

REQUEST TO BE REMOVED 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 this form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure 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 _____ being the Designated Premises Supervisor, notify Hertsmere Borough Council, Licensing Authority of my wish to cease being the Designated Premises Supervisor under Section 41 of the Licensing Act 2003 with effect from:

Date: _____

Time: _____

PART 1 – PREMISES DETAILS

Name of Premises:		
Address of Premises:		
Post town	Post code	
Telephone number (if known)		

Premises Licence number (if known)	LIQ/
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Description of Premises

PART 2 – DESIGNATED PREMISES SUPERVISOR DETAILS

Full name & address of outgoing Designated Premises Supervisor	
Personal Licence Number:	
Issuing Authority:	

NOTE: Please complete **Section A** if you are the Premises Licence Holder – if not, please complete **Section B**.

Section A

Please tick yes

I have enclosed the Premises Licence or relevant part

OR

I have provided reasons why I have failed to enclose the premises licence or relevant part.

I am aware that, under Section 56, paragraph 2 – 4 of the Licensing Act 2003, it is a relevant offence if I fail, without Reasonable excuse, to comply with the requirement to Produce my existing licence.

I understand that if I do not comply with the above requirements my notification will be rejected.

Reasons why I have failed to enclose Premises Licence or relevant part of it

Section B - Declaration

Please tick ✓ yes

- 1) I am **not** the Premises Licence Holder;
- 2) 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 Hertsmere Borough Council;
- 3) I understand that I must serve a notice on the Premises Licence Holder directing them to send to Hertsmere Borough Council **within 14 days** of receiving this notice:
- (i) the Premises Licence (or appropriate part of the licence) or
(ii) if that is not practicable, a statement of the reasons for the failure to provide the licence (part);
- 4) I am aware that, under Section 41, paragraph 5 of the Licensing Act 2003, it is a relevant offence if I fail, without reasonable excuse to comply with these requirements;
- 5) I understand that if I do not comply with the above requirements my notification will be rejected;

NOTE: IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Signature of Outgoing Designated Premises Supervisor

Signature: _____ Date: _____

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

To:

Name of Premises Licence Holder: _____

Address of Premises Licence Holder: _____

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

By this notice I direct you, as premises licence holder, to send to Hertsmere Borough Council, Licensing Authority 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.

Signed: _____

Print Name: _____

Dated: _____

CERTIFICATE OF SERVICE

I
[Insert name of Designated Premises Supervisor]

of
[Insert address of Designated premises Supervisor]

hereby certify that on *[insert date of service]*

I served
.....
[insert name and address of premises holder]

with a copy of a notice served by me upon Hertsmere Borough Council,
Licensing Authority pursuant to section 41(1) Licensing Act 2003 together with
a notice pursuant to section 41(4)(b) of that Act

by
[insert details of method of service e.g. personal delivery, recorded delivery etc.]

Guidance Notes

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 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 correctly, the Designated Premises Supervisor will cease to occupy that position from the date and time stated on the notice received by the licensing authority.

Although the use of the following documents is not mandatory, they will assist compliance with section 41 where there is a wish for a person to be removed as Designated Premises Supervisor.