

Licensing Act 2003 – Guidance

Registered Clubs

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 (such as the Royal British Legion, working men's or cricket or rugby clubs) are generally organisations 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

Clubs which meet 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 (The District Council) 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. 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.

Club Premises Certificate

To be classified as a qualifying club 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

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

- 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

Which activities does a club premises certificate authorise?

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
- 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)

With the loss of the 'Little Ships Rule', registered clubs will be able to use Temporary Event Notices for up to 12 'open' events per calendar year. Where all or part of a club premises is either hired out or used for regulated entertainment on more than 12 occasions per year, the club may find it beneficial to apply for a premises licence for the relevant part(s) of the premises.

How do I apply for a club premises certificate?

An application for a club premises certificate must be made to The District Council. If you currently hold a Club Registration Certificate through the Magistrates Court you will be able to apply for a conversion with Grandfather rights during the first 6 months of the transition period that will commence on 7 February 2005. Also during this period you can apply for a variation to your current licence provisions. If you do not currently hold a licence you can make a new application for a licence to come into force at the end of the transition period.

To make an application you must submit:

- A completed application form
- A plan of the premises in the required form
- A copy of the clubs rules
- A club operating schedule (Required for applications for a variation to existing provisions or for a new application)

What should be included in the operating schedule?

- The qualifying club activities to which the application relates
- The proposed hours of those activities and any other times during which it is proposed that the premises are to be open to the public
- Where the relevant qualifying club activities include the supply of alcohol, whether the supplies are for consumption on and/or off premises
- The steps which it is proposed to take to promote the licensing objectives (for example, the arrangements for door security to promote the prevention of crime and disorder)
- Such other information as is required to be included by regulations to be made by the Secretary of State

How long does a club premises certificate last?

A club premises certificate has no time limit and will continue to have effect unless it is withdrawn by the licensing authority following an application for the review of the certificate, if the club ceases to be a qualifying club or it lapses on surrender by the club.

Will I still be able to sell or supply alcohol to under 18's in the club?

No. Under the Licensing Act 2003 a club will commit an offence if alcohol is supplied by it, or on its behalf, to a member of the club who is under 18, or to the order of a

member of a club, to a person who is under 18. Also, a person (e.g. a member of or employee at the club) will commit an offence if he supplies alcohol to a member of a club who is under 18, or to the order of a member of a club, to a person who is under 18.

Will a member of the club need to be a designated premises supervisor and have to obtain a personal licence?

No. There is no requirement to have a designated premises supervisor or for a member or employee of the club to be a personal licence holder, in order for the club to be able to obtain a club premises certificate to authorise it to sell or supply alcohol.

Will door supervisors have to be licensed by the Security Industry Authority?

No. If a qualifying club under the authorisation of a club premises certificate decides to have door supervisors for a particular event there is no mandatory condition in the Licensing Act 2003 that states they will have to be licensed by the Security Industry Authority.