

LICENSING ACT 2003

APPLICATION FOR A CLUB PREMISES CERTIFICATE

GUIDANCE NOTES

Burnley Borough Council is a Licensing Authority under the Licensing Act 2003.

This document has been produced to assist you when applying for a **Club Premises Certificate** under the Licensing Act 2003.

This advice is not intended to be a statement of law, and if you are in any doubt, you should refer to the legislation or consult a solicitor.

Our Statement of Licensing Policy will help you to understand how we will administer the law. The Statement of Licensing Policy is available on our website www.burnley.gov.uk or from the Democratic & Legal Services Manager. The following information will assist you in making your application.

Please note that these guidance notes should not be used for an application for a Premises Licence. Separate guidance notes exist for the grant of a Premises Licence.

What is a Qualifying Club?

The general conditions which a club must satisfy in order to be a qualifying club and, therefore, be eligible to become the holder of a Club Premises Certificate, are:

- 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 or application for membership and their admission
- Under the rules of the club persons 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
- the club is established and conducted in good faith as a Club
- the club has 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.

In determining whether a club is conducted in good faith as a club, the matters to be taken into account are:

- any arrangements restricting the club's freedom of purchase of alcohol;
- any provision in the rules, or arrangements, under which -
 - money or property of the club, or
 - any gain arising from the carrying on of the club
 is or may be applied 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 and other records kept to ensure the accuracy of that information;
- the nature of the premises occupied by the club.

The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following:

- (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members -

are members of the club;
 have attained the age of 18 years; and
 are elected by the members of the club

- no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club
- no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from -

any benefit accruing to the club as a whole, or
 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.

A qualifying club will be permitted under the terms of a Club Premises Certificate to supply alcohol to its members and their guests only.

A qualifying club may choose to obtain a Premises Licence if it decides that it wishes to offer its facilities commercially for use by the general public. e.g. if a qualifying club has a function room which it frequently hires out to the public for birthday parties, anniversary celebrations etc., the club may wish to consider obtaining a Premises Licence for that function room whilst maintaining the remainder of the premises as a qualifying club.

Alternatively, an individual on behalf of a qualifying club may apply for Temporary Event Notices (TENs) in respect of the premises to cover a period of up to 96 hours on up to 12 occasions each calendar year so long as not more than 499 people attend the event and subject to an overall duration in the year of 15 days and on such occasions may sell alcohol to the public or hire out their premises for use by the public.

Applying for a Club Registration Certificate

A club may apply for a Club Premises Certificate in respect of any premises which are occupied by, and habitually used for the purposes of, the club. To make an application you should:-

- Complete the application form entitled Part A, Declaration for a Club Premises Certificate to be granted under the Licensing Act 2003
- Complete the application form entitled Part B, Application for a Club Premises Certificate under the Licensing Act 2003 which includes a Club Operating Schedule
- Enclose the correct fee (list of fees attached). Cheques or Postal Orders are payable to 'Burnley Borough Council'.
- Enclose a plan of the premises to which the application relates. (see guidance notes in respect of requirements for plans)
- Enclose a copy of the Club Rules which show that you meet the conditions of a qualifying club - see section entitled 'What is a Qualifying Club'.

You should deliver your application to **Burnley Borough Council, Licensing Unit, 1st Floor Parker Lane, Burnley, BB11 2DT**

In addition a copy of the application and accompanying documents must be given to all the Responsible Authorities (list of addresses included) on the same day as it is delivered to the Licensing Unit at Burnley Borough Council.

The provision of a certificate of service would be of assistance to the Council.

In addition the application must be advertised in two ways.

Firstly, by prominently displaying a notice at or on the premises for not less than 28 consecutive days, starting on the day following the day on which the application was given to the Council.

The notice should be displayed where it can be conveniently read from the exterior of the premises to which it relates and, in the case of a premises covering an area of more than 50 square metres, a further notice in the same form should be displayed every 50 metres along the exterior perimeter of the premises abutting any highway.

The notice should be A4 or larger, of a pale blue colour and be printed or typed legibly in black ink in a font equal to or larger than 16. If the notice is displayed outside, consideration should be given to placing the notice in a plastic cover.

Secondly, a notice must be published on at least one occasion, during the period of 10 working days starting on the day following the day on which the application was given to the Council, in a local newspaper circulating in the vicinity of the premises. A list of local newspapers circulating in the area is enclosed which includes details of publication deadlines.

A format for both notices is included in the application pack.

Responsible Authorities and interested parties will be able to make representations in respect of the application. These must be made in writing and submitted to the Council at any time during the period of 28 consecutive days, starting on the day after the day on which the application to which it relates is given to the Council.

If there is a representation, the application will be heard before the Council's Licensing Sub-Committee. If there are no representations, the application will be granted.

What is a Club Operating Schedule?

The enclosed application form details the information you need to provide and included in the application form is a section entitled 'Club Operating Schedule'. Here you are asked to provide details of the following:

- (a) the qualifying club activities to which the application relates
- (b) the times during which it is proposed that the relevant qualifying club activities are to take place
- (c) any other times during which it is proposed that the premises are to be open to members and their guests
- (d) where the relevant qualifying club activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or both on and off the premises
- (e) the steps which it is proposed to take to promote the licensing objectives -
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

Licensable activities include:

- 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, and
- the provision of regulated entertainment where the provision is by or on behalf of a club for members of the club or members of the club and their guests
- the provision of hot food or drink between 11.00 pm and 5.00 am

Guidance about this is available from some of the Responsible Authorities. The Responsible Authorities may object to your application. You should also refer to our Statement of Licensing Policy.

The information you provide in the Club Operating Schedule will be used to formulate the conditions which will be attached to your Club Premises Certificate. For example, in the prevention of crime and disorder section of the Club Operating Schedule you might say you will ensure that 6 Committee Members are on duty at weekends to monitor members and their bona fide guests whilst at the premises. A condition would then be attached to your Club Premises Certificate, stating that 6 Committee Members will be present at the premises at weekends. You will then have to ensure the 6 Committee Members are present at weekends, as it is a legal requirement that the conditions attached to the Club Premises Certificate are complied with at all times.