

BASSETLAW DISTRICT COUNCIL

GUIDANCE NOTES FOR CLUB PREMISES CERTIFICATE

The Licensing Act 2003 continued to recognise members clubs where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members. The clubs carry on activities from premises to which public access is restricted and alcohol is supplied other than for profit. For these reasons the 2003 Act preserved aspects of earlier alcohol licensing law which applied to 'registered members clubs' and afforded clubs special treatment outside the normal premises licence arrangements. There are also more limited rights of entry for the police and other authorised persons, as the premises are considered private and not generally open to the public.

A club premises certificate permits licensable activities to take place at the premises of a "qualifying club". A qualifying club applying for a Club Premises Certificate does not need a personal licence holder identified as a designated premises supervisor as there is no supply of alcohol by retail taking place, as alcohol may be bought for the club by the members and the money being passed across the bar is to maintain equity between members. Please make sure that the club rule book makes clear the policy for guests. Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence. As committee members in clubs change from time to time please ensure that the Council Licensing Department are kept abreast of these changes. Please be aware that it is an offence not to inform the Council should the secretary change.

Application for a Club Premises Certificate - When to use the form

This guidance relates to application forms for club premises certificate under the Licensing Act 2003 ("the Act"). A similar form is available for applying for a Premises Licence.

Applications for club premises certificate must be made to the licensing authority within whose area your premises is situated. This will normally be your local authority. Application forms can be obtained from Bassetlaw District Council website (www.bassetlaw.gov.uk).

NEED MORE HELP?

This guidance is intended to help applicants complete the application form. Further information about the Licensing Act 2003 and other sources of help can be found on the Home Office website www.homeoffice.gsi.gov.uk. The Licensing Department may also be able to help you with queries or give advice. You may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice.

Clubs which meet the specified criteria set out in the 2003 Act are known as 'qualifying clubs' and the authority under which they may supply alcohol and conduct other 'qualifying club activities' from their premises is a club premises certificate issued by the licensing authority.

To be classified as a qualifying club in relation to a qualifying club activity, a number of general conditions must be met. These are:

- that under the rules of the club, persons may not be admitted to membership, or be admitted, as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission
- that under the rules of the club, those becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members;
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

A club premises certificate may authorise the conduct of any of the qualifying club activities, namely

- The supply of alcohol by or on behalf of the club to, or to the order of, members of the club;
- The sale by retail of alcohol by or on behalf of the club to a guest of a member of the club for consumption on the premises where the sale takes place; and
- The provision of regulated entertainment (where that provision is by or on behalf of a club for members of the club or members of the club and their guests)

The grant of a club premises certificate means that a club is entitled to certain benefits, which include the authority to supply alcohol to its members and sell it to guests without the need for any member or employee to hold a personal licence, and the absence of a requirement to specify a designated premises supervisor.

To qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met. These are:

- The purchase and supply of alcohol by and for the club is managed by a committee made up of elected members of the club all aged over 18 years;
- No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club;
- no arrangements may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the club as a whole.

In determining whether a club is established and conducted in good faith, the licensing authority will have to look at a number of matters and take those into account. These matters are:

- Any arrangements restricting the freedom of the club to purchase alcohol;
- Any arrangements where the money or property of the club or any gain arising from the running of the club can be used for purposes otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- The arrangements for giving members information about the finances of the club;
- The books of account or any other records kept to ensure accuracy of that information;
- The nature of the premises occupied by the club.

How to apply for a Club Premises Certificate?

You need to submit to the Licensing Department

1. A completed application form (premises licence or club premises certificate)
2. The correct fee
3. A plan of 1:100 scale (unless otherwise arranged with Licensing Officers) of the premises should included

What else do I need to do?

Send:

- The appropriate application form
- Complete an operating schedule of proposed changes to activities, times, and any changes to your current conditions and how the licensing objectives will be promoted (as outlined on the application form)
- Submit the plan as above
- Submit the correct fee
- Advertise the application (see below)

You must submit a copy of your application to all “Responsible Authorities”, contact details of the responsible authorities in Bassetlaw can be found on the website. For your own benefit you may wish to get

a receipt for the delivery of the application or send the application by registered post and keep and retain the proof of postage.

COMPLETING THE FORM

In the opening statement, you should insert the name of the applicant or applicants who are applying for a licence e.g. John Smith or Nice Pub Company.

PART 1: Club Premise Details

This section asks for the address and some other details of the premises. If the premises has no postal address, for example, if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference. The description should enable the land to which the application relates to be clearly identified

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. NDRV is revalued every 5 years. A new valuation came into force on 1 April 2010. Premises that do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

This section asks you to state give the details of the person performing the duties of secretary to the club

PART 2: Operating Schedule

You should state the date you would like the licence to start. A Club Premises Certificate will last indefinitely, unless otherwise stated in the box provided.

The Operating Schedule outlines what activities are proposed, when the activities will take place, how the activities will be managed and the overall opening hours when the public are permitted on the premises.

Applicants should consider the general usages of the premises in relation to potential to day and evening times. One of the most critical parts of the operating schedule is the section where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration should be given regarding this section as what is written may become a condition of the licence. However, as a guide the "Considerations of the impact of Licensing Activities" section in the Council's Statement of Licensing Policy could be used to identify what may be expected to be addressed in the operating schedule. Obviously, not all are appropriate to all premises.

General description of the premises

You are asked to describe the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you sell or supply such as outside areas e.g. beer gardens.

5,000 or more people attending

The question concerning the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time.

Licensable activities

You should indicate which licensable activities you wish to carry on by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act. After this, you

should complete the corresponding boxes from A to M that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays (please state times required).

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

BOXES A – K (Provision of regulated entertainment)

BOX A: Plays

A performance of any dramatic piece (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closed is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the Act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

Music includes vocal or instrumental music or any combination of the two. Live music will therefore require a licence regardless of the number of participants.

BOX F: Recorded music

Your licence does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment, as this would be exempt. For example, background music in a supermarket is likely to be considered to be incidental. If you have a jukebox or a disc jockey at your premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity.

BOX G: Performance of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance.

BOX I: The provision of late night refreshment

This covers the supply of hot food or drink between 11.00pm and 5.00am, although there are several exemptions. Hot drinks consisting of, or containing alcohol, should be authorised under the supply of alcohol, rather than late night refreshment.

A hot drink from a vending machine where the customer inserts the payment into the machine and the drink is supplied directly by the machine is not licensable, but would be if a member of staff takes the money or serves the drink.

Free hot food or hot drink is not licensable, nor is that supplied by a registered charity or by a person authorised by a registered charity.

Hot food or hot drink supplied on a vehicle, which is not permanently or temporarily parked at the time is also exempt.

BOX J: Sale by retail of alcohol

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

BOX K

This asks you to give information about anything to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

Box L – Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

General

A club operating schedule should include information which is necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory.

The completed schedule will include a statement of the following matters:

- (a) The relevant club qualifying activities;
- (b) The times during which it is proposed that the relevant club qualifying activities are to take place
- (c) Any other times during which it is proposed that the premises are to be open to members;
- (d) Where the applicant wishes the licence to have effect for a limited period, that period;

- (e) Where the club qualifying activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or off the premises, or both;
- (f) The steps which it is proposed to take to promote the licensing objectives; and
- (g) Such other matters as may be prescribed.

**DO BE REALISTIC IN WHAT YOU INTEND TO DO.
TAKE INTO CONSIDERATION YOUR NEIGHBOURS BOTH RESIDENTIAL AND BUSINESS.**

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your licence. Failure to meet those conditions would constitute an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

In the 'General Box' list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which on conviction may make you liable to a fine of up to £5,000.

You should check that you have included all the required documentation. Please make sure every page of the application form is returned (even if they are blank) otherwise your application will be returned as being incomplete. This includes a plan of the premises (outlined in red where the licensable activities are to take place) and where necessary the DPS consent form.

Plans

The plan of the premises should be included with the application and copies to the Responsible Authorities as part of the application. The plan of the premises (outlined in red where the licensable activities are to take place) needs to meet the requirements set out in the Act and the Licensing Act 2003. Please consider the following when submitting a plan:

- a. The location and extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different the perimeter of the premises
- b. The location of points of access to and egress from the premises
- c. If different from above, the location of escape routes from the premises
- d. In a case where the premises is to be used for more than one existing licensable activity the area within the premises used for each activity
- e. In a case where an existing licensable activity relates to the supply of alcohol, the location or locations on the premises which is or are to be used for the consumption of alcohol
- f. Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment
- g. In a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor
- h. In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
- i. In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- j. The location and type of any fire safety and other safety equipment
- k. The location of a kitchen, if any on the premises

Unless you have agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so. There is no requirement to have plans professionally drawn. You should describe any areas that you intend to provide for people to consume alcohol (i.e. a beer garden) that you sell or supply under the general description of the premises that you are required to give at the beginning of the application form.

Responsible authorities

You are required to give a copy of the application, including the accompanying documentation to the 'responsible authorities' on the same day as the application is given to the relevant licensing authority. Responsible authorities are the public bodies that are entitled to make representations to the licensing authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. The responsible authorities include the following, for the area in which the premises are situated:

- The chief officer of police
- The fire and rescue authority
- The local planning authority
- The environmental health authority
- Safeguarding Children
- Trading Standards
- Local PCT

Advertising the application:

The applicant has a duty to advertise their application. A notice not smaller than A4 pale blue in colour, and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16, will be displayed in a prominent position at or on the premises concerned which will detail the changes. This notice must be displayed for not less than 28 working days. The applicant must also advertise their application in a local newspaper circulating in the relevant part of Bassetlaw District Council area such as the Worksop Guardian or Retford Times. The newspaper notice must be circulated on at least one occasion not more than 10 working days after the giving of the application to the Council, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to carry on or from the premises
- The name of the applicant or club
- The postal address of the premises, or if not applicable a description of the premises concerned
- Details of where the register of Bassetlaw District Council is held and where it can be inspected
- The date by which an interested party and a responsible authority must make representations to the Licensing Authority.
- A statement that all representations must be made in writing
- A statement that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

The Bassetlaw District Council can provide you with the standard form these notices should take.

If there are no representations within the 28 working days, a completed application form has been submitted with the appropriate fees and other paperwork, and appropriate notices in the papers and on the premises, the licence will be granted. However, if representation from any interested parties or responsible authorities has been received, the Licensing Authority will decide whether the representation is relevant. If the Licensing Authority find the representation relevant they will arrange a mediation meeting between the relevant parties to try and find a reasonable compromise if appropriate. If this informal process is unsuccessful a hearing before the licensing committee will follow. All relevant parties will be notified of the date of the hearing. A decision will be made by the licensing sub-committee and the details of that decision will be circulated to the parties concerned.

The applicant does have a right to appeal and this should be made to the Magistrates Court appropriate to the location of the premises concerned. Professional advice should be sought where it is uncertain what the best course of action should be.

PART 4 – Signatures

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so. Where there is more than one applicant, both applicants, or their respective agents must sign the application form.

DO NOT FORGET TO ENCLOSE THE CORRECT FEE