

9 Club Premises Certificates

9.1 This Chapter provides advice about best practice for the administration of the processes for issuing, varying, and reviewing club premises certificates and other associated procedures.

General

9.2 The 2003 Act recognises that premises, to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public. For this reason, it preserves aspects of earlier alcohol licensing law as it applied to “registered members clubs”. These clubs are organisations where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context. They commonly include Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men’s clubs, miners welfare institutions, social and sports clubs.

9.3 There are technically no sales by retail of alcohol by the club at such premises except to guests when guests make a purchase. Where members are involved, there is no sale at that point (as the member owns part of the alcohol stock) and the money passing across the bar when there is a supply of alcohol to a member is merely a mechanism to preserve equity between members where one may consume more than another. This explains why the 2003 Act often refers to the supply of alcohol in the context of clubs and not just to the sale by retail.

9.4 Clubs have traditionally not been “licensed” because “sales” do not take place there. They have registered with the magistrates’ courts having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to “qualify” to be outside the normal premises licence arrangements. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:

- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
- the absence of a requirement to specify a designated premises supervisor (see Chapter 5);
- more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
- the club premises not being subject to police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules which are rigorously enforced; and
- not being subject to potential orders of the magistrates’ court for the closure of all licensed premises in an area when disorder is happening or expected.

9.5 Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

- 9.6 A qualifying club will be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. In order to be a qualifying club instant membership is not permitted and members must wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. However, an individual on behalf of a club may give temporary event notices in respect of the premises to cover a period of up to 96 hours on up to 12 occasions each calendar year so long as no more than 499 people attend the event and subject to an overall maximum duration in the year of 15 days and on such occasions may sell alcohol to the public or hire out their premises for use by the public.
- 9.7 Previously, registered members clubs also enjoyed another privilege of being outside the normal licensing regime: the freedom to sell alcohol to minors and allow them to consume it on the club premises. Although in recent years most clubs have operated voluntary rules which prohibit sales and supply of alcohol to those under 18 years old, the 2003 Act has removed this privilege and the sale or supply of alcohol to children in such clubs is now unlawful.
- 9.8 The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the licensing authority.

Qualifying conditions

- 9.9 Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club. Section 63 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith – the third qualifying condition. Section 64 sets out additional conditions which only need to be met by clubs intending to supply alcohol to members and guests. The full details in respect of these sections of the 2003 Act are reproduced in Annex I.

Associate members and guests

- 9.10 As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another qualifying club) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate. This reflects traditional arrangements where such clubs make their facilities open to members of other clubs which operate reciprocal arrangements.

Applications for the grant or variation of club premises certificates

- 9.11 The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those in respect of a premises licence. Licensing authorities should therefore look to Chapter 5 of this Guidance on the handling of such applications and to Chapter 6 in respect of hours of opening. In those Chapters most of the references to the premises licence, premises licence holders and applicants can be read for the purposes of this Chapter as club premises certificates, qualifying clubs and club applicants.

Steps needed to promote the licensing objectives

- 9.12 Club operating schedules prepared by clubs, as with operating schedules for premises licences, must include the steps the club intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the licensing authority following consideration of relevant representations by responsible authorities or interested parties. Guidance on these conditions is given in Chapter 7 of this Guidance.
- 9.13 The Secretary of State wishes to emphasise that non-profit making clubs make an important and traditional contribution to the life of many communities in England and Wales and bring significant benefits. Their activities also take place on premises to which the public do not generally have access and they operate under codes of discipline applying to members and their guests. In determining what conditions should be included in certificates, licensing authorities should bear these matters in mind and when considering representations from responsible authorities and interested parties, they should bear in mind that conditions should not be attached to certificates unless they can be demonstrated to be strictly necessary. The indirect costs of conditions will be borne by individual members of the club and cannot be recovered by passing on these costs to the general public as would be the case for commercial enterprises or where a club had chosen to carry on the licensable activities at their premises for the public under the authority of a premises licence.

Sex equality

- 9.14 Notwithstanding its importance to society generally, equal treatment on the grounds of gender is not a licensing objective. Conditions should not therefore be imposed which interfere with the arrangements for granting membership or voting within the club. While the Secretary of State believes that all qualifying clubs should adopt fair and equal procedures for admitting people to membership, electing club officials and on voting rights, this is a matter for the general law governing sex discrimination. Club premises certificates are not an appropriate vehicle for securing gender equality. It would also be inappropriate to apply one set of rules to qualifying clubs and another set of rules to clubs that do not engage in qualifying club activities and do not therefore require club premises certificates. Licensing authorities should not therefore seek to challenge the bona fides of any qualifying club on these grounds.

Temporary event notices

- 9.15 Licensing authorities should note paragraph 8.21 of this Guidance in connection with permitted temporary activities in club premises.