

REQUEST TO BE REMOVED AS DESIGNATED PREMISES SUPERVISOR

Guidance Note

Section 41 of the Licensing Act 2003 sets out the procedure where an individual who is named as a Designated Premises Supervisor in respect of any licensed premises wishes to cease to have that position. The section is subject to section 54 of the Act which empowers the Secretary of State to prescribe forms of notices to be used for various applications under the Licensing Act. Unfortunately, the Government has not specified a form to be used for this purpose. Nevertheless it is necessary for individuals to observe the procedure contained in section 41 if they wish to be removed from a premises licence as the Designated Premises Supervisor otherwise than in accordance with an application by the Premises Licence Holder for the identity of the Designated Premises Supervisor to be varied.

The Act requires that where an individual wishes to cease to be the Designated Premises Supervisor in respect of a premises licence, he may give the relevant licensing authority a notice to that effect. The notice should be in writing.

Within 48 hours of giving notice to the licensing authority the Designated Premises Supervisor must give a copy of the notice to the Premises Licence Holder and must also give the Premises Licence Holder a notice directing him or her to send the licensing authority within 14 days of receiving that notice, either the premises licence (or appropriate part thereof) or if that is not practicable, a statement of the reasons for the failure to provide the licence) or relevant part thereof.

Unless this entire procedure is followed the person serving notice upon the authority will remain the Designated Premises Supervisor. If the procedure is followed the Designated Premises Supervisor will cease to occupy that position from the time his notice is received by the licensing authority or at such later date as he or she may specify in the notice.

Although the use of the following documents is not mandatory, they will assist people to comply with section 41 where they wish to be removed as Designated Premises Supervisor.

FORM 1

REQUEST TO BE REMOVED AS DESIGNATED PREMISES SUPERVISOR Pursuant to section 41 of the Licensing Act 2003

Before completing this form please read the guidance notes which precede it. If you are completing this form by hand, please write legibly in block capitals. In all cases ensure that your answers are inside the box and written in black ink. You should keep a completed copy of the form for your records.

I
[Insert full name) of the Designated Premises Supervisor],

being the Designated Premises Supervisor for the premises herein after referred to hereby give notice of my/our desire to cease to be Designated Premises Supervisor with immediate effect/with effect from

[delete as appropriate and *Insert date*]

I understand that I am obliged to serve a copy of this notice on the Premises Licence Holder within 48 hours after the date of my giving the notice to the licensing authority. I also understand that I must serve notice on the Premises Licence Holder directing him or her to send the licence to the licensing authority within 14 days of the date of receiving the notice:-

1. The premises licence (or the appropriate part of the licence), or
2. If that is not practicable, a statement of the reasons for the failure to provide the licence (or part).

Premises Details

Address of the premises

Signature: _____

Date: _____

FORM 2

NOTICE TO A PREMISES LICENCE HOLDER Pursuant to section 41(4) the Licensing Act 2003

To: Name: [Premises Licence Holder]

Address:

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Take notice that on *[insert date of notice]* I gave notice pursuant to section 41(1) Licensing Act 2003 to Southend Borough Council of my wish to cease being the Designated Premises Supervisor for the premises herein after detailed. A copy of that notice is attached.

By this notice I direct you as premises licence holder to send to Southend Borough Council within 14 days of receiving this notice:-

1. The premises licence (or the appropriate part of the licence) or
2. If that is not practicable a statement of the reasons for the failure to provide the licence (or part).

Take notice that if you fail to comply with this direction without reasonable excuse you will be guilty of an offence pursuant to section 41(5) of the Act and may be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Premises Details

Address of the premises

Signature: _____

Date: _____