

East Lindsey District Council – Licensing Authority



Application to vary a premises licence to
specify an individual as a designated premises
supervisor under the Licensing Act 2003

(Form Last Revised November 2020)

Licensing Act 2003

Please read the following instructions, guidance notes at the end of the form and any guidance leaflets enclosed with this application before completing your application form.

1. If you are completing the form by hand please write legibly in BLOCK CAPITALS and write in BLACK INK.
2. In all cases ensure that your answers are inside the boxes. Use additional sheets as necessary.
3. Incomplete or inadequate applications will be rejected and will be required to be resubmitted to the Licensing Authority and the Police.
4. The application must be returned to:

The Licensing Team
East Lindsey District Council
Tedder Hall
Manby Park
LOUTH
Lincolnshire
LN11 8UP

With a copy to:
Licensing (Alcohol) Team
Lincolnshire Police
Myle Cross Centre
Macauley Drive
Lincoln
LN2 4EL

5. You MUST ensure that the proposed Designated Premises Supervisor signs the consent form attached to the rear of this application.

Premises Licences - Varying the Designated Premises Supervisor (DPS)

General Information

Premises licences which authorise the supply of alcohol must have an individual nominated as the Designated Premises Supervisor (DPS) and this person must hold a valid personal licence. It is expected that this person will be the person with day-to-day responsibility for running the premises, and will be the point of contact at the premises for the Licensing Authority, Lincolnshire Police, Lincolnshire Fire and Rescue and also other Responsible Authorities if problems occur at the premises.

There is no obligation for the premises licence holder to be the DPS; however, this will be the case on some occasions.

A premises may only have one individual nominated as DPS at any time. If the current DPS leaves the premises or is no longer responsible for its day-to-day management, it will be necessary to nominate a new individual. Every premises licence that authorises the supply of alcohol is subject to a condition that prohibits any supply of alcohol at a time when there is no Designated Premises Supervisor, or if the DPS does not have a valid Personal Licence.

Criteria

An individual nominated as a Designated Premises Supervisor should hold a current and valid personal licence, issued by any English or Welsh Licensing Authority under the Licensing Act 2003.

In order to obtain this licence, the individual must be over 18 years of age, have passed a certified training course, and have no criminal convictions for relevant offences (or if they have, satisfy the Licensing Authority that to grant a personal licence would not undermine the crime prevention licensing objective).

Please note that we will check any personal licence with the relevant issuing authority to ensure that the licence remains valid and has not otherwise been suspended or revoked.

Making an Application to Vary the DPS

To apply to vary a premises licence to specify a new individual as the Designated Premises Supervisor, the licence holder will need to complete the prescribed application form. Additionally, the proposed individual must sign a form showing that they consent to being the new Designated Premises Supervisor for the particular premises licence in question.

The application should be made as follows:

- The completed application form, together with the fee of £23 (cheques payable to East Lindsey District Council), should be sent to the Licensing Section at the address below*.
- A copy of the completed application should be sent to Licensing (Alcohol), Lincolnshire Police, Myle Cross Centre, Macauley Drive, Lincoln, LN2 4EL.

**Please note that we no longer accept cash for the payment of licence application fees. Debit or card credit payments can be taken over the phone by contacting the Licensing Team.*

The Police may raise objections to your application within 14 days from the date of application, based around issues relating to crime and disorder. If they do, the application will be referred to a Licensing Sub-Committee Meeting (consisting of Councillors) to be considered and determined. No other party may object to this type of application.

N.B. The proposed Designated Premises Supervisor must complete the consent form attached to the rear of this application.

For further information:

The Licensing Team,
East Lindsey District Council,
Tedder Hall,
Manby Park,
Louth,
Lincolnshire
LN11 8UP
Tel: (01507) 601111
www.e-lindsey.gov.uk

Your information will be processed in accordance with the law, in particular the Data Protection Act 2018. The information that you provide will only be used for Council purposes unless there is a legal authority do otherwise.



Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / we

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

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Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	

Post town	Post code (if known)

Telephone number (if any)

Description of premises (please read guidance note 1)

Part 2

Full name of proposed designated premises supervisor
Nationality
Place of birth
Date of birth

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Full name of existing designated premises supervisor (if any)

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I will notify the existing premises supervisor (if any) of this application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

To be returned to: The Licensing Team, East Lindsey District Council, Tedder Hall, Manby Park, Louth, Lincolnshire LN11 8UP

Copy to: Licensing (Alcohol), Lincolnshire Police, Myle Cross Centre, Macauley Drive, Lincoln, LN2 4EL.

Your information will be processed in accordance with the law, in particular the Data Protection Act 2018. The information that you provide will only be used for Council purposes unless there is a legal authority to do otherwise.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. An application to vary a premises licence so as to name a different premises supervisor may be given immediate effect (that is, from the time that the application is received by the licensing authority) if the premises licence holder requests it at the time he makes an application under section 37. Section 38 enables the holder of a premises licence to continue the supply of alcohol if, for example, the existing premises supervisor is suddenly indisposed or unable to work. If the application is rejected, the licence reverts to the form it took before the application was made
3. A full copy of the application form must be sent to the chief officer(s) of police for the police area(s) in which the premises are situated. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
4. Section 37(4)(b) of the Licensing Act 2003 requires the premises licence holder to notify the existing designated premises supervisor (if any) about this application. It is sufficient for the licensee to inform the existing premises supervisor in writing, without the need to share the specific details of the application. The notice should state whether section 38 of that Act (circumstances in which section 37 application given interim effect) applies to the application.
5. The application form must be signed.
6. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have authority to do so.
7. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
8. This is the address which we shall use to correspond with you about this application



Consent of individual to being specified as premises supervisor

I
[full name of prospective premises supervisor]

of

.....
[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

.....
[type of application]

by

.....
[name of applicant]

relating to a premises licence
[number of existing licence, if any]

for

.....
[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

.....
[name of applicant]

concerning the supply of alcohol at

.....
[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

.....
[insert personal licence number, if any]

Personal licence issuing authority

.....
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

.....

Name (please print)

.....

Date

.....

Data Protection Notice – Premises Licence Application under the Licensing Act 2003 (Designated premises supervisor)

East Lindsey District Council is a Data Controller and can be contacted at:

Tedder Hall, Manby Park, Louth, Lincolnshire, LN11 8UP
Tel: 01507 601111

The Data Protection Officer for this Authority can be contacted at the same address.

We are collecting your personal data in order to process your licence application under the Licensing Act 2003 as we are the Licensing Authority.

Your personal data may be shared in the following ways as part of this application:

The law requires us to verify that applicants for premises licences have the right to work in the UK. Where necessary, we may need to verify your information with the Home Office.

The Council may also share personal information with the Police and the other Responsible Authorities as part of the licensing process. Any information sharing will be managed in accordance with relevant privacy and data protection legislation.

Your data will not be shared with third parties but may be used for Council purposes, in order to prevent or detect crime, to protect public funds or where we are required or permitted to share data under other legislation.

Some limited Premises User / Licence Holder information will be made available to the public as the Licensing Act 2003 requires us to maintain a Register of Licence Applications. The Register includes the name of the licence holder and the Designated Premises Supervisor (DPS).

In line with our retention policy your data will be kept for the period of time that you hold a licence with this Authority and then for a further 6 years after your licence expires. The data will then be deleted / destroyed.

We also keep data for six years from the resolution of an unsuccessful licence application or the resolution of legal proceedings.

You have the right to access your data and to rectify mistakes, erase, restrict, object or move your data in certain circumstances. Please contact the Data Protection Officer for further information or go to our website where your rights are explained in more detail. If you would like to receive an explanation of your rights in paper format please contact the Data Protection Officer.

Any complaints regarding your data should be addressed to the Data Protection Officer in the first instance. If the matter is not resolved you can contact the Information Commissioner's Office at:

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Tel: 0303 123 1113

If you do not provide the information required on the form then we will not be able to process your licence application.

For further information on our Data Protection Policies please go to our website: www.e-lindsey.gov.uk

If you would like this information in a different format, please contact us on 01507 601111.