

Licensing Act 2003

A User-Friendly Guide



Club Certificates.

The introduction of the Licensing Act 2003 in 2005 saw a major alteration in the way liquor and entertainment are regulated. New legislation has brought many changes for local government and service delivery with respect to licensing

A licensing policy has been established which links to other key strategies covering community safety, cultural development and economic regeneration. A new system of Licensing Committee has been established, and a Central Administration Unit has been formed, serving the following Councils:

- **Kettering Borough Council**
- **East Northamptonshire Council**
- **Borough Council of Wellingborough**
- **Daventry District Council**
- **Corby Borough Council**

Details of how to contact the Central Administration Unit are on the back page of this leaflet.

Clubs wishing to supply alcohol to its members, or carry out any form of regulated entertainment will need to apply for a **Club Premises Certificate**. To do this, you must first of all complete a **Declaration for Club Premises Certificate**, which will determine whether or not you are legally a club.

If you wish to proceed with your application, you will have to submit an operating schedule, a plan of the premises, and a copy of your club rules. The Council will consult with various agencies in relation to the licensing objectives. If representations are made, the matter may be determined by the Licensing Committee.

Purpose of the Act.

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**
- **Protection of Children from Harm.**

Frequently Asked Questions

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 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 profit or benefit may be received by any person other than the club as a result of the supply of the purchase of alcohol by the club, or the supply of alcohol to its members.

What activity 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).

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

How do I apply for a club premises certificate?

From the 1st April 2008 any application for a club premises certificate should be made directly to East Northamptonshire Council, regardless of which area the premises is situated. To make an application you must submit:

- A completed application form.
- A declaration for club premises certificate
- A club operating schedule.
- A plan of the premises in the required form,.
- A copy of the clubs rules.
- The required fee.

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.
- The steps which it is proposed to take to promote the licensing objectives

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.

Can I hire my premises out for private hire or public functions under my club certificate?

No. Your club certificate authorises the supply of alcohol **to members and their guests only**. If members of the public are attending an event, for instance a dance/disco, or private party this should be covered by a TEN. If events of this nature are likely to occur more than 12 times a year you should consider applying for a premises licence either instead of, or in addition to your club certificate.

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

No. Under the Licensing Act 2003 both the club, and the member of staff will commit an offence if alcohol is supplied by it, or on its behalf, to a member or guest of the club 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 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, however if a qualifying club decides to apply for a premises licence it will then 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.

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

Not necessarily. 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. However, certain club events or activities could require a licensed door supervisor if included as part of the club licence conditions.

Central Administration Unit, East Northamptonshire House, Cedar Drive, Thrapston, Northants, NN14 4LZ
Tel:01832 742102
Email: licensingunit@east-northamptonshire.gov.uk
Web Site: www.northantslicensing.gov.uk

You can view a complete copy of the Act and associated guidance at www.culture.gov.uk