

NEW CLUB PREMISES CERTIFICATE GUIDANCE

This Guidance is intended to help applicants complete the application form. Further information about the Licensing Act 2003 and other sources of help can be found on the DCMS website www.culture.gov.uk.

If you have any queries about completing the application form please contact **Mid Devon District Council**. Alternatively, you may also wish to consider other sources of advice such as a relevant trade body, or by engaging professional assistance, such as legal advice.

The following is an extremely brief run through of important points for the application:

- All relevant sections of the application form must be completed in full
- Payment must be made before the application can be accepted
- If you are applying by post (hard copy) you must send copies of the application to all responsible authorities
- You must include a plan of the premises that complies with the regulations
- You must display a notice advertising the application outside the premises
- You must advertise your application in a publication circulated in the vicinity

We have no choice but to reject any application that does not comply with the legislative requirements. Information concerning each point above is given in the guidance that follows.

Will the licensing authority check that a club's rules meet the criteria for being a qualifying club?

The regulations require that clubs submit a 'club declaration' form and a copy of the club rules with the application. The licensing authority will determine whether the club rules meet the conditions of the Act for qualifying clubs in relation to qualifying club activities. The club secretary must give the licensing authority notice of any change in the name of the club or alteration of the rules (even when the club has made an application for a club premises certificate which has not yet been determined). A licensing authority may reject an application for a club premises certificate if it appears that the club does not satisfy the conditions for being a qualifying club in relation to the activities on the certificate.

Club Declaration Form

A 'Club declaration form' should accompany your application for a club premises certificate. Club declaration forms can be obtained from the Mid Devon District Council website. This form is a declaration that your club meets qualifying club status and must accompany your application for a club premises certificate.

There are three sets of questions relating to the club rules or arrangements that will allow the licensing authority determine whether the club rules meet the conditions of the Act for qualifying clubs in relation to qualifying club activities. Only one set of questions should be completed, depending on what type of club is applying. Registered societies under the Industrial and Provident Societies Act 1965 or the Friendly Societies Act 1974 and registered friendly societies under the Friendly Societies Act 1992 should complete the questions in section 1. Miners' welfare institutes should complete the questions in section 2 and applicants for clubs not falling into these categories should complete the questions in section 3. It is an offence to make a false statement, which on conviction is liable to a fine of up to £5,000.

Completing the form

In the opening statement, you should insert the name of the club that is applying for a club premises certificate e.g. 'Smith Social Club'.

PART 1: Club premises details

This section asks for the address and some other details of the club premises. If the club premises has no postal address, you should describe the location of the premises or give the Ordnance Survey map reference.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates which you pay, but is a value determined by the Valuation Office, which helps determine business rates. The NDRV will determine the fee level to be paid with the licence application and the annual fee thereafter. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. Premises that do not have a NDRV are treated as falling into Band A for licensing fee purposes.

PART 2: Club Operating Schedule

You should state the date you would like the certificate to start. A club premises certificate will last indefinitely, unless otherwise stated in the box provided.

General description of the club premises

You are asked to describe the club premises. For example the type of premises, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any areas that you intend to provide for people to consume alcohol that you supply, such as outside areas e.g. beer gardens.

5,000 or more people attending

It is not necessary to complete this box if you think that less than 5,000 people will attend the club premises at any one time. The figure relates to the maximum number of people on the club premises, including employees, at any one time – not the total number over a period of time. It is important to note that the attendance figure relates to the ‘licensed club premises’ (i.e. the licensed area of the club identified in the plan) and not areas that are outside the ‘licensed club premises’. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure.

Do premises with club premises certificates have to pay the additional fee for large events?

Under the Licensing Act 2003 (Fees) Regulations 2005; the additional fee for large events does not apply to licensable activities being conducted under a Club Premises Certificate. However, to allow proper scrutiny of the application, it is still necessary to complete this section if 5,000 people or more will attend the premises at one time. It is an offence to make a false declaration in the application, which could lead to a £5,000 fine.

Should we include our beer garden on our club premises certificate?

That is for you to decide. In doing so, you will want to consider whether you might want to use the garden at some point in the future to supply alcohol – perhaps an outdoor bar at a barbeque or possibly through waited drinks service. Also, if you do not include the garden as part of the licensed premises, drinks that are bought to be consumed there will count as off supplies and any conditions that relate to off supplies would apply. If the beer garden is being provided for consumption of off-supplies, you must include a description of where the place is and its proximity to the premises.

Qualifying club activities

You should indicate what licensable activities you wish to carry on by ticking the appropriate boxes. In considering what to put in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are licensable activities under the Act. After this, you should complete the corresponding boxes from A to L that relate to those activities. Only complete the boxes that relate to the activities you have ticked.

You should give timings using the 24-hour clock and only give details for days of the week when you intend the premises to be used for the licensable activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include, for example, longer hours or additional days during the summer. The space marked 'non-standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve or weekends preceding bank holidays.

Do clubs have to be licensed to supply hot food and drink after 11pm?

No. The supply of hot food and drink to members of recognised clubs and their guests is exempt from the licensing requirements.

Under ‘non-standard timings’ can I say that I will open late to cover Rugby World Cups, Australian Rules Football, or sporting events overseas that are broadcast late at night or early morning in the UK?

You can include whatever licensable activities you like, but should think about how these might be viewed by responsible authorities or interested parties. It might be worth talking to your licensing authority and the relevant responsible authorities first to see what conditions, if any, you might offer to reassure any concerns.

If a club puts on entertainment exclusively for its guests, and does not charge, would this be classified as a private event that does not need licensing?

No, this would require a licence. The definition of regulated entertainment in the Act includes entertainment that is provided for members of a club that is a qualifying club in relation to the provision of regulated entertainment.

Except in box C (indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

BOXES A – K (Provision of regulated entertainment)

BOX A: Plays

A performance of any dramatic piece (including rehearsal), whether involving improvisation or not, which is given wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, or if it consists or forms part of an exhibit put on show

for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display of any sport in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and could be a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the Act. But note that other activities at such venues (such as the supply of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

If the club is authorised to be used for the supply of alcohol for consumption on the premises and any performance takes place in front of an audience of no more than 200 people, then you do not need authorisation to play amplified live music between 8.00am and 11.00pm.

Authorisation for amplified live music between 11.00pm and 8.00am is required, regardless of the size of the audience. Also, authorisation is required at all times where the audience is more than 200 persons. Likewise, authorisation is not required to play unamplified live music between 8.00am and 11.00pm, but is required between 11.00pm and 8.00am at all venues, regardless of the size of the audience.

Authorisation is not required for the performance of live music if the performance is incidental to some other activity that is not in itself regulated entertainment.

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. If you have a jukebox or a disc jockey at your club premises you need to consider whether, in your particular case, this is incidental music or whether it is a licensable activity. If in doubt, contact the Licensing Business Unit.

BOX G: Performances of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the playing of live or recorded music that forms an integral part of such dancing.

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance**BOX I: (supply of alcohol)**

If you wish people to be able to consume alcohol on the premises, please tick 'on'. If you wish people 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'.

BOX J: Hours club premises are open to member and guests

While this may include times where no licensable activities take place, it is important for responsible authorities, interested parties and the licensing authority to know how long your premises is open in addition to the times where licensable activities will take place. For example, it might be necessary and proportionate to ensure that licensable activities finish in good time before the club premises closes to allow orderly departure.

BOX K

This asks you to give information about anything to occur at the club premises or ancillary to the use of the club premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. You do not complete this section if it does not apply to your premises, but rather than leave blank, it would be better to write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

L – Steps to promote the licensing objectives

You are asked to describe the steps you intend to take to promote the four licensing objectives:

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

Don't forget that you should already be abiding by relevant legislation in other areas. Your starting point should be compliance with these requirements. If you feel there is nothing more you need to do, then it is probably better to write 'N/A' or something like 'nothing beyond existing Health and Safety/Fire Safety etc. requirements'. This shows you have considered the objectives and come to a decision that you have nothing additional to do and not that you have forgotten to write anything in this section. Of course, if a responsible authority for one of the licensing objectives considers that you need to do more they will be able to make representations.

If you have concerns, you may find it useful to talk to the relevant responsible authority before completing the form. Information on responsible authorities is on page 10.

If you do intend to take additional measures, you should consider carefully what to include. Anything you put down here is likely to become a condition of your certificate. Failure to meet those conditions constitutes an offence under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

Examples of possible conditions in relation to the four licensing objectives are included in the guidance which the Secretary of State has issued to licensing authorities and is available from the DCMS website. These are simply given as a pool of potential conditions that might be helpful for people to consider. They are not model conditions and in no way should be seen as standard conditions that should be applied to everyone.

In the 'General Box', list the steps you will take to promote all four licensing objectives together, for example, employing additional staff.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application, which is an offence, which, on conviction, may make you liable to a fine of up to £5,000.

You should check that you have included all the required documentation. This includes a plan of the club premises, the club declaration form and a copy of the club's rules.

Part 4: Signatures

The application form must be signed. An applicant's agent (for example a solicitor) may sign the form on their behalf provided that they have actual authority to do so.

Plans

The plan of the premises should be included with the application, and copied to the responsible authorities as part of the application if applying by post. The plan of the premises needs to meet the requirements set out in the Act and show the following:

- (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 paragraph (b), the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing 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 a 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.

Unless you have previously agreed with the Licensing Team that an alternative scale plan is acceptable, the plan should be drawn in standard scale, where 1 millimetre represents 100 millimetres. The plan may include a key of symbols to illustrate the points above.

Responsible Authorities

If applying by post (hard copy) you are required to give a copy of the application, including the accompanying documentation, to the “responsible authorities” on the same day as the application is given to the relevant licensing authority. Responsible authorities are the public bodies that are entitled to make representations to the licensing authority in relation to an application. Any representations must be about the likely effect of granting the application on the promotion of the licensing objectives. **The responsible authorities for Mid Devon are as follows:**

Devon & Cornwall Constabulary

Licensing Department

Devon & Cornwall Police HQ

Middlemoor

Exeter

Devon

EX2 7HQ

Tel: 01392 452225

Email: licensingeast@devonandcornwall.pnn.police.uk

Devon Fire & Rescue Service

East Division
Agriculture House
Pynes Hill, Rydon Lane
Exeter
Devon
EX2 5AZ
Tel: 01392 266833
Email: tstreat@dsfire.gov.uk

Devon County Council - Local Safeguarding Children's Board

Follaton House
Plymouth Road
Totnes
TQ9 5RS
Tel: 01392 383000
Email: cpchecks@devon.gcsx.gov.uk

Devon Trading Standards (Weights and Measures)

Trading Standards Service
County Hall
Topsham Road
Exeter
Devon
EX2 4QH
Tel: 01392 381381
Email: tsslicensingact2003@devon.gov.uk

Health and Safety Executive

North Quay House
Sutton Harbour
Plymouth
PL4 0RA
Tel: 01852 226024
E-mail: formsadmin.bristol@hse.gsi.gov.uk

**Mid Devon District Council
Environmental Health Services**

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
Tel: 01884 244600
E-mail: ehadmin@middevon.gov.uk

Mid Devon District Council Planning Services

Phoenix House
Phoenix Lane
Tiverton
Devon
EX16 6PP
Tel: 01884 255255
Email: devcon@middevon.gov.uk

Primary Care Trust for Devon

Devon DAAT
NHS Devon, Room 255
County Hall, Topsham Road
Exeter
Devon
EX2 4QL
Tel: 0845 002 3456
Email: alcohollicensing-mailbox@devon.gov.uk

Advertising your application

You will need to advertise the application in two ways:

1) Display of Notice on and around the premises

For a period of not less than 28 days, starting the day after you submit a valid application to the licensing authority (i.e. if you hand in your application on 14 February then the start date of the 28 day period is 15 February) you must display a notice which is:

- at least A4 in size
- on pale blue paper
- printed legibly or typed in black ink in a font equal to or larger than 16

this is an example of font size 16

You must display the notice prominently on the premises where it can be conveniently read from the outside by passers-by. If your premises are more than fifty metres square a further copy or copies of the notice must be displayed every fifty metres along the perimeter of your premises, again, where passers-by are able to read them.

2) Newspaper Notice

You are also required to publish a notice containing the same information in a local newspaper circulating in the vicinity of the premises. You will need to ensure that the notice is published at least once during the period of 10 working days starting on the day after the day on which you gave the application to the licensing authority.

Content of Notice

The notices must state the relevant licensable activities which are proposed. In all cases the notice shall contain:

- the name of the applicant or club

- the postal address of the premises or club premises (if there is no postal address a description of the location sufficient to identify the premises)
- the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected
- the date by which an interested party or responsible authority may make representations to the licensing authority (within the 28 days from the day after the day the licensing authority receives the application)
- 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 could be liable on summary conviction for the offence (scale 5 on the standard scale which is currently £5000)

An example of a notice you may like to follow is on the next page

PUBLIC NOTICE
LICENSING ACT 2003

To whom it may concern:

I/We, (1) do hereby give notice that I/we have applied to the Licensing Authority at Mid Devon District Council for a New Club Premises Certificate at (2) and known as (3).

The application is to: (4)

Any person wishing to make representations on this application may do so by writing to: Licensing, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP - **NO LATER THAN 28 DAYS AFTER THE DATE OF THIS NOTICE.**

A copy of the application can be viewed during office hours at Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon, EX16 6PP or on the online licensing register which can be accessed via www.middevon.gov.uk.

It is an offence knowingly or recklessly to make a false statement in connection with this application, the maximum fine on summary conviction being £5,000

Signed
Applicant / on behalf of the applicant

Dated
(Dated the day after delivering the application to the Licensing Authority)

- (1) *Insert name of applicant*
- (2) *Insert postal address of premises*
- (3) *Insert name premises / club is known by*
- (4) *Insert brief description of application (i.e. the licensable activities applied for etc.)*