

Premises Licence – Alternative Mandatory Condition

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Section 1 – Guidance Notes

This form 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 Designated Premises Supervisor (DPS) 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 premises 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
- 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 – enter the name of committee or board.

Describe the premises and the management structure. In particular, explain why you consider it to be a community premises i.e. is it available for community benefit most of the time and accessible by a broad range of persons and sectors of the local community for purposes beneficial to the community as a whole. If the community premises is a registered charity, please include its Charity Commission number. Set out how the premises is managed and the structure of the committee or board of individuals with responsibility for its management (including the names of the committee's or board's key officers, e.g. the chair, secretary, treasurer). Please include any documents e.g. a written constitution or other management documents that show the structure of the premises and how it is managed.

Describe how the supervision of alcohol sales is to be ensured in different situations (including when the community premises is hired to private parties, when the community premises is hired for large fundraising events and when the community premises is hired for short fundraising events by local voluntary organisations). Set out how responsibility for alcohol sales is to be determined in individual cases and discussed and reviewed within the committee's or board's procedure in the event of any issues arising. You should include copies of hiring agreements that describe the

arrangement made between the community premises and the hiring party. You should note that sample hire agreements are available from e.g. ACRE and Community Matters. More information about these hire agreements is contained in the statutory Guidance.

Applications to substitute the section 19(4) mandatory condition must be made by a management committee or similar structure which holds or will be the holder of the premises licence for the community premises. Please state in what capacity you are signing the application (e.g. Committee Chair, committee member, Hall secretary etc).

The Removal of the Requirement for a Designated Premises Supervisor at Community Premises under the Licensing Act 2003 – Guidance for Applicants

The sale and supply of alcohol can have an impact on the wider community and on crime and anti-social behaviour and carries with it a greater responsibility than other licensable activities, such as the provision of regulated entertainment or late night refreshment. Premises licences that authorise the sale and supply of alcohol are therefore required to specify a designated premises supervisor (DPS). This individual, named on the licence, must hold a personal licence and is responsible for every sale of alcohol that takes place on the premises.

The above is enforced by mandatory conditions that are included on every premises licence that authorises the supply of alcohol. However, as from 29 July 2009, community premises can apply to disapply these mandatory conditions and replace them with an alternative licence condition.

Such an application can be made with regards to an existing licence, or in conjunction with a variation to an existing licence, or it can be made alongside an application for a new licence.

The alternative licence condition

The 'alternative licence condition' in relation to a premises licence means the condition that every supply of alcohol under the licence must be made or authorised by the management committee.

Definition of "community premises"

Community premises will usually fall into one of the following categories:

- premises that are or form part of a church hall, chapel hall or other similar building
- premises that are or form part of a village hall, parish hall or community hall or other similar building

In most cases it is likely to be self-evident whether the premises falls into one of the above categories. However, where it is not clear cut the licensing authority will need to judge each case individually. The main consideration in most cases will be how the

premises are predominately used. The premises must be 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. This could feasibly include educational premises, such as school halls, but only where they are genuinely and widely used for the benefit of the community as a whole, and not just for the particular school in question. As such, community premises are usually multi-purpose with a variety of activities taking place in them, such as playschools, senior citizens' clubs, indoor sports, youth clubs and public meetings.

Management of the premises

The licence holder of a community premises must be a committee or board of individuals with responsibility for the management of the premises. This could include any formally constituted, transparent and accountable management committee or structure, such as management committees, executive committees and boards of trustees.

The application form requires the applicants to describe how the premises is managed, its committee structure and to provide the names of the management committee's key officers e.g. the Chair, Secretary, Treasurer. The licensing authority needs to be satisfied that the management committee is properly constituted and accountable so the applicant will need to include copies of any constitution or other management documents along with the application.

The applicant must also be able to demonstrate how the supply of alcohol is to be supervised in different situations (e.g. if the premises is hired out to private parties). Again, the licensing authority needs to be satisfied that the supervision of alcohol sales is satisfactory in all situations.

Section 2 – Fees

£23.00

Section 3 – Attachments to be included with your application

None

Section 4 – Change of circumstances

Not applicable