

Licensing Act 2003

Guidance to Applicants for a New or Variation Premises Licence

Derbyshire County Council Trading Standards Service acts as a 'Responsible Authority' for the purposes of the Licensing Act 2003 and is entitled in this capacity to make representations to a local licensing authority relating to the grant, variation and review of a premises licence.

The scope of the Trading Standards Service under the Act is the enforcement of those parts of the Act that deal with the sale, or allowing the sale, of alcohol to children.

Such activities may directly influence the following licensing objectives, which must be addressed in undertaking licensing functions:

- The prevention of crime and disorder
- The protection of children from harm

An application for a new or to vary an existing premises licence must be accompanied by an operating schedule. In preparing the operating schedule, applicants should be aware of the expectations of licensing and responsible authorities about the steps they consider necessary for the promotion of licensing objectives.

In order to promote the objectives indicated above, Derbyshire Trading Standards Service expects that applicants have regard to each of the following areas, and clearly indicate in their application the steps they propose to take in order to address them fully:

Persons selling alcohol

- How will employees know that they have been authorised to sell alcohol?

- Are sales staff confident and assertive enough to challenge young purchasers when they cannot be certain the purchaser is over 18?
- What arrangements are in place to ensure employees can comfortably carry out their Licensing Act responsibilities at all times? (Includes staff levels during busy periods, staff taking breaks from their duties, etc).
- Is the number of Personal Licence holders employed sufficient for effective control of alcohol sales?

Training of sales staff

- How are employees made aware of their responsibilities under the Licensing Act and in relation to other age-restricted products?
- How are employees instructed with regard to related procedures? (Includes asking for proof of age, refusing sales, 'Think 21' schemes, record keeping, role of supervisors, etc).
- How will the applicant demonstrate that staff have been trained and that training is periodically refreshed?
- Will staff be required to hold or obtain recognised licensing qualifications?

Supervision of sales staff under the age of 18

- Is it appropriate to employ persons under the age of 18, given that all sales of alcohol must be specifically approved by a responsible person over the age of 18?
- Where persons under 18 are employed, what arrangements will be made to ensure that each sale of alcohol by under-18s is specifically approved?

Good practice

- How will customers be made aware of the controls on the supply of alcohol? (This will include prominent display of appropriate signs/notices pointing out restrictions on alcohol sales, premises/local policies, etc).
- Is 'Challenge 25' (or similar scheme aiming to increase the likelihood that a young purchaser is challenged) to be adopted?

- Use of technology:
 - Scanning tills can be programmed to prompt the seller to check the age of the customer (or to lock if an age-restricted product is scanned by an underage employee)
 - till systems may be programmed to help staff record refused sales
 - CCTV can be used either directly or retrospectively to monitor staff performance.

Distance Selling (home deliveries / internet / mail order)

- What arrangements are in place to ensure that alcohol purchases are restricted to customers over 18 years?
- What steps will be taken to ensure that alcohol is not delivered to persons under 18?

Monitoring of procedures

- What arrangements are in place to check that the stated precautions and associated procedures are operating at all times when alcohol is available for supply?
- How will the actions of employees be monitored in the absence of the Designated Premises Supervisor (DPS), premises licence holder or other supervisory staff? (Typically will include use of a refusals book (or other method to record refused sales), review of CCTV, observations, mystery shoppers, etc).
- What records are kept to demonstrate that precautions and procedures are regularly reviewed and failings acted upon?

Minimising risk

- Can selection of alcohol by minors be reduced (for example, by removing it from self-service areas and adopting over-counter sales)?
- Can alcohol sales be restricted to designated tills / staff over 18?
- Can opening times be restricted to those when the DPS or a personal licence holder is present?

The above points should not be considered exhaustive. Applicants may wish to indicate alternative or additional steps in their individual case.

Where can I get further help?

This leaflet is not an authoritative interpretation of the law and is intended only for guidance. Any legislation referred to, while still current, may have been amended from the form in which it was originally enacted. For further details or clarification contact Derbyshire Trading Standards at:

Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

Telephone:

Businesses:	Call Derbyshire	01629 533190
Consumers:	Citizens Advice consumer helpline	0808 223 1133

Website: www.derbyshire.gov.uk/tradingstandards

We want everyone to be able to understand us. On request, we will arrange:

- Language interpreters, including for sign language
- Translation of written materials into other languages
- Materials in large print, on tape or in Braille.

To ensure that you are looking at the most up-to-date version of this leaflet, please visit our website at <https://www.derbyshire.gov.uk/site-elements/documents/pdf/business/licences/licensing-act-2003-guidance-to-applicants-for-a-new-or-variation-premises-licence.pdf> or telephone us on 01629 536166.