REPORT TO THE FULL TOWN COUNCIL

DESIGNATED PREMISES LICENCE

Report Reference	**FTC-24-31**
Meeting Date	**3rd April 2025**
Agenda Item	**289**
Prepared by	**Deputy Clerk**

Background

Usually when you have a Premises Licence you need a Designated Premises Supervisor (*DPS*), who is the person responsible for any sale of alcohol at the premises and must hold a Personal Licence. Maltby Town Council currently has a DPS for both the Edward Dunn Memorial Hall and the Maltby Miners Community Recreation Ground. However, the current DPS would like to stand down from the position.

There is a possibility to apply to remove the DPS by replacing this condition with an alternative licence condition under section 26A(6) of the Licencing Act 2003. This would mean that a 'committee' of people would be responsible for the supply of alcohol, this could be a Committee or the Council as a whole.

Process of removal of the Designated Premises Supervisor

When applying for the removal of the DPS, we must be responsible for the management of a community premises. Which is the case for both the Edward Dunn Memorial Hall and the Maltby Miners Community Recreation Ground.
A 'committee' is explained to be any formally constituted, transparent and accountable management committee or structure, which Maltby Town Council is.

No one on the 'committee' would need to hold a personal licence as this provision was started to help with the burden and cost on community groups of finding a personal licence holder prepared to take the responsibility of being the DPS.

As the premises licence holder, the 'committee' will collectively be responsible for ensuring compliance with licence conditions and the law and may remain liable to prosecution for one of the offences in the act. However, there would not always be any member present at the premises. This would be instead of the current DPS who holds most responsibility.
While overall responsibility will lie with the 'committee', when the premises are hired out with the sale of alcohol, the hirer may be clearly identified as having responsibility for matters falling within their control. If we provided hirers with a written summary of their responsibilities under the Licencing Act 2003 in relation to the sale of alcohol, then the 'committee' is likely to be treated as having taken adequate steps to avoid liability to prosecution, if a licensing offence is committed.

This will cost £23 to replace the current condition and add an alternative condition. There is no need to advertise like a normal Premises Licence application, and only the Chief Police Officer can object once the application has been submitted.

During the application form it is required to provide the names of the 'committee's' main officials, such as the Chair and Vice-Chair.
This is not an automatic process and will have to apply to RMBC for the current condition to be removed, and the alternative condition added instead. If this change is not applied for, the responsibility would fall to one Councillor who must have a Personal Licence.

Basic Overview

- We can apply to remove the need for a Designated Premises Supervisor
- The Premises Licence would be run by the Council as a whole.
- The Council would have overall responsibility.
  - If a clear summery of the hirer's responsibilities under the Licencing Act 2003 is given this is likely to be treated as having taken adequate steps to avoid liability to prosecution.
- This would cost £23 to change and is subject to Licencing to grant.