

# ALLERDALE BOROUGH COUNCIL



## GUIDANCE SHEET CLUB PREMISES CERTIFICATE

### What is a Club Premises Certificate?

A Club Premises Certificate authorises a members club to carry out licensable activities. The licensable activities it can carry out are:

- supply of alcohol
- provision of regulated entertainment
- provision of hot food / drink at any time between 11pm and 5am

There is no requirement for a qualifying club to have a Personal Licence Holder.

### What is regulated entertainment?

Regulated entertainment is entertainment provided in the presence of an audience, for the purpose of entertaining that audience. For example:

- the performance of a play;
- the exhibition of a film;
- an indoor sporting event;
- boxing or wrestling;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description (e.g. a circus)

The Council's Guidance Sheet GD14 provides more detailed information regarding regulated entertainment, including the exemptions.

### What is a Club Premises Certificate for?

A Club Premises Certificate is only for use by qualifying clubs. A number of criteria must be met to be considered a qualifying club. These are:

- 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
- 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

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Furthermore to qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met. These are:

- 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 any commission, percentage or similar payment at the expense of the club 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 clubs as a whole.

## How long is a Club Premises Certificate valid?

A Club Premises Certificate has effect until it is revoked, suspended or surrendered. This means it is not time limited (unless the applicant specifically requests this).

## What happens to the Club Registration Certificate?

If you currently supply alcohol to your members, your club will no doubt already have a Registration Certificate issued by the Licensing Justices this will no longer be valid after **24<sup>th</sup> November, 2005**.

## When do you apply for a Club Premises Certificate?

There are three basic scenarios that determine when you need to apply.

1. You already supply alcohol and / or provide regulated entertainment and want to carry on trading as you are now.
2. You already supply alcohol and / or provide regulated entertainment and want to change how you currently operate.

If you want to vary the conditions of your Club Premises Certificate – perhaps you want to have some form of entertainment or change your hours. Please complete application form ALL15.

3. You do not presently have a licence.

If you want to start up a club, then you must allow two calendar months from the time you apply to the time you wish to operate. Please complete application form ALL14 for this purpose. Also, applicants will need to complete the form ALL13 (declaration for a Club Premises Certificate to be granted).

Please note: even if your application for a licence is granted before the **24<sup>th</sup> November 2005** you cannot start trading with new hours, activities etc. until the above date.

## Why should you get a Club Premises Certificate?

If you carry out a licensable activity without a Club Premises Certificate (or Premises Licence) after the **24<sup>th</sup> November 2005**, you will be breaking the law.

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A Club Premises Certificate also brings with it considerable freedoms: the possibility of carrying out extra activities, the opening hours you and your members want and in general greater flexibility.

Furthermore, the granting of a Club Premises Certificate entitles a qualifying club to certain benefits:

- Supply of alcohol to members and sale to guests without a need for any member or employee to hold a Personal Licence.
- No need to specify a Designated Premises Supervisor
- More limited rights of entry for the police and authorised persons because premises are considered private and not generally open to the public.

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

You may request application forms from us by calling 01900 702720 or email [licensing@allderdale.gov.uk](mailto:licensing@allderdale.gov.uk). You may also download an application form from our website: [www.allderdale.gov.uk](http://www.allderdale.gov.uk).

There are four key parts to your application:

- the fee
- the Operating Schedule section of your application form
- the plan of your premises
- a copy of the club rules

## What information do you need to include on your application form?

Your application should be as detailed as possible, telling us about you, your premises and the activities you plan to carry out there after **24<sup>th</sup> November 2005**. It should also tell us what measures you intend to put in place to promote the licensing objectives.

## What is an Operating Schedule?

The Operating Schedule is formed through the completion of the application form, in which the applicant sets out details on how the premises is proposed to operate when carrying on licensable activities. It must include the following information:

- The licensable activities to be carried out.
- The proposed hours that the relevant licensable activities are to take place.
- Any other items that the premises are to be open to the public.
- Where alcohol is to be supplied, whether the supplies are proposed to be for consumption on and/or off the premises.
- Conditions that the applicant would like to volunteer as which will assist in meeting the successful promotion of the licensing objectives.
- Where the licence is for a limited period, the period required.

The Operating Schedule will be used by the responsible authorities to determine if sufficient measures are to be put into place to meet the 4 licensing objectives. Applicants are also recommended to include the proposed occupancy number for the premises in their operating schedule.

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The details of the Operating Schedule will influence whether or not they choose to make any representations about an application, which would lead to a hearing taking place. If no representations are made the conditions and restrictions placed on the Club Premises Certificate will be based on information contained in the Operating Schedule.

## What are the licensing objectives?

- Prevention of Crime and Disorder;
- Public Safety;
- Prevention of public nuisance; and the
- Protection of children from harm

## Who can you speak to for advice on promoting the licensing objectives?

Advice on promoting those objectives is available in our Statement of Licensing Policy or from guidance available on our website. Advice on each of the licensing objectives is also available from the responsible authorities who will be assessing your application.

When you are making a variation to your existing certificate(s) – new activities, new operating hours etc. – then your application may be subject to representations from all of the "responsible authorities" and "interested parties".

As well as looking carefully at what measures you intend to put in place to promote the licensing objectives; responsible authorities will be a very useful contact when you need help and expert guidance to fill out this part of your form.

- **Cumbria Constabulary** (for matters concerning preventing crime and disorder) Tel: 01900 602422.
- **Cumbria Fire and Rescue Service** (for matters concerning public safety) Tel: 01900 602543.
- **Environmental Health** (for matters concerning public safety and preventing public nuisance) Tel: 01900 702593.
- **Planning Department** (for matters concerning public safety and preventing public nuisance) Tel: 01900 326539 North – Wigton, Thursby, Maryport District Tel: 01900 702748 South – Workington, Cockermouth District Tel: 01900 702749 (or LDNPA (01539 724555) as appropriate according to the planning authority for your premises)
- **Health & Safety Executive** for matters concerning public safety where they are the responsible authority) Tel: 01228 539321.
- **Social Services** (for matters concerning protecting children from harm) Tel: 01900 325300.
- **Trading Standards** (for matters relating to under age drinking etc.) Tel: 01900 325980.

A number of guidance documents are available to applicants:

- Cumbria Police – Guidance for applicants
- Cumbria Fire and Rescue Service – Guidance for applicants
- British Beer and Pub Association – Noise control - [www.beerandpub.com](http://www.beerandpub.com)
- Health and Safety Executive - An Introduction to Health and Safety – [www.hse.gov.uk](http://www.hse.gov.uk)

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We would also recommend that you speak to "interested parties", that is local residents / local businesses to get their input on what you are planning to do and how you plan to promote the licensing objectives. In this way you can look to tackle any of their concerns in your Operating Schedule.

## Do you need to advertise your application?

1. Yes, if you are applying for a new certificate or variation. You must advertise by displaying a notice for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, which is:
  - 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;

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 area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

2. You must also advertise by publishing a notice:
  - in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;
  - on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant Licensing Authority.

## What do you need to include on your advertisement?

1. Both notices must contain a statement of the relevant licensable activities, which it is proposed will be carried out at or from the premises.
2. Both notices must also state:
  - i. the name of the applicant or club;
  - ii. the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified;
  - iii. the postal address and, where applicable, the worldwide web address where the register of the relevant Licensing Authority is kept and where and when the record of the application may be inspected;
  - iv. the date by which an interested party or responsible authority may make representations to the relevant Licensing Authority;
  - v. that representations shall be made in writing; and
  - vi. that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence.

For more information on adverts and advert templates please see Guidance Sheet 18(B).

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## Who are the "responsible authorities"?

In respect of new applications and variations applied for during the transitional period all "responsible authorities" have responsibility for assessing your variation application and are able to make relevant representations. Once granted, they can also request a review of your licence.

Please see the Licensing Authority's Guidance Document GD7 for full details of all the Responsible Authorities for the Allerdale Borough Council area.

## Who are "interested parties"?

- Local residents/residents associations or body representing
- Local businesses/trade groups or body representing

## What is a representation?

A representation is normally an objection relating to the whole of your application or to part of it. For example, if it was felt you were not putting sufficient control measures in place to prevent your members from disturbing local residents, then any one of the seven responsible authorities, or any interested parties, could make a representation.

## When can a representation be made?

Representations must be made within 28 consecutive days of the date the notice of application is displayed at your premises.

## Who can make a representation?

If you are applying to change the way you operate your business (a "variation") any of the seven responsible authorities or interested parties can make a representation.

Where no relevant representations are made by responsible authorities or interested parties, the Licensing Authority must grant the licence application subject only to the mandatory conditions and conditions or restrictions mentioned in the Operating Schedule.

If relevant representations are received, the Licensing Authority must hold a hearing and consider the representations.

This may result in:-

- The rejection of the application
- The attachment of conditions to the Club Premises Certificate, if this is necessary for the promotion of one or more of the licensing objectives

A hearing will also be held if there is a request for a review of the Club Premises Certificate or the Police use their powers to close the premises. At the hearing the Licensing Authority will review the certificate and consider whether to amend the certificate or any of the attached conditions.

Further information relating to hearings will be provided prior to the hearing or on request.

## How do you complete the application form?

When you come to fill out your application, please note there are guidelines at the back of each form, as well as a checklist at the end of each section within the form.

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Please ensure that your application is legible and in **BLACK** ink. Typed applications would be preferable.

**PLEASE NOTE:** if your application is found to be incomplete it will be returned to you for further information.

## **What information do you need to include in the plan of your premises?**

The plan of your premises must be 1:100 scale but we do have discretion to accept a different scale plan providing prior consent has been obtained.

The Government prescribed requirements for plans are contained within the Council's Guidance Document GD1.

## **On what basis can conditions be attached following an application for a new Certificate or for a variation?**

Depending on whether relevant representations are made by responsible authorities or by interested parties, the Licensing Authority may be recommended to attach appropriate conditions to your new or varied licence. However, conditions can only relate to the four licensing objectives and applicants are entitled to be consulted in this process before any such conditions are imposed.

In order to assist both applicants and responsible authorities, the Council has produced a Pool of Conditions designed to address the licensing objectives. When completing the Operating Schedule part of their new application, or for variation, applicants are encouraged to assess the likely impact of any changes (e.g. later opening times, different licensable activities) being proposed. In order to address any objections that may be made in respect of a new application or for a variation, applicants may wish to propose their own control measures from the Pool of Conditions. These conditions are contained within the Council's Guidance Document GD6, which is available on request.

Applicants are advised however that the Pool of Conditions is not a definitive list, and where appropriate, responsible authorities may recommend the imposition of other conditions not necessarily contained within the above document.

## **How much is the fee?**

The Government sets the fee. It is based on the non-domestic rateable value of your premises and will put you into a specific band.

<b>RATEABLE VALUE</b>	<b>BAND</b>
No rateable value to £4,300	A
£ 4,301 to £ 33,000	B
£ 33,001 to £ 87,000	C
£ 87,001 to £125,000	D
£125,001 and above	E

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BAND	INITIAL APPLICATION FEE	VARIATION FEE	ANNUAL FEE
A	£100.00	£100.00	£ 70.00
B	£190.00	£190.00	£180.00
C	£315.00	£315.00	£295.00
D	£450.00	£450.00	£320.00
E	£635.00	£635.00	£350.00

Please note: if you are in band D and your premises is primarily in the business of selling alcohol, multiply your initial application fee / annual fee by two to calculate the value you need to pay.

If you are in band E and your premises is primarily in the business of selling alcohol, multiply your initial application fee by three to calculate the value you need to pay.

A full list of fees covering all licensing activities and processes is contained within the Council's Guidance Document GD2.

## **Where can you find out the non-domestic rateable value of your premises?**

The information should be contained within the annual bill you receive from the Council. Alternatively, you can find out your non-domestic rateable value (NDRV) through the Valuation Office Agency. For further information you can visit their website: [www.voa.gov.uk](http://www.voa.gov.uk) or call their enquiry help line on 0845 6021507.

## **What do you need to send to the Licensing Office?**

Make sure you send all of the following to the Licensing Office:

- Completed application form ALL4 –
- Payment Fee (postal order, cheque or cash) – Please do not send cash payments through the post.
- The plan of the premises (in the prescribed format) – See Guidance Document GD1
- A copy of the Club Rules.

We cannot accept applications by email. All applications must be made by post to:

The Licensing Department  
Allerdale Borough Council  
Allerdale House  
Workington  
CA14 3YJ

Please note: if you do not include all of the above information, or your application is found to be incomplete, it will be returned to you for further information.

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## Where else do you need to send a copy of your application?

Send one copy of your application (items listed above not including the fee) to each of the seven Responsible Authorities contained within the enclosed Licensing Authority's guidance document GD7.

If you have any further queries please telephone 01900 702720 or email [licensing@allerdale.gov.uk](mailto:licensing@allerdale.gov.uk) or visit [www.allerdale.gov.uk](http://www.allerdale.gov.uk).