



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 4

#### CLUBS

##### *Introductory*

#### **60 Club premises certificate**

- (1) In this Act “club premises certificate” means a certificate granted under this Part—
  - (a) in respect of premises occupied by, and habitually used for the purposes of, a club,
  - (b) by the relevant licensing authority, and
  - (c) certifying the matters specified in subsection (2).
- (2) Those matters are—
  - (a) that the premises may be used by the club for one or more qualifying club activities specified in the certificate, and
  - (b) that the club is a qualifying club in relation to each of those activities (see section 61).

##### *Qualifying clubs*

#### **61 Qualifying clubs**

- (1) This section applies for determining for the purposes of this Part whether a club is a qualifying club in relation to a qualifying club activity.
- (2) A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies both—
  - (a) the general conditions in section 62, and
  - (b) the additional conditions in section 64.

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- (3) A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the general conditions in section 62.

## **62 The general conditions**

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (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 membership and their admission.
- (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.
- (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
- (5) Condition 4 is that the club has at least 25 members.
- (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.

## **63 Determining whether a club is established and conducted in good faith**

- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
- (2) Those matters are—
- (a) any arrangements restricting the club's freedom of purchase of alcohol;
  - (b) any provision in the rules, or arrangements, under which—
    - (i) money or property of the club, or
    - (ii) any gain arising from the carrying on of the club,is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
  - (c) the arrangements for giving members information about the finances of the club;
  - (d) the books of account and other records kept to ensure the accuracy of that information;
  - (e) the nature of the premises occupied by the club.
- (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

## **64 The additional conditions for the supply of alcohol**

- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.
- (2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members—
  - (a) are members of the club;
  - (b) have attained the age of 18 years; and
  - (c) are elected by the members of the club.

This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).

- (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club.
- (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from—
  - (a) any benefit accruing to the club as a whole, or
  - (b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

## **65 Industrial and provident societies, friendly societies etc.**

- (1) Subsection (2) applies in relation to any club which is—
  - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12) (see section 74(1) of that Act),
  - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
  - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
- (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that—
  - (a) the purchase of alcohol for the club, and
  - (b) the supply of alcohol by the club,are under the control of the members or of a committee appointed by the members.
- (3) References in this Act, other than this section, to—
  - (a) subsection (2) of section 64, or
  - (b) additional condition 1 in that subsection,are references to it as read with subsection (1) of this section.
- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly—
  - (a) the premises of the society are to be treated as the premises of a club,
  - (b) the members of the society are to be treated as the members of the club, and

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- (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
- (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions—
  - (a) condition 3 in subsection (4) of section 62,
  - (b) condition 5 in subsection (6) of that section,
  - (c) the additional conditions in section 64.
- (6) In this section “incorporated friendly society” has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

## **66 Miners' welfare institutes**

- (1) Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly—
  - (a) the premises of the institute are to be treated as the premises of a club,
  - (b) the persons enrolled as members of the institute are to be treated as the members of the club, and
  - (c) anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.
- (2) In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions—
  - (a) condition 3 in subsection (4) of section 62,
  - (b) condition 4 in subsection (5) of that section,
  - (c) condition 5 in subsection (6) of that section,
  - (d) the additional conditions in section 64.
- (3) For the purposes of this section—
  - (a) “miners' welfare institute” means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and
  - (b) a miners' welfare institute is “relevant” if it satisfies one of the following conditions.
- (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.
- (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).
- (6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

### *Interpretation*

#### **67 Associate members and their guests**

- (1) Any reference in this Act (other than this section) to a guest of a member of a club includes a reference to—
  - (a) an associate member of the club, and
  - (b) a guest of an associate member of the club.
- (2) For the purposes of this Act a person is an “associate member” of a club if—
  - (a) in accordance with the rules of the club, he is admitted to its premises as being a member of another club, and
  - (b) that other club is a recognised club (see section 193).

#### **68 The relevant licensing authority**

- (1) For the purposes of this Part the “relevant licensing authority” in relation to any premises is determined in accordance with this section.
- (2) Subject to subsection (3), the relevant licensing authority is the authority in whose area the premises are situated.
- (3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—
  - (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
  - (b) if there is no authority to which paragraph (a) applies, such one of those authorities as is nominated in accordance with subsection (4).
- (4) In a case within subsection (3)(b), an applicant for a club premises certificate must nominate one of the licensing authorities as the relevant licensing authority in relation to the application and any certificate granted as a result of it.

#### **69 Authorised persons, interested parties and responsible authorities**

- (1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section—

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“authorised person”,  
“interested party”,  
“responsible authority”.

- (2) “Authorised person” means any of the following—
- (a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,
  - (b) an inspector appointed under section 18 of the Fire Precautions Act 1971 (c. 40),
  - (c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37),
  - (d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
  - (e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c. 21),
  - (f) a person prescribed for the purposes of this subsection.
- (3) “Interested party” means any of the following—
- (a) a person living in the vicinity of the premises,
  - (b) a body representing persons who live in that vicinity,
  - (c) a person involved in a business in that vicinity,
  - (d) a body representing persons involved in such businesses.
- (4) “Responsible authority” means any of the following—
- (a) the chief officer of police for any police area in which the premises are situated,
  - (b) the fire authority for any area in which the premises are situated,
  - (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 (c. 37) for any area in which the premises are situated,
  - (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the premises are situated,
  - (e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,
  - (f) a body which—
    - (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
    - (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,
  - (g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,
  - (h) in relation to a vessel—
    - (i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters

- where it is, or is proposed to be, navigated at a time when it is used for qualifying club activities,
- (ii) the Environment Agency,
  - (iii) the British Waterways Board, or
  - (iv) the Secretary of State,
- (i) a person prescribed for the purposes of this subsection.
- (5) For the purposes of this section, “statutory function” means a function conferred by or under any enactment.

## **70 Other definitions relating to clubs**

In this Part—

“secretary”, in relation to a club, includes any person (whether or not an officer of the club) performing the duties of a secretary;

“supply of alcohol to members or guests” means, in the case of any club,—

- (a) the supply of alcohol by or on behalf of the club to, or to the order of, a member of the club, or
- (b) the sale by retail of alcohol by or on behalf of the club to a guest of a member of the club for consumption on the premises where the sale takes place,

and related expressions are to be construed accordingly.

### *Grant of club premises certificate*

## **71 Application for club premises certificate**

- (1) A club may apply for a club premises certificate in respect of any premises which are occupied by, and habitually used for the purposes of, the club.
- (2) Any application for a club premises certificate must be made to the relevant licensing authority.
- (3) Subsection (2) is subject to regulations under—
  - (a) section 91 (form etc. of applications and notices under this Part);
  - (b) section 92 (fees to accompany applications and notices).
- (4) An application under this section must also be accompanied by—
  - (a) a club operating schedule,
  - (b) a plan of the premises to which the application relates, in the prescribed form, and
  - (c) a copy of the rules of the club.
- (5) A “club operating schedule” is a document which is in the prescribed form, and includes a statement of the following matters—
  - (a) the qualifying club activities to which the application relates (“the relevant qualifying club activities”),
  - (b) the times during which it is proposed that the relevant qualifying club activities are to take place,
  - (c) any other times during which it is proposed that the premises are to be open to members and their guests,

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- (d) where the relevant qualifying club activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or both on and off the premises,
  - (e) the steps which it is proposed to take to promote the licensing objectives, and
  - (f) such other matters as may be prescribed.
- (6) The Secretary of State must by regulations—
- (a) require an applicant to advertise the application within the prescribed period—
    - (i) in the prescribed form, and
    - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the interested parties likely to be affected by it;
  - (b) require an applicant to give notice of the application to each responsible authority, and such other persons as may be prescribed within the prescribed period;
  - (c) prescribe the period during which interested parties and responsible authorities may make representations to the relevant licensing authority about the application.

## **72 Determination of application for club premises certificate**

- (1) This section applies where the relevant licensing authority—
- (a) receives an application for a club premises certificate made in accordance with section 71, and
  - (b) is satisfied that the applicant has complied with any requirement imposed on the applicant under subsection (6) of that section.
- (2) Subject to subsection (3), the authority must grant the certificate in accordance with the application subject only to—
- (a) such conditions as are consistent with the club operating schedule accompanying the application, and
  - (b) any conditions which must under section 73(2) to (5) or 74 be included in the certificate.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to grant the certificate subject to—
    - (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
    - (ii) any conditions which must under section 73(2) to (5) or 74 be included in the certificate;
  - (b) to exclude from the scope of the certificate any of the qualifying club activities to which the application relates;
  - (c) to reject the application.



- (5) Subsections (2) and (3)(b) are subject to section 73(1) (certificate may authorise off-supplies only if it authorises on-supplies).
- (6) For the purposes of subsection (4)(a) the conditions mentioned in subsection (2) (a) are modified if any of them is altered or omitted or any new condition is added.
- (7) For the purposes of this section, “relevant representations” means representations which—
  - (a) are about the likely effect of the grant of the certificate on the promotion of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
  - (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 71(6)(c),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the authority determines for the purposes of subsection (8)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (10) In discharging its duty under subsection (2) or (3)(b) a licensing authority may grant a club premises certificate subject to different conditions in respect of—
  - (a) different parts of the premises concerned;
  - (b) different qualifying club activities.

### **73 Certificate authorising supply of alcohol for consumption off the premises**

- (1) A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.
- (2) A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions.
- (3) The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (4) The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- (5) The third condition is that any supply of alcohol for consumption off the premises must be made to a member of the club in person.

### **74 Mandatory condition: exhibition of films**

- (1) Where a club premises certificate authorises the exhibition of films, the certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

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- (2) Where the film classification body is specified in the certificate, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where—
- (a) the film classification body is not specified in the certificate, or
  - (b) the relevant licensing authority has notified the club which holds the certificate that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section—
- “children” means persons aged under 18; and
  - “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

#### **75 Prohibited conditions: associate members and their guests**

- (1) Where the rules of a club provide for the sale by retail of alcohol on any premises by or on behalf of the club to, or to a guest of, an associate member of the club, no condition may be attached to a club premises certificate in respect of the sale by retail of alcohol on those premises by or on behalf of the club so as to prevent the sale by retail of alcohol to any such associate member or guest.
- (2) Where the rules of a club provide for the provision of any regulated entertainment on any premises by or on behalf of the club to, or to a guest of, an associate member of the club, no condition may be attached to a club premises certificate in respect of the provision of any such regulated entertainment on those premises by or on behalf of the club so as to prevent its provision to any such associate member or guest.

#### **76 Prohibited conditions: plays**

- (1) In relation to a club premises certificate which authorises the performance of plays, no condition may be attached to the certificate as to the nature of the plays which may be performed, or the manner of performing plays, under the certificate.
- (2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 72(2) or (3)(b), 85(3)(b) or 88(3), any condition which it considers necessary on the grounds of public safety.

#### **77 Grant or rejection of application for club premises certificate**

- (1) Where an application is granted under section 72, the relevant licensing authority must forthwith—
- (a) give a notice to that effect to—
    - (i) the applicant,
    - (ii) any person who made relevant representations in respect of the application, and
    - (iii) the chief officer of police for the police area (or each police area) in which the premises are situated, and

- (b) issue the club with the club premises certificate and a summary of it.
- (2) Where relevant representations were made in respect of the application, the notice under subsection (1)(a) must specify the authority's reasons for its decision as to the steps (if any) to take under section 72(3)(b).
- (3) Where an application is rejected under section 72, the relevant licensing authority must forthwith give a notice to that effect, stating its reasons for that decision, to—
  - (a) the applicant,
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (4) In this section “relevant representations” has the meaning given in section 72(6).

## **78 Form of certificate and summary**

- (1) A club premises certificate and the summary of such a certificate must be in the prescribed form.
- (2) Regulations under subsection (1) must, in particular, provide for the certificate to—
  - (a) specify the name of the club and the address which is to be its relevant registered address, as defined in section 184(7);
  - (b) specify the address of the premises to which the certificate relates;
  - (c) include a plan of those premises;
  - (d) specify the qualifying club activities for which the premises may be used;
  - (e) specify the conditions subject to which the certificate has effect.

## **79 Theft, loss, etc. of certificate or summary**

- (1) Where a club premises certificate or summary is lost, stolen, damaged or destroyed, the club may apply to the relevant licensing authority for a copy of the certificate or summary.
- (2) Subsection (1) is subject to regulations under section 92(1) (power to prescribe fee to accompany application).
- (3) Where an application is made in accordance with this section, the relevant licensing authority must issue the club with a copy of the certificate or summary (certified by the authority to be a true copy) if it is satisfied that—
  - (a) the certificate or summary has been lost, stolen, damaged or destroyed, and
  - (b) where it has been lost or stolen, the club has reported the loss or theft to the police.
- (4) The copy issued under this section must be a copy of the club premises certificate or summary in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original club premises certificate or summary.

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### *Duration of certificate*

#### **80 Period of validity of club premises certificate**

- (1) A club premises certificate has effect until such time as—
  - (a) it is withdrawn under section 88 or 90, or
  - (b) it lapses by virtue of section 81(3) (surrender).
- (2) But a club premises certificate does not have effect during any period when it is suspended under section 88.

#### **81 Surrender of club premises certificate**

- (1) Where a club which holds a club premises certificate decides to surrender it, the club may give the relevant licensing authority a notice to that effect.
- (2) The notice must be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to produce the certificate.
- (3) Where a notice is given in accordance with this section, the certificate lapses on receipt of the notice by the authority.

### *Duty to notify certain changes*

#### **82 Notification of change of name or alteration of rules of club**

- (1) Where a club—
  - (a) holds a club premises certificate, or
  - (b) has made an application for a club premises certificate which has not been determined by the relevant licensing authority,the secretary of the club must give the relevant licensing authority notice of any change in the name, or alteration made to the rules, of the club.
- (2) Subsection (1) is subject to regulations under section 92(1) (power to prescribe fee to accompany application).
- (3) A notice under subsection (1) by a club which holds a club premises certificate must be accompanied by the certificate or, if that is not practicable, by a statement of the reasons for the failure to produce the certificate.
- (4) An authority notified under this section of a change in the name, or alteration to the rules, of a club must amend the club premises certificate accordingly.
- (5) But nothing in subsection (4) requires or authorises the making of any amendment to a club premises certificate so as to change the premises to which the certificate relates (and no amendment made under that subsection to a club premises certificate has effect so as to change those premises).
- (6) If a notice required by this section is not given within the 28 days following the day on which the change of name or alteration to the rules is made, the secretary of the club commits an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**83 Change of relevant registered address of club**

- (1) A club which holds a club premises certificate may give the relevant licensing authority notice of any change desired to be made in the address which is to be the club's relevant registered address.
- (2) If a club which holds a club premises certificate ceases to have any authority to make use of the address which is its relevant registered address, it must as soon as reasonably practicable give to the relevant licensing authority notice of the change to be made in the address which is to be the club's relevant registered address.
- (3) Subsections (1) and (2) are subject to regulations under section 92(1) (power to prescribe fee to accompany application).
- (4) A notice under subsection (1) or (2) must also be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to produce the certificate.
- (5) An authority notified under subsection (1) or (2) of a change to be made in the relevant registered address of a club must amend the club premises certificate accordingly.
- (6) If a club fails, without reasonable excuse, to comply with subsection (2) the secretary commits an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) In this section "relevant registered address" has the meaning given in section 184(7).

*Variation of certificates***84 Application to vary club premises certificate**

- (1) A club which holds a club premises certificate may apply to the relevant licensing authority for variation of the certificate.
- (2) Subsection (1) is subject to regulations under—
  - (a) section 91 (form etc. of applications);
  - (b) section 92 (fees to accompany applications).
- (3) An application under this section must also be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to provide the certificate.
- (4) The duty to make regulations imposed on the Secretary of State by subsection (6) of section 71 (advertisement etc. of application) applies in relation to applications under this section as it applies in relation to applications under that section.

**85 Determination of application under section 84**

- (1) This section applies where the relevant licensing authority—
  - (a) receives an application, made in accordance with section 84, to vary a club premises certificate, and
  - (b) is satisfied that the applicant has complied with any requirement imposed by virtue of subsection (4) of that section.

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- (2) Subject to subsection (3) and section 86(6), the authority must grant the application.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
  - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to modify the conditions of the certificate;
  - (b) to reject the whole or part of the application;
- and for this purpose the conditions of the certificate are modified if any of them is altered or omitted or any new condition is added.
- (5) In this section “relevant representations” means representations which—
- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
  - (b) meet the requirements of subsection (6).
- (6) The requirements are—
- (a) that the representations are made by an interested party or responsible authority within the period prescribed under section 71(6)(c) by virtue of section 84(4),
  - (b) that they have not been withdrawn, and
  - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (7) Subsections (2) and (3) are subject to sections 73 and 74 (mandatory conditions relating to supply of alcohol for consumption off the premises and to exhibition of films).

## **86 Supplementary provision about applications under section 84**

- (1) Where an application (or any part of an application) is granted under section 85, the relevant licensing authority must forthwith give a notice to that effect to—
- (a) the applicant,
  - (b) any person who made relevant representations in respect of the application, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (2) Where relevant representations were made in respect of the application, the notice under subsection (1) must specify the authority’s reasons for its decision as to the steps (if any) to take under section 85(3)(b).
- (3) The notice under subsection (1) must specify the time when the variation in question takes effect.

That time is the time specified in the application or, if that time is before the applicant is given the notice, such later time as the relevant licensing authority specifies in the notice.

- (4) Where an application (or any part of an application) is rejected under section 85, the relevant licensing authority must forthwith give a notice to that effect stating its reasons for rejecting the application to—
  - (a) the applicant,
  - (b) any person who made relevant representations, and
  - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (5) Where the relevant licensing authority determines for the purposes of section 85(6)(c) that any representations are frivolous or vexatious, it must give the person who made them its reasons for that determination.
- (6) A club premises certificate may not be varied under section 85 so as to vary substantially the premises to which it relates.
- (7) In discharging its duty under subsection (2) or (3)(b) of that section, a licensing authority may vary a club premises certificate so that it has effect subject to different conditions in respect of—
  - (a) different parts of the premises concerned;
  - (b) different qualifying club activities.
- (8) In this section “relevant representations” has the meaning given in section 85(5).

#### *Review of certificates*

### **87 Application for review of club premises certificate**

- (1) Where a club holds a club premises certificate—
  - (a) an interested party,
  - (b) a responsible authority, or
  - (c) a member of the club,may apply to the relevant licensing authority for a review of the certificate.
- (2) Subsection (1) is subject to regulations under section 91 (form etc. of applications).
- (3) The Secretary of State must by regulations under this section—
  - (a) require the applicant to give a notice containing details of the application to the club and each responsible authority within such period as may be prescribed;
  - (b) require the authority to advertise the application and invite representations relating to it to be made to the authority;
  - (c) prescribe the period during which representations may be made by the club, any responsible authority and any interested party;
  - (d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.
- (4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied—
  - (a) that the ground is not relevant to one or more of the licensing objectives, or

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- (b) in the case of an application made by a person other than a responsible authority, that—
  - (i) the ground is frivolous or vexatious, or
  - (ii) the ground is a repetition.
- (5) For this purpose a ground for review is a repetition if—
  - (a) it is identical or substantially similar to—
    - (i) a ground for review specified in an earlier application for review made in respect of the same club premises certificate and determined under section 88, or
    - (ii) representations considered by the relevant licensing authority in accordance with section 72, before it determined the application for the club premises certificate under that section, and
  - (b) a reasonable interval has not elapsed since that earlier application or that grant.
- (6) Where the authority rejects a ground for review under subsection (4)(b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.
- (7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4).

Accordingly, the requirements imposed under subsection (3)(a) and (b) and by section 88 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

## **88 Determination of application for review**

- (1) This section applies where—
  - (a) the relevant licensing authority receives an application made in accordance with section 87,
  - (b) the applicant has complied with any requirement imposed by virtue of subsection (3)(a) or (d) of that section, and
  - (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.
- (2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.
- (3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
  - (a) to modify the conditions of the certificate;
  - (b) to exclude a qualifying club activity from the scope of the certificate;
  - (c) to suspend the certificate for a period not exceeding three months;
  - (d) to withdraw the certificate;

and for this purpose the conditions of the certificate are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (3) is subject to sections 73 and 74 (mandatory conditions relating to supply of alcohol for consumption off the premises and to exhibition of films).



- (6) Where the authority takes a step within subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.
- (7) In this section “relevant representations” means representations which—
- (a) are relevant to one or more of the licensing objectives, and
  - (b) meet the requirements of subsection (8).
- (8) The requirements are—
- (a) that the representations are made by the club, a responsible authority or an interested party within the period prescribed under section 87(3)(c),
  - (b) that they have not been withdrawn, and
  - (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must give the person who made them its reasons for that determination.
- (10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to—
- (a) the club,
  - (b) the applicant,
  - (c) any person who made relevant representations, and
  - (d) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (11) A determination under this section does not have effect—
- (a) until the end of the period given for appealing against the decision, or
  - (b) if the decision is appealed against, until the appeal is disposed of.

## **89 Supplementary provision about review**

- (1) This section applies where a local authority is both—
- (a) the relevant licensing authority, and
  - (b) a responsible authority,
- in respect of any premises.
- (2) The authority may, in its capacity as responsible authority, apply under section 87 for a review of any club premises certificate in respect of the premises.
- (3) The authority may in its capacity as licensing authority determine that application.

### *Withdrawal of certificates*

## **90 Club ceasing to be a qualifying club**

- (1) Where—
- (a) a club holds a club premises certificate, and

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- (b) it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates (see section 61),  
the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity.
- (2) Where the only reason that the club does not satisfy the conditions for being a qualifying club in relation to the activity in question is that the club has fewer than the required number of members, the notice withdrawing the certificate must state that the withdrawal—
- (a) does not take effect until immediately after the end of the period of three months following the date of the notice, and
  - (b) will not take effect if, at the end of that period, the club again has at least the required number of members.
- (3) The references in subsection (2) to the required number of members are references to the minimum number of members required by condition 4 in section 62(5) (25 at the passing of this Act).
- (4) Nothing in subsection (2) prevents the giving of a further notice of withdrawal under this section at any time.
- (5) Where a justice of the peace is satisfied, on information on oath, that there are reasonable grounds for believing—
- (a) that a club which holds a club premises certificate does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates, and
  - (b) that evidence of that fact is to be obtained at the premises to which the certificate relates,
- he may issue a warrant authorising a constable to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant, and search them.
- (6) A person who enters premises under the authority of a warrant under subsection (5) may seize and remove any documents relating to the business of the club in question.

### *General provision*

## **91 Form etc. of applications and notices under Part 4**

In relation to any application or notice under this Part, regulations may prescribe—

- (a) its form;
- (b) the manner in which it is to be made or given;
- (c) information and documents that must accompany it.

## **92 Fees**

- (1) Regulations may—
- (a) require applications under any provision of this Part (other than section 87) to be accompanied by a fee, and
  - (b) prescribe the amount of the fee.

- (2) Regulations may also require the payment of an annual fee to the relevant licensing authority by or on behalf of a club which holds a club premises certificate.
- (3) Regulations under subsection (2) may include provision—
  - (a) imposing liability for the making of the payment on the secretary or such other officers or members of the club as may be prescribed,
  - (b) prescribing the amount of any such fee, and
  - (c) prescribing the time at which any such fee is due.
- (4) Any fee which is owed to a licensing authority under subsection (2) may be recovered as a debt due to the authority from any person liable to make the payment by virtue of subsection (3)(a).

*Production of certificate, rights of entry, etc.*

**93 Licensing authority’s duty to update club premises certificate**

- (1) Where—
  - (a) the relevant licensing authority, in relation to a club premises certificate, makes a determination or receives a notice under this Part, or
  - (b) an appeal against a decision under this Part is disposed of,the relevant licensing authority must make the appropriate amendments (if any) to the certificate and, if necessary, issue a new summary of the certificate.
- (2) Where a licensing authority is not in possession of the club premises certificate, it may, for the purpose of discharging its obligations under subsection (1), require the secretary of the club to produce the certificate to the authority within 14 days from the date on which the club is notified of the requirement.
- (3) A person commits an offence if he fails, without reasonable excuse, to comply with a requirement under subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

**94 Duty to keep and produce certificate**

- (1) This section applies whenever premises in respect of which a club premises certificate has effect are being used for one or more qualifying club activities authorised by the certificate.
- (2) The secretary of the club must secure that the certificate, or a certified copy of it, is kept at the premises in the custody or under the control of a person (the “nominated person”) who—
  - (a) falls within subsection (3),
  - (b) has been nominated for the purpose by the secretary in writing, and
  - (c) has been identified to the relevant licensing authority in a notice given by the secretary.
- (3) The persons who fall within this subsection are—
  - (a) the secretary of the club,
  - (b) any member of the club,

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- (c) any person who works at the premises for the purposes of the club.
- (4) The nominated person must secure that—
  - (a) the summary of the certificate or a certified copy of that summary, and
  - (b) a notice specifying the position which he holds at the premises,are prominently displayed at the premises.
- (5) The secretary commits an offence if he fails, without reasonable excuse, to comply with subsection (2).
- (6) The nominated person commits an offence if he fails, without reasonable excuse, to comply with subsection (4).
- (7) A constable or an authorised person may require the nominated person to produce the club premises certificate (or certified copy) for examination.
- (8) An authorised person exercising the power conferred by subsection (7) must, if so requested, produce evidence of his authority to exercise the power.
- (9) A person commits an offence if he fails, without reasonable excuse, to produce a club premises certificate or certified copy of a club premises certificate in accordance with a requirement under subsection (7).
- (10) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (11) In subsection (4) the reference to the summary of the certificate is a reference to the summary issued under section 77 or, where one or more summaries have subsequently been issued under section 93, the most recent summary to be so issued.
- (12) Section 95 makes provision about certified copies of club premises certificates and of summaries of club premises certificates for the purposes of this section.

## **95 Provision supplementary to section 94**

- (1) Any reference in section 94 to a certified copy of a document is a reference to a copy of the document which is certified to be a true copy by—
  - (a) the relevant licensing authority,
  - (b) a solicitor or notary, or
  - (c) a person of a prescribed description.
- (2) Any certified copy produced in accordance with a requirement under subsection 94(7) must be a copy of the document in the form in which it exists at the time.
- (3) A document which purports to be a certified copy of a document is to be taken to be such a copy, and to comply with the requirements of subsection (2), unless the contrary is shown.

## **96 Inspection of premises before grant of certificate etc.**

- (1) Subsection (2) applies where—
  - (a) a club applies for a club premises certificate in respect of any premises,
  - (b) a club applies under section 84 for the variation of a club premises certificate held by it, or

- (c) an application is made under section 87 for review of a club premises certificate.
- (2) On production of his authority—
  - (a) an authorised person, or
  - (b) a constable authorised by the chief officer of police,may enter and inspect the premises.
- (3) Any entry and inspection under this section must take place at a reasonable time on a day—
  - (a) which is not more than 14 days after the making of the application in question, and
  - (b) which is specified in the notice required by subsection (4).
- (4) Before an authorised person or constable enters and inspects any premises under this section, at least 48 hours' notice must be given to the club.
- (5) Any person obstructing an authorised person in the exercise of the power conferred by this section commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) The relevant licensing authority may, on the application of a responsible authority, extend by not more than 7 days the time allowed for carrying out an entry and inspection under this section.
- (8) The relevant licensing authority may allow such an extension of time only if it appears to the authority that—
  - (a) reasonable steps had been taken for an authorised person or constable authorised by the applicant to inspect the premises in good time, but
  - (b) it was not possible for the inspection to take place within the time allowed.

## **97 Other powers of entry and search**

- (1) Where a club premises certificate has effect in respect of any premises, a constable may enter and search the premises if he has reasonable cause to believe—
  - (a) that an offence under section 4(3)(a), (b) or (c) of the Misuse of Drugs Act 1971 (c. 38) (supplying or offering to supply, or being concerned in supplying or making an offer to supply, a controlled drug) has been, is being, or is about to be, committed there, or
  - (b) that there is likely to be a breach of the peace there.
- (2) A constable exercising any power conferred by this section may, if necessary, use reasonable force.