SECTION ONE - INTRODUCTION

The Licensing Act 2003 came into effect on 24 November 2005. It introduced a completely new licensing system that deals with the following licensable activities:

a) The retail sale of alcohol;
b) The supply of alcohol to club members by or on behalf of the club;
c) The provision of regulated entertainment; and
d) The provision of late night refreshment.

On the same date, all Justices Licences, Registered Members Club Certificates, Public Entertainment Licences and Night Café Licences became invalid. It is now illegal to provide any of the licensable activities set out above without firstly having obtained a Premises Licence (or in the case of b) above, a Club Premises Certificate) from the local licensing authority – in Southwark this is the local Council. Where the retail sale of alcohol is concerned a Personal Licence holder is also required.

This document provides guidance on applying for a Club Premises Certificate. Separate guidance is available on Premises licences, Personal Licences, Designated Premises Supervisors, Temporary Event Notices, Representations, Licence Reviews, and Fees and Charges. These are available upon request from the Council’s Licensing Service (our contact details are set out at the end of this guidance note).

This guidance should be read in conjunction with the Council’s Statement of Licensing policy, which sets out how the Council approaches its licensing responsibilities. The Council has regard to this policy when considering and determining applications for licences made under the Act.

SECTION TWO – FREQUENTLY ASKED QUESTIONS

What is a Club Premises Certificate?

A Club Premises Certificate is a certificate granted, by the licensing authority, under the Licensing Act 2003:-

a) In respect of premises occupied by and habitually used for the purposes of a club and
b) Specifying that the premises may be used by the club for one or more qualifying activities and that the club is a qualifying club in relation to each of those activities.
What are “Qualifying Activities”?  
A club premises certificate may authorise the conduct of any of the qualifying club activities, namely;-

a) The supply of alcohol by or on behalf of the club to, or to the order of members of the club;

b) 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; and

c) 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.

What is a “Qualifying Club”?  
A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies the following general and additional conditions:

**General Conditions** - as specified in section 62 of the Licensing Act 2003

a) That under the rules of the club, persons may not be admitted to membership or be admitted, as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;

b) 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;

c) That the club is established and conducted in good faith as a club;

d) That the club has at least 25 members;

e) That alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Additional Conditions** - as specified in section 64 of the Licensing Act 2003.

f) The purchase and supply of alcohol by and for the club is managed by a committee who are (a) elected by the members of the club, (b) are members of the club themselves and (c) are all aged 18 years or over;

g) No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club, with reference to purchases of alcohol by the club;
h) 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.

A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the general conditions (in section 62 of the Act) mentioned above.

**When is a club established and conducted in good faith as a club?**

In determining whether a club is established and conducted in good faith the following matters are taken into account:-

a) Any arrangements restricting the freedom of the club to purchase alcohol;

b) 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;

c) The arrangements for giving members information about the finances of the club;

d) The books of account or any other records kept to ensure accuracy of that information;

e) The nature of the premises occupied by the club.

**What is “Regulated Entertainment”?**

Schedule 1 of the Licensing Act 2003 defines “regulated entertainment” as being entertainment of the following description which take place in the presence of an audience and are provided for the purpose or for purposes which include entertaining that audience:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment;
- A performance of live music;
- Any playing of recorded music;
- A performance of dance;
- Entertainment of a similar description to live music, recorded music or performance of dance.

“Regulated entertainment” also includes the provision of entertainment facilities for enabling persons to take part in entertainment, which involves:

- Making music
- Dancing
- Entertainment of a similar description to making music or dancing
There are some exemptions contained within the Act. These are:

- Film exhibitions for the purposes of
  - Demonstrating products
  - Advertising goods and services
  - Providing information, education etc
- Film exhibitions forming part of an exhibit put on show for any purposes of a museum or art gallery
- Music incidental to certain other activities
- Simultaneous reception and broadcast of television and radio programmes
- Religious services and at places of religious worship
- At garden fetes or similar events unless promoted whole or in part for private gain
- Morris dancing or similar
- Upon vehicles in motion.

**Does holding a Club Premises Certificate provide a qualifying club any benefit over holding a premises licence?**

A **Club Premises Certificate** allows a club certain benefits, including 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 for this purpose and without the need for a designated premises supervisor to be specified on the licence.

Club Premises Certificates are obtained from the local licensing authority for the area in which the Club is situated. In Southwark, the licensing authority is Southwark Council. The arrangements for applying for a club premises certificate are very similar to those in respect of premises licences.

However, the Club Premises Certificate will not provide to the general retail sale of alcohol.

**Does a Club Premises Certificate provide for the consumption of alcohol off the premises?**

A Club Premises Certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on the premises. If it does then the following conditions will apply:

a) That the supply of alcohol must be made at a time when the premises are open for the purposes of supplying alcohol in accordance with the hours on the club certificate to members for consumption on the premises;

b) Alcohol supplied for consumption off the premises must be in a sealed container;
c) The supply of alcohol for consumption off the premises must be made to a member of the club in person.

**How do I apply for a Club Premises Certificate?**

Any application for a club premises certificate must be made on the appropriate form (which can be obtained from the Council’s Licensing Service). The application form must be completed in full, signed by the secretary or other authorised person on behalf of the club and returned to the licensing service for the area in which your premises are located together with

- A scale plan of the premises (preferably scale 1:100); and
- A copy of the club rules

The application must also be copied in full to a number of “responsible bodies” named under the Act who are able to make consider and comment upon your application. These are

- The Police
- The Fire Brigade
- The Council’s Trading Standards Service
- The Council’s Environmental Health Noise & Air Quality Team
- The body responsible for health and safety which may be the Council’s Environmental Health Occupational Health and Safety Team; the Health and Safety Executive; or the Marine Coastguards Authority
- The Council’s Planning Team
- The Council’s Social Services Child Protection Agency

The contact details of the responsible bodies are provided at the end of this guidance note.

**Is there a charge for making an application for a club premises certificate?**

Yes, there is a charge for making an application for a club premises certificate if it is intended to use that certificate to enable the supply of alcohol. This fee is calculated based upon the business rateable value of the premises concerned. If you are granted a club premises certificate there is also an annual maintenance fee to ensure continuation of the licence. Separate guidance is available on this matter.

Payments should be enclosed with the application.

Please note that no application is complete until the relevant fee has been paid in full and no application can be progressed until the application is complete. If payment is not received in full your application may be rejected. Please enclose payment with the application made payable to L B Southwark.
What information must I provide with my application?

The application form asks you to provide details of the club including a declaration, together with details of the premises intended to be used and a “Club Operating Schedule”.

What is a “Club Operating Schedule”?

The operating schedule is a very important part of the document. It should include the information that is necessary to enable any “responsible authority” or “interested party” to assess whether the steps to be taken to promote the four licensing objectives set under the Act are satisfactory. It should include

- A description of the style and character of the business to be conducted on the premises;
- The type of activities intended to be provided on the premises (both licensable activities and other);
- The times for each day of the week, using a 24-hour clock, at which it is proposed that the relevant licensable activities are to take place. You should include any variation for particular holiday periods or during particular seasons, where these are intended to be different during different parts of the year);
- Any other times that the premises are to be open to the public
- Where the certificate is only required for a limited period, that period;
- Where the licensable activities include the supply of alcohol whether that supply will be for consumption on and off the premises;
- The specific steps (management proposals) that the applicant proposes to promote the licensing objectives; and
- Whether the premises is intended to be used for any adult entertainments.

What are the licensing objectives?

There are four licensing objectives set under the Act. These are

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

All four objectives are of equal importance.

Can I get any help with putting together my management proposals to secure the licensing objectives?

Sections 7 through to 10 of the Southwark Statement of Licensing Policy sets out a broad guide to applicants of examples of good management practice that the Council and the other responsible authorities expect responsible operators to be considering when determining what steps are necessary to
promote the four licensing objectives. Please read through these sections of
the policy carefully. If there are matters raised in any area that you would wish
to discuss further with the relevant responsible authority they will be happy to
discuss your issues with you. Their contact details are at the end of this
guidance note.

When you consider the steps that you need to be taking in respect of your
premises you should consider each of the objectives on a risk-assessment
basis. You should consider what potential concerns the operation of your
premises might give rise to and rate whether there is a low, medium or high
risk of these occurring. You should then look to propose reasonable but
responsible methods of dealing with those concerns appropriate to the level of
risk. The steps you intend to take to deal with the risks should then be
recorded in the relevant part of the operating schedule. Your proposals help
to define the conditions under which your certificate may be granted.

When you submit your application for a club premises certificate this Authority
asks that you also submit copies of your risk-assessments. This helps the
responsible authorities to determine whether, in their opinion, you have
properly considered all relevant matters and may help to prevent the need for
representations to be submitted in respect of your application.

**Do I need to advertise my application?**

Yes, the details of the application must be advertised at the premises
concerned in a position which can be clearly and readily seen and read by
passers by for a period of 28 consecutive days from the application date. The
detail should be advertised using the proforma poster which is provided by the
Licensing Service. This pro-forma poster ensures that your application notice
meets the Council’s requirements for colour, size, font size and description of
application. The application also needs to be advertised in a local newspaper
readily available in the locality area of the premises within 10 days of the
application being made. Again a pro-forma advert will be supplied for your
use.

The Licensing Service will notify the local ward councillors of your application
and will place information regarding the detail of your application on its public
web site at [www.southwark.gov.uk/businesscentre/licensing](http://www.southwark.gov.uk/businesscentre/licensing).

If your application proposes providing entertainments involving striptease or
nudity then this authority will also carry out a direct letter drop to all local
residents and businesses within a 100m radius of the premises, so as to
ensure that there is a clear understanding of the proposed operation.
Applications involving striptease and nudity will continue, however, to be
considered with regard to the four licensing objectives.

The advertisements provide a four-week period during which any “responsible
authority” or “interested party” may make representations concerning the
application. “Interested parties” are persons who live or work in the vicinity of
the premises or bodies that represent them.
What happens if representations are made concerning my application?

At the end of the consultation period the Council has 20 working days to arrange a public hearing of the representations by the Council’s Licensing Sub-Committee (a body of three elected members of the Council drawn from a pool of fifteen members who sit on the main Licensing Committee).

If the representations concern matters which might be easily addressed without the need for a public hearing to take place the steps will normally be taken to try and find a negotiated or conciliated conclusion to the matters. If this can be done the public hearing will not take place. If matters raised under representation can not be resolved through conciliation and negotiation then the hearing will proceed and a decision will be reached by the Sub-Committee following consideration of all relevant issues.

Are all representations accepted irrespective of their content?

No not all. Representations must be relevant (i.e. concerning one or more of the licensing objectives). They must also be neither “vexatious, frivolous nor repetitious”.

What can the Sub-Committee decide?

The Sub-Committee can grant or part grant the application with conditions added as considered necessary to achieve the licensing objectives. The Sub-Committee may also refuse part or whole of the application if considered necessary for the same purpose.

Do I have any right of appeal?

Yes. If your application is refused, only part granted or your application is granted subject to additional conditions you have the right of appeal to the local magistrates court. This right lasts for 21 days from the date you receive notice of the decision.

What happens if my application attracts no representations?

Then your application is granted in full. Your certificate will be issued with the mandatory conditions set out in the Licensing Act 2003 added together with conditions that are consistent with the proposals that you have set out in your operating schedule to achieve the four licensing objectives.

This guidance note states I have to provide scale plans of my premises. What information is required?

The plan shall 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) 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 the 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.

As stated we normally require the plan to be provided in scale 1:100. Alternative scales may be acceptable in some circumstances with the written consent of the Licensing Service. Please contact the Licensing Service to discuss.

How long does my Club Premises Certificate last?

A Club premises certificates has effect until it is withdrawn or surrendered. However, a club premises certificate does not have effect at any time that it may be suspended by the local licensing authority.

It is important to understand that while no renewal of the licence is necessary it is open to any responsible authority or any interested party to call for a licence review at any time. Applications for licence reviews must relate to one or more of the licensing objectives and must not be “frivolous, vexatious or repetitious”. Licence reviews can result in the amendment, suspension or revocation of the licence concerned. Further guidance on licensing reviews is available from the Licensing Service.

Once granted, can I amend my Club Premises Certificate?

Applications can be made to vary a club premises certificate at any time. A separate application form is available from the Licensing Service. The variation process is very similar to the process for the initial grant of a club premises certificate. The application form must be completed in full, signed, dated and returned to the Licensing Service. A club operating schedule is required within which you should indicate the full extent of the additional activities or hours being sought, together with your proposals for securing the licensing objectives. The variation application will need to be copied to the responsible authorities and advertised at the premises concerned and in a local newspaper. A scale plan should be provided if there is a change to
arrangements at the premises. A fee may be payable (see guidance on separate fees and charges).

The occasional extension of the premises operating hours or the occasional provision of an additional licensable activity may be covered under a “Temporary Event Notice”. Please see separate guidance available from the Licensing Service.

**Does applying for a club premises certificate cover me for any other consents I may need to operate?**

No, applying for a club premises certificate does not relieve you from the need to obtain all other necessary consents.

- If the operation of your proposed club involves a material change of use of the premises involved you should apply to the Council’s Planning Service for the appropriate planning consent. You should normally ensure that you have the correct planning consent before you apply to the Council for a club premises certificate (See contact details for the Council’s Building and Development Control Service at the end of this guidance note);

- If your proposals involve any renovation, alteration or other building works you should apply to the Council’s Building Control Services for building regulations consent (See contact details for the Council’s Building and Development Control Service at the end of this guidance note);

- If you intend to prepare or sell food as part of your business you register with the Council’s Environmental Health Food Hygiene Team (See contact details for Environmental Health at the end of this guidance note); and

- If you play recorded music then you should contact the Performing Rights Society

This document provides only an introduction to club premises certificates. We advise that you contact the Licensing Service whenever you are in doubt as to whether you should be taking any action to properly maintain your licence. Our contact details are given at the end of this note.
SECTION THREE – CONTACT DETAILS

Responsible Authorities

The original application should be sent to Southwark Licensing Service, the responsible authorities that you are required to provide a copy of your application (complete with a copy of the premises plan and other requested information) are:-

Licensing Unit
3rd Floor Hub 2
160 Tooley Street
PO Box 64529
London
SE1 5LX
Tel 020 7525 4261 Fax 020 7525 5705
Email: licensing@southwark.gov.uk

Ian Clement
The Police Licensing Service
Walworth Police
12-28 Manor Place
London
SE17 3RL
Tel 020 7 232 6210

The London Fire and Emergency Planning Authority
Fire Safety Regulation: South East Area 3
London Fire Brigade
169 Union Street
London
SE1 0LL
Email Address: FireSafetyRegulationSE@london-fire.gov.uk
Telephone number: 020 8555 1200 ext: 36500
Fax Number: 020 8536 5924

The Councils Trading Standard Service
Ms L Cook
Trading Standards Service
Southwark Environmental Health and Trading Standards
3rd Floor Hub 2
160 Tooley Street
PO Box 64529
London
SE1 5LX
Tel 020 7 525 4261
A copy of the application must also be sent to the authority responsible for Health and Safety for the premises. In most cases this will be the Health and Safety Unit at Southwark Council, however for some premises, such as those owned by the Council, it may be the Health and Safety Executive (HSE) or for vessels the Marine and Coastguard Agency (MCA). Please contact us if you are unsure of the appropriate health and safety authority for your premises.

Further information, advice and applications packs can be obtained from the Southwark Licensing Service. The Service can be contacted in a number of ways.

In writing to

Southwark Licensing Service
C/O Southwark Environmental Health and Trading Standards
3rd Floor Hub 2
160 Tooley Street
PO Box 64529
London
SE1 5LX
By telephone either to the Councils Environmental Contact Centre on 020 7525 4261

In person (but by appointment only)

By e-mail at licensing@southwark.gov.uk

Via our web site at www.southwark.gov.uk/businesscentre/licensing