



Instructions for Completing an Application for a Licence to Sell Tobacco Products

Tobacco Products (Guernsey) Ordinance, 2014

AGE

A Licence cannot be issued to a person under 18 years of age.

LICENCE TYPE

A Licence can be issued for 3 types of sale and one licence is required for each type of sale conducted on the premises. The types of sale are retail sale, indirect sale and wholesale sale.

1. Application for Licence

Type of Licence

Tick the box next to each type of sale that will be conducted at the premises;

- Retail sale – which has the normal meaning of retail sale
- Indirect sale – where the seller and the purchaser are not in the same place at the same time e.g. sale by internet, telephone or mail order
- Wholesale sale – where the sale is for purpose of on sale

One Application Form can be submitted if the same person is applying for the same type or types of licence for multiple premises and all information other than the address is identical for each premises. For example, the same person sells tobacco products by way of retail sale, or retail sale and wholesale sale, at different premises.

Instead of completing Form TP1A for each premises, use Form TP1B in conjunction with Form TP1A to record details of the different premises.

APPLICANT INFORMATION

A licence can be issued to 2 types of persons;

- an Individual or
- a Body Corporate
- a Body Corporate is a person who is a public or private company, an association or other incorporated or unincorporated entity.

An individual is a person who is not a Body Corporate but is a person trading as a sole trader or in partnership with one or more other persons, for example, a firm, partnership or limited partnership. If the person is conducting a business in partnership with one or more other persons, only one of the persons is to make the application.

For a Body Corporate you must provide a copy of certification from Guernsey Register, Companies House or an equivalent registration company.

2. Name of Applicant

For a Body Corporate, it is the legal entity's name that appears on all legal and official documents. This name may be different to the trading name of the entity. For example;

- Company 'XYZ Pty Ltd', trading as 'XYZ Sales'. The Applicant is XYZ Sales Pty Ltd
- Sarnia Bowling Club Inc. The name of the Applicant is Sarnia Bowling Club Inc.

For an Individual, it is the name of an individual person who conducts a business as a sole trader (one natural person) or in partnership with one or more other persons. For example;

- James Tostevin, a sole proprietor trading as James' Deli. The name of the Applicant is James Tostevin.
- Harold L Smith, Susan R Jones and Horace T Ball, partners trading as HSH Sales. The name of the Applicant is any one of the persons in the partnership.

3. Applicant's Trading Name

The name to be entered here is the name that the Applicant's business normally trades under. In the examples given under Question 2 above, the trading name of the Applicant;

- XYZ Pty Ltd is XYZ Sales;
- Thomas James Williams is Tom's Deli; or
- of any of the partners Harold L Smith, Susan R Jones and Horace T Ball is HSH Sales.

If the Applicant is trading in partnership under a Business Name, you must provide a certificate from Guernsey Register, Companies House or an equivalent registration company.

If the Applicant's trading name is the same as at Question 2 above enter "SAME" in the box.

APPLICANT ADDRESS DETAILS

Each licence to sell tobacco products must specify the premises to which it applies, which is the address at which tobacco products are sold. It is important to include all the details of an address of the premises as it clearly distinguishes the premises.

4. Premises

A full address is required including the name of the business, the building name, road name, parish, island and post code.

5. Principle Business Address

The detail to be entered here is the postal address of the Applicant. This address will be used to post all information about licensing, including renewal notices.

If the postal address is the same as the address of the premises to which the licence will apply (as entered at Question 4), enter "SAME".

SUITABILITY OF APPLICANT

6. Applicant Must Answer All Questions (a) to (e)

A Licence can only be issued to a person who is fit and proper to hold a licence. The Applicant is required to answer "Yes" or "No" to all the questions listed on the Application Form.

The licensing officer will conduct random audits of licence applications to assess an Applicant's probity which may require an Applicant to provide a Police Disclosure Check.

For Bodies Corporate, the questions apply to the Body Corporate and all officers of the Body Corporate.

If the Applicant is an individual, the questions apply only to the individual, not any partners that the Applicant is in partnership with.

In Questions 6(a) and 6(b) "corresponding law" means the law of any country or territory that corresponds to, or has similar purposes to, the Tobacco Products (Guernsey) Ordinance, 2014.

In Questions 6(c) and 6(d) "disqualifying offence means an offence under;

- 1)
 - i. the Ordinance
 - ii. the Tobacco Advertising (Guernsey) Law, 1997
 - iii. the Smoking (Prohibition in Public Places and Workplaces) (Guernsey) Law, 2005
 - iv. the Smoking (Prohibited Buildings and Vehicles) Ordinance, 1971
 - v. the Notice of Smoking in Public Places Ordinance, 2004 or
 - vi. any Ordinance or subordinate legislation made under an enactment referred to in any of subparagraphs (i) to (v)
- 2) an offence under the law of any country or territory relating to the sale, supply, advertising, importation, exportation or licensing of tobacco products or
- 3) any offence involving fraud or dishonesty under the law of any country or territory

If you answer yes to any of the questions in Question 6 the following information is required to be provided with the application as is relevant to the matter;

- current or historical criminal records relating to any conviction of the Applicant
- any decision in proceedings before any tribunal or body of appeal to which the Applicant has been party
- any other information relating to another licence that the Applicant has held or for which the Applicant has applied
- any information and documents relating to charges pending or any other information that may be necessary to assist in assessing if the Applicant is a fit and proper person to hold a licence

APPLICANT SIGNATURE

7. Details and Signature of Person Making Application

If the Applicant is;

- **An Individual** named in Question 2, a signature is required at point (a).
- **A Body Corporate**, the name and signature required is the name and signature of the person who is authorised by the Body Corporate to make the application on behalf of the Body Corporate.

CONTACT DETAILS

This is the person who the licensing officer will contact if there are any queries about the application.

8. Contact Person for Queries about Application

If the person is an individual and it is the person entered at Question 2, or for a Body Corporate, if it is the same person entered at Question 8, print the word "SAME" in the name boxes and complete the remaining details.

AUTHORISATION

9. Authorisation to Make Application

An Applicant who is a sole trader does not need to complete this question.

A sole trader is a person who trades alone, without the use of a company structure or partners and who bears alone full responsibility for the activities of the business.

For a Body Corporate the Applicant is required to provide written confirmation from one of the directors of the Body Corporate that the Applicant is authorised by the Body Corporate to make the application. The person required to complete this question is one of the directors.

For an individual who conducts business in a partnership the Applicant is required to provide written confirmation from one of the partners that the Applicant is authorised by the partnership to make the application. The person required to complete this question is one of the other partners.

PAYMENT OPTIONS

10. Prescribed Fees Must Accompany Application

Payment can only currently be received by cheque. Payment should be made by a cheque made payable to "States of Guernsey" and this must be received at the same time as the Application Form.

Application Forms and fees should be received by the Licensing Officer, Office of Environmental Health and Pollution Regulation at the address below.

FEES

The correct fee must accompany any submission.

If a licence for more than one type of sale is sought, the fees for each type of sale must be paid.

The following fees apply as at 1st December 2014;

Provision of Ordinance	Matter for which the fee is prescribed	Fee
Section 4(2)(a)	Application for retail licence or for renewal of a retail licence	£135 for each premises
	Application for wholesale licence or for renewal of a wholesale licence	£400 for each premises
	Application for indirect sales licence or for renewal of an indirect sales licence	£135 for each premises
Section 10(2)(a)	Application for approval of responsible person submitted with an application for a corporate licence or an application to renew a corporate licence	Nil
	Any other application for approval of a responsible person	£25
Section 16(2)	Issue of a duplicate licence	£25
Section 19(2)(a)	Application to vary a licence	£25

CHECKLIST

Is the Application Complete?

Use the following checklist to ensure all required information and supporting documents accompany the application

- All required details on application form are completed
- All relevant boxes are ticked

and the following are included with the application;

For ALL applications

- The licence application fee (non-refundable)
- Any other information required if you answered "Yes" to any question at Question 6

Plus;

If the Applicant is Body Corporate

- A copy of Certificate of Registration of company
- A copy of Extract of Company Officers

and if the Trading Name is different to the Company Name;

- A copy of Certificate of Registered Business Name
- A copy of Business Names Extract detailing names of person or persons to whom the business name is registered

If Applicant is an Individual

- If trading in partnership under a registered Business Name;
 - A copy of Business Names Extract
 - A copy of Certificate of Registered Business Name
- Proof of identity of the person making the application

Proof of identity is any of the following that is certified and signed by the Applicant to be a true copy of the original document;

- a) the Applicant's birth certificate
- b) the Applicant's passport if the passport is either current or has not been expired for more than 24 months
- c) the Applicant's motor driver's licence

LODGING THE APPLICATION

Return the Application Form and all other required documents and fees to the Licensing Officer, Office of Environmental Health and Pollution Regulation, Longue Rue, St Martin, Guernsey, GY4 6BJ.

CONTACT US

The Licensing Officer
Office of Environmental Health and Pollution Regulation
Longue Rue
St Martin
Guernsey
GY4 6LD

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envhealth@hssd.gov.gg