

LICENSING ACT 2003 – CLUB PREMISES CERTIFICATES

A guide for applicants for a new Club Registration Certificate

The New Law

The Licensing Act 2003 changed the law relating to the sale and supply of alcohol, with responsibility for granting licences and club certificates transferring from the Magistrates Court to Local Authorities such as Newcastle upon Tyne City Council. In addition the law relating to Public Entertainment, Cinemas, Theatres and premises providing Late Night Refreshment was also replaced.

All licences issued under the Local Government (Miscellaneous Provisions) Act 1982, and the Licensing Act 1964, including Club Registration Certificates, ceased to have any legal effect from 24th November 2005. From that date, the only valid licences or certificates authorising the sale or supply of alcohol will be either “Premises Licences” or “Club Premises Certificates” issued by Local Authorities.

All applications for certificates and decisions made by the City Council when considering applications must promote the four licensing objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm.

When considering applications for club premises certificates, the Council will also have regard to its Licensing Policy. A statement of that Policy has been published and is available from the Licensing Office at the Newington Road East or it can be viewed and downloaded via www.newcastle.gov.uk

What is a Club Premises Certificate?

A Club Premises Certificate is specifically for qualifying Clubs. Under the Licensing Act 2003 it is recognised that premises to which public access is restricted, and where alcohol is supplied other than for profit, should be treated differently to premises which sell alcohol by retail to members of the public. The certificate preserves certain aspects of earlier alcohol licensing law applicable to registered members clubs. In order to be able to apply for a Club Premises Certificate, a Club needs to ‘qualify’ to be outside the normal Premises Licence requirements.

A Club Premises Certificate enables Clubs to supply alcohol by or on behalf of a Club to a member of a Club, sell by retail alcohol by or on behalf of a Club to a guest of a member for consumption on the Club premises, and provide regulated entertainment by or on behalf of the Club for its members and guests.

How does a Club Premises Certificate differ from a Premises Licence?

There are a number of differences, and these include:

- A Club can supply alcohol to members and sell it to guests on the premises to which the Certificate relates without the need for any member or employee to hold a Personal Licence;
- There is no need to have to specify a Designated Premises Supervisor;
- There are more limited rights of entry for the Police and authorised persons because the premises are considered to be private and not generally open to the public;
- Club premises are not subject to police powers of instant closure on the grounds of noise nuisance (except when being used under the authority of a temporary event notice or Premises Licence) because they operate under their codes of discipline and rules which are rigorously enforced.

What is a qualifying club?

The general conditions which a Club must satisfy to be a qualifying Club are as follows:

- 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 application/nomination and admission;
- The Club must be established and conducted in good faith as a Club;
- The Club must have at least 25 members;
- Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the Club.

If it is intended that the club is to be a qualifying club in relation to the supply of alcohol to members or guests it must satisfy the following additional conditions:

- The purchase of alcohol for the Club, and the supply of alcohol by the Club, are managed by a committee whose members are:-
 - (a) members of the Club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the Club;
- No persons may directly or indirectly make a profit from the supply of alcohol by or on behalf of the Club to members or guests apart from:-
 - (a) any benefit accruing to the Club as a whole; and
 - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the Club.

When will we need to have Club Premises Certificate?

All Clubs supplying alcohol to their members and/or having Regulated Entertainment on their premises will be required to hold a Club Premises Certificate.

How do we apply for a Club Premises Certificate?

To apply for a Club Premises Certificate you will be required to send to the City Council the following:-

- **The appropriate completed application form and declaration for a Club Premises Certificate.**
- **A plan of the premises – Scale 1:100** (see separate notes)
- **The appropriate fee.**(see separate notes)
- **A copy of your club rules and byelaws**

Your application will not be considered to have been received by us until all the above documents, together with the correct fee, are provided.

In addition to the above you are also required to:-

1. Advertise your application both in a newspaper (Newcastle Journal or Chronicle) and on the premises. (see separate fact sheet).
2. Send a copy of your application form and accompanying documents to the **'Responsible Authorities'** listed on the attached sheet. **These forms must be sent at the same time that the application is sent to the City Council.**

Application forms can either be provided to you by post (contact the Licensing Office, at Newington Road East (tel: 0191 2783864) or via the City Council website www.newcastle.gov.uk/licensing.nsf/a/home, or from the government's Department of Culture Media & Sport website: www.culture.gov.uk

Licensing Solicitors will also have copies.

The fee for a Club Premises Certificate is based on the non-domestic rateable value of premises. Once a Certificate has been granted there is no need to apply to renew it but there is an annual charge. A fact sheet relating to fees is provided.

How will our application be dealt with?

All Responsible Authorities, and Interested Parties such as local residents and businesses have a right to raise representations or objections to your application within 28 days of your making the application. Representations can be made with regard to the likely effect of the application on the promotion of any of the licensing objectives.

If no representations are received the Certificate will be granted subject to the terms and conditions detailed in your operating schedule.

If a representation is made, your application will be considered by members of the City Council's Licensing Committee. They will listen to the evidence from all parties before making their decision. They may either:

- grant the certificate in accordance with the operating schedule, or
- grant the certificate with additional conditions, or
- refuse the certificate.

If your certificate is refused, or if you are aggrieved by any of the conditions imposed on it, you would have a right of appeal to the Magistrates' Court.

What if we want to allow our premises to be used for functions for non-members?

You are particularly advised to take legal advice on this question.

Generally, club rules provide that alcohol can only be supplied to;

- (a) members of the club,
- (b) associate members of the club or
- (c) guests of the club.

There are two ways in which your premises can be used by non-members for functions for 'licensable activities' including the sale of alcohol to non-members.

- (i) You could obtain a 'premises licence'. These can be granted on a 'permanent basis' or they can be granted for a limited period. (Further advice is available about the procedure for applying for premises licences)
- (ii) You could use the 'Temporary Event Notice' procedure provided the event is for less than 500 persons. There are restrictions on the use of this procedure. (Further advice is available about the 'Temporary Events Notice procedure').

If you require further information about obtaining a Club Premises Certificate, you may wish to consult a Licensing Solicitor. You can also contact the City Council's Licensing Office on the e-mail address: licensing@newcastle.gov.uk

Licensing Office
Newcastle City Council,
Newington Road East
NEWCASTLE UPON TYNE
NE6 5BD