the Home Website: www.gov.uk/homeoffice