

EREWASH



Licensing Act 2003 – Guidance Notes

Clubs

The Licensing Act 2003 recognises that volunteer and social clubs give rise to different issues for licensing law than commercially run premises selling direct to the public. These clubs (such as the Royal British Legion, working men's or cricket or rugby clubs) are generally organisations where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members. The clubs carry on activities from premises to which public access is restricted and alcohol is supplied other than for profit.

Clubs which meet specified criteria set out in the 2003 Act are known as 'qualifying clubs' and the authority under which they may supply alcohol and conduct other 'qualifying club activities' from their premises is a club premises certificate issued by the licensing authority (Erewash Borough Council). The grant of a club premises certificate means that a club is entitled to certain benefits, which include the authority to supply alcohol to its members and sell it to guests without the need for any member or employee to hold a personal licence, and the absence of a requirement to specify a designated premises supervisor. There are also more limited rights of entry for the police and other authorised persons, as the premises are considered private and not generally open to the public.

Club Premises Certificate

To be classified as a qualifying club 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 or to any of the privileges of 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:

- 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 arrangements may 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 may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the club as a whole

How do licensing authorities determine whether a club is established and conducted in good faith?

- In determining whether a club is established and conducted in good faith, the licensing authority will have to look at a number of matters and take those into account. These matters are:
- Any arrangements restricting the freedom of the club to purchase alcohol
- Any arrangements where the money or property of the club or any gain arising from the running of the club can be used for purposes 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 or any other records kept to ensure accuracy of that information
- The nature of the premises occupied by the club

Which activities 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)

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.

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

No. Under the Licensing Act 2003 a club will commit an offence if alcohol is supplied by it, or on its behalf, to a member of the club who is under 18, or to the order of a member of a club, to a person who is under 18. Also, a person (e.g. a member of or employee at the club) will commit an offence if he supplies alcohol to a member of a club who is under 18, or to the order of a member of a club, to a person 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 or employee of the club to be a personal licence holder, in order for the club to be able to obtain a club premises certificate to authorise it to sell or supply alcohol.

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

No. 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.

Further information is available on the Council's website at www.erewash.gov.uk or the Department for Culture Media and Sport at www.culture.gov.uk or contact us at:-

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