

CLUB PREMISES CERTIFICATES

The contents of this document are provided as an information guide only. They are not a full and authoritative statement of the law and do not constitute or replace professional or legal advice.

Introduction

The Licensing Act 2003 regulates:

- The retail sale of alcohol (for consumption on or off the premises)
- Supply of alcohol to members of a qualifying club
- Provision of regulated entertainment and
- Provision of late night refreshment

There are four Licensing Objectives that underpin the Act.

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

Club Premises Certificates

The Licensing Act 2003 recognises that volunteer and social clubs give rise to different issues for licensing law than commercially run premises selling direct to the public. These clubs are organisations where the assets of the club, including the stock of alcohol, are owned jointly by the membership and the affairs of the club are run by a committee appointed by the membership from within their ranks. In practice this means that alcohol is not 'sold' but redistributed amongst members.

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 or a Designated Premises Supervisor.

However the club must adhere to the rules which define them as a 'qualifying club', in order to benefit from the less rigorous provisions demanded from those premises licensed by a premises licence.

Definition of a Qualifying Club

To be classified as a qualifying club, a number of general conditions must be met:-

- it has premises that are occupied and used regularly for club purposes
- alcohol and entertainment is only provided to members and their guests

- only someone 18 or older who is nominated by the club can serve alcohol or buy it for the club
- there is no arrangement for anyone to benefit financially from buying or selling alcohol
- new members wait two days from their application before getting membership privileges
- it is established and conducted in good faith
- it has at least 25 members

If a club does not meet all of these conditions it must apply for a premises licence. It is for the club to determine whether the activities it wishes to undertake would be better served by a premises licence.

A Club may hold both a club premises certificate and a premises licence. The premises licence can be used when functions are attended by non-members as a way of generating revenue for the club. However as with all premises licences, the club must appoint a Designated Premises Supervisor to be responsible for the sale of alcohol. In most cases this would be the bar steward who is familiar with the premises and its members.

If the club wishes to hold a small number of parties or events that non-members can be invited to, then applications can be made for up to 12 Temporary Event Notices (TENs) annually. See separate guidance or contact the Licensing Department at Wyre Council.

Qualifying Club Activities

Sale or supply of alcohol

The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club

The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place

Regulated Entertainment

Due to legislative changes there has been a partial deregulation of regulated entertainment since the introduction of the Licensing Act in 2005.

Subject to the conditions, definitions and the exemptions, the types of entertainment regulated by the Licensing Act 2003 are:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment; (indoor and outdoor)
- live music
- recorded music
- performances of dance and
- entertainment of a similar description to live music, recorded music and the performance of dance, where the entertainment takes place in the presence of an audience and is provided at least partly to entertain that audience.

Exemptions

	Between	Audience	Premises type	Notes
Live unamplified music	8am & 11pm	Less than 500 persons	any	
Live amplified music	8am & 11pm	Less than 500 persons	Alcohol on-licensed premises*	Premises must be open for customers under the terms of the licence
Live amplified music	8am & 11pm	Less than 500 persons	Non-licensed workplace	
Live amplified music	8am & 11pm	Less than 500 persons	Non-licensed church, community or village hall or similar	Consent required from person responsible for premises
Live amplified music	8am & 11pm	Less than 500 persons	Non-licensed residential premises of a local authority, hospital,	Consent required from organisation responsible for premises
Recorded music	8am & 11pm	Less than 500 persons	Alcohol on-licensed premises	Premises must be open for customers under the terms of the licence
Recorded music	8am & 11pm	Less than 500 persons	Non-licensed church hall, village hall, community hall or similar	Consent required from person responsible for premises
Recorded music	8am & 11pm	Less than 500 persons	Non-licensed residential premises of a local authority, hospital,	Consent required from organisation responsible for premises
Any entertainment	8am & 11pm	Less than 500 persons	Local authority premises, hospital, school	Entertainment provided by the local authority, health care provider or school
Plays	8am & 11pm	Less than 500 persons	Any premises	
Dance	8am & 11pm	Less than 500 persons	Any premises	
Films	8am & 11pm	Less than 500 persons	Community premises	Not for profit event Consent required from organisation responsible for premises Screening is suitable for age of attendees
Indoor sporting events	8am & 11pm	Less than 1000 persons	Any premises	
Greco-Roman or freestyle wrestling	8am & 11pm	Less than 1000 persons	Any premises	
Travelling circuses	8am & 11pm	No limit	Any moveable structure that the audience is held within	Circus may not be located on same site for more than 28 days

Notes on live music

- Karaoke is generally classed as a performance of live music
- A backing track, drum beat or band that accompanies live singer(s) is classed as amplified live music
- Any performance of dance of a sexual nature will require a licence

Further examples of activities that do not require a licence. However this list is not exhaustive, for further clarification please contact the licensing section or seek independent legal advice.

- Acts of religious worship
- Activities in places of public worship
- Education-teaching students to perform
- The demonstration of a product
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit
- Morris dancing (or similar)
- Incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity
- Incidental film – an exhibition of moving pictures if it is incidental to some other activity
- A spontaneous performance of music, singing or dancing
- Garden fetes – or similar if not being promoted or held for purposes of private gain
- Films for advertisement, information, education or in museums or art galleries
- Television or radio broadcasts – as long as the programme is live and simultaneous
- Vehicles in motion – at a time when the vehicle is not permanently or temporarily parked
- Games played in pubs, youth clubs (such as pool, darts and table tennis)
- Stand-up comedy and
- Provision of entertainment facilities (such as dance floors)

Any activity that falls outside the above definitions is classified as a licensable activity and will need authorisation under a premises licence, club premises certificate or a TEN.

Late night refreshment

Late night refreshment is the supply of hot food or hot drink to the public between 11.00pm and 5.00am, for consumption on or off the premises and includes deliveries of hot food.

Food or drink is “hot” if it is heated above ambient air temperature on the premises or elsewhere before it is supplied, or if it may be heated on the premises for this purpose after it is supplied.

Late night refreshment exemptions

There are some instances where the provision of hot food and hot drink does not need to be licensed. These are:

- Hot drinks from a vending machine where payment is inserted into the machine by a member of the public and the hot drink is supplied directly by the machine to the member of the public (this exemption does not apply to hot food)

- Hot food or hot drink supplied free of charge, where there is also no charge for admission to any premises, or for some other item to obtain the hot food or hot drink
- Hot food or hot drink 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 (mobile catering vehicles which park up each evening to serve customers from busy licensed premises) need to be licensed
- Supplies of hot food or hot drink are also exempt when the premises are used exclusively for guests of hotels or similar premises – that is guest houses, lodging houses, hostels, caravan or camping sites or other premises supplying accommodation as their main purpose
- Members of recognised clubs and their guests
- Employees of a particular employer and their guests, for example where refreshment is made available to employees whose shift patterns require them to be present at the workplace between 11.00pm and 5.00am
- A person who is engaged in a particular profession or who follows a particular vocation, for example a tradesman carrying out work at particular premises

Applications

An application for a club premises certificate must be made to the licensing authority for the area in which the premises are situated. To make an application, the following must be submitted:-

- A completed application form;
- A plan of the premises;
- The prescribed fee
- A copy of the Club's rules

Applications can be submitted electronically or by sending a hard copy to the Licensing Authority.

If you submit your application by hard copy, you must also send copies of the full application to all of the responsible authorities. If you serve the application electronically the licensing authority will distribute a copy of your application to the responsible authorities.

The Operating Schedule

The operating schedule is formed through the completion of the application form, in which the applicant sets out details on how the premises is proposed to operate when carrying on licensable activities. It must include the following information:

- The licensable activities to be carried out
- The proposed hours that the relevant licensable activities are to take place;
- Any other items that the premises are to be open to the public
- Where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off the premises
- Conditions that the applicant would like to volunteer as which will assist in meeting the successful promotion the licensing objectives.

- Where the licence is for a limited period, that period.

The operating schedule will be used by the responsible authorities to determine if sufficient measures are to be put into place to meet the 4 licensing objectives, as detailed above.

The details of the operating schedule will influence whether or not they choose to make any representations about an application, which would lead to a hearing taking place.

If no representations are made the conditions and restrictions placed on the premises licence will be based on information contained in the operating schedule.

Plans

The plan enclosed with the application must be a clear representation of the premises and include:

- Entrances and exits
- Fire safety equipment (alarms, blankets, extinguishers)
- A clear line around the area intended to be licensed
- Boundary of the building
- Fire escapes
- Fixed structures
- Any raised areas within the licensed area including the height of the raised area
- Location of toilet facilities
- Additional rooms and/or kitchen area in the building

Plans must be clear and legible. There is no requirement for plans to be professionally drawn as long as they clearly show all the prescribed information.

Advertising applications

All applicants **must** advertise their applications in the following ways:

- 1) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,
 - (a) which is of a size equal or larger than A4, of a pale blue colour, and printed legibly in black ink or typed in black in a font of a size equal to or larger than 16
 - (b) in all cases, the notice should be placed prominently at or on the premises which the application relates to enable it to be read from the exterior of the premises. In the case of a premises covering an area of more than fifty meters square, a further notice in the same form and subject to the same requirements every fifty meters along the external perimeter of the premises abutting any highway; and
- 2) by publishing a notice—
 - (a) in a local newspaper circulated in the vicinity of the premises
 - (b) 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 relevant licensing authority

The notices must contain the following information:

- The relevant licensable activities to be carried on at the premises

- The name of the applicant
- The address or location of the premises
- The council postal address and if applicable the web address where copies of the application may be viewed
- The dates between which an interested party and responsible authority may make representations to the licensing authority
- A statement that representations must be made in writing
- A statement that it is an offence to knowingly or recklessly 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

To help applicants, templates for these notices are available from the licensing department

Decisions

Where there are no objections or relevant representations received, the licensing authority must grant the application. The licence will be granted as applied for, subject only to the mandatory conditions and conditions submitted in the operating schedule.

However during the application process a responsible authority may request additional conditions be placed on the licence in order to uphold the licensing objectives. Applicants are given the opportunity to agree and accept, but if not the representation will proceed as below.

Representations

If a relevant representation is made, there must be a hearing unless all parties agree that it is unnecessary.

The Licensing Committee or Sub-Committee will consider the representations and may:

- Grant the certificate in the accordance with the application
- Refuse to grant the certificate
- Add additional conditions or restrictions

Variations to a Club Premises Certificate

Once granted the Club may apply at any time to the licensing authority to vary their certificate. Variations could include the opening times of the premises, or even changes to the physical shape of the premises. More often, it will relate to the licensable activities or conditions attached to the certificate.

Review of a Club Premises Certificate

Once granted if a club causes issues either for any of the Responsible Authorities or neighbours, a review application can be made to the Licensing Authority. However before an issue reaches this stage there should have been intervention and communication with the premises and the certificate holder, club secretary or club committee. Where there is a request for a review of the licence from a responsible authority or interested party, the licensing authority may hold a hearing. In the case of a review, the Licensing Committee may:

- Modify conditions;
- Exclude any activity;
- Suspend the certificate (for a maximum of 3 months);
- Revoke the certificate.

Appeals

A right of appeal to the Magistrates Court is provided for the applicant against a decision by the licensing authority. The court can:

- Dismiss the appeal;
- Substitute any alternative decision which the Council could have made;
- Send back the case to the local authority with directions to deal with it.

Other circumstances

Once issued, a certificate remains in force until it is surrendered, or the club ceases to be classed as a qualifying club or the club is dissolved. It can also be revoked following a review.

Fees

The premises fee structure is based on the non-domestic rateable value of the premises

The licensing authority will **suspend a club premises certificate licence when an annual fee is not paid.**

Band	A	B	C	D	E	D* See notes below	E* See notes below
Rateable Value of premises	£1-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,000 & above	£87,001-£125,000	£125,000 & above
Application Fee	£100	£190	£315	£450	£635	£900	£1905
Annual Fee (which will be invoiced 12 months later)	£70	£180	£295	£320	£350	£640	£1050

Application or notice	Fee
Club Premises Certificates	
Notification of change of name or alteration of rules of club	£10.50
Change of relevant registered address of club	£10.50