

Reply to **Licensing Department**
Tel 020 8921 8018
Fax 020 8921 8380



Licensing Department
Community Safety & Environment
4th Floor, Woolwich Centre
35 Wellington Street
London SE18 6HQ
www.royalgreenwich.gov.uk

LICENSING ACT 2003 Guidance — Off-Licences

What do I need a licence for?

You need to obtain a licence for the following activities:

- To sell alcohol by retail;
- If you are a qualifying club, to supply alcohol to a club member, or to sell alcohol to a guest of a club member;
- To provide regulated entertainment;
- To sell hot food or drink between 11.00pm and 5.00am for consumption on or off the premises, unless you are a hotel, staff canteen or campsite.

Are there any premises you cannot licence?

We cannot issue a licence to sell alcohol to motorway service areas or premises used primarily as a garage, e.g. retailing petrol or derv, or selling and maintaining motor vehicles.

What happens with my application and how do I fill the form in?

See the separate guidance notes for full details of the application process.

What is a Personal Licence?

All sales of alcohol must be made by, or under the authority of, a Personal Licence Holder. Not everyone who makes a sale has to hold a Personal Licence, so long as a Personal Licence Holder has authorised the sale. This does not apply to Qualifying Clubs or premises operating under a Temporary Event Notice.

You must apply for your Personal Licence to the local authority in whose district you live.

You can have as many Personal Licence Holders on the premises as you wish, providing there is only one Designated Premises Supervisor (see below). You can also choose to become a Personal Licence Holder if you wish to apply for more than five TEN's a year, but otherwise would not require one.

Designated Premises Supervisor

You must appoint a Designated Premises Supervisor (DPS) for the premises. There can only be one DPS per premises. The DPS will be held as the person in overall charge of the premises. You should therefore choose this person with care. We would recommend the DPS is someone with day-to-day responsibility for the premises.

You have to nominate the DPS on your application form. This person does not have to be on the premises at all times, but they must take responsibility for what happens there. This means the DPS

should ensure any staff they appoint are appropriately trained in the requirements of the Licensing Act 2003 and of any specific conditions attached to the Premises Licence.

A person cannot become a DPS unless he is also a Personal Licence Holder.

The application procedure is described in the notes attached to the application form.

This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.

Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.

This information is available in alternative formats such as large print, Braille or on audio cassette if required. Please contact us should you require any further information or assistance.

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