

FAQs: Community Premises DPS

Note: please see the [DCMS Guidance](#) issued under s182 Licensing Act 2003 for comprehensive guidance on the removal of the requirement for a DPS and personal licence at community premises.

Q: What is the new approach to community premises?

A: Community premises are now allowed to apply to have the standard mandatory conditions under s19 Licensing Act 2003 removed from their premises licence. The s19 conditions require all premises licensed for the sale of alcohol to have a DPS and for all sales of alcohol to be made or authorised by a person who holds a personal licence. This change will enable community premises to operate without a DPS and for sales of alcohol to be made on such premises without the authorisation of a personal licence holder.

See [Licensing Act 2003 s19\(2\) & \(3\): mandatory conditions relating to personal licences and Designated Premises Supervisors \(DPS\)](#).

Q: What are community premises?

A: Premises such as church halls, chapels (and parts thereof). Also community and village halls (and parts thereof).

The definition of “community premises” is given in the Guidance as follows:-

The criteria already used by licensing authorities in order to determine whether a premises meets the definition of community premises for the purpose of the fee exemptions for regulated entertainment set out in s9(2)(b) of the Licensing Act 2003 (Fees) Regulations 2005 (SI 2005/79) can be used to assess whether a premises is a community premises.

For those premises that didn't benefit from the above fee exemption (e.g. community premises licensed to sell alcohol or provide late night refreshment), it will usually be self-evident whether a premise is or forms part of a church hall, chapel hall or other similar building or a village hall, parish hall, community hall or other similar building.

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;

Further details are found at paragraph 4.38 of the s182 Guidance.

Q: Are premises such as schools and other private halls available for private hall community premises?

A: Not necessarily. Licensing authorities should consider the extent to which such premises are providing a facility for the community rather than members of the community for private purposes. The test is directed at the nature of the premises themselves, as reflected in their predominant use.

Further details are available at paragraph 4.39 of the s182 Guidance.

Q: Are premises which require users to become members of a particular organisation community premises?

A: They are unlikely to be community premises for the purposes of this process and are more likely to be qualifying clubs for the purposes of a club premises certificate, and they are not the intended beneficiaries of the new approach to community premises.

Further details are available at paragraph 4.40 of the s182 Guidance.

Q: Who can apply on behalf of the community premises?

A: 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. The licensing authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.

Further information on what is meant by "management committee or board" can be found at paragraph 4.42 of the s182 Guidance.

Q: Are these premises now exempt from the requirements of mandatory conditions regarding DPSs and personal licences?

A: No; such premises need to apply to disapply the mandatory conditions.

Q: How do community premises apply to have the mandatory conditions disapplied?

A: 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 (see later question below) should apply to include the alternative licence condition in place of the usual mandatory condition by submitting the [prescribed form](#), together with the prescribed fee (see below).

Q: What is the process for new premises licence applications by community premises?

A: The application for the premises licence is made in the usual way, using the standard application form for a new premises licence, which should be accompanied by the [prescribed form](#) requesting the removal of the mandatory DPS condition. No additional fee is payable.

Q: What fees are payable?

A: Existing premises licence holders must pay the prescribed fee of £23.

There is no extra charge for new applicants, who simply pay the application fee payable with the premises licence application itself.

Q: Can other conditions be removed from the licence under this process?

A: No. Only s23 conditions can be disapplied under this process. Any other changes should be applied for in the usual way (i.e. via a new, variation or minor variation application).

Q: How will the licensing authority satisfy itself that the premises will be properly managed when licensable activities are taking place?

A: The application form requires applicants to set out how the premises is managed, its committee structure and how the supervision of alcohol sales is to be ensured in different situations, and how responsibility for this is to be determined in individual cases and reviewed within the committee procedure in the event of any issues arising.

Where arrangements are not clear, licensing authorities may wish to ask for further details to confirm that the management committee/board is properly constituted and accountable before taking a decision on whether to grant the application. See paragraph 4.43 of the s182 Guidance for more details.

Q: How will a licensing authority approach community premises in the event of offences under the Licensing Act?

A: The management board or committee will remain the premises licence holder and will be collectively responsible for ensuring compliance with licence conditions and the law. The hirer may be clearly identified as having responsibility for matters falling within his or her control (e.g. in the contract for hire between the hirer and the premises licence holder), e.g. as per events held under Temporary Event Notices.

Further information is provided at paragraphs 4.44 and 4.45 of the s182 Guidance. Model hire agreements are available from bodies such as [ACRE](#) and [Community Matters](#).

Q: What is the role of the responsible authorities?

A: In exceptional circumstances the Chief Officer of the Police for the area in which the community premises is situated can object to a request for inclusion of the alternative licence condition on the grounds of crime and disorder, issuing a notice seeking the refusal of the application to include the new mandatory condition. 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.

The other responsible authorities do not have the right to issue a notice seeking refusal. They can seek reinstatement of the mandatory conditions through a review of the licence under s52A of the Licensing Act 2003, however.

Recording applications and decisions

We have not yet been informed of the DCMS statistical/data requirements regarding community DPS applications so LACORS therefore suggests that LAs record the number of applications received, together with the number of grants and refusals.

Publicity

We understand that DCMS are undertaking some general publicity on this new process and will also amend its guidance to applicants and other parties. DCMS are also willing to attend and address conferences and events to publicise these changes, so colleagues may wish to invite DCMS representatives to any relevant events organised this year.

Feedback

If you have any feedback or queries relating to these FAQs please email emily.scantlebury@lacors.gov.uk