

13. Qualifying 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. For these reasons the 2003 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.

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 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.

The arrangements for applying for club premises certificates are extremely similar to those in respect of **premises licences**. For example, similar provisions apply regarding the requirement for advertisement of applications and the making of representations to the licensing authority as apply in the case of applications for premises licences.

Q & A

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Answers

1. What is a qualifying club?

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.

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.

2. How do licensing authorities determine whether a club is established and conducted in good faith?

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.

3. What 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; 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).

However, you will have to specify in the club operating schedule the qualifying club activities to which the application relates.

4. How do I apply for a club premises certificate?

An application for a club premises certificate must be made to the relevant licensing authority, that is, the authority within whose area the premises is situated. To make an application you must submit:

- a completed application form;
- a club operating schedule;
- a plan of the premises in the required form, and;
- a copy of the clubs rules.
- the required **fee**

Regulations made by the Secretary of State set out how applications must be advertised and the periods in which interested parties (local residents and businesses) and responsible authorities (the police, fire authority, health and safety agency etc) can make representations to the licensing authority about the application.

Where all the requirements relating to the application have been met and no relevant representations are made by responsible authorities or interested parties in relation to it, the licensing authority must grant the certificate in accordance with the application, subject only to any conditions which are consistent with the club operating schedule and any mandatory conditions.

If relevant representations are received, the licensing authority must convene a hearing (unless parties agree that this is unnecessary), consider the representations and, having regard to them, take one of a number of possible steps according to what it considers necessary for the promotion of the **licensing objectives**. This may result in:

- the certificate being granted subject to conditions which are consistent with the club operating schedule modified to such extent as are considered necessary for the promotion of the licensing objectives;
- the granting of the certificate subject to any mandatory conditions;
- the rejection of the application; or
- the exclusion from the certificate of any of the qualifying club activities to which the application relates.

For example, if the qualifying club activity included the provision of **regulated entertainment** and if it was considered necessary for the promotion of the prevention of public nuisance, a licensing authority could attach a condition preventing the playing of amplified music after 11pm for a qualifying club in a quiet residential area.

5. What information should I include in the club operating schedule?

The club operating schedule is a document in which the applicant sets out various details in relation to the application. It must include the following information:

- 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; and
- 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).

6. How much will a club premises certificate cost?

The **fee** for applying for a club premises certificate is between £100 and £635, based on the non-domestic rateable value of the premises, with an annual charge of between £70 and £350.

7. 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.

8. Could a club still apply for a premises licence instead of a club premises certificate?

Yes. If a club prefers they could apply for a premises licence instead of a club premises certificate. It is for the club to determine whether the activities it wishes to undertake would be better served by a premises licence. In some circumstances a qualifying club may decide that it wishes to have both types of authorisation.

9. 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. For further information see the page on **children**.

10. 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 of the club to be a personal licence holder, or for the club to employ an individual who holds a personal licence, in order for the club to be able to obtain a club premises certificate to authorise it to sell or supply alcohol. If a qualifying club decides to apply for a premises licence, then it will need to specify an individual to be the designated premises supervisor for its premises and it may only supply alcohol if the supply is made or authorised by a personal licence holder.

11. 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.