

ADVICE NOTE NO. 4

Club Premises Certificates.

➤ **Application for a club premises certificate.**

A club may apply for a club premises certificate in respect of any premises that are occupied and habitually used for the purposes of the club

The application must be made to the relevant licensing authority and made in accordance with regulations made under Sections 91(forms) and 92 (fees).

The application must be accompanied by:

- ◆ a club operating schedule
- ◆ A plan of the premises to which application relates and
- ◆ A copy of the club rules.

A club operating schedule must be in the prescribed form and includes a statement of the following matters:

- ◆ the relevant qualifying club activities,
- ◆ the times during which these activities are to take place,
- ◆ the other times at which the premises are to be opened for members and guests
- ◆ where the relevant qualifying club activities include the supply of alcohol, whether the supplies are proposed for consumption on the premises or both on and off,
- ◆ the steps which it is proposed to take to promote the licensing objectives and
- ◆ other such matters as may be prescribed

The Secretary of State will make regulations requiring:

- ◆ an applicant to advertise the application within the prescribed period:
 - in the prescribed form and
 - in a prescribed manner which is likely to bring the application to the attention of the interested parties likely to be affected by it
- ◆ to give notice to each responsible authority and other such persons as may be prescribed within the prescribed period and
- ◆ prescribe the period during which interested parties and responsible authorities may make relevant representations to the licensing authority.

➤ **Determination of application for a club premises certificate.**

➤ **Granting an application**

Where the application has been properly made and no relevant representations have been made. The authority must grant the application subject only to conditions consistent with the club operational schedule and any other conditions that must under Section 73(2) to (5) or 74 be included.

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These are 73 (2) to (5) that is:

- where a club premises certificate authorises the supply of alcohol for consumption off the premises it must include the following conditions:
- that the supply must be made at a time when the premises are open for the purposes of supplying alcohol in accordance with the club premises certificate, to members on the premises,
- the alcohol that is supplied is for consumption off the premises is in concealed containers and
- that the supply must be made to a member of the club in person

In section 74 this is a mandatory condition where the club premises certificate authorises the exhibitions of films a condition requiring the admission of children to film exhibitions to be restricted as follows:

- where the film classification body is specified in the certificate, the admission of children must be restricted in accordance with any recommendation made by that body, except,
- where the film classification body is not mentioned in the certificate or the licensing authority has notified the club which holds the certificate that this subsection applies (S74 (3)(b)) the admission of children must be restricted in accordance with any recommendation made by the licensing authority.

In this section “children” means persons aged under 18 and “film classification body” means the authority under S 4 of the Video Recordings Act 1984.

In respect of club premises certificates that authorise the performance of plays no conditions may be attached as to the nature of the plays but this does not prevent the licensing authority imposing conditions in accordance with S 72(2) or (3) (b), 85(3)(b) or 88(3) which are considered necessary on the grounds of public safety

Where an application is granted, the licensing authority must forthwith give notice to that effect to the applicant, persons who made relevant representations and the chief officer of police and issue the club with a club premises certificate and a summary of it.

➤ **What happens if relevant representations have been made?**

A hearing must be held, unless the authority, applicant and each person who made the application agree that it is unnecessary. After considering the representations the application may be granted subject to such conditions as are considered necessary for the promotion of the licensing objectives, exclude a from the scope of the certificate, any qualifying club activity, Or reject the application. Where the application is rejected, the licensing authority must forthwith give notice to that effect stating the reasons for that decision to:

- the applicant,
- any person who made relevant representations and
- the chief officer of police.

the notice must specify the authorities reasons for its decision.

➤ **How long does a club premises certificate last?**

Until such times as it is withdrawn, lapses, surrendered or during a suspension

➤ **Changes and variations.**

Changes of name, registered address or alterations to rules, must be notified to the relevant licensing authority. Applications for variation can be made and are subject to the same determination process as for the original grant of the licence