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## **A Guide to the Licensing Act 2003 – Qualifying Clubs**

### **What do I need a Club Premises Certificate for?**

A Club Premises Certificate authorises a Qualifying Club to provide the following activities:

- To supply alcohol to a club member, or to sell alcohol to a guest of a club member
- To provide regulated entertainment
- To sell hot food or drink between 11.00pm and 5.00am for consumption on or off the premises, unless you are a hotel, staff canteen or campsite. This does not apply to you if you are only selling alcohol to Club members and bona fide guests.

### **What is regulated entertainment?**

The following kinds of entertainment are subject to regulation:

1. Plays
2. Film exhibitions
3. Indoor sporting events
4. Boxing or wrestling exhibitions
5. Live music (karaoke included)
6. Recorded music
7. Dancing by the public or performers
8. Any entertainment similar to that described in 5, 6 or 7 above.

### **What about providing entertainment facilities?**

You still need a licence for regulated entertainment, even if you are just providing facilities for making music, dancing, or entertainment of a similar description.

This means, for example, that you require authorisation for:

- Having a piano on the premises for the use of customers or performers;
- Having a dancefloor on the premises;
- Providing a video jukebox.

### **When do I not require an authorisation for regulated entertainment?**

There are various exemptions to these rules, including:-

- Films which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction;
- TV and radio broadcasts, providing they are shown “live” and not recorded;
- Incidental entertainment.

## **What is “incidental entertainment”?**

Incidental entertainment is entertainment provided not as the main purpose of the event. This is sometimes a difficult area and if you are unsure you should contact us for advice. Examples of “incidental” entertainment are:

- a supermarket playing background music (people go there to shop - the music is not an influencing factor);
- music during keep fit classes (people are there to exercise);
- salsa dance classes (people are there to learn to dance);
- a pub jukebox playing in the background (people are there to drink, the music is not an influencing factor).

## **What happens with my application and how do I fill the form in?**

See the separate sheet for full details of the application process.

## **What are Qualifying Clubs?**

Qualifying clubs are organisations where Members have joined together for particular social, sporting or political purposes and have bought alcohol in bulk for members for supply in the context. They commonly include Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men’s clubs, miner’s welfare institutions and social and sports clubs.

To be a Qualifying Club you must comply with the following rules:

- At least 48 hours must pass between people being admitted to membership, or as candidates for membership, and their admission to the Club;
- If Members are admitted without nomination, the Club rules must state they will not be admitted to the privileges of membership until 48 hours have elapsed from them becoming a member;
- The Club must be conducted in good faith (see below);
- The Club must have at least 25 members;
- You must not supply, or intend to supply, alcohol to members on the premises otherwise than by, or on behalf of, the Club.

In order to supply alcohol on the premises, you must also meet the following conditions:

- Unless managed by the Club in general meetings or by a body of members, the purchase of alcohol for the Club, and supply of alcohol by the Club, must be managed by a Committee whose members are all members of the Club aged 18 or over, and who have been elected by the members of the Club. There is an exemption to this condition for industrial and provident societies, friendly societies and miner’s welfare institutions;
- No person can receive, or be intended to receive, any commission, percentage or similar payment at the Club’s expense on or concerning purchase of alcohol by the Club;
- No person can derive, or be intended to derive, a financial benefit from the supply of alcohol by or on behalf of the Club to guests or Members, except where:
  - The benefit accrues to the Club as a whole;
  - The benefit derived indirectly by a person from the supply producing or contributing to a general gain from the carrying on of the Club.

## **What does “conducted in good faith” mean?**

The following factors must be considered when deciding whether a Club is conducted in good faith:

- Arrangements restricting the Club’s freedom in purchasing alcohol;

- Any provision in the Club rules or arrangements concerning how money or property of the Club or any gain arising from the carrying on of the Club will be spent, unless it is for the benefit of the Club as a whole or for charitable, benevolent or political purposes;
- The arrangements for providing members with information about Club finances;
- The account books and other records ensuring the accuracy of that information;
- The nature of the premises occupied by the Club.

If the Council is not satisfied that your Club is being conducted in good faith, it must give you notice of its decision and the reason for it.

### **What are the benefits of being a Qualifying Club?**

- Nobody needs to hold a Personal Licence to sell or supply alcohol;
- You do not need to appoint a Designated Premises Supervisor;
- The Police and authorised persons have more limited powers of entry because the premises are considered private and not open to the public;
- The premises are not subject to powers of Police closure on grounds of disorder and noise nuisance (unless they are being used under a Temporary Event Notice or Premises Licence at the time) because they operate under strict rules of discipline and rules that are rigorously enforced;
- The premises are not subject to potential Magistrates Court orders to close all licensed premises in an area where disorder is happening or expected to happen.

### **What about one off events and special occasions?**

If you are holding a licensable activity that falls in to one of the following categories:

- Less than 500 people attending
- Lasting for not more than 96 hours, with a break of at least 24 hours thereafter

You can hold your event by submitting a Temporary Event Notice (TEN) to the Council.

This notice allows you to hold a licensable activity on premises that are not currently licensed, or to hold activities your existing licence does not permit. This would include for example:

- Selling alcohol at a school fete
- Providing regulated entertainment at a pub where the current licence does not permit this
- Staying open to sell hot food in to the night on a special occasion (e.g. New Years Eve)
- Selling alcohol after the hours your normal licence permits, e.g. for a special occasion
- An amateur dramatics group putting on a play in unlicensed premises.

### **Are there any restrictions on TEN's?**

- You can only have up to 50 TEN's a year if you are a Personal Licence Holder (see section below on Personal Licences);
- You can have only have up to five TEN's a year if you are not a Personal Licence Holder;
- You must be aged 18 or over;
- Restrictions apply where the applicant is an "associated person" of someone who has already given a TEN, including spouses, close relations, agents and employees, and their spouses. The word "spouse" also includes someone living with the notice giver;
- You can only have a maximum of 12 TEN's a year for any particular premises, subject to an overall limit of no more than 15 days in total (where the TEN lasts for more than one day).

If your event/activity falls outside these restrictions, you will require a full premises licence.

If the number of TEN's you seek in a year exceeds the limits above, the Council must serve a counter notice prohibiting the event from going ahead. This must be served at least 24 hours before the event.

We will consult the Police on your application. They can only object if they feel your event would undermine the Crime Prevention Objective. If they do object, we will hold a public hearing in front of our Licensing Sub Committee to determine your application (unless all parties can agree a hearing is unnecessary). The Committee will listen to evidence from both sides before deciding whether the event can go ahead. However, Government guidance requires that we refuse permission for the event in these circumstances unless there are exceptional reasons not to.

### **Can I sell alcohol to members of the public?**

You may not sell alcohol to members of the public unless you hold a Premises Licence or obtain a Temporary Event Notice for the event. Therefore, you may let out a room for private hire providing that:-

- No alcohol is sold at the party (i.e. the hirer must provide their own alcohol);
- You are not involved in the organisation or management of any entertainment at the event.

However, if you want to open your bar to guests of a hirer or you organise or manage any aspect of regulated entertainment at the party yourself, you will need a Premises Licence or Temporary Event Notice and should contact this office for advice.

**This leaflet has been made as comprehensive as possible. However, in attempting to simplify the law, certain requirements have been omitted. Full details of what you must do are in the legislation itself.**

**Laws can and do change. This information was accurate when produced, but may have changed since. We must advise that only the Courts can give an authoritative opinion on statute law.**

**This information is available in alternative formats such as large print, Braille or on audio cassette if required. Please contact us should you require any further information or assistance.**