



LICENSING ACT 2003

Guidance to Applicants about Club Premises Certificates

Guidance to Applicants for Club Premises Certificates

The Licensing Act 2003 provides that premises (including land) where "licensable activities" take place must be licensed. Warwick District Council is the Licensing Authority for premises within its area.

These notes are only a general guide to process and are not intended as a substitute for your own legal advice.

Licensable activities are -

The supply of alcohol by clubs;

To be classified as a qualifying club in relation to a qualifying club activity, a number of general conditions must be met. These are:

- 2 day interval between nomination, application or other entry to membership and being able to enjoy privileges of membership;
- established in good faith as a club;
- at least 25 members;
- alcohol not supplied on the premises other than by or on behalf of the club;

and where alcohol is supplied

- the committee purchasing alcohol on behalf of the club must all be members 18 years of age or older, and have been elected to the committee by the membership;
- no person should receive any commission at the expense of the club in respect of the purchase of alcohol by the club;
- no person should receive any pecuniary benefit from the supply of alcohol other than that which is gained by the club as a whole.

The provision of regulated entertainment or entertainment facilities;

Regulated Entertainment is described in the Act as:

- the performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance;

- or entertainment of a similar description to live music, recorded music or dance.

Furthermore, to be "regulated entertainment" the entertainment must take place in the presence of an audience and be provided for the purpose of, or for purposes which include, entertaining that audience. Entertainment facilities are facilities for enabling people to take part in entertainment for the purpose of being entertained, or for purposes which include the purpose, of being entertained. This applies only to:

- making music;
- dancing; and
- entertainment of a similar description to making music or dancing.

An example of "entertainment facilities" would be a dance floor provided for customers to use, whereas "entertainment" might involve a performance of dance provided for an audience.

In order for the provision of entertainment or entertainment facilities to be regulated, two conditions must be satisfied:

- The first of these is that the entertainment or entertainment facilities must be provided:
 - (a) to any extent for the public or a section of the public **or**
 - (b) exclusively for members (and guests) of a club, which is a qualifying club in relation to the provision of regulated entertainment **or**
 - (c) where (a) and (b) do not apply, for consideration and with a view to profit.
- The second condition is that the premises on which the entertainment takes place, or entertainment facilities are provided, are made available for the entertainment to take place.

The provision of late night refreshment.

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am, or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

Food or drink is "hot" for the purposes of the Act if it is heated on the premises or elsewhere before it is supplied, or if it can be heated on the premises after it is supplied, for the purpose of enabling it to be consumed at above ambient air temperature.

The Act provides for a number of exemptions which will not constitute the provision of late night refreshment. Examples are where the hot food or hot drink is supplied free of charge; or where it is supplied by a

registered charity, or, in certain circumstances, where the provision of hot drink is by vending machines.

It may be appropriate for applicants to seek advice about any proposed activities where there may be any doubt about whether they are regulated activities or not.

To obtain a Club Premises Certificate:

You ***must*** advertise your application. (See specimen form at the end of this guidance booklet). You must also send complete copies of your application to all Responsible Authorities (See list at the end of this form). Licences will be issued in accordance with the terms applied for, unless representations are received about the application, when a hearing may be held.

Completing the application.

Applicants for Club Premises Certificates must address the promotion of the four licensing objectives in the Operating Schedule that forms part of the application. The applicant is advised to refer to the Guide to Operating Schedules, which includes details of issues that the Responsible Authorities wish to see addressed. This should ensure that the full scope of the proposed activities has been addressed in the Operating Schedule and minimise the number of issues that require negotiation after submission of the application.

Each application **must be accompanied** by a plan of the premises drawn to the scale of 1:100 unless the licensing authority has previously confirmed in writing to the applicant that an alternative scale plan is acceptable. The plan should show:

- (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 (b) above, the location of escape routes from the premises;
- (d) in a case where the premises is to be used for more than one 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) where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) 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.

These details are important in making it clear which premises or parts of premises have been licensed if the application is granted; and will enable Responsible Authorities and Interested Parties to better consider the adequacy of any operating schedule.

Operating Schedules

The Operating Schedule is set out in the form prescribed by regulations, and provides for applicants to include:

- (a) a general description of the premises
- (b) the licensable activities to take place there
- (c) how the operating schedule will ensure that the activities at the premises will take account of the neighbourhood in which the premises are situated
- (d) the times during which licensable activities are to take place
- (e) where the times for different activities are variable, where appropriate
- (f) the duration of the licence required, if it is to be limited.

The following are examples of the types of issues applicants should consider in their operating schedules, where appropriate for the range of activities proposed in the application:

- (a) Procedures for assessing risks of crime and disorder, nuisance and/or to public safety, and plans for minimising such risks arising from promotions, events and special operations such as drinks promotions or happy hours.
- (b) Metal detection and search facilities
- (c) Measures to prevent the use or supply of illegal drugs
- (d) Employment of licensed door supervisors and other appropriately trained staff
- (d) The designated premises supervisor, licensee, or a manager who is a personal licence holder to be present and in charge of the premises at all times when the public are present
- (e) A queue management policy
- (f) An intervention protocol to describe how potential issues of public safety will be addressed and under what circumstances the Police will be called to the venue.
- (g) Dispersal arrangements

**IF YOU FIND THE TEXT IN THIS DOCUMENT
DIFFICULT TO READ, WE CAN SUPPLY ONE IN
A FORMAT BETTER SUITED TO YOUR NEEDS.**

WARWICK DISTRICT COUNCIL LICENSING AUTHORITY

LICENSING ACT 2003

Public Notice

[Name of person applying for licence] is applying for the

[new grant] [provisional statement] of a

[Premises Licence] [Club Premises Certificate] for

[Full name and postal address of premises or a suitable description of the premises to allow the location and extent of the premises to be identified]

If granted the application will allow the following licensable activities to take place:

[sale of alcohol on the premises] [sale of alcohol for consumption off the premises] [provision of regulated entertainment] [provision of facilities for regulated entertainment] [provision of late night refreshment] [qualifying club activities]

Any person wishing to make representations in relation to this application may do so by writing to:

Licensing Authority

**Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
Warwickshire CV32 5HZ**

Email: licensing@warwickdc.gov.uk

Representations may be made for 28 consecutive days from the date of this Notice.

A copy of the application for the grant of the above licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Thursday 9.00 am to 5.00 pm, and 9.00 am to 4.30 pm on Fridays, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the Standard Scale.

[Date] - This must show the day after the day that the application was received by the Licensing Authority.

NOTES:

The Notice must be of a size equal or larger than A4, of a pale blue colour, printed legibly in black ink or typed in black in a font of a size equal to or larger than 16.

The date of this Notice must be the day after the application about the Premises Licence or Club Premises Certificate was correctly given to the Licensing Authority.

The Notice is to be displayed on the premises for a period of no less than 28 consecutive days starting on the day after the day on which the application was give to the relevant Licensing Authority, by displaying a Notice, in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises, and in the case of a premises covering an areas of more than 50 metres square, a further Notice in the same form and subject to the same requirements every 50 metres along the external perimeter of the premises abutting any highway.

The Notice must be published in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises. It must be published on at least one occasion during a period of 10 working days starting from the day after the application was made to the Licensing Authority.

WARWICK DISTRICT COUNCIL RESPONSIBLE AUTHORITIES

POLICE:

Chief Officer of Police
Warwickshire Police Licensing Team
Warwickshire Justice Centre Leamington Spa
Newbold Terrace
Leamington Spa
Warwickshire
CV32 4EL

Tel: 01926 684033

Email: southwarksliquorlicensing@warwickshire.police.uk

FIRE AUTHORITY:

County Fire Officer
Fire Service Headquarters
Warwick Street
Leamington Spa
CV32 5LH

Tel: 01926 423231

Email: firesafety@warwickshire.gov.uk

HEALTH AND SAFETY:

Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456713

Email: hcphealthandsafety@warwickdc.gov.uk

ENVIRONMENTAL HEALTH:

Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456714

Email: pollution@warwickdc.gov.uk

COMMUNITY SAFETY:

Licensing Team
Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456725

Email: communitysafety@warwickdc.gov.uk

PLANNING:

Warwick District Council
Riverside House
Milverton Hill
Royal Leamington Spa
CV32 5HZ

Tel: 01926 456522

Email: planning.enforcement@warwickdc.gov.uk

WARWICKSHIRE COUNTY COUNCIL CHILD PROTECTION:

Safeguarding, Quality and Assurance
People Directorate
B3 Saltisford Office Park
Ansell Way
Warwick
CV34 4UL

Tel: 01926 742379

Email: licenseapplications@warwickshire.gov.uk

WARWICKSHIRE COUNTY COUNCIL TRADING STANDARDS:

Simon Coupe
Divisional Trading Standards Officer
Old Budbrooke Road
Warwick
CV35 7DP

Tel: 01926 414080

Email: ts@warwickshire.gov.uk

NATIONAL HEALTH SERVICE/PUBLIC HEALTH:

Public Health Department (Licensing)
NHSWarwickshire/Warwickshire County Council
PO Box 43
Shire Hall
Warwick
CV34 4SX

Email: phadmin@warwickshire.gov.uk

HOME OFFICE (Immigration Enforcement)

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

Email: alcohol@homeoffice.gov.uk

Licensing Team
Warwick District Council
Riverside House,
Milverton Hill,
Royal Leamington Spa
CV32 5HZ

Telephone: 01926 456705
Email: licensing@warwickdc.gov.uk
Web: www.warwickdc.gov.uk

