

## 6. Club premises certificates

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6.1 This Chapter provides advice about best practice for the administration of the processes for issuing, varying, and reviewing club premises certificates and other associated procedures.

### GENERAL

6.2 Clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation to supply in the club. They commonly include Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men's clubs, miners welfare institutions, social and sports clubs.

6.3 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another. This explains why the 2003 Act often refers to the supply of alcohol in the context of clubs and not just to the sale by retail.

6.4 Only 'qualifying' clubs may hold club premises certificates. In order to be a qualifying club, a club must have at least 25 members and meet the conditions set out in paragraph 6.9 below. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
- the absence of a requirement to specify a designated premises supervisor (see paragraphs 4.19 and 4.20 of this Guidance);

- more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
- exemption from police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules which are rigorously enforced ; and
- exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.

6.5 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.

6.6 A qualifying club will be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club. Any 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, including the sale of alcohol to them. However, an individual on behalf of a club may give temporary event notices 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 no more than 499 people attend the event and subject to an overall maximum 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.



- 6.7 The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club or the club collectively, and nothing in the 2003 Act prevents the admission of such people as guests without prior notice. For the sake of flexibility, the Act does not define "guest" and whether or not somebody is a genuine guest would in all cases be a question of fact. The term can include a wide variety of people who are invited by the qualifying club or any individual member to use the club facilities. The manner in which they are admitted as 'guests' would be for the club to determine and to consider setting out in their own club rules.
- 6.8 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in "good faith" and would no longer meet "general condition 3" for qualifying clubs in section 62 of the 2003 Act. Under the 2003 Act the licensing authority must decide when a club has ceased to operate in "good faith" and give the club a notice withdrawing the club premises certificate. The club is entitled to appeal against such a decision to the magistrates' courts. Unless the appeal is successful, the club would need to apply for a full premises licence to cover any licensable activities taking place there.

## QUALIFYING CONDITIONS

- 6.9 Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club. Section 63 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith – the third qualifying condition. Section 64 sets out additional conditions which only need to be met by clubs intending to supply alcohol to members and guests. Section 90 of the 2003 Act gives powers to the licensing authority to issue a notice to a club withdrawing its certificate where it appears that it has ceased to meet the qualifying conditions. There is a right of appeal against such a decision.

## ASSOCIATE MEMBERS AND GUESTS

- 6.10 As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another 'recognised club' as defined by section 193 of the 2003 Act) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate. This reflects traditional arrangements where such clubs make their facilities open to members of other clubs which operate reciprocal arrangements.



## APPLICATIONS FOR THE GRANT OR VARIATION OF CLUB PREMISES CERTIFICATES

- 6.11 The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those for a premises licence. Licensing authorities should therefore look to Chapter 8 of this Guidance on the handling of such applications. In that Chapter most of the references to the premises licence, premises licence holders and applicants can be read for the purposes of this Chapter as club premises certificates, qualifying clubs and club applicants.
- 6.12 In addition to a plan of the premises and a club operating schedule, clubs must also include the rules of the club with their application. On notifying any alteration to these rules to the licensing authority, the club is required to pay a fee set down in regulations. Licensing authorities may wish to consider returning a certified copy of the rules to the applicant with the certificate. Licensing authorities should bear in mind that they cannot require any changes to the rules to be made as a condition of receiving a certificate unless relevant representations have been made. However, if a licensing authority is satisfied that the rules of a club indicate that it does not meet the qualifying conditions in the Act, a club premises certificate should not be granted.

## STEPS NEEDED TO PROMOTE THE LICENSING OBJECTIVES

- 6.13 Club operating schedules prepared by clubs, as with operating schedules for premises licences, must include the steps the club intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the licensing authority following consideration of relevant representations. Guidance on these conditions is given in Chapter 10 of this Guidance.
- 6.14 The Secretary of State wishes to emphasise that non-profit making clubs make an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on premises to which the public do not generally have access and they operate under codes of discipline applying to members and their guests.
- 6.15 Licensing authorities should bear these matters in mind when considering representations and should not attach conditions to certificates unless they can be demonstrated to be strictly necessary. The indirect costs of conditions will be borne by individual members of the club and cannot be recovered by passing on these costs to the general public.



## SEX EQUALITY

- 6.16 The Secretary of State believes that all qualifying clubs should adopt fair and equal procedures for admitting people to membership, electing club officials and on voting rights. However, although equal treatment on the grounds of gender is important to society generally, it is not a licensing objective. Conditions should not therefore be imposed which interfere with the arrangements for granting membership or voting within the club. It would also be inappropriate to apply one set of rules to qualifying clubs and another set of rules to clubs that do not engage in qualifying club activities and do not therefore require club premises certificates. Licensing authorities should not therefore seek to challenge the bona fides of any qualifying club on these grounds.

## TEMPORARY EVENT NOTICES

- 6.17 Licensing authorities should note paragraph 7.13 of this Guidance in connection with permitted temporary activities in club premises.

