

SARK STATUTORY INSTRUMENT

2017 No. 2

**The Regulation of Production of Alcoholic Products
(Sark) Regulations, 2017**

Made

10th October, 2017

Coming into operation

1st November, 2017

THE SARK POLICY AND PERFORMANCE COMMITTEE, in exercise of the powers conferred on it by sections 2(2), (3) and (4), 10(2) and 21 of the Regulation of Production of Alcoholic Products (Sark) Law, 2012^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Requirements and fees for application for production licence.

1. (1) An application for a production licence under section 2 of the Law must –

- (a) be made in the form specified in the Schedule, and in accordance with paragraphs (2) to (7), and
- (b) include any other supporting information and documents required by the Committee.

(2) The individual specified in paragraph (3) must present a suitable photographic identification document for himself or herself at the

^a Order in Council No. VIII of 2013; as amended by Sark Ordinance No. II of 2015. See also the Regulation of Production of Alcoholic Products (Commencement and Exemptions) (Sark) Ordinance, 2017 (Ordinance No. * of 2017).

Committee Support Office for Chief Pleas, to be copied and kept for the purposes of the application.

(3) Paragraph (2) refers to –

(a) where the application is made by an individual, the applicant, and

(b) where the application is made by any other person (for example, a company), the individual who is designated as the responsible person in the application.

(4) An application by the holder of a current production licence must be made at least one month before expiry of the licence.

(5) An application must be accompanied by a fee of £50 for the administrative costs of processing the application.

(6) The Committee requires the applicant to permit investigations, examinations and tests to be carried out by officers of the Office of Environmental Pollution and Health of the States of Guernsey on the Committee's behalf in respect of each premises included in the application, unless waived by the Committee in a particular case.

(7) The Committee requires the applicant to pay a fee to the Committee, for those investigations, examinations and tests, calculated in accordance with rates and charges published by the Committee in any manner the Committee thinks fit.

Requirements and fees for application to surrender a production licence.

2. An application to surrender a production licence under section 10 of the Law must be accompanied by –

- (a) a copy of the production licence,
- (b) a statement of the date when the holder of the licence ceased or wishes to cease producing or manufacturing alcoholic products that require a licence under the Law,
- (c) a statement of the steps taken or intended to be taken by the holder of the licence to ensure that the production or manufacturing operations and (as the case may require) the affairs of the holder are properly wound up, taking into account considerations relating to human health and effects on the environment, and
- (d) a fee of £50.

Interpretation.

3. (1) In these Regulations, unless the context requires otherwise –

"**the Committee**" means the Sark Policy and Performance Committee,
and

"**the Law**" means the Regulation of Production of Alcoholic Products
(Sark) Law, 2012,

- (2) The provisions of the Interpretation (Guernsey) Law, 1948^b apply to the interpretation of these Regulations as those provisions apply to a Guernsey enactment.

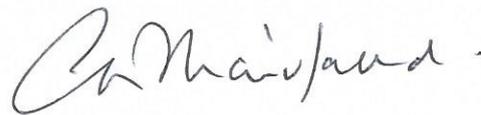
^b Ordres en Conseil Vol. XIII, p. 355.

(3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

4. These Regulations may be cited as the Regulation of Production of Alcoholic Products (Sark) Regulations, 2017 and come into force on the 1st November, 2017.

Dated this 10th day of October, 2017



Charles Maitland

Chairman of the Sark Policy and Performance Committee

For and on behalf of the Committee

SCHEDULE
APPLICATION FORM FOR A PRODUCTION LICENCE

Reg. 1(1)

	RPA1- Application for a licence to produce alcoholic products on Sark
The Regulation of Production of Alcoholic Products (Sark) Law 2012	

Please read the instructions and Guidance Notes contained in this Application Pack to help you complete this Application Form, Supporting Information Required, and Checklist; missing or incomplete information may delay consideration of this application

Please use black ink, print neatly using Block Letters

Please tick all applicable boxes

1 APPLICANT INFORMATION

I/We apply for a licence to produce or manufacture alcoholic products:

COMPLETE THIS SECTION IF THE APPLICANT IS AN INDIVIDUAL		Official Use Only
1	Surname	
	Forenames	
	Address	
	Postcode	
	email	
	Telephone	
	Mobile	
2	Date of Birth	
3	Photographic ID	Present your original documents at the Committee Office for copying
4	Trading name (if any)	

COMPLETE THIS SECTION IF THE APPLICANT IS A COMPANY		Official Use Only
1	Company Name	
	Company Number (if applicable)	Present your Body Corporate documents at the Committee Office for copying
2	Company Address	
	Postcode	
	Email	
	Telephone	
3	Trading Name (if any)	

2 SUITABILITY OF APPLICANT

	Y/N	Official Use Only
Have you been refused or disqualified from holding a licence under the Ordinance or a corresponding law*?		
Have you been issued with a licence under the Ordinance or a corresponding law that is suspended or has, at any time, been revoked?		
Have you at any time, been convicted of an offence under the Ordinance or a corresponding law?		
Have you at any time in the ten years prior to this application, been convicted anywhere in the world of an offence involving fraud or dishonesty?		
Are you currently the subject of a pending charge or investigation for an offence under the Ordinance or a corresponding law, or an offence involving fraud or dishonesty anywhere in the world?		
Is there anything else you consider relevant, that the Committee might wish to take into account, in assessing whether or not to grant you a licence for the production of alcoholic products?		
If you have answered <u>YES</u> to any of the above questions further information will be required to assist in assessing this licence application. Please follow the guidance contained in the instructions and guidance notes in Licence Application Pack.		

*"corresponding law" means any law of any country or territory relating to the manufacture, production, sale or supply of alcoholic products or any food or drink products.

3 DETAILS AND SUITABILITY OF DESIGNATED RESPONSIBLE PERSON

If the Applicant is a Body Corporate, the individual designated to be the Responsible Person to manage day-to-day production or manufacturing of alcoholic products must complete the following two tables confirming their details and declare their suitability. An Authorising Partner or Officer needs to complete the Authorisation section.

1	Surname		
	Forenames		
	Address		
	Postcode		
	email		

	Telephone		
	Mobile		
2	Date of Birth		
3	Photographic ID	Present your original documents at the office for copying	
		Y/N	Official Use Only
	Have you been refused or disqualified from holding a licence under the Ordinance or a corresponding law*?		
	Have you been issued with a licence under the Ordinance or a corresponding law that is suspended or has, at any time, been revoked?		
	Have you at any time, been convicted of an offence under the Ordinance or a corresponding law?		
	Have you at any time in the ten years prior to this application, been convicted anywhere in the world of an offence involving fraud or dishonesty?		
	Are you currently the subject of a pending charge or investigation for an offence under the Ordinance or a corresponding law, or an offence involving fraud or dishonesty anywhere in the world?		
	Is there anything else you consider relevant, that the committee might wish to take into account, in assessing whether or not to grant you a licence for the production of alcoholic products?		
	If you have answered <u>YES</u> to any of the above questions further information will be required to assist in assessing this licence application. Please follow the guidance contained in the instructions and guidance notes in Licence Application Pack.		

NB: If there is a change in the Responsible Person who will manage the day-to-day production or manufacturing of alcoholic products, the Licence Holder must promptly notify the Committee in writing and complete the table above in relation to the new Responsible Person.

Authorisation to make an application

If the Applicant is a Body Corporate, details of the Authorising Partner or Officer are required

AUTHORISING OFFICER/PARTNER		Official Use Only
Title or Office within Body Corporate		
Surname		
Forenames		
Address		
Postcode		
Date of birth		
Position		
Signature		
Date		

4 LICENCE TO PRODUCE DIFFERENT PRODUCTS – please indicate which product(s) you wish to produce

	Y/N	Official Use Only
BEER		
WINE		
SPIRITS		
CIDER		
ANY OTHER ALCOHOLIC PRODUCTS (SPECIFY):		

5 PREMISES FOR PRODUCTION OR MANUFACTURE OF ALCOHOLIC PRODUCTS (If more than one premises use a separate sheet)

		Official Use Only
ADDRESS		
Postcode		
Telephone		

NB: A Licence granted for the production of alcoholic products will be valid for one year from the date of issue. Any renewal applications must be made not less than one month prior the expiry of the licence.

6 SUPPORTING INFORMATION –

Additional information to support your application is required, see the Supporting Information Required and Guidance Notes in this application pack and associated sample forms/record sheets.

7 LICENCE FEE

The correct licence application fee is required before a licence application may be processed. See Guidance Notes.

DECLARATION BY APPLICANT OR PERSON MAKING APPLICATION ON BEHALF OF APPLICANT

I confirm that the information provided in and in connection with this application is true and correct, to the best of my knowledge.

Name:

Date of Birth:

Signature:

Date of Application:

WARNING - A PERSON MUST NOT, IN RELATION TO AN APPLICATION FOR A LICENCE, GIVE FALSE OR MISLEADING INFORMATION. PROVIDING FALSE OR MISLEADING INFORMATION IN OR IN CONNECTION WITH THIS APPLICATION MAY BE AN OFFENCE UNDER THE FRAUD (BAILIWICK OF GUERNSEY) LAW, 2009 PUNISHABLE BY A FINE OR A TERM OF IMPRISONMENT, OR BOTH.

COMPLETED FORMS

Completed application forms, accompanied by the correct fee should be handed to: Policy and Performance Committee, C/O Committee Support Office, Chasse Marette, Sark, GY10 1SF



GUIDANCE NOTES TO ASSIST THE COMPLETION OF THE SUPPORTING INFORMATION

The Regulation of Production of Alcoholic Products (Sark) Law 2012

SUPPORTING INFORMATION REQUIRED

1 Production Methods You are using

Please describe the method of production used to make your products.

(For example 'The Smith Method of Brewing of Light Ales').

If your method of production is of your own devising, please describe the process used.

Commercially sensitive methods and ingredients do not need to be referred to in detail unless they affect public safety.

PREPARATION/HYGIENE/SAFETY ISSUES

2 Production Tasks Schedule/diary

As the brewer/distiller or wine producer you are responsible for keeping accurate, up to date records of your safe methods of preparation and production, cleaning methods including standards and schedules, cleaning cloth standards, personal hygiene standards, environment maintenance, prevention of cross contamination from objects and chemicals, accident/incident recording/reporting/action plan as listed below. This list is not exhaustive.

A production diary is a good way to keep your vital records in one place. See attached example.

3 Maintenance task schedule

Effective maintenance of the environment that is used to produce your product is essential.

An action schedule/plan on how you address this issue is required to be kept ready for inspection.

This plan should cover all areas such structural repairs, ventilation, repairs to damaged work surfaces and equipment damage, temperature control and keeping pests out.

This plan should itemize what areas need inspection with what frequency and what to do if something is found that needs rectifying. How to deal with repeated failures is also required. See attached suggested plan.

If the environment does not change, that is no new building works and the equipment you use to create your product does not change then the schedule will remain static. However, with each new piece of equipment or alteration to your premises there will be additional items or items removed from your schedule. You may also decide to alter the frequency or timing of your maintenance resulting in a change in your schedule.

4 Contamination -Physical and chemical

A record of your methods to prevent contamination occurring at any stage in your production methods is required. This includes:

- Keeping your ingredients covered and safe from vermin and pests as well as from insects and bacteria getting into your product.
- A procedure for the safe storage of any chemicals involved in your production as well as any cleaning chemicals.
- A record of your methods to prevent any damaged equipment contaminating your product, including glass and how you would deal with any such contamination is required.
- The level of risk of contamination may change with the seasons, variations in temperature or a change in supplier, therefore the risks to the quality of your product, your reputation and to the health of your customers should be monitored and the appropriate action taken to reduce risk.
- Smoking policy

See attached sample record of methods and procedure.

5 Cleaning task schedule

Keeping product preparation areas clean is essential to remove harmful bacteria and prevent them spreading.

A schedule of your cleaning processes used in all areas of your premises, including frequency, precautions and method is required. This can be a straightforward description of what you need to clean and when, your use of gloves and what products you use such as soapy water followed by disinfectant or specific cleaning products, and giving the reasons why you are using this method.

Cleaning does not just relate to work surfaces and equipment, frequently touched items such door handles, bins and tools need to be kept clean too.

What training you and your staff have undertaken or need to undertake should also be included.

The correct use of cleaning cloths is important in reducing the risk of contamination. Correct disposal of single use cloths and thorough washing, on a hot wash cycle, of re-usable cloths is essential in reducing the risk. A procedure should be in place to ensure this takes place.

Once your task schedule is accurate and complete is should be monitored regularly to see if items need to be changed or an addition item added if your

production method has change or a new piece of equipment has been added requiring a different method of cleaning.

Noting the items of your schedule in a daily production diary is a simple way of keeping your records up to date.

5 Personal Hygiene

A guidance sheet is required for all staff to ensure that everyone is aware of the standards and methods regarding clean clothing, overalls and apron use, as well as correct hand-washing technique, use of hats/hairnets or tying back long hair, use of bright coloured waterproof dressings, and what to do if staff suffer from vomiting and diarrhoea.

All staff need to know why the rules are in place, reducing the risk of contamination from bacteria and foreign objects and have confirmed that they abide by the rules.

6 Ingredients

All ingredients used should be stored so that vermin and other pests and contamination cannot come into contact with them. A written procedure needs to be in place and complied with to ensure safety of the ingredients used in making your product. Receipt and correct storage of ingredients should be recorded in a diary.

A record of the source of all ingredients used in production, including the dates they arrive on site and use by dates, is good practice. This ensures traceability in the event of a problem occurring.

7 Pets

Pets are not to be allowed in preparation areas and all staff are to observe this rule.

8 Water Testing

Testing of the water supply should be done regularly and the results recorded in a diary. Any failure must result in the ceasing of any production, with any product in the process of production being disposed of and not sold or given away. Production may not recommence until a satisfactory water test has been obtained.

9 Contacts

Keeping an up to date list of useful contacts to aid staff in keeping your production site safe and in good repair is helpful.

10 Inspection visits

An inspection visit by nominated qualified persons will be required prior to production commencing and annually prior to the renewal of a licence.

The inspection includes: premises, equipment, cleaning schedule, maintenance diary, water test results etc. and any areas of process to ensure the public safety.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the requirements of form, manner and content for, and fees payable in respect of, an application for a production licence or an application to surrender a production licence under the Regulation of Production of Alcoholic Products (Sark) Law, 2012.

Regulation 1(1) to (3) requires an application for a production licence to be in the form set out in the Schedule, and requires the applicant or a responsible person on behalf of the applicant to present a suitable photographic identification document at the Committee Support Office for Chief Pleas.

Regulation 1(4) requires applications by current holders of a production licence to make the application at least one month before the expiry of the licence. Regulation 1(5) requires each application to be accompanied by a fee of £50.

Regulation 1(6) and (7) specifies the Committee's requirement that the appropriate investigations, examinations and tests be carried out, and paid for by the applicant, in respect of each premises included in an application, unless specifically waived by the Committee. These tests will be carried out by officers of the Office of Environmental Pollution and Health of the States of Guernsey on behalf of the Committee.

Regulation 2 sets out the requirements to be met for an application to surrender a production licence, including a fee of £50.

These Regulations come into force on the 1st November, 2017.