



Environmental and Health Services
Civic Centre, Riverside, Stafford, ST16 3AQ

Licensing Act 2003 – Applicant Guidance for a Club Premises Certificate or Variation.

The Licensing Act 2003 recognises that volunteer and social clubs give rise to different issues for licensing law than commercially run premises selling direct to the public. These clubs (such as the Royal British Legion, working men's or cricket or rugby clubs) are generally organisations where members join together for a particular social, sporting or political purpose and then combine to purchase alcohol in bulk for its members. The clubs carry on activities from premises to which public access is restricted and alcohol is supplied other than for profit. For these reasons the 2003 Act affords clubs special treatment outside the normal premises licence arrangements.

Clubs which meet specified criteria set out in the 2003 Act are known as "qualifying clubs" and the authority under which they may supply alcohol and conduct other "qualifying club activities" from their premises is a club premises certificate issued by the licensing authority (Stafford Borough Council). The grant of a club premises certificate means that a club is entitled to certain benefits, which include 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, and the absence of a requirement to specify a designated premises supervisor. There are also more limited rights of entry for the police and other authorised persons, as the premises are considered private and not generally open to the public.

Clubs should carefully consider whether they should apply for a club premises certificate or a premises licence. As committee members in clubs change from time to time please ensure that the Stafford Borough Council Licensing Team are kept abreast of these changes. Please be aware that it is an offence not to inform the Council when the person who fills the role of secretary changes.

You may not apply for a club premises certificate if you or any of your committee members are under 18 years of age.

Licensing objectives

The Act lays out 4 licensing objectives.

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

Licensable activities

There are four licensable activities contained within the Act:-

- The sale of alcohol by retail (Designated Premises Supervisor required who holds a Personal Licence)
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The provision of regulated entertainment
- The provision of late night refreshment (i.e. The provision of hot food or drink for consumption on or off premises between 11pm and 5am)

Club Premises Certificate

To be classified as a qualifying club a number of general conditions must be met. 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 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;
- 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;
- To qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met;
- 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 club as a whole.

Which activities does a club premises certificate authorise?

A club premises certificate may authorise the conduct of any of the qualifying club activities, namely:-

- the supply of alcohol by or on behalf of the club to, or to the order of, members of the club;
- 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;

However, you will have to specify in the club-operating schedule the qualifying club activities to which the application relates.

Applying for a Club Premises Certificate or Variation

An application for a club premises certificate or variation must be made to Stafford Borough Council. To make an application you must submit:-

- a completed application form;
- a club operating schedule;
- a plan of 1:100 scale (unless otherwise arranged with Stafford Borough Council, Licensing Team) of the premises which should include the following details:
 - 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
 - The location of points of access to and egress from the premises
 - If different from the above point, the location of escape routes from the premises
 - In a case where the premises is used for more than one licensable activity, the area within the premises used for each activity
 - 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
 - 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

- In a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts
- In a case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms
- The location and type of any fire safety and other safety equipment
- The location of a kitchen, if any on the premises
- a copy of the clubs rules and a declaration that the club is a qualifying club
- fee
- any current certificates (not applicable for new applications)

You must submit a copy of your application to all “Responsible Authorities”, contact details of the responsible authorities in Stafford Borough can be found under contact details. For your own benefit you may wish to get a receipt for the delivery of the application or send the application by registered post and keep the tickets as evidence that the applications have been sent.

Operating Schedule

An operating schedule is a required document for all new applications or variations for a club premises certificate. It is the documentation that outlines what activities are proposed to be permitted, when the activities will take place and how the activities will be managed and the overall opening hours when the public are permitted on the premises.

It is advisable to apply for the maximum amount of hours for any activity.

One of the most critical parts of the operating schedule is the section is where the applicant describes the steps they intend to take to promote the four licensing objectives. Careful consideration of what is entered is advised. What is written in this section may become a condition of the licence.

General

Signage – Good signage can operate at many levels. At the door, clear signs can clarify the premises policy regarding any age restriction policies such as “over 18s only”, “over 21s only” or “no unaccompanied children”. Whether signs repeat the law or express the policy of the premises it can act as a deterrent and as a tool for staff enforcing the law or the premises policy in a non-confrontational manner. However, it is certainly not the wish of Stafford Borough Council to turn all licensed premises into notice boards. Signs should be used if there are specific problems, or where there is a need to demarcate certain areas for particular activities. Some examples of signs that could be used may include:

“CCTV operates in this area and lawlessness will be reported to the police”

“This premises operates a zero tolerance drugs policy”

“Proof of age for purchase of certain goods may be required”

“Supervised children are welcome in the restaurant area before 8pm”

“No drinks allowed in this area/beyond this point”

Staff training – Well trained staff are a real asset to any business. Critical areas of staff training in licensed premises should include a good knowledge of what is and is not permitted on the premises. The chain of command of a licensed premises is very important, particularly premises retailing alcohol, which must have a designated premises supervisor, to have a well defined management structure especially for when the designated premises supervisor is not physically on the premises. An example of best practise would be that the duty manager signs in for duty in a logbook so that it is clear for everybody who is in charge of the premises at any particular time. It would also be considered best practise for all duty managers to be personal licence holders so that the required knowledge level can be assured when the designated premises supervisor is not physically present, although this is not a statutory requirement. Other key areas that should be covered include:

- What to do if they think that there is a customer behaviour problem or is likely to occur.
- What to do and any special responsibilities in case of fire or any other need to evacuate the premises.

- Where the supply of alcohol is concerned or where any age restriction is applicable training should be given and maintained as to what is acceptable proof of age identification and what is not, as the names of cards may change over time and new cards offered the PASS accreditation.
- Where applicable, staff should know what would be expected of them if an incident occurred and potentially that if a court case ensued that they may have to give evidence.
- What is the premises drug policy and what to do if drugs are found on the premises.
- What to do if they feel threatened into making an illegal sale and how best to avoid such situations

Moreover, if staff members are well trained they may feel more confident to be more proactive in keeping trouble out of the premises. The best way to arrange this is to have a document which details what the staff training consists of and documentation to show that each member of staff is familiar with the material. This document may be referred to in the operating schedule. Where agency staff are used, be sure that they have received a thorough briefing of what their role is and where possible try and re-use the same staff so that they get to know the premises and clientele.

Drinks promotions should never encourage binge drinking. Consideration of the implications on the community should be considered whenever an alcoholic drinks promotion occurs. A statement to clarify the drinks promotion policy of the premises is advisable where relevant.

Special consideration should be made regarding the licensing objectives when special events such as football events or other local or national events and how these events will impact the local community and what can be done to minimise the negative impact.

The Prevention of Crime and Disorder

Details of any off-premises and/or on-premises CCTV and suitable signs associated with the CCTV. If installing a new CCTV system advice from the appropriate department of Staffordshire Police should be sought in case the material is needed for evidence.

Membership and regular attendance of meetings of a crime reduction group such as Pubwatch or Shopwatch can help stop known troublemakers entering your premises. Pubwatch, Shopwatch and the Police can share information between each other, this could include incidents such as resale of stolen goods, recent outbreaks of trouble and information of crimes against businesses. Pubwatch bans do have serious repercussions on the social lives of the people affected. They may have to travel much greater distances to frequent licensed premises and as such they cannot socialise with their friends in the same way. As such, up to date Pubwatch or Shopwatch signage can act as a deterrent. In addition both Pubwatches and Shopwatches in Stafford operate two way radios so that information about incidents actually happening can be quickly spread around all the premises involved in the scheme. The local police also have a radio on the scheme so can be summoned quickly or can arrange for town centre CCTV to record any particular activity. Pubwatch and Shopwatch membership would be considered best practise for many premises located in town centres where the supply of alcohol is an authorised activity.

Where appropriate, the operating schedule may specify details of when the use of plastic or toughened glass will be applied as defined by a risk assessment. Plastic may be preferable for use in outside areas where broken glass could be difficult to clear up or where there may be an increased level of rowdiness such as when and where national/international sporting events are televised.

Where the entrance of the premises faces onto a street affected by a bye-law restricting the public consumption of alcohol, open containers may not be taken from the premises. Signs to reinforce that only drinks purchased on the premises may be consumed on the premises could be advisable.

Records kept of any crime or disorder incidents and where sales of alcohol have been refused will help police and local authority co-operation.

Ensuring adequate staffing so that at busy times staff are regularly checking all areas of the licensed premises including toilets and other areas that are not easily visible from the bar.

Public Safety

Risk assessment – this is a requirement under the Health and Safety at Work Act 1974 and where there are 5 or more employees the significant findings must be recorded in writing. It may include a fire risk assessment as required under Fire Precautions (Workplace) regulations 1997 and will apply to all non-domestic premises following the Regulatory Reform Order likely to take effect in 2005.

Applicants should consider, as a basic requirement, areas such as electrical safety, building integrity, and heating installations as a matter of course and reassess these following any major refurbishments, repairs, and general maintenance.

Indication of capacity – It is the responsibility of the manager to do a risk assessment of the business. Staffordshire Fire and Rescue Service recommend 0.5 m² per person standing or dancing and 1m² per person seated. Ease of exit in case of emergency may affect these numbers as does any fixed furniture and or fittings. Please specify if your premises has a capacity of less than 200 people as there is an exemption under section 177 of the Licensing Act 2003 where:

- A club premises certificate authorises the supply of alcohol for consumption on the premises and the provisions of “musical entertainment” (live music or dancing or facilities enabling people to take part in those activities),
- The relevant premises are used primarily for the supply of alcohol for consumption on the premises, and
- The premises have a permitted capacity limit of not more than 200 persons (including staff and performers) any conditions relating to the provision of music entertainment imposed on the premises licence or club premises certificate by Stafford Borough Council, other than those set out by the licence or certificate being consistent with the operating schedule, will be suspended except where they were imposed as being necessary for public safety or the prevention of crime and disorder or both.

The nature of the business is an important factor. Do describe the style of premises; e.g. traditional public house, modern exclusive restaurant, cinema complex, etc. Do describe the nature of clientele; young people who want to dance, all age groups, family friendly, people interested in sports. Where the premises is located; amongst residential housing including adjoining properties, amongst business premises that are not operational during the evenings. Describe the geographical location; town centre, rural village or hamlet, suburban area.

Door staff – When to employ door supervisors and the number that may be required is down to risk assessment. Managers should be sensitive to local and national events such as major football events, even if your premises are not involved directly. Door supervisors can offer many benefits such as helping to keep under-18s out of businesses where the retail of alcohol for the consumption on-site is the predominant licensable activity. Please be sure that SIA licences for front line or non-front line style of work are in order.

The prevention of public nuisance

Closure of outside areas after a certain time is encouraged to be included in your operating schedule. It is advisable that no regulated entertainment is carried out in outside areas in the evenings without prior consultation with the licensing authority. Noise can also be contained by keeping windows and doors shut, by installing double glazing where appropriate and keeping ventilation equipment in good order. Using performers of regulated entertainment to remind customers to respect the premises' neighbours and leave quietly has proved successful.

Protection of children from harm

Do make a statement regarding the child admission policy of the premises detailing any restrictions.

Signage can be very important in the protection of children from harm – it can be helpful to remind parents and guardians that it is illegal to be intoxicated and in charge of children under the age of 7 years of age, particularly where the sale of alcohol is for consumption on the premises. It is also important to have children supervised at all times in these types of premises. It is expected in your

operating schedule if children are permitted on the premises to demarcate any areas where children are not allowed, these may be bar areas, in areas with amusements with prizes or a strong element of gambling, suitable refreshments should also be available at all times when children are permitted. Do make sure that children needing to use the toilets can get there without crossing areas within which they are not permitted.

The Responsible Authority will expect applicants for licences to demonstrate that they have ensured that all their frontline staff have received adequate training on the law with regard to age restricted sales and that this has been properly documented and training records kept. Ideally, suitable training material should be issued to all staff and their understanding of the material checked through appraisals and by means of a short written test. Group training sessions amongst all staff are to be encouraged in order to discuss compliance with the legislation. Records of the material issued, appraisal meetings and any tests taken must be kept on the premises in the employee's personnel file and must be made available for inspection by the Licensing Officer, Trading Standards or the Police if requested. Training will need to be refreshed periodically.

The Responsible Authority will expect staff training to include a basic understanding of the law and a requirement of checking identification for proof of age through a secure system. Ideally, identification should be a photo driving licence or passport, but other 'proof of age' cards are available – the most secure are Connexions Cards, Citizencard and the Portman card. Other cards must be treated with caution because some have been shown to be insecure. Trading Standards will expect that training for staff will ensure their competency to challenge purchasers. Trading Standards regularly find that some employees engaged in selling alcohol are incapable of confronting and challenging the under-18's because they lack the confidence to do so and are concerned at the prospect of a dispute. Employees who are not prepared to challenge in this way are unsuitable and should not be given the responsibility of selling alcohol.

Licensees or employees actually engaged in selling alcohol will need to have a reasonable understanding of English in order to effectively question purchasers so that they can be satisfied that the purchaser is over 18 years of age.

The Responsible Authority will actively encourage licensees to keep registers of refused sales (refusals books) where sales of alcohol and any other age-restricted goods have been refused for any reason. Keeping such records helps to demonstrate that the responsibilities for checking the ages of purchasers are being taken seriously. Refusals books should be kept on the licensed premises and be made available for inspection by the Licensing Officer, trading Standards or the Police.

Particularly in premises where alcohol is not the main product sold – for example, in food retailers and corner shops – the Trading Standards will actively encourage the use of warning messages where an electronic point of sale system (EPOS) is in use. Such a warning system can help employees and as it prompts them to check the age of purchasers of alcohol or other age restricted products when they are presented at the check-out.

What happens next?

The applicant has a duty to advertise their application/variation. They must display a minimum size A4 notice on pale blue paper in black ink, **font size 16**, in a prominent position at or on the premises concerned, which will detail the changes. This notice must be displayed for not less than 28 consecutive days. If covering a large area, the notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway. The applicant must also advertise their application in a local newspaper circulating in the relevant part of Stafford Borough. The newspaper notice must be circulated on at least one occasion not more than 10 working days after the giving of the application to Stafford Borough Council Licensing Team, both the newspaper notice and the notice for the application will contain the following information:

- The relevant licensable activities proposed to carry on at the premises
- The proposed changes of the application (what makes the application a variation)
- The name of the applicant

- The postal address of the premises, or if not applicable a description of the premises concerned
- Details of where the register of Stafford Borough Council is held and where it can be inspected
- The dates between which an interested party and a responsible authority may make representations to Stafford Borough Council Licensing Team
- A statement that all representations must be made in writing
- 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

If there are no representations within the 28 consecutive days and a complete application form has been submitted with the appropriate fees and other paperwork, including the appropriate notices in the papers and on the premises, the licence will be granted.

However, if representation from any interested parties or responsible authorities has been received, the licensing team will decide whether the representation is relevant. If the licensing team find the representation relevant it may be possible for either of the parties, should they so wish, to arrange a mediation meeting to try and find a reasonable compromise. If this informal process is unsuccessful a hearing before the licensing committee will be arranged. All relevant parties will be notified. A decision will be made by the licensing committee or sub-committee at the hearing and the details of that decision will be circulated to the parties concerned.

Once the new licence is granted it will take effect immediately.

The applicant does have the right to appeal against the Council's decision and this should be made to the magistrates appropriate to the location of the premises concerned. Professional advice should be sought where it is uncertain what the best course of action should be.

Fees

Fees for all licensing act 2003 permissions have been set by Central Government. The fees are based on the non-domestic rateable value of the premises. These are divided into 5 bands:

Band	A	B	C	D	E
Non-Domestic rateable value	£0 - £4300	£4,301 - £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 and over

Applications for a club premises certificates or variations (but not changes of name and address).

A	B	C	D	E
£100	£190	£315	£450	£635

Fees will be annually payable by those holding club premises certificates as follows:

A	B	C	D	E
£70	£180	£295	£320	£350

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

There are other occasions that fees and charges must be paid to Stafford Borough Council:

Occasion on which a fee may be payable	Who should be sent copies of application other than Stafford Borough Licensing Team	All fees are to be paid to Stafford Borough Council
Club Premises Certificate	<ul style="list-style-type: none"> • Staffordshire Police • Staffordshire Fire and Rescue • SBC Planning • SBC Health and Safety or Health and Safety Executive • Child Protection • Trading Standards • Advertise in local paper 	Please see above as dependent of Non-domestic Rateable Value
Variation of club premises certificate	<ul style="list-style-type: none"> • Staffordshire Police • Staffordshire Fire and Rescue • SBC Planning • SBC Health and Safety or Health and Safety Executive • Child Protection • Trading Standards • Advertise in local paper 	Please see above as dependent of Non-domestic Rateable Value
Supply of copies of information contained in register	N/A	Set By Stafford Borough Council
Application for making a provisional statement	<ul style="list-style-type: none"> • Staffordshire Police • Staffordshire Fire and Rescue • SBC Planning • SBC Health and Safety – if in on council land Health and Safety Executive • Child Protection • Trading Standards 	£315.00
Application for copy of certificate or summary on theft, loss etc of certificate summary	N/A	£10.50 in all cases
Notification of change of name or alteration of club rules	N/A	£10.50 in all cases
Change of relevant registered address of club	N/A	£10.50 in all cases
Notice of interest in any premises	N/A	£21.00

For premises under construction, and have not been allocated a non-domestic rateable value but will be given such a value as soon as a completion certificate is given. In these cases it is proposed to

allocate such premises to band C. Subsequent annual fees will relate to the non-domestic rateable value given to the property.

Offences

- To carry on or attempt to carry on a licensable activity on or from any premises other than under or in accordance to with the authorisation provided by a club premises certificate meeting the required conditions.
- To knowingly allow such an activity to be carried on.
- Where an unauthorised activity has taken place, any performer or participant does not commit an offence unless they are involved in the organisation or arrangement of the unauthorised activity.
- It is an offence to expose alcohol for sale when not an authorised activity.
- To keep alcohol with the intention of selling it by retail or supplying it by or on behalf of a club or to the order of a member of a club where the sale of supply would be an unauthorised licensable activity.

Offences concerning children are as follows:

- Unaccompanied children are prohibited from certain premises such as premises at a time open for the purposes of being used for the supply of alcohol for consumption there and all relevant premises used for the supply of alcohol for the consumption there between the hours of midnight and 5am.
- Sale of alcohol by retail to an individual under the age of 18 is illegal.
- Clubs commit an offence if alcohol is supplied to a member or guest who is under the age of 18.
- It is an offence to allow the supply of alcohol to children from your premises.
- It is an offence for an individual aged under the age of 18 to buy or attempt to buy alcohol.
- It is an offence to buy or attempt to buy alcohol on behalf of an individual who is under 18.
- However, no offence is committed if a person over the age of 18 buys beer, wine or cider for an individual aged 16 or 17 if the purchase, or supply, is for consumption at a table meal on relevant premises and that the individual is accompanied at the meal by an individual aged 18 or over.
- An individual under the age of 18 commits an offence if he knowingly consumes alcohol on relevant premises.
- A person who works on relevant premises in any capacity, whether paid or unpaid commits an offence if he knowingly delivers to an individual aged under 18 alcohol sold on the premises, or alcohol supplied on the premises by or on behalf of a club to or to the order of a member of a club.
- A person commits an offence if he knowingly allows anyone else to deliver to an individual aged under 18 alcohol sold on relevant premises.

How long does a club premises certificate last?

A club premises certificate has no time limit and will continue to have effect unless it is withdrawn by the licensing authority following an application for the review of the certificate, if the club ceases to be a qualifying club or it lapses on surrender by the club. There is an annual fee payable to Stafford Borough Council (see table of fees above).

Will door supervisors have to be licensed by the Security Industry Authority?

No. If a qualifying club under the authorisation of a club premises certificate decides to have door supervisors for a particular event there is no mandatory condition in the Licensing Act 2003 that states they will have to be licensed by the Security Industry Authority.

Reviews

An interested party or responsible authority can, at any time, apply to Stafford Borough Council for a review of a Club Premises Certificate on a ground relating to the licensing objectives. The person or body requesting the review must notify the holder of the Club Premises Certificate and each responsible authority of their request. Stafford Borough Council must advertise the application for the review and invite representations from responsible authorities and interested parties.

Stafford Borough Council can reject any ground for the review if it considers it be frivolous, vexatious or a repetition. If not rejected, Stafford Borough Council must hold a hearing to consider the application.

Contact Details

Consultation with all responsible authorities should be encouraged prior to the submission of the application. Stafford Borough Council licensing staff will offer time to assist applicants if necessary.

ORIGINAL APPLICATION AND FEE (IF APPLICABLE) TO: The Licensing Team Environmental and Health Services Stafford Borough Council Civic Centre Riverside Stafford ST16 3AQ Contact: 01785 619745 ehlicensing@staffordbc.gov.uk	
RESPONSIBLE AUTHORITIES	
Police Licensing Officer - Southern Licensing Department Burton Police Station Horningslow Street Burton Upon Trent Staffordshire DE14 1PA Contact: Tel: 01785 238222, Fax: 01785 233772 southern.licensing@staffordshire.pnn.police.uk	Fire Safety Office – Licence Applications Stafford Fire Station Beaconside Stafford ST18 0DD Contact: stafford.firesafety@staffordshirefire.gov.uk
Child Care Manager Walton Buildings PO Box 11 Martin Street Stafford ST16 2LH Contact: greg.williams@staffordshire.gov.uk	The Head of Environmental and Health Services Stafford Borough Council Civic Centre Riverside Stafford ST16 3AQ Contact: rsimpson@staffordbc.gov.uk Unless the enforcing authority for health and safety at your premises is the Health and Safety Executive in which case the Responsible Authority for Health and Safety will be: The Health and Safety Executive Lyme Vale Court Lyme Drive Parklands Business Park

	Newcastle Road Trent Vale Stoke-on-Trent ST4 6NY
Planning and Engineering Services Stafford Borough Council Civic Centre Riverside Stafford ST16 3AQ Contact: gletcher@staffordbc.gov.uk	Trading Standards Staffordshire County Council Community Safety Team 14 Martin Street Stafford ST16 2LG Contact: brandon.cook@staffordshire.gov.uk

Further information on The Licensing Act 2003 may be obtained from:-
Stafford Borough Council, The Licensing Section, Civic Centre, Riverside, Stafford, ST16 3AQ