

Licensing Act 2003

Guidance to Applying for a New Club Premises Certificate

The following is intended as a guide to making an application for a club premises certificate. Stroud District Council cannot take responsibility or liability for any errors or omissions. You may wish to seek your own independent legal advice before making any licensing application to the Licensing Authority.

WHAT IS A CLUB PREMISES CERTIFICATE?

- ✓ A club premises certificate permits licensable activities to take place on club premises and permits those activities to be available to members of the club and their guests. Public access to the club premises is restricted
- ✓ The Licensing Act recognizes that clubs such as social and sports clubs are different to commercially run premises selling directly to the public. Clubs are generally organisations where members join together for a particular social, sporting or political purpose.
- ✓ These clubs purchase alcohol in bulk for their members and alcohol is supplied other than for profit
- ✓ There is no requirement for a designated premises supervisor for a club premises certificate and no requirement for a personal licence holder.

WHAT ARE LICENSABLE ACTIVITIES

- ✓ The supply of alcohol to club members and their guests
- ✓ The provision of regulated entertainment to club members and their guests

THINGS TO CONSIDER BEFORE MAKING AN APPLICATION

Before making an application the club should consider the following:

- ✓ What licensable activities the club aims to do in the future
- ✓ Any impact those activities may have on crime and disorder for example anti social behaviour from club members and guests when they leave the club
- ✓ Any nuisance that may be caused to neighbours such as noise from music or from club members and guests in outside areas
- ✓ Applications for hours that are late at night or in the early hours of the morning are more likely to cause concern to the responsible authorities or your neighbours
- ✓ If appropriate you may wish to discuss your intentions with the relevant responsible authorities **for example the Police and Environmental Health Noise Team**. This will save you time and effort and could avoid representations being made against your application.

HOW TO MAKE AN APPLICATION

The Club **must** do the following 8 points. Each point is explained in more detail further in this guidance.

1.	Submit to the Licensing Section the completed club premises certificate application form	<input type="checkbox"/>
2.	Submit to the Licensing Section plans of the club premises	<input type="checkbox"/>
3.	Submit to the Licensing Section a Club Declaration form	<input type="checkbox"/>
4.	Submit to the Licensing Section a copy of the club rules	<input type="checkbox"/>
5.	Pay the Application Fee to the Licensing Section	<input type="checkbox"/>
6.	Send copies of the above forms to all the responsible authorities at the same time as the application is submitted	<input type="checkbox"/>
7.	Place a blue notice at the premises from the day after the application is submitted and ensure it remains in place for 28 days	<input type="checkbox"/>
8.	Place a public notice in a local newspaper within 10 working days from the day after the application is submitted	<input type="checkbox"/>

All Application Forms are available on Stroud District Council's website www.stroud.gov.uk or by ringing the Licensing Section on 014353 754440. The completed forms and documents must be sent or handed in to: Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Gloucestershire, GL5 4UB

1. Submit a New Premises Application Form

Before you begin to fill out the application form you should read the notes at the end of the form

The application must be made in the name of the Club.

The second part of the application is called the operating schedule and in this part you must give the details of the licensable activities that you intend to undertake and on which days and at what times. Remember to include any non-standard times where you may wish to have different hours such as New Years Eve.

Licensable Activities - Boxes A – J

Box A: Plays

A performance of any dramatic piece to an audience

Box B: Films

Any exhibition of moving pictures unless it is to demonstrate a product, advertise goods or services or provide information, education or instruction. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

Box C: Indoor sporting event

This is a contest, exhibition or display of a sport to an audience. For example an organised darts final with an invited audience is licensable but a darts match between league teams is not.

Box D: Boxing or wrestling entertainment

This indoors or outdoors

Box E: Live music

Music includes vocal or instrumental music or any combination of the two. Please note that from October 2012 the following live music will be exempt from requiring a licence

- Between 8am and 11pm in venues licensed for on-sales of alcohol and live music is unamplified; or if amplified and there are 200 persons or less present.
- For premises not licensed for alcohol sales when the live music is unamplified and takes place between 8am and 11pm. Amplified live music in non-licensed venues will still require a Premises Licence or Temporary Event Notice.

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. For example, background likely to be considered to be incidental. If you have a jukebox or a disc jockey at your 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 the Licensing Team.

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 live music, recorded music or performance of dance

This could include Karaoke

Box I: Supply of alcohol

If you wish club members and guests to be able to consume alcohol on the premises, please tick 'on'. If you wish club members and guests 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'.

NB – Consumption of Alcohol.

Supply of alcohol is a licensable activity; however, consumption of alcohol is not. You should consider whether you need to include, within your club's licensed area, any outdoor areas in relation to consumption of alcohol so that alcohol consumed here can still be treated as on sales. If you want to have an outside area included within your club premises for consumption, you should identify this on your plans. If you choose to not include the outside area as part of the licensed area, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off sales would apply. It is a condition on all Club Premises Certificates that off sales must be supplied in sealed containers and to club members only.

Promoting the Licensing Objectives - Box L (a-e) This is an important part of the application. In this section, you are expected to consider and describe the steps you intend to take to promote the four licensing objectives. The licensing objectives are

- ✓ **Crime and disorder**
- ✓ **Public nuisance**
- ✓ **Public Safety**
- ✓ **Protection of children from harm**

The Responsible Authorities will look at this section to see what working practices will be put in place at the club to ensure that there are not going to be problems related to the licensing objectives. For example you may wish to explain that you will have CCTV to help prevent crime and disorder or you may ensure doors and windows are closed when music is being played to prevent noise nuisance. The information given by you in this section may form part of any conditions that could be attached to the club premises certificate if granted.

2. Submit Plans of the premises

Plans of the club premises to be licensed must be included with the application. The plans must be drawn to scale (1:100cm) and must show:

- ✓ Boundary of area to be covered by the club premises certificate – this may include outside areas. It is helpful if you outline this boundary in red ink
- ✓ Show the areas where different licensable activities will take place if appropriate including consumption of alcohol
- ✓ All access and egress points including escape routes
- ✓ Any fixed structures which may impact on the ability of individuals at the club to leave the building safely.
- ✓ Location of fire safety equipment

3. Submit a Club Declaration form

You must complete this form so that the Licensing Section can be satisfied that the club is operating as a bona fide club and is entitled to be able to hold a club premises certificate. Please see separate guidance on how to complete this form. The guidance is available on our website www.stroud.gov.uk or by ringing 01453 754440.

4. Submit the Club Rules

The Licensing Section will check the club rules to see if we are satisfied the club is operating as a bona fide club. If a club premises certificate is granted it will be in accordance with the club rules submitted. Things that we will look for in the rules include the provisions (if any) regarding guests and hiring out the club to members for events. (A club premises certificate cannot be used to authorise public events or public hirings).

5. Application Fees

The fee is dependant on the non domestic rateable value (NDRV) of the Club. This is not the same as the actual business rate which you pay, but it is a value determined by the Valuation Office. The NDRV of any premises can be checked on the Valuation Office Agency's website www.voa.gov.uk. Please see the end of this guidance for a full list of fees.

Once a Club Premises Certificate is granted the club will have to pay an annual fee on the anniversary of the grant date.

Payment is made to Stroud District Council and can be made using the following methods

- Cheque made payable to 'Stroud District Council'
- Cash/card at the Council Offices between the hours of 10am-4pm
- Telephone using a credit/debit card – please call 01453 754440 during the hours of 10am-4pm.

5. Give copies of the application to the Responsible Authorities

You must give a full copy of your application and the plans to all the responsible authorities on the same date that your application is given to Stroud District Council. Stroud District Council's list of Responsible Authorities is available on our website www.stroud.gov.uk or contact the Licensing Section on 01453 754440 for a copy of the list.

Your application will be invalid if subsequently it is found that you have not done this. For your own benefit you may wish to get a receipt for the application and copies delivered or send them by registered post and keep the receipts/tickets as evidence that they have been delivered/sent.

6. Blue Notice at the Club

It is the club's responsibility to advertise the application by displaying a pale blue notice – size at least A4, with black printing or type equal to or greater than font size 16 placed in a prominent position at or on the premises concerned where it can be conveniently read from the exterior of the premises. If the premises cover more than 50 metres square, further blue notices must be placed every 50 metres along the external perimeter of the premises abutting any highway.

This notice must be displayed for not less than 28 consecutive days following the day on which the application was given to the Licensing Authority.

Your application will be invalid if subsequently it is found that you have not done this.

A blank notice is available on Stroud District Council website www.stroud.gov.uk or by ringing the Licensing section on 01453 754440. The notice must include the following

- (a) The name of the Club.
- (b) The postal address of the Club
- (c) A summary of the licensable activities applied for.
- (d) The web address www.stroud.gov.uk where the licensing authority register is kept and Stroud District Council's details where the application may be inspected which is the Licensing Section, Environmental Health, Stroud District Council, Ebley Mill Westward Road Stroud Glos. GL5 4 UB. Phone 01453 754440, e-mail: licensing@stroud.gov.uk
- (e) The dates between which representations can be made to the relevant licensing authority about the application – this will be 28 days from the day after the application was submitted to the Licensing Section at Stroud District Council
- (f) A statement that representations shall be made in writing
- (g) A statement 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.

7. Newspaper Advertisement

You must advertise your application in a local newspaper circulating in the vicinity of the premises, such as the Stroud News & Journal, Dursley Gazette or the Citizen. The newspaper notice must be circulated on at least one occasion within 10 working days, starting on the day after the application was given to Stroud District Council Licensing Team. The newspaper notice should contain the same information as detailed above for the blue notice.

Your application will be invalid if it subsequently is found that you have not done this

WHAT HAPPENS NEXT?

When we receive your application we will acknowledge in writing its safe receipt and confirm whether it is valid.

The responsible authorities or any other person can make representation about your application. A representation must relate to one or more of the Licensing objectives. Representations must be made during the 28 days from the day after the application was submitted to the Licensing Section.

The responsible authorities may contact you during the representation period to discuss any concerns they may have

If there are no relevant representations from the responsible authorities or other persons your club premises certificate will be granted at the end of the representation period in the terms that you applied for.

However, if a relevant representation has been received, the Licensing Section will arrange a hearing before a panel of the Licensing and Regulation Committee. The date for this will be within 20 working days from the end of the representation period. The applicant and all relevant parties that submitted representations will be invited to attend the hearing. At the hearing all parties will have an opportunity to put forward their case and the hearing panel will then make a decision. The decision may be:

- ✓ Grant the club premises certificate in the terms applied for
- ✓ Grant the club premises certificate with conditions. This could include reduced hours or removing a licensable activity
- ✓ Refuse the application

Appeals

Any person aggrieved by the decision of the hearing has a right to appeal to the Magistrates Courts within 21 days of being notified of the decision.

HOW MUCH WILL IT COST?

The fees are based on the non-domestic rateable value (NDRV) of the club and are outlined in the table below:

NDRV Band	A £0 - £4,300	B £4,301 - £33,000	C £33,001 - £87,000	D £87,001 - £125,000	E £125,000 and over
Application Fee	£100	£190	£315	£450	£635
Annual Fee	£70	£180	£295	£320	£350

To find out the non-domestic rateable value of your premises, enter your postcode into the Valuation Office's website, www.voa.gov.uk.

For premises under construction that have not yet been allocated a non-domestic rateable value will be charged at Band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

If you are unsure of the fee to pay please contact the Licensing Section at Stroud District Council.

WHERE CAN I GET MORE HELP AND ADVICE?

Contact the Licensing Section

Address:	The Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Westward Road, Stroud, Glos. GL5 4UB If you wish to call into the Offices to speak to someone from the Licensing Team we advise that you ring first and make an appointment		
Email:	licensing@stroud.gov.uk	Phone:	01453 754440
Web:	www.stroud.gov.uk	Fax:	01453 754963