

9. NON-PROFIT MAKING REGISTERED CLUBS 2

The situation now

100. Special arrangements have generally been applied to the consumption of alcohol on the premises of non-profit making clubs. These are clubs like the local British Legion, working men's, rugby or golf clubs. A registration certificate is the authority to supply alcohol. The old, simple procedure for registration was replaced by more detailed provisions in the Licensing Act 1964. A registration certificate is granted by the magistrates' court and not by the licensing justices and a certificate once granted requires periodical renewal. The validity of the initial certificate, and the first renewal, are each only for one year. Thereafter, the certificate can be renewed for up to ten years, but in practice is often for a much shorter period. In very general terms, the qualifications for registration are:

- ✓ Members are not to be admitted without at least two days between nomination and admission
- ✓ The club must be conducted in good faith and have at least 25 members
- ✓ Alcoholic drink is not to be supplied to members except by the club
- ✓ Control of alcohol is by the club (rarely) or by an elective committee (normally)
- ✓ No individual can receive commission or pecuniary benefit from supply to members.

101. Registered clubs are subject to permitted hours with some minor differences. The restrictions relating to children and young persons in licensed premises do not apply to them. The law is similar to that affecting a private home, and children as young as five may lawfully drink alcohol there. Notwithstanding this, many clubs have rules prohibiting the supply of alcohol to young people under 18. Unlike licensed premises, the police may not normally enter the club, save where a special hours certificate is in force, without first obtaining a warrant. In addition, responsibility for the conduct of the premises is not focused on any individual, but is generally a corporate responsibility falling to the club committee. The law relating to registered clubs once again exhibits unnecessary complexity, using many terms that are imprecise. For example, "good faith" is an unclear way of setting standards of behaviour and propriety that should be required of clubs and their members. Another example is that members' guests may be supplied with alcohol on the premises in a variety of circumstances, but there is no clear statutory definition of the term "guest".

A new regime

102. We recognise that there is much to be valued in the club movement, which remains an important institution of which this country can be proud. Private premises, to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law from commercial enterprises selling direct to the public. However, that difference remains valid only if clubs are properly run and do not seek or encourage trade from non-members. While we have no reason to doubt that the vast majority are run to high standards

and many play an important role within communities, any new legislation must ensure that mechanisms are in place to control the small minority of premises which give reason for concern. Moreover, certain issues must be addressed because they go beyond the strict confines of the club premises. Disorderly behaviour can occur in the surrounding streets because of excessive consumption on the premises, and noise can disturb and annoy local residents. Effective regulation therefore continues to be necessary, and our proposal to introduce more flexible opening hours reinforces that need. The philosophy of this White Paper throughout is that where additional freedoms and greater flexibility are offered, there should be counter-balancing controls which ensure that the public are adequately protected.

103. In considering these issues, we have particularly focused on three issues:
- ✓ unregulated access by children, where children as young as 5 years old can lawfully drink alcohol
 - ✓ the potential for disorder and disturbance in the vicinity of the club premises resulting from excessive drinking, rather than on the premises themselves
 - ✓ police rights of entry.
104. We know that the best run clubs are both child- and family-friendly, and that children are well supervised there by senior club members. Although most clubs operate rules which prohibit sales and supply to those under 18 years old, our primary concern among these issues focuses on the need to protect children in clubs which may not be attaining the high standards achieved by others. We therefore propose that:
- ✓ the sale and supply of alcohol to children, and the consumption of alcohol by persons under 18, on club premises should normally be prohibited⁷.
105. Clubs are regarded by many people as extensions of their home, even though they have to be given permission to supply and consume alcohol there. It is not our intention to give the police unauthorised access to such clubs except in exceptional circumstances. These would be essentially where there is an emergency situation requiring immediate attention. For example, this might occur where serious disorder was taking place or where the police could show that they had reasonable suspicion based on information received that a particular club was being used for the supply of alcohol to minors or drugs. We shall discuss with the club representative organisations the use of the relevant police powers in the context of our wish to preserve the unique and special status of clubs.
106. We do not think it would be appropriate to focus responsibility for the conduct of the premises on a single individual. This would only serve to undermine the role of the elected committee and produce confusion. We do not therefore intend to require any club official to obtain a personal licence. The committee will remain the body responsible for the proper running of the club.

⁷ In clubs serving table meals, the exemption allowing supervised 16 and 17 year olds to consume alcohol below spirit strength with a meal would apply.

107. The new authority for the supply of alcohol on club premises will be a club premises certificate and this will be issued by the licensing authority. Qualification for such a certificate, and therefore for the exemption from the requirement of a personal licence, will be based on the criteria set out in paragraph 98 above. An application, like that for a premises licence, would be made by submitting evidence meeting these criteria and an operating plan describing the club rules, the activities to be undertaken and the planned hours of opening. As well as the supply of alcohol, these activities would include all forms of entertainment – for example, music and dancing, theatre, and cinema. The club would also have to describe the arrangements made to meet the need to prevent crime and disorder; assure public safety; and to minimise public nuisance. These arrangements will depend on the nature and range of activities to be undertaken. The application would be advertised and it would be open to the police; the fire authority; local representatives of the health and safety executive; and local residents to raise objections. Where no objections arise, there would be a presumption in favour of granting the certificate without a hearing, and the arrangements described in the application would become binding conditions attached to the certificate. Where valid objections are raised, it would be open to the licensing authority to impose revised conditions.
108. A club premises certificate would be held by the club committee and be valid for the life of the club. The absence of a renewal procedure requires that mechanisms be available to deal swiftly and effectively with any errant clubs. Breaches of the conditions attached to the grant of the certificate will be subject to a graduated system of penalties similar to that described in this paper for a premises licence.
109. When considering the imposition of conditions, we expect the licensing authority to recognise sensibly that the premises involved are essentially private, that the club are not deriving profit from their activities, and that members are subject to disciplinary procedures which generally assure the proper conduct of members on the premises. It would be wrong for the changes in the law to be seen as a reason or excuse to impose draconian conditions on registered clubs which in the main give rise to little trouble. The Home Office would therefore prepare guidance on these issues in consultation with the police and representatives of clubs associations which the licensing authority would be legally bound to take into account.
110. This will produce a regime in which:
- ✓ non-profit making clubs will retain their special status under licensing law
 - ✓ clubs holding certificates will be exempted from the need for any member or employee to hold a personal licence
 - ✓ no renewal procedures will be necessary – reviews of the certificate will only be necessary where problems have arisen
 - ✓ clubs will be able to benefit from the more flexible hours available under the general scheme the White Paper describes
 - ✓ any individual supplying alcohol to persons under eighteen on premises with a clubs premises certificate will be liable to prosecution

- ✓ underage supply or breach of conditions will also render a club liable to penalties, including in the worst cases, revocation of its certificate
- ✓ the police will be able to enter in certain exceptional circumstances

111. It would of course be open to any club to decide to apply for a premises licence under the general scheme described earlier in this White Paper and for a club official or employee to apply for a personal licence. Such a club would acquire greater freedom to run commercial events for the public in order to raise club funds. However, the greater the public access to the premises, the tighter any operating conditions would need to be to prevent disorder and ensure public safety.