Purpose

This guidance is aimed at members clubs who may need to apply for a club premises certificate to authorise specific licensable activities. This guidance describes the activities that can be applied for and the application process.

Licensable activities

Under the Licensing Act 2003 (the Act) Leeds City Council is the licensing authority for the Leeds district. The licensing authority issues club premises certificates for the following licensed activities:

- Supply of alcohol
- The provision of regulated entertainment
- The provision of late night refreshment between 11pm and 5am

Regulated entertainment includes the following activities:

a) a performance of a play  
b) an exhibition of a film  
c) an indoor sporting event  
d) boxing or wrestling entertainment  
e) a performance of live music  
f) any playing of recorded music  
g) a performance of dance  
h) entertainment of a similar description to e), f) or g)

The above list gives a quick overview of what the Act defines as regulated entertainment. In the instance of a club premises certificate the licensable activities may only be provided for the benefit of members, associates members and bona fide guests in accordance with the club constitution.

There is further guidance contained in the Act which explains in more detail how the above areas are defined. If you are unsure if an activity is licensable please speak to Entertainment Licensing for further advice.

The licensing objectives

Under the Act the Licensing Authority must publish a statement of licensing policy showing how it will promote the licensing objectives of:

- Prevention of crime and disorder  
- Prevention of public nuisance  
- Public safety  
- Protection of children from harm

This document is available on the Leeds City Council website at www.leeds.gov.uk/licensing or you can request a copy from Entertainment Licensing.

The licensing objectives have equal weight and form the entire basis of how the Act works.
When you make an application for a club premises certificate you must show how your proposed activities will not have an adverse effect on the licensing objectives. Likewise if individuals or businesses wish to object to your application they can only do so on the grounds of one or more the four licensing objectives. Responsible authorities, who must be sent copies of your application, can only object on the grounds of one or more of the four licensing objectives.

Responsible Authorities

When you apply for a club premises certificate you will need to send copies of your application to the responsible authorities. These are agencies which the government has given specific powers under the Act to promote the four licensing objectives. You can find contact details for all the responsible authorities later on in this document.

Applying for a new club premises certificate

To apply for a club premises certificate you need to complete all the stages listed below. Before applying you need to consider what qualifying club activities you want your certificate to authorise. There is a standard form to complete.

As you are applying for a brand new certificate you have the opportunity to apply for the hours and activities you want.

On page 11 of the application form you need to describe what steps you will take to promote the licensing objectives. When you send copies of your application to the responsible authorities they will look at this section to check whether you have taken sufficient steps to promote the licensing objectives. If one or more of the agencies are not satisfied with the content of this section your application may receive a representation.

To reduce the risk of receiving a representation you may wish to contact the responsible authorities before submitting your application and they will advise you on the appropriate measures required in order to meet the licensing objectives.

To help you fill out this section you may also wish to use our risk assessment pro forma which contains many of the key issues which the responsible authorities will be expecting you to demonstrate. Although you do not have to use this form or provide a copy to the Council, if you do, the agencies can better judge your application and are less likely to make a representation.

When you send your application to the Licensing Authority and the responsible authorities you will then need to fulfill a 28 day notice period. This is a period of time when your application is advertised and when responsible authorities and other people such as local residents can make representations to the licensing authority about your application.

If, after this 28 day notice period, your application has received no representations then your new certificate will be granted subject only to certain conditions which are consistent with the measures you volunteered at page 14 of your application form plus any other mandatory conditions imposed by the Act. If representations are received during the notice period then your application will go to a hearing.

Your new certificate will remain in force indefinitely. There will be an annual fee for your certificate which will be payable on the anniversary of the date of grant of your certificate.

The application process:

1) Complete the form CLUB1.
2) Prepare the following documents to accompany your application form:
   a. A completed CLUB2 form (club declaration form)
   b. A plan of your premises
   c. A copy of your club rules
   d. The correct fee
3) Send your completed application (including the plans and fee) to Entertainment Licensing, Leeds City Council.
4) On the same day as sending your application to the Council, you must also send a copy of your application to each of the responsible authorities. A list of the contact details can be found below.
5) Upon sending your application to the licensing authority and the responsible authorities you will then need to advertise your application.

Completing CLUB2 (club declaration form)

At first glance CLUB2 form may look complicated as it refers to sections of the Act without giving the wording of those sections. This guidance should help you.

The intention of the form is to make sure that your organization is a qualifying club as defined by the Act. The form is split into three parts. You will need to fill out just one part depending on what type of club/society you are. Each part asks you to confirm that you meet certain sections of the Act by ticking the relevant boxes and asking you to quote the relevant rules from your rule book.

In the following tables (numbered 1 to 3 to match parts of the form) you can find information on the sections of the Act referred to in the form together with what those sections actually mean.

1) A registered society within the meaning of the Industrial and Provident Societies Act 1965; a registered society within the meaning of the Friendly Societies Act 1974; or a registered friendly society within the meaning of the Friendly Societies Act.

| Condition 1 in section 62(2) | Condition 1 is that under the rules of the club persons may not a) be admitted to membership, or b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for nomination and their admission. |
| Condition 2 in section 62(3) | Condition 2 is that under the rules of the club persons 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. |
| Condition 4 in section 62(5) | Condition 4 is that the club has at least 25 members. |

2) An association organised for the social well-being and recreation of persons employed in or about coal mines.

| Condition 1 in section 62(2) | Under the rules of the club persons may a) not be admitted to membership, or b) be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for nomination and their admission. |
| Condition 2 in section 62(3) | Condition 2 is that under the rules of the club persons 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. |
| First condition in section 66(4) | (4) The first condition is that-
| | (a) the institute is managed by a committee or board, and
| | (b) at least two thirds of the committee or board consists-
| | (i) partly of persons appointed or nominated, or appointed or
| | elected from among persons nominated, by one or more
| | licensed operators within the meaning of the Coal Industry
| | Act 1994 (c.21), and
| | (ii) partly of persons appointed or nominated, or appointed or
| | elected from among persons nominated, by one or more
| | organisations representing persons employed in or about
| | coal mines. |
| Second condition in section 66(5) | (5) The second condition is that-
| | (a) the institute is managed by a committee or board, but
| | (b) the making of-
| | (i) an appointment or nomination falling within subsection
| | (4)(b)(i), or
| | (ii) an appointment or nomination falling within subsection
| | (4)(b)(ii),
| | is not practicable or would not be appropriate, and
| | (c) at least two thirds of the committee or board consists-
| | (i) partly of persons employed, or formerly employed, in or
| | about coal mines, and
| | (ii) partly of persons appointed by the Coal Industry Social
| | Welfare Organisation or a body or person to which the
| | functions of that Organisation have been transferred under
| | section 12(3) of the Miners' Welfare Act 1952 (c.23). |
| 3) Where the club to which this application relates does not fall into the categories in 1 or 2 above, the club declares that the club satisfies: | |
| Condition 1 in section 62(2) | Condition 1 is that under the rules of the club persons may
| | a) not be admitted to membership, or
| | b) be admitted, as candidates for membership, to any of the
| | privileges of membership, without an interval of at least two days
| | between their nomination or application for nomination and their
| | admission |
| Condition 2 in section 62(3) | Condition 2 is that under the rules of the club persons 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. |
| Condition 3 in section 62(4) | Condition 3 is that the club is established and conducted in good faith as
| | a club (see section 63). |
| Condition 4 in section 62(5) | Condition 4 is that the club has at least 25 members. |
| Condition 5 in section 62(6) | Condition 5 is that alcohol is not supplied, or intended to be supplied, to
| | members on the premises otherwise than by or on behalf of the club. |
### Plans

The plan of your premises should show:

- the boundary of the building with any external or internal walls; entrances and exits to the building;
- escape routes from the building;
- locations of different licensable activities in the building (if relevant); where alcohol will be consumed in the premises;
- fixed or temporary structures which may block entrances or exits to the building;
- the location and height of any stages in the premises; any steps, stairs, elevators or lifts in the premises;
- the location of any public toilets in the building;
- fire safety equipment or any other safety equipment such as;  
  - Location of fire alarm; type of sounder e.g. siren or bell  
  - Whether it is a heat or smoke detector  
  - Location of emergency lighting  
  - Location of illuminated exit signs  
  - Location of fire extinguishers and ID type  
  - Position of any fire doors  
  - Location of fire blanket  
  - The location of a kitchen.

The information contained in the plan must be clear and legible.

### Advertising your application

When applying for a new club premises certificate, the Act requires you to advertise your application. The rules on advertising are strict and should be followed carefully.
**Site Notice**

You must display a notice about your application at or on your licensed premises. The notice must be displayed for 28 consecutive days. The 28 days run from the day after you sent your application to the Council.

The notice must be on pale blue A4 paper, although it can be larger, with black lettering. The lettering must be at least in 16 font. Do not obscure the notice in any way or make it difficult to read. Others must be able to read the notice from outside your premises. If your premises is more than 50 metres square you must place a notice, identical to the one described above, every 50 metres along the external perimeter of your premises where it touches the highway.

If your premises is within a complex or its own grounds and the public will be unable to view the notice or notices from the exterior of the site then you should also display a notice at the nearest public thoroughfare (such as at the entrance to the complex/site) so the notice is easily read by the passing public.

When preparing your notices, please ensure they contain all of the prescribed information:

- Your name.
- The address of your premises.
- A description of the activities which will be taking place on your premises which need to be licensed.
- The Council’s internet address.
- That written objections about your application can be sent to the Council for a limited time.
- That making a false objection is a criminal offence.

A sample notice is available at the end of this document.

Once you have sent us your application one of our enforcement officers will visit your site to inspect the notices. If it is found that the notices or their positioning does not meet the requirements of the Act then we may ask you to redisplay the notices and we may reset your 28 day notice period. Please feel free to contact us before you submit your application to clarify what our requirements will be in this regard so as to reduce the chances of this happening.

**Newspaper Advert**

You must also publish a notice about your club premises certificate application. It must be placed in a local newspaper which covers the area where the premises is located. The notice should appear within 10 working days of your application being sent to the Council. It must contain the same information as the notice placed on your premises but does not need to have the same lettering, dimensions, font size or colouring.

**Hearings**

If necessary your application will be sent to a Licensing Sub Committee hearing. The Licensing Sub Committee will be made up of three councillors.

You will be notified ten days before the date of the hearing. You will be sent a report containing the representations that have been received in respect of your club premises certificate application. You will also be sent guidance explaining the format of the hearing. You will need to send back the form stating whether you will be attending the hearing or whether you will be sending a representative.

During the hearing you will be able to put your case forward to the Licensing Sub Committee as will anyone who made a representation. After this all parties are asked to leave the room while the Sub Committee deliberate. You will then be invited back into the room and will be told whether your application has been accepted, accepted with conditions or rejected.
Registered clubs: associate members, guests and club rules

There is no standard set of rules for a registered club and the form and content of rules will vary from club to club, with the existing qualification being that the rules for the constitution and operation of a registered club must comply with the requirements set out at section 41 of the Licensing Act 1964.

Those requirements in summary are:

- 2 days delay before membership,
- not less than 25 members,
- established and conducted in good faith as a club,
- alcohol not to be supplied otherwise than by or on behalf of the club with all proceeds and profit going to the club

The above items are adopted and repeated at sections 61 to 64 of the Licensing Act 2003.

Under the Licensing Act 2003, as a members club with a club premises certificate, you will be able to supply alcohol to members and guests and to associate members and the guests of associate members provided your rules permit.

A person is an associate member of a club if according to the rules of the club, they are admitted to club premises on the ground that they are a member of another club which is established in accordance with the conditions at section 62 of the Licensing Act 2003 and briefly summarised above.

In practice a member of any other club with the benefit of a club premises certificate can be an associate member. The historic problem of, for example, supplying alcohol to a visiting club football or cricket team and their members and guests is avoided.

The Department for Culture Media and Sport has stated “It is up to the club to consider whether its rules should require guests to be physically signed in by a member or whether some other requirement could apply”. The only restriction is that the club must be run in ‘good faith’ as a genuine members club and must not become, in effect, a bar open to the general public.

This provision on guests could be used where the facilities are hired for more than 12 times per year but a club premises certificate is not appropriate.

The Government is adamant that nothing in the Licensing Act 2003 prevents a golf club selling alcohol to a non member (who does not qualify as an associate member or the guest of an associate member) who has paid “green fees”, at the conclusion of a round or game of golf. Such a person would presumably need to be defined in club rules as a guest.

We can not advise you as to the exact wording of a rule for associate membership or guests and you should take independent advice on the alteration of your existing rules.

Special occasions involving club members

There is no restriction on the number of occasions that your club premises can be used for a special occasion involving club members and the guests of members (and associate members and the guests of associate members) provided that you remain a club ‘in good faith’ i.e. supplying to bona fide members and guests and not to the general public.

If you wish to sell alcohol to non guests or permit the general public to use the facilities of the club then you will need to serve a temporary event notice although certain restrictions will apply.

If you wish to do this on more than 12 occasions you will have to apply to the Council for a premises licence. If you do this you will need a personal licence holder and designated premises supervisor. Contact Entertainment Licensing for more information.
**Temporary Event Notices**

If you wish to hold a temporary or occasional event on your premises, you can apply for a temporary event notice. Separate guidance on this process is available from our website or from Entertainment Licensing.

**Application Fees**

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<thead>
<tr>
<th>Band</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>None-£4,300</td>
<td>£4,301-£33,000</td>
<td>£33,001-£87,000</td>
<td>£87,001-£125,000</td>
<td>£125,001+</td>
<td></td>
</tr>
<tr>
<td>Application Fee</td>
<td>£100</td>
<td>£190</td>
<td>£315</td>
<td>£450</td>
<td>£635</td>
</tr>
<tr>
<td>Multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D &amp; E only)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>£900</td>
<td>£1905</td>
</tr>
<tr>
<td>Annual fee*</td>
<td>£70</td>
<td>£180</td>
<td>£295</td>
<td>£320</td>
<td>£350</td>
</tr>
<tr>
<td>Annual fee multiplier applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises (Bands D&amp;E only)</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>£640</td>
<td>£1050</td>
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*There are additional fees for premises licence and club premises certificate applications for large events with over 5,000+ people. Contact Entertainment Licensing for more information.

**Payment**

We can accept payment by all major credit and debit cards at our St George House office. We operate an appointment service so please contact us to arrange an appointment before visiting the office. We can also take payment over the telephone.

![Credit Card Logos](Visa, Visa Electron, American Express, MasterCard)

Please make cheques payable to Leeds City Council.

**Use of Personal Data**

Leeds City Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on your application for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

**Contact details:**

<table>
<thead>
<tr>
<th>Entertainment Licensing</th>
<th>Phone: 0113 378 5029</th>
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<tr>
<td>Leeds City Council</td>
<td>Fax: 0113 336 7124</td>
</tr>
<tr>
<td>Civic Hall</td>
<td>Website: <a href="http://www.leeds.gov.uk/licensing">www.leeds.gov.uk/licensing</a></td>
</tr>
<tr>
<td>Leeds, LS1 1UR</td>
<td>Email: <a href="mailto:entertainment.licensing@leeds.gov.uk">entertainment.licensing@leeds.gov.uk</a></td>
</tr>
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</table>

This document should be used as a guidance tool. Only the courts can give an authoritative opinion on statute law. Every effort has been made to ensure this document is both comprehensive and accurate but in an attempt to simplify the law omissions have been made. Please refer to the Licensing Act 2003 and associated regulations for full details of the law. You should seek your own legal advice on the matters raised in this guidance note.
Example notice of application

This notice is for illustrative purposes only. Actual notices must comply with the relevant regulations and be printed in font size 16 on pale blue paper.

Licensing Act 2003

Notice is hereby given that

We, Leeds Social Club, have made an application under section 71 of the Licensing Act 2003 for the grant of a club premises certificate for the premises known as:

Leeds Social Club, Leeds Road, Leeds, LS1 1BA

We intend to conduct on or from the premises the following licensable activities:

The supply of alcohol by or on behalf of a club, or to order of, a member of the club.

We propose to conduct the licensable activities:

Monday to Saturday 14:00 to 23:30
Sunday 12:00 to 23:00

Responsible authorities or any other person may make written representations to Leeds City Council about this application until 10th March 2013 which should be sent to Entertainment Licensing, Leeds City Council, Civic Hall, Leeds, LS1 1UR

For full details and to view a copy of the application please contact Entertainment Licensing on 0113 378 5029 or email entertainment.licensing@leeds.gov.uk

It is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine for which a person is liable on conviction for this offence is a fine not exceeding £5,000