

Licensing Act 2003 Guidance for a Club Premises Certificate Application

This guidance relates to club premises certificates although there are certain situations where a premises licence may be required. If you are considering applying for a premises licence, please see separate guidance and consider taking independent advice.

Overview

You will need to apply for a club premises certificate if you're a social, sporting or political members club (like a working men's club or British Legion) and you would like to:

- sell or supply alcohol to members or guests.
- provide regulated entertainment, like musical performances or film screenings to members or guests.

What are Qualifying Clubs?

Qualifying clubs are organisations where members have joined together for particular social, sporting or political purposes and have purchased alcohol to supply to members. They commonly include Labour, Conservative and Liberal Clubs, the Royal British Legion, working men's clubs, miner's welfare institutions and social and sports clubs.

To be a qualifying club you must comply with the following rules:

- An interval of at least 2 days must pass between people being admitted to membership, or as candidates for membership, and their admission to the club;
- If members are admitted without nomination, the club rules must state they will not be admitted to the privileges of membership without an interval of at least 2 days having elapsed from them becoming a member;
- The club must be conducted in good faith (see below);
- The club must have at least 25 members;
- You must not supply, or intend to supply, alcohol to members on the premises otherwise than by, or on behalf of, the club.

To supply alcohol on the premises, you must also meet the following conditions:

- Unless managed by the club in general meetings or by a body of members, the purchase of alcohol for the club, and supply of alcohol by the club, must be managed by a committee, who are all members of the club aged 18 or over, and who have been elected by the members of the club. There is an exemption to this condition for industrial and provident societies, friendly societies and miner's welfare institutions;
- No person can receive, or be intended to receive, any commission, percentage or similar payment at the club's expense on or concerning purchase of alcohol by the club;
- No person can derive, or be intended to derive, a financial benefit from the supply of alcohol by or on behalf of the club to guests or Members, except where:
 - The benefit accrues to the club as a whole;

- The benefit derived indirectly by a person from the supply producing or contributing to a general gain from the carrying on of the club.

What does “conducted in good faith” mean?

The following factors must be considered when deciding whether a club is conducted in good faith:

- Arrangements restricting the club’s freedom in purchasing alcohol;
- Any provision in the club rules or arrangements concerning how money or property of the club or any gain arising from the carrying on of the club will be spent, unless it is for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- The arrangements for providing members with information about club finances;
- The account books and other records ensuring the accuracy of that information;
- The nature of the premises occupied by the club.

If the licensing authority is not satisfied that your club is being conducted in good faith, it must give you notice of its decision and the reason for it.

What are the benefits of having a club premises certificate rather than a premises licence?

- Nobody needs to hold a personal licence to sell or supply alcohol;
- You do not need to appoint a Designated Premises Supervisor;
- The Police and authorised persons have more limited powers of entry because the premises are considered private and not open to the public;
- The premises are not subject to powers of Police closure on grounds of disorder and noise nuisance (unless they are being used under a temporary event notice (TEN) or premises licence at the time) because they operate under strict rules of discipline and rules that are rigorously enforced;
- The premises are not subject to potential Magistrates Court orders to close all licensed premises in an area where disorder is happening or expected to happen.

What is a personal licence?

A personal licence permits the holder to authorise the sale of alcohol, but is not required if you are operating solely under a club premises certificate or temporary event notice (TEN).

What can a club premises certificate authorise?

You need to obtain a certificate for the following activities:

- If you are a qualifying club, to supply alcohol to a club member, or to sell alcohol to a guest of a club member for consumption on the premises where the sale takes place.
- If a club premises certificate authorises the supply of alcohol to a member of the club for consumption on those premises then it may authorise the supply of alcohol for consumption off of the premises. The supply of alcohol for consumption off of the premises is subject to 3 further conditions:
 - The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.

- The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.
- The provision of regulated entertainment by or on behalf of the club, for members of the club or their guests.

What is regulated entertainment?

The following kinds of entertainment are subject to regulation:

1. Plays
2. Film exhibitions
3. Indoor sporting events
4. Boxing or wrestling exhibitions
5. Live music (karaoke included)
6. Recorded music
7. A performance of dance
8. Any entertainment similar to that described in 5, 6 or 7 above.

But only where –

- The entertainment is provided in front of an audience or spectators and is for the purpose of entertaining those persons AND
- The entertainment is exclusively to members of a qualifying club and their guests.

When do I not require a certificate for qualifying club activities?

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction;
- Films as part of an exhibition in a museum or gallery;
- TV and radio broadcasts, providing they are shown “live” and not recorded;
- Religious meetings or services.
- Incidental entertainment.

What is “incidental music”?

Incidental music is entertainment provided but not as the main, or one of the main, reasons for people attending. The music is incidental to some other activity taking place. This is sometimes a difficult area and if you are unsure you should contact us for advice.

Guests

A guest of a member may be admitted into the premises. The licensing authority will expect to see the club demonstrate how guests are being admitted. This is usually by way of a signing in book and detailed within the club rules. Although there is no mandatory requirement to maintain a signing in book (unless specified in the club rules), if a club is providing commercial services to the general public which is contrary to its qualifying club status, the club would no longer be conducted in “good faith”. The club would no longer meet general condition 3 for qualifying clubs in section 62 of the 2003 Act. Under the 2003 Act, the licensing authority must decide when a club has ceased to operate in “good faith” and give the club a notice

withdrawing the club premises certificate. The club is entitled to appeal against such a decision to a magistrates' court. Unless the appeal is successful, the club would need to apply for a premises licence to authorise licensable activities taking place there.

Associate members

As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another 'recognised club' as defined by section 193 of the 2003 Act) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate. This must be detailed within the club rules.

Will the club need any licences other than the club premises certificate? What about one off events and special occasions?

If you are holding an event that offers regulated entertainment where the entertainment is provided to members of the public or a section of the public, then the club would require either a temporary event notice (TEN) or a premises licence.

Applications for either of these would be required to be made separately from the club premises certificate. Detailed guidance on TENs and premises licences are available separately should you consider that you require either of them.

Examples of where you would require a separate TEN or Premises licence are given below:

- Letting out a function room for private hire for regulated entertainment to non-members, if you make a profit either by way of a hire charge or by bar takings.
- An event which is open to non-members is to be held the clubs sports grounds.
- The whole of the club premises is used by non-members for an event.

Please note:

If alcohol is to be supplied at events which require a premises licence then the supply must be authorised by a designated premises supervisor (DPS). TEN's do not require such a person to authorise sales. If you have any doubts as to whether you need either a TEN or a premises licence for events open to the public on your facilities please contact the Licensing team or alternatively your own agent/solicitor for guidance and advice on which applications to submit.

Other considerations

If you are going to play music in the club, you will need to ensure you have authorisation to play copyrighted music. You should contact PRS for Music to ensure you are covered. This is a separate requirement to the club premises certificate.

If you are going to be showing films, you may need a 'non-theatrical' film licence. The type of licence you need depends on how you'll use the films - see the [Independent Cinema Office \(ICO\) guidance](#). Contact the ICO if you need more help enquiries@independentcinemaoffice.org.uk. This is a separate requirement to the club premises certificate.

If you will be having any gaming machines in the premises, you must first apply for at club gaming permit or club machine permit. Please refer to the gambling information and application forms on our website.

You must register as a food business if you are storing, selling or preparing food (food business includes sale of alcohol). You can do this online by following the link below. Notification must be received 28 days prior to the start of trading. You will receive automatic confirmation of your food business registration when you submit the form.

<http://www.wiltshire.gov.uk/communityandliving/publicprotection/foodsafety/foodsafetyinformationforbusinesses/foodbusinessregistration.htm>

It is a requirement of the Regulatory Reform (Fire Safety) Order 2005 that a Fire Risk Assessment is completed for all licensed venues and that the significant findings are recorded. For further guidance on your responsibilities under this legislation please refer to the Dorset and Wiltshire Fire and Rescue Service website www.dwfire.org.uk or contact the Fire Safety team on 01722 691717.

Before applying for a club premises certificate you are advised to check there are no planning restrictions or conditions which would prevent the club from carrying out the activities and times being applied for.

How much does it cost to submit an application?

The application fee for the grant of a club premises certificate is determined by the rateable value of a premises. You can find out the non-domestic rateable value of your premises by entering the premises postcode into the Valuation Office's website at www.voa.gov.uk.

The values are divided into five bands:

Band	A	B	C	D	E
Non-domestic rateable value	£0 - £4,300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 and over
Application fee (new or variation)	£100	£190	£315	£450	£635
Annual fee*	£70	£180	£295	£320	£350

*Annual fees are due on the anniversary of the club premises certificate. Failure to pay the annual fee will lead to the suspension of the club premises certificate.

Incomplete Applications

We cannot accept incomplete or incorrect applications. The time limit for processing will not start until you have supplied a correctly completed application to ourselves and the appropriate responsible authorities, fee, and all other documentation required.

Completing the Application Form

Please use block capitals and black ink if completing the form by hand. The form must be legible or it will be returned.

Part 1 (of the application form)

Provide the detail as requested e.g. postal town, post code, etc You must enter the non-domestic rateable value of the premises. This figure is used to determine your application fee. The rateable value can be checked by visiting www.voa.gov.uk .

Part 2 (of the application form) – Club Operating Schedule

When do you want the licence to start? Please enter a specified date or request ASAP. If you wish the licence to be valid for a limited time only please enter a specified date.

If more than 5,000 people are expected to attend the premises at any one time please specify the number of people expected here.

Description of the Premises

Please describe the type of venue, its general situation and layout, and any other information relevant to the licensing objectives.

Your description could include the following:

- Whether the club premises are detached, terraced etc and what they adjoin;
- Description of main use of premises;
- How many floors the premises consists of;
- Which areas are used for licensable activities;
- Which areas are you providing for consumption of alcohol (indoors and outdoors)
- Brief descriptions of what other parts of the premises are used for.

Please check the guidance notes at the end of the application form

Qualifying Club Activities

You must state what licensable activities you intend to provide. Tick all that apply and then complete the relevant boxes with details of days/timings, location (indoors/outdoors/both), further details, seasonal variations and non-standard timings. Please refer to the guidance at the back of the application form. Give timings in 24 hour clock and include the days of the week that you intend the premises to be used for the activity.

Part L (on the application form) - Steps you intend to take to promote the four licensing objectives.

This is an important section of the form. You must use this area to demonstrate that you can operate the Club without contravening any of the four licensing objectives; the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. You need to satisfy the responsible authorities and any other relevant person (e.g. local residents), that you can run the premises responsibly and in accordance with the licensing objectives. If these people do not feel the steps you propose are adequate, they may object to the application being granted.

It is clearly in everybody's interests to reduce the likelihood of people needing to

object to your application. You should therefore think very carefully about how you are going to promote the four licensing objectives.

You are not expected to address issues already covered by existing legislation, e.g. “I will not serve to people who are obviously drunk” or “I will not serve alcohol to under-18’s” as these are already covered by law.

Whatever you state in this section will become a condition of your licence. Therefore you should not specify anything that you are not able, or not prepared, to do if the licence is granted. You may feel no additional steps are required, in which case you can leave the relevant box(es) blank.

Documents to be included with the application

You must enclose the following:

- The fee;
- A copy of the club rules (future updates must be sent to the licensing authority);
- A plan of the premises. The information contained in the plan must be clear and legible in all material respects. The plan shall show:
 - a) The 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 from the premises;
 - c) If different from paragraph (b) above, the location of escape routes from the premises;
 - d) In a case where the premises is 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 used for 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; and
 - k) The location of a kitchen, if any, on the premises

The plan may include a legend through which the matters mentioned or referred to in a) to k) above are sufficiently illustrated by the use of symbols on the plan.

The plans should be dated and state the name and location of the premises. The scale used should be endorsed on the plan. The areas for licensable activities and consumption of alcohol must be clearly marked.

Part 4 – Signatures

Your agent (e.g a solicitor) may sign the application providing they have been given authority to do so on your behalf.

What other organisations require copy of the application?

In order for your application to be submitted correctly you must send a copy of your application with all relevant documents eg plans to the responsible authorities **on the same day** on which you make an application to the licensing authority.*

The responsible Authorities are as follows:

Wiltshire Police

Dorset & Wiltshire Fire and Rescue Service

The Environmental Health Officer in respect of Health and Safety

The Environmental Health Officer in respect of Pollution

Planning authority

Child Protection

Trading Standards

Public Health

Home Office – Immigration Enforcement

Licensing authority

The details for the responsible authorities can be found on our website.

*If you submit your application online using the government website (www.gov.uk) or by emailing to us at publicprotectionnorth@wiltshire.gov.uk you do not have to forward any copies of the application to the responsible authorities. We will circulate this electronically for you.

If your application is incomplete or incorrect, you may have to resubmit it to these agencies. Incomplete or incorrect applications will not be processed. In the event that all relevant and correctly completed documents are not received with the application it will not be processed.

Advertising Your Application

An application for the grant of a premises licence must be advertised on the site and in a locally circulating newspaper. Licensing authorities are also required to advertise your application on their website.

Site Notice

The notice must be displayed for a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to Wiltshire Council. The notice must be:

- A4 sized or larger
- On pale blue
- Printed legibly or typed in black in a font size of point 16 or larger

The notice must in all cases be displayed prominently at or on the premises to which it relates in such a position that it can be easily read from outside of the premises. Where premises cover an area in excess of fifty metres square, a further notice in the same format shall be displayed every fifty metres along the perimeter of the premises abutting the highway.

The site notice must state the following:

- a) Name of the applicant for a premises licence.
- b) The postal address of the premises. If there is no postal address a description

- of the premises sufficient to enable the location and extent to be identified.
- c) The postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected.
 - d) Describe the proposed application. In order that the public can make a properly informed decision as to whether or not to make representations you must information on the activities you are applying for.
 - e) The date by which an relevant person or responsible authority may make representations to the licensing authority.
 - f) That representations shall be in writing
 - g) That it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for such an offence.

A sample site notice format is attached as Annex A should you wish to use it. We would advise applicants to regularly take photographs of the site notices on display at the premises and making a note of when they have been displayed.

Newspaper notice

The applicant shall publish a notice in a locally circulating newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises. The newspaper notice shall be published on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the licensing authority.

The newspaper notice must state the same information as the site (blue) notice as detailed above. A sample notice format is attached as Annex A should you wish to use it.

You are advised to confirm the dates of the consultation period before advertising your notices. If the incorrect date is stated on the notice, you may be required to re-advertise at your own further cost.

What Happens if Relevant Representations are Made?

Representations may be submitted by a responsible authority or other person. If relevant representations are made, the licensing authority will hold a hearing to consider the representations, unless the licensing authority, the applicant and those making representations agree it is not necessary. This may be the case where all parties meet/discuss prior to a hearing and resolve the issues that resulted in representations being made. In such circumstances the representations may be modified and a licence granted with amendments or conditions that arise from that meeting/discussion.

If no agreement is reached prior to the hearing, then Wiltshire Council's Licensing Sub Committee will determine your application. The Sub Committee will comprise of three elected members who are part of the Licensing Committee. You will be invited to attend the hearing to give evidence, answer questions, and call any witnesses. The committee will listen to evidence from both sides before deciding whether to grant the application. They may grant it as requested, grant with conditions (providing they are relevant to the licensing objectives) or refuse your application. If you are dissatisfied with a decision made by the Council, you may

appeal to the Magistrates Court within 21 days of being notified of the Council's decision.

This information 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. The information in this guidance was accurate when produced but you are always advised to seek your own legal advice should you have any queries.

ANNEX A - Sample site and newspaper notice format (The site notice must be in font size 16 or larger and printed on pale blue paper)

LICENSING ACT 2003

Application for the Grant of a Club Premises Certificate

I (Insert full name of applicant).....
Of (Insert the full postal address of the premises).....
have submitted an application for the grant of a club premises certificate to Wiltshire Council

The application if granted, is to enable the following qualifying club activities:

(List the type of licensable activity, proposed days & times of activities and opening hours of premises, details of any non-standard timings & any seasonal variations)

A copy of the application may be inspected by visiting <https://www.wiltshire.gov.uk/licences-permits-new-premises-applications> or by emailing publicprotectionnorth@wiltshire.gov.uk

Any representations by a responsible authority or interested party must be received in writing by the licensing authority by.....*(Insert date which shall be no less than 28 consecutive days starting on the day after the day on which the application was given to the licensing authority)* such representation shall be made by email to publicprotectionnorth@wiltshire.gov.uk or by writing to The Licensing Authority, Wiltshire Council, Public Protection, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

It is an offence to knowingly or recklessly make a false statement in connection with an application, the maximum fee for which a person is liable assuming conviction for the offence is level 5 on the standard scale.