

# Guidance notes



## Designated premises supervisors

Updated January 2015

In every premises licensed for the 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.

### Requirements

- an application must be made by the holder of the premises licence
- it 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
- an application must also be accompanied by a consent form from the proposed DPS to show that they consent to taking on this responsible role
- 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)

### Application process

The applicant sends an application for the variation of DPS to the licensing authority at North Devon Council and one to the Chief Officer of Police. The contact details are:

Devon and Cornwall Police Licensing Department  
Devon and Cornwall Police HQ  
Middlemoor  
Exeter  
Devon  
EX2 7HQ

**Telephone:** 01392 452225

**Fax:** 01392 452447

**Email:** [licensingeast@devonandcornwall.pnn.police.uk](mailto:licensingeast@devonandcornwall.pnn.police.uk)

The Act provides a mechanism, which allows the variation of 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come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn.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.

Where there are frequent changes of supervisor, the premises licence holder may submit the form in advance specifying the date when the new individual will be in post and the change will take effect.

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

They 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

The Licensing Act 2003 policy can be found on the council's website.

The total timescale for determining an application for variation of DPS (no objection received) is expected to be no more than 21 consecutive days, commencing with the correct receipt of the application paperwork (including the chief officer of police) and the associated fee (see below). In this situation, the licensing authority has to grant the variation of DPS.

In the unlikely event, that you have not heard anything regarding your application after the 21-day period above, please contact us. The outcome of your application is not deemed granted if you have not heard from us for reasons of public health and safety.

If an objection is received from the chief officer of police, 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. See below for details of the expected timescale if a hearing goes ahead.

Details of the date and time of the hearing together with details of the procedures to be followed will be sent to the applicant and the chief officer of police at least 10 working days before the day of the hearing.

The applicant and chief officer of police must give notice to North Devon Council 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, lawyer / councillor / MP)
- 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 DPS 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 DPS 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.

### **Appeal**

Right of appeal exists to the magistrates' court for both applicant and chief officer of police and must be lodged with the Court within 21 consecutive days of the date of the objection notice.

The longest possible expected timescale for the determination of the variation of DPS, where a hearing proceeds, is 77 consecutive days.

### **Public register**

Current applications for the variation of DPS and those previously completed can be viewed on the Premises Licence public register, which is on the council's website.

### **Complaints**

If you feel we have failed to provide you with good service or are concerned about the progress of your application, please contact Customer Services so that we can try to resolve any concerns you may have.