

GENERAL INFORMATION ON CLUBS

Section 62 of the LA2003 sets out five qualifying conditions:

1. Nobody can be admitted as a member without an interval of at least two days after their nomination or application for membership.
2. A person admitted as a member other than by prior nomination, or application, must wait at least two days before enjoying the privileges of membership.
3. The club is established and conducted in good faith as a club (as under section 63). These matters include:
 - *The club's freedom to purchase alcohol*
 - *How money or property belonging to the club is used*
 - *Giving members information about the club finances*
 - *The clubs accounts*
 - *The nature of the premises*
4. That the club has at least 25 members. (If the membership falls below 25 the withdrawal of club status will not have effect until 3 months after the authority gives notice and will not have effect if by the end of three months the membership numbers are 25 or above (Section 90)).
5. No alcohol is supplied, or intended to be supplied, on the club premises except by or on the behalf of the club.

Why have different licences for clubs?

In this context, no "sale by retail" of alcohol by the club at such premises occurs, with the exception of sale to guests. Where members are involved there is no "sale by retail" as the member owns a part of the alcohol supply. The money passing across the bar, as when there is a supply of alcohol to a member, is merely a mechanism to preserve the equity between members where one may consume more than another. In this context, no profit should be made from sales of alcohol over the bar. The club venue is not a "public house" and therefore is considered private and through the scrutiny of membership, the club is considered more self-regulating than licensed commercial premises.

Furthermore, three additional conditions apply regarding the supply of alcohol:

1. The purchase and supply of alcohol should be managed by a committee.
2. That nobody should receive at the expense of the club a commission or percentage deriving from purchase of alcohol.

3. That nobody should receive a financial benefit from the supply of alcohol by the club to its members or their guests.

Notably, a “Club” (as defined under Part 4, Section 61 of the Act), differs from a proprietary club – a club run by individuals, partnerships or businesses for the purposes of profit and which require premises and personal licenses – because a “club” has to satisfy all of the conditions and qualifying criteria.

Are there advantages for a club to opt for a combination of premises and personal licences over a club licence?

Consideration of whether a club should opt for a “Club Licence” or a combined “Premises Licence” and “Personal Licence” should be given. The advantages and disadvantages have been outlined in a table for ease of reading.

	Pros	Cons
Club Licence and temporary events	No designated premises supervisor required	Limited numbers of temporary events
	Responsibility for alcohol sales lies with committee not individual	No profits to be made from bar sales
	No specialist qualifications required	Club rules and accounts open to scrutiny
	Operating schedule is less rigorous	Minimum numbers of members and guests to temporary events limited to 500 even if venue holds more
		Events limited to 96 hours in duration
		Minimum numbers of club members to maintained at 25 or above
Premises Licence and personal licence in club type circumstances	Up to 50 special events with any 12 a year in the same venue	Higher fees (as total of premises and personal combination) - however opportunity to make profit from bar
	Numbers limited only to steward and safe capacity limits	Necessary to prove good management practices
	Profit for club can be made through the bar, rather than fundraising events	May require several personal licence holders to provide adequate supervision
	Club rules are not submitted to council	Responsibility of sales of alcohol falls to single person

Specialist licensable activity clubs: cinemas and theatres

Where a club premises certificate authorises the exhibition of a film, it is mandatory for a condition to be included in the certificate requiring the admission of children to films to be in accordance with recommendations that apply to normal cinemas.

Licensing authorities are not able to attach conditions to a club premises certificate relating to the nature of a play or the manner of its performance, unless as a matter of public safety.

Clubs and Permitted Temporary Events

Temporary event notices may be given in respect of club premises by non-personal licence holders. This means that a club, when covered by a temporary event notice, is authorised to admit members of the public and sell alcohol to them as well as provide regulated entertainment for a limited period.

Only 12 Temporary Event Notices may be given to the same club premises in any year. (Unlike a personal licence holder who may give up to 50 and anyone else may give 5).