

# DESIGNATED PREMISES SUPERVISOR (DPS)

## **What is a designated premises supervisor?**

The statutory definition is provided within Section 15 of the Licensing Act 2003, which states:

- (1) In this Act references to the 'designated premises supervisor', in relation to a premises licence, are to the individual for the time being specified in that licence as the premises supervisor.
- (2) Nothing in this Act prevents an individual who holds a premises licence from also being specified in the licence as the premises supervisor.

## **When is a DPS required?**

It is a mandatory requirement that any premise which holds a premises licence authorising the retail sale of alcohol as a licensable activity, must have a DPS specified on the licence.

The DPS must be a holder of a personal alcohol licence

Any premise at which alcohol is sold or supplied may employ 1 or more personal alcohol licence holders but only 1 can be named on the licence at any one time.

The DPS will normally be the individual who has been given day to day responsibility for managing the premise by the premises licence holder.

## **Who can object to an individual being nominated as the DPS?**

Only the Police can make an objection where, in exceptional circumstances, they believe that the appointment of that individual would undermine the Crime Prevention objective.

If an objection is received, the Licensing Authority must arrange for a hearing to take place so a Licensing Panel can determine the application. The Police and the applicant will both be invited to attend.

## **How do I change my licence to specify a new DPS?**

An application to vary a DPS must be submitted to the Licensing Department in the area in which the premises is situated. The fee is £23. The application must be completed by the premises licence holder. A copy of the application form must be sent to the Chief Officer of Police for the Authority. The DPS must also complete a form giving his or her consent to be specified on the licence.

**What does a DPS have to do if they wish to be removed from this position?**

The DPS must inform the relevant Licensing Authority, in writing, if he or she wishes to be removed as the DPS. The individual must, within 48 hours of informing the Licensing Authority, also give the premises licence holder a copy of the notice.

**Does the DPS have to be on the premises at all times alcohol is being served?**

The Licensing Authority anticipates that the DPS will spend a significant amount of time on the premise. The guidance issued under Section 182 of the Licensing Act 2003 stated that the DPS will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder.

A premises licence may specify that a DPS and/or a personal alcohol licence holder must be present at the premise during certain times and/or licensable activities. It is the responsibility of the Premises Licence Holder to check any conditions on a licence and to ensure that there is compliance.

**Can I be the DPS for one or more premises?**

There is nothing in either the Act or the guidance which states that this is not legally permitted. However, as previously stated, the guidance suggests that the DPS should be someone who has 'day to day responsibility for running the premises'.