

## VARY 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](http://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.

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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.**

## **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](http://www.voa.gov.uk). Premises that do not have a NDRV are treated as falling into Band A for licensing fee purposes.

### **PART 2 – Applicant details**

Please complete the contact details of the applicant (i.e. the club)

### **PART 3 – Variation**

You should state whether you want the variation to take effect as soon as possible or from a specific date.

#### **Description of the proposed variation**

You are asked to briefly describe the nature of the proposed variation. For example you may want to change the hours you are currently permitted to carry out licensable activities, or change the opening hours at the premises. You may also want to add or remove licensable activities or remove conditions currently on the certificate.

## **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 of the premises) 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.

## **PART 4 – Club Operating Schedule**

### **Licensable 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.

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: (the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, or the sale by retail of alcohol by or on behalf of a club to a guest or a member of the club for consumption on the premises where the sale took place)**

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.

### **BOX L**

If you believe there are conditions on the certificate that could be removed as part of the variation, please give details here. It would be useful if could give the numbers of the conditions as stated on the certificate along with a brief summary so the Licensing Business Unit and the other responsible authorities can easily identify which conditions you are referring to.

### **Current Club Premises Certificate**

You must include the current certificate with your application or give a reason why the certificate is not included.

### **M – 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 from page 8.

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**

If new plans are required of the premises they 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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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 to Vary the Club Premises Certificate at (2) for (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](http://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 variation application (i.e. the extension of times requested for a certain licensable activity etc.)*