

October 2012



## **APPLICATION FOR A CLUB PREMISES CERTIFICATE**

### **When to use the form**

This guidance relates to the application for a club premises certificate to authorise the sale and supply of alcohol and the provision of regulated entertainment. The Licensing Act 2003 (“the Act”) 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. For these reasons the Act preserves aspects of earlier alcohol licensing law which applied to 'registered members clubs' and affords clubs special treatment outside the normal premises licence arrangements.

Further information on the criteria for a qualifying club is available on the Home Office website or will be available on request from your licensing authority. Please note that other types of club which are proprietary clubs (eg members clubs run for private profit such as some nightclubs) should obtain a premises licence. A similar form and guidance is available for those applying for a premises licence.

Applications for club premises certificates must be made to the licensing authority within whose area the club is situated. As well as a form to apply for a club premises certificate, you will also need to complete a club declaration form (see end of this guidance). Application forms can be found on the GOV.UK or Home Office websites, or on request from your licensing authority, and may also be available on you local authority's website.

<b>Will the licensing authority check that a club's rules meet the criteria for being a qualifying club?</b>
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The regulations require that clubs submit a 'club declaration' form and a copy of the club rules with the application. The licensing authority will determine whether the club rules meet the conditions of the Act for qualifying clubs in relation to qualifying club activities. The club secretary must give the licensing authority notice of any change in the name of the club or alteration of the rules (even when the club has made an application for a club premises certificate which has not yet been determined). A licensing authority may reject an application for a club premises certificate if it appears that the club does not satisfy the conditions for being a qualifying club in relation to the activities on the certificate.

**Can I give temporary event notices for a club premises, without it affecting its qualifying club status?**

It is the Home Office's view that, the maximum of 12 temporary event notices per year could be given for a club premises without it affecting its qualifying club status. This would reflect current circumstances whereby a club can obtain 12 occasional permissions per year without it affecting its status as a club. A temporary event notice must be given by an individual, rather than the club itself.

**NEED MORE HELP?**

This Guidance is intended to help clubs 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.gov.uk](http://www.homeoffice.gov.uk). Your local licensing authority (in most cases your local authority) should be able to help you with any queries or give advice on how to complete the application. You may also wish to consider other sources of advice such as the relevant club association or by engaging professional assistance, such as legal advice.

**Club Declaration Form**

A 'Club declaration form' should accompany your application for a club premises certificate. Club declaration forms can be obtained on request from your licensing authority, or from the Home Office website. This form is a declaration that your club meets qualifying club status and must accompany your application for a club premises certificate. There are three sets of questions relating to the club rules or arrangements that will allow the licensing authority determine whether the club rules meet the conditions of the Act for qualifying clubs in relation to qualifying club activities. Only one set of questions should be completed, depending on what type of club is applying. Registered societies under the Industrial and Provident Societies Act 1965 or the Friendly Societies Act 1974 and registered friendly societies under the Friendly Societies Act 1992 should complete the questions in section 1. Miners' welfare institutes should complete the questions in section 2 and applicants for clubs not falling into these categories should complete the questions in section 3. It is an offence to make a false statement, which on conviction, is liable to a fine of up to £5,000.

**COMPLETING THE FORM**

In the opening statement, you should insert the name of the club that is applying for a club premises certificate - e.g. 'Smith Social Club'.

**PART 1: Club premises details**

This section asks for the address and some other details of the club premises. If the club premises has no postal address, you should describe the location of the premises or give the Ordnance Survey map reference.

This section also asks for the name, address and some other details of the person performing duties of a secretary to the club.

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 certificate application and the annual fee. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website [www.2010.voa.gov.uk](http://www.2010.voa.gov.uk). NDRV is revalued every 5 years. A new valuation came into force on 1 April 2010. Club premises that do not have a non-domestic rateable value are treated as falling into Band A for licensing fee purposes.

**See guidance on FEES for more information:**

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-licensing/fee-levels>.

A club premises must be occupied and habitually used by a club in order to obtain a club premises certificate.

## **Part 2 – Club Operating Schedule**

You should state the date you would like the certificate to start. As the certificate cannot be given effect until the second appointed day - that is the earliest date you can request. A club premises certificate will last indefinitely, unless otherwise stated in the box provided.

### **General description of the club premises**

You are asked to describe the club premises. For example the type of premises, 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 supply such as outside areas e.g. beer gardens.

### **5,000 or more people attending**

It is not necessary to complete this box if you think that less than 5,000 people will attend the club premises at any one time. The figure relates to the maximum number of people on the club premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the 'licensed club premises' (i.e. the licensed area of the club identified in the plan) and not areas that are outside the 'licensed club premises'. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure.

<b>Do premises with club premises certificates have to pay the additional fee for large events?</b>
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Under the Licensing Act 2003 (Fees) Regulations 2005; the additional fee for large events does not apply to licensable activities being conducted under a Club Premises Certificate. However, to allow proper scrutiny of the application, it is still necessary to complete this section if 5,000 people or more will attend the premises at one time. It is an offence to make a false declaration in the application, which could lead to a £5,000, fine.
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<b>Should we include our beer garden on our club premises certificate?</b>
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That is for you to decide. In doing so, you will want to consider whether you might want to use the garden at some point in the future to supply alcohol – perhaps an outdoor bar at a barbeque or possibly through waited drinks service. Also, if you do not include the garden as part of the licensed premises, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off supplies would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises.
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### **Qualifying club activities**

You should indicate what 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 L 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.

<b>Do clubs have to be licensed to supply hot food and drink after 11pm?</b>
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No. The supply of hot food and drink to members of recognised clubs and their guests is exempt from the licensing requirements.
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<b>Under 'non standard timings' can I say that I will open late to cover Rugby World Cups, Australian Rules Football, or sporting events overseas that are broadcast late at night or early morning in the UK?</b>
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You can include whatever licensable activities you like, but should think about how these might be viewed by responsible authorities or interested parties. It might be worth talking to your licensing authority and the relevant responsible authorities first to see what conditions, if any, you might offer to reassure any concerns.
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<b>If a club puts on entertainment exclusively for its guests, and does not charge, would this be classified as a private event that does not need licensing?</b>
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No, this would require a licence. The definition of regulated entertainment in the Act includes entertainment that is provided for members of a club that is a qualifying club in relation to the provision of regulated entertainment.
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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.

In the space marked 'Please give further details here', please state the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

### **BOXES A – H (Provision of regulated entertainment)**

*You should refer to section 1 of and Schedule 1 to the Act or contact your local licensing authority for full details of the definition 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. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

**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 closes 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 supply 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. The performance of live music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable.

**BOX F: Recorded music**

Your certificate 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. If you have a jukebox or a disc jockey at your club premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity. If in doubt, discuss this with your licensing authority.

**BOX G: Performances 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: (supply 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 J: Hours club premises are open to member and guests**

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the club premises closes to allow orderly departure.

### **BOX K**

This asks you to give information about anything to occur at the club premises or ancillary to the use of the club 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.

### **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

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then it is probably better to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form. Further information on responsible authorities is available from the Home Office website [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk) or from your local authority licensing officer or website.

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 certificate. Failure to meet those conditions constitutes an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, 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. This includes a plan of the club premises, the club declaration form and a copy of the club's rules.

## Plans

The plan for the club premises should be included with the application, and copied to the responsible authorities as part of the application. The plan of the premises needs to meet the requirements set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42 to show the following:

- (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 egress from the premises;
- (c) if different from paragraph (b), 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) 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;
- (f) 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;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

Unless you have previously 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.

<b>Do I have to have plans professionally drawn?</b>
There is no requirement to have plans professionally drawn. What is important is that they are accurate and meet the requirements referred to above.
<b>Do I need to show a consumption area, such as a garden, on the plan?</b>
There is no requirement to show on the plan any areas that are not part of the club premises you are licensing. You should, however, describe any areas that you intend to provide for people to consume alcohol that you sell or supply under the general description of the club premises that you are required to give at the beginning of Part 3 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 Primary Care Trust (or Local Health Board in Wales)
- The health and safety authority
- The local planning authority
- The environmental health authority
- The body recognised as being responsible for protection of children from harm
- Inspectors of Weights and Measures (trading standards officers)

With regard to a vessel, this list also includes the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State

For details of the responsible authorities in your area, contact your local licensing team. Details may also be available on your local authority’s website.

### **Advertising**

Applications must be advertised as set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. This includes displaying a sign at or outside the club premises and an advertisement in a locally circulating newspaper. For more advice, speak to your licensing officer at your local authority.

### **DO NOT FORGET TO ENCLOSE THE CORRECT FEE**

Details on fees can be found on the Home Office website:

<http://www.homeoffice.gov.uk/publications/alcohol-drugs/alcohol/alcohol-licensing/fee-levels>.

### **Part 3 – Signatures**

The application form must be signed on behalf of the club. A club’s agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so.