

GUIDANCE FOR A CLUB PREMISES CERTIFICATE APPLICATION

Applications for club premises certificates must be made to the licensing authority within whose area the club is situated. As well as a form to apply for a club premises certificate, you will also need to complete a club declaration form (see end of this guidance)

COMPLETING THE FORM

In the opening statement, you should insert the name of the club that is applying for a club premises certificate - e.g. 'Smith Social Club'.

PART 1: Club premises details

This section asks for the address and some other details of the club premises. If the club premises has no postal address, you should describe the location of the premises or give the Ordnance Survey map reference.

This section also asks for the name, address and some other details of the person performing duties of a secretary to the club.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the certificate application and the annual fee. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. NDRV is revalued every 5 years. A new valuation came into force on 1 April 2005. Club premises that do not have a non-domestic rateable value are treated as falling into Band A for licensing fee purposes.

A club premises must be occupied and habitually used by a club in order to obtain a club premises certificate.

Part 2 – Club Operating Schedule

You should state the date you would like the certificate to start. As the certificate cannot be given effect until the second appointed day - that is the earliest date you can request. A club premises certificate will last indefinitely, unless otherwise stated in the box provided.

General description of the club premises

You are asked to describe the club premises. For example the type of premises, its general situation and layout and any other information that would be relevant

to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you supply such as outside areas e.g. beer gardens.

5,000 or more people attending

It is not necessary to complete this box if you think that less than 5,000 people will attend the club premises at any one time. The figure relates to the maximum number of people on the club premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the ‘licensed club premises’ (i.e. the licensed area of the club identified in the plan) and not areas that are outside the ‘licensed club premises’. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do not include the garden as part of the licensed premises, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off supplies would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises.

Qualifying club activities

You should indicate what licensable activities you wish to carry on by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act. After this, you should complete the corresponding boxes from A to L that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked ‘state any seasonal variations’, gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked ‘non standard timings’, gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays.

The supply of hot food and drink to members of recognised clubs and their guests is exempt from the licensing requirements.

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

In the space marked ‘Please give further details here’, please state the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

BOXES A – K (Provision of regulated entertainment)

You should refer to section 1 of and Schedule 1 to the Act or contact your local licensing authority for full details of the definition of regulated entertainment.

BOX A: Plays

A performance of any dramatic piece, (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the Act. But note that other activities at such venues (such as the supply of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

Music includes vocal or instrumental music or any combination of the two. The performance of live music, if it is incidental to some other activity, which is not in itself regulated entertainment, is not licensable.

BOX F: Recorded music

Your certificate does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment, as this would be exempt. If you have a jukebox or a disc jockey at your club premises you need to consider whether, in your particular case, this is incidental

music or whether it is a licensable activity. If in doubt, discuss this with your licensing authority.

BOX G: Performances of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance

BOX I: (supply of alcohol)

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off'. If you wish people to be able to do both, please tick 'both'.

BOX J: Hours club premises are open to member and guests

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the club premises closes to allow orderly departure.

BOX K

This asks you to give information about anything to occur at the club premises or ancillary to the use of the club premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

L – Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives.

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then it is probably better to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more they will be able to make representations. If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form. Further information on responsible authorities is available from the DCMS website www.culture.gov.uk or from your local authority licensing officer or website.

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your certificate. Failure to meet those conditions constitutes an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

Examples of possible conditions in relation to the four licensing objectives are included in the Guidance which the Secretary of State has issued to licensing authorities and is available from the [DCMS website](#). These are simply given as a pool of potential conditions, which might be helpful for people to consider. They are not model conditions and in no way should be seen as standard conditions that should be applied to everyone.

In the 'General Box', list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which, on conviction, may make you liable to a fine of up to £5,000.

You should check that you have included all the required documentation. This includes a plan of the club premises, the club declaration form and a copy of the club's rules.

Plans

The plan for the club premises should be included with the application, and copied to the responsible authorities as part of the application. The plan of the premises needs to meet the requirements set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005, SI 2005/42 to show the following:

- (a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
- (b) the location of points of access to and egress from the premises;
- (c) if different from paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing licensable activity, the area within the premises used for each activity;
- (e) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (f) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- (i) the location and type of any fire safety and any other safety equipment, including if applicable, marine safety equipment; and
- (j) the location of a kitchen, if any, on the premises.

Unless you have previously agreed with the relevant licensing authority in writing that an alternative scale plan is acceptable to it, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the above on the plan, but there is no requirement to do so.

Responsible Authorities

You are required to give a copy of the application, including the accompanying documentation to the "responsible authorities" on the same day as the application is given to the relevant licensing authority. Responsible authorities are the public bodies that are entitled to make representations to the licensing

authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. The responsible authorities include the following, for the area in which the premises are situated:

- The chief officer of police
- The fire and rescue authority
- The health and safety authority
- The local planning authority
- The environmental health authority
- The body recognised as being responsible for protection of children from harm
- Body responsible for public health
- Home Office Immigration Enforcement

With regard to a vessel, this list also includes the relevant navigation authority, the Environment Agency, British Waterways Board or the Secretary of State

Advertising

Applications must be advertised as set out in the Act and the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005. This includes displaying a sign at or outside the club premises and an advertisement in a locally circulating newspaper.

DO NOT FORGET TO ENCLOSE THE CORRECT FEE

Part 3 – Signatures

The application form must be signed on behalf of the club. A club's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so.

Club Declaration Form

A 'Club declaration form' should accompany your application for a club premises certificate. This form is a declaration that your club meets qualifying club status and must accompany your application for a club premises certificate. There are three sets of questions relating to the club rules or arrangements that will allow the licensing authority determine whether the club rules meet the conditions of the Act for qualifying clubs in relation to qualifying club activities. Only one set of questions should be completed, depending on what type of club is applying. Registered societies under the Industrial and Provident Societies Act 1965 or the Friendly Societies Act 1974 and registered friendly societies under the Friendly Societies Act 1992 should complete the questions in section 1. Miners' welfare institutes should complete the questions in section 2 and applicants for clubs not falling into these categories should complete the questions in section 3. It is an offence to make a false statement, which on conviction, is liable to a fine of any amount.