

Kirklees Council

Licensing Department



The Licensing Act 2003

Guidance for Club Premises

Club Premises Certificate

What?

What is a club premises certificate?

A club premises certificate authorises a members' club to carry out licensable activities. The licensable activities it can carry out are:

- sale or supply of alcohol to members or guests
- provision of regulated entertainment

There is no requirement for a qualifying club to have a Designated Premises Supervisor named on the certificate or a personal licence holder present to authorise the supply of alcohol.

What is regulated entertainment?

Regulated entertainment is entertainment provided in the presence of an audience, for the purpose of entertaining that audience. For example:

- the performance of a play
- the exhibition of a film
- an indoor sporting event
- boxing or wrestling
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description (for example a circus)

It also includes the provision of entertainment facilities, that is facilities used for:

- making music (for example a karaoke machine)
- dancing (for example a dance floor)
- entertainment of a similar description

What is a club premises certificate for?

A club premises certificate is only for use by qualifying clubs. A number of criteria must be met to be considered a qualifying club. These are:

- That under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission
- That the club is established and conducted in good faith as a club
- That the club has at least 25 members
- That alcohol is not supplied to members on the premises otherwise than by or on behalf of the club

Also to qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met. These are:

- the purchase and supply of alcohol by and for the club is managed by a committee made up of elected members of the club all aged over 18 years
- no arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club
- No arrangements may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the clubs as a whole.

When?

When do you apply for a club premises certificate?

There are two basic scenarios that determine when you need to apply.

1. You do not currently have a club premise certificate.

If you do not presently have a have a club premise which relates to one of the licensable activities, you will need to make application at least two calendar months from the time you make your application to the time you wish to start trading.

2. You already sell or supply alcohol and/or provide regulated entertainment and want to change how you currently operate.

If you want to vary the conditions of your existing club registration certificate(s) - perhaps you want to have some form of entertainment or change your hours - then you must allow approximately two calendar months from the time you apply to the time you wish to start operating with the variation.

Why?

Why should you get a club premises certificate?

If you carry out a licensable club activity without a club premises certificate (or premises licence) you will be breaking the law.

A club premises certificate also brings with it considerable freedoms: the possibility of carrying out extra activities, the opening hours you and your community want and in general greater flexibility.

Furthermore, the granting of a club premises certificate entitles a qualifying club to certain benefits:

- Supply of alcohol to members and sale to guests without a need for any member or employee to hold a personal licence.
- No need to specify a designated premises supervisor.
- More limited rights of entry for the police and authorised persons because premises are considered private and not generally open to the public.

Please also be aware that temporary authorisation for licensable activities can be obtained using a **temporary event notice** (similar to the old style occasional licences) and provided the limitations on their use, fit your circumstances, then you may be able to use this additional flexibility to provide more varied events. Limitations on these are as follows:-

- not more than 12 temporary event notices may be given in the same calendar year in respect of the same premises.
- the number of days covered by the 12 events must not exceed 15 days in the same year.
- the period during which the premises are to be used for each temporary event must not exceed 96 hours (4 consecutive days) and there must be a break of at least 24 hours between event periods.
- the number of times that any person may give a temporary event notice in a calendar year is 50 in the case of a personal licence holder, or 5 for any other person.
- The maximum number of persons on the premises at any one time during the event must be less than 500.

How?

How do I apply for a club premises certificate?

Please email us on licensing@kirklees.gov.uk or call 01484 456868 to request one.

The key parts of your application are:

- Completed application form (inc. club operating schedule)
- Fee (cash, postal order or cheque made payable to Kirklees Metropolitan Council)
- Plans of your premises (in the prescribed format)
- Your club rules

What information do you need to include on your application form?

Your application should be as detailed as possible, telling us about you, your premises and the activities you plan to carry out. It should also tell us what measures you intend to put in place to promote the licensing objectives.

What are the licensing objectives?

- Prevention of Crime and Disorder
- Public Safety
- Prevention of public nuisance
- Protection of children from harm

Who can you speak to for advice on promoting the licensing objectives?

Expert advice on each of the licensing objectives is available from the responsible authorities who will be assessing your application.

When you are applying to make a variation to your existing licence(s) or applying for the first time - new activities, new operating hours etc. - then your application will be subject to scrutiny by and possible representations from all of the responsible authorities and interested parties, as you will need to advertise your proposals.

As well as looking carefully at what measures you intend to put in place to promote the licensing objectives, responsible authorities will be a very useful contact when you need help and expert guidance to fill out this part of your form.

- West Yorkshire Police www.westyorkshire.police.uk or matters concerning preventing crime and disorder. Tel: 01484 456859.
Email: rw913@westyorkshire.pnn.police.uk
- West Yorkshire Fire and Rescue Service www.westyorkshirefire.gov.uk for matters concerning public safety
Email: fire.safety@westyorkshirefire.gov.uk
- Pollution and Noise Control Section at Kirklees Environmental Health for matters preventing public nuisance. Telephone: 01484 226436
Email: environmental.health@kirklees.gov.uk
- Health and Safety Section at Kirklees Environmental Health
www.kirklees.gov.uk/community/environment/environment.shtml for matters concerning public safety Telephone: 01484 226450
Email: environmental.health@kirklees.gov.uk
- Planning Services www.kirklees.gov.uk/business/planning/planning.shtml for matters concerning public safety and preventing public nuisance. Tel: 01484 221000.
Email: planning.contactcentre@kirklees.gov.uk

- Kirklees Area Child Protection Committee for matters concerning protecting children from harm. Tel: 01484 225450 Email: KSCB.Admin@kirklees.gov.uk
- Weights and Measures at Trading Standards Email: info@wyjs.org.uk
- Primary Care Trust Kirklees Email: jo.hilton@kirklees.gov.uk

We would also recommend that you speak to "interested parties", that is local residents and local businesses to get their input on what you are planning to do and how you plan to promote the licensing objectives. In this way you can look to tackle any of their concerns in your operating schedule.

Do you need to advertise your application?

Yes, where you are requesting variation or it is for a new licence, you must advertise by displaying a notice for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, which is:

(i)

- of a size equal or larger than A4
- of a pale blue colour
- printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(i)

in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than fifty metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

You must also advertise by publishing a notice:

- i. in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises
- ii. on at least one occasion during the period of ten working days starting on the day after the day on which the application was given to the relevant licensing authority

What do you need to include on your advertisement?

(1) Both notices must contain a statement of the relevant licensable activities, which it is proposed will be carried out at or from the premises.

(2) Both notices must also state:

- i. the name of the applicant or club
- ii. the postal address of the premises or club premises, if any, or if there is no postal address for the premises a description of those premises sufficient to enable the location and extent of the premises or club premises to be identified
- iii. the postal address and, where applicable, the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected i.e.

Kirklees Council Public Protection Services

Flint Street Depot

Flint Street

Fartown

Huddersfield

HD1 6LG

- iv. the date by which an interested party or responsible authority may make representations to the relevant licensing authority
- v. that representations shall be made in writing
- vi. 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 is liable on summary conviction for the offence.

Who are the "responsible authorities"?

The "responsible authorities" have responsibility for assessing your application and making representations. Once granted, they can also request a review of your licence. The responsible authorities are:

- West Yorkshire Police
- West Yorkshire Fire and Rescue Service
- Health and Safety Section at Kirklees Environmental Health
- Pollution and Noise Control at Kirklees Environmental Health
- Kirklees Planning Services
- Weights and Measures Section at West Yorkshire Trading Standards
- Kirklees Area Child Protection Committee

Who are "interested parties"?

- Local residents / residents associations
- Local businesses / trade groups
- Anybody else who may be affected by the proposed activities on your premises.

What is a representation?

A representation is a statement of information relating to the whole of your application or to part of it. For example, if it was felt you were not putting sufficient control measures in place to prevent your customers from disturbing local residents, then any one of the seven responsible authorities, or any interested parties, could make a representation.

When can a representation be made?

Representations must be made within twenty-eight days starting on the day after the day of receipt of your application.

Who can make a representation?

Where you are making a new application or planning to change how you operate, for example, you plan to have live music twice a week or extend your weekday hours, any of the responsible authorities or interested parties can make a representation.

What is considered a new application?

A new application is where you do not have a club registration certificate to carry out licensable activities (sale of alcohol; provision of regulated entertainment; provision of late night refreshment).

Matters which must be dealt with by a new application (complete with new plan and operating schedule)

- Any increase, decrease or changed location within the area where licensable activities are being provided (this is dependent on the size of the area affected).
(Explanation – changes to the various areas where licensable activities are provided may require specialist comment on matters arising under the licensing objectives, any new obstructions and the adequacy of the means of escape.
- Any other matter which involves any change to the layout of the premises which will change any detail on the plan originally submitted and attached to the licence (again, this is dependent on the extent of the area affected). *(Explanation – changing the layout, exterior walls, position of windows etc, the likelihood of nuisance to people in the vicinity would require the effect on the promotion of this licensing objective to be reassessed)*

What is considered a variation application?

Matters which can be dealt with by variation (with no plan provided)

- Changes to the relevant licensable activities to be provided at the premises.
- Changes to the times between which the relevant licensable activities are to be provided at the premises.
- Changes to the times the premises will be open to the public.

- Any change to the ways in which the licensing objectives will be promoted, either by a change to the proposals contained in the original operating schedule or a change to the licensing conditions.

Matters which can be dealt with by variation (with a new plan provided)

- Any alteration which causes a change to the way the area is to be effectively supervised. (*Explanation – it would have to be demonstrated that any changed area could be properly supervised*)
- Affects the movement of persons into, out of or within the building. (*Explanation – by increasing the travel distances to an exit or introducing some other obstruction, it is likely that the effect on the promotion of the licensing objectives will need to be reassessed*)
- Minor changes which will have no effect on the promotion of the licensing objectives, this will include:
 - The moving (but not the complete removal) of light fittings (but not illuminated exit signs, smoke and heat detector points, fire safety installations and other small installations provided that the removal is to another location within the same room or area and public safety is not being compromised)

How do you complete the application form?

When you are filling out your application, please note there are guidelines at the back of each form, as well as a checklist at the end of each section within the form.

Please ensure that your application is legible. Typed applications are preferred.

Please note: if your application is found to be incomplete it will be returned to you for further information.

What information do you need to include in the plan of your premises?

The plan of your premises must be 1:100 scale and must show:

- 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 entry and exit points to and from the premises;

- c. if different from (b), the location of escape routes from the premises;
- d. where the premises is to be used for more than one 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. where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- g. the location of the steps, stairs, elevators or lifts where the premises includes any steps, stairs, elevators or lifts;
- h. the location of the room or rooms where the premises includes any room or rooms containing public conveniences;
- 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.

Please note: The plan may include a legend through which the matters mentioned or referred to in a-j above are sufficiently illustrated by the use of symbols on the plan.

How much is the fee?

The Government sets the fee. It is based on the non-domestic rateable value of your premises and will put you into a specific band.

Band	Band Values	Application fee for grant/variation	Annual Fee
A	No rateable value - £4,300	£100	£70
B	£4,301 - £33,000	£190	£180
C	£33,001 - £87,000	£315	£295
D	£87,001 - £125,000	£450	£320
E	£125,001 and above	£635	£350

Please note: Where premises are in the course of construction they are allocated to Band C (Regulation 2(2)).

Where can you find out the non-domestic rateable value of your premises?

You can find out your non-domestic rateable value (NDRV) through the Valuation Office Agency. Their Halifax office is based at 60 Crown Street, Halifax, HX1 1HY. Tel: 01422 307000 Fax: 01422 307047. For further information you can www.voa.gov.uk or call their enquiry help line on 0845 602 1507.

Where?

What do you need to send to the licensing service?

Make sure you send all of the following to the Licensing Service:

- Completed application form
- Fee (cash, postal order or cheque – made payable to Kirklees Metropolitan Council)
- Plans of the premises (in the prescribed format)
- Your club rules

We cannot accept applications by email. All applications must be made by post to:

Licensing Department

Flint Street

Huddersfield

HD1 6LG

Helpline Tel: 01484 456868 / Fax: 01484 456857

E-mail: licensing@kirklees.gov.uk

Please note: if you do not include all of the above or your application is found to be incomplete it will be returned to you for further information.

Where else do you need to send a copy of your application?

1. West Yorkshire Police

West Yorkshire Police Licensing Office Kirklees
Flint Street Depot
Flint Street
Fartown, Huddersfield
HD1 6LG
Tel: 01484 456859 / Fax: 01484 456857
Email: rw913@westyorkshire.pnn.police.uk

2. West Yorkshire Fire and Rescue Service

West Yorkshire Fire & Rescue Service
Fire Protection Dept
Oakroyd Hall
Birkenshaw
BD11 2DY
Tel: 0113 3875738
Fax: 0113 3875777
Email: fire.safety@westyorkfire.gov.uk

3. Environmental Health - Pollution and Noise Control/Health and Safety

Pollution and Noise Control/Health and Safety
Flint Street Depot
Flint Street
Fartown, Huddersfield HD1 6LG
Health and Safety Section 01484 226450
Pollution and Noise Control 01484 226436
Fax (for both sections): 01484 226409
Email: environmental.health@kirklees.gov.uk

Please note **Environmental Health** fulfil the role of **two** of the **responsible authorities** but only require **one** copy of an application.

4. Planning Authority

Planning Services
Development Control
PO Box B93
Civic Centre III

Huddersfield

Tel: 01484 221000 / Fax: 01484 221585

Email: planning.contactcentre@kirklees.gov.uk

5. Kirklees Area Child Protection Committee

Cath Slater - Kirklees Safeguarding Children Board

3rd Floor, Somerset Buildings

10 Church Street

Huddersfield

HD1 1DD

Tel: 01484 225161

Email: KSCB.Admin@kirklees.gov.uk

6. Weights and Measures

Licensing Team

West Yorkshire Trading Standards Service

PO Box 5

Nepshaw Lane South

Morley LS27 0QP

Tel: 0113 2530241 / Fax: 0113 2530311

Email: licensing@wyjs.org.uk

7. Kirklees Primary Care Trust

Responsible Authority

NHS Kirklees

Kirkgate Buildings

Byram Street

Huddersfield

HD1 1BY

Email: jo.hilton-jones@kirklees.gov.uk