



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 4 **E+W**

#### CLUBS

##### *Grant of club premises certificate*

#### **71 Application for club premises certificate **E+W****

- (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 <sup>F1</sup>persons who live, or are involved in a business, in the relevant licensing authority's area and who are] likely to be affected by it;
  - <sup>F2</sup>(aa) require the relevant licensing authority 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 persons who are likely to be affected by it; and<sup>F3</sup>, and]
  - (b) <sup>F3</sup> .....
  - (c) prescribe the period during which <sup>F4</sup>responsible authorities and other persons] may make representations to the relevant licensing authority about the application.
- <sup>F5</sup>(7) The Secretary of State may by regulations—
- (a) require an applicant to give notice of his application to each responsible authority, and such other persons as may be prescribed, within the prescribed period, and
  - (b) in a case where the application is made by means of a relevant electronic facility, require the relevant licensing authority to give notice of the application to such persons as may be prescribed, within the prescribed period.]

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#### Textual Amendments

- F1** Words in s. 71(6)(a)(ii) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 107\(3\)\(a\), 157\(1\)](#) (with s. 107(9)); S.I. 2012/1129, art. 2(d)
- F2** S. 71(6)(aa) inserted (22.3.2012 for specified purposes, 25.4.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 107\(3\)\(b\), 157\(1\)](#) (with s. 107(9)); S.I. 2012/896, art. 2(c); S.I. 2012/1129, art. 2(d)
- F3** S. 71(6)(b) omitted (28.12.2009) by virtue of [The Provision of Services Regulations 2009 \(S.I. 2009/2999\), reg. 49\(9\)\(a\)](#) (with regs. 2, 5)
- F4** Words in s. 71(6)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), ss. 107\(3\)\(c\), 157\(1\)](#) (with s. 107(9)); S.I. 2012/1129, art. 2(d)
- F5** S. 71(7) inserted (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\), reg. 49\(9\)\(b\)](#) (with regs. 2, 5)
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#### Commencement Information

- I1** S. 71(4)(b)(5)(6) in force at 16.12.2003 by [S.I. 2003/3222, art. 2, Sch.](#) and s. 71 in force otherwise at 7.2.2005 by [S.I. 2004/2360, art. 2, Sch.](#)

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## 72 Determination of application for club premises certificate **E+W**

- (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) [<sup>F6</sup>, 73A] 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 [<sup>F7</sup>appropriate] 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 [<sup>F8</sup>appropriate] for the promotion of the licensing objectives, and
    - (ii) any conditions which must under section 73(2) to (5) [<sup>F6</sup>, 73A] 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)(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 [<sup>F9</sup>a responsible authority or other person] 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 [<sup>F10</sup>a person who is not a responsible authority], that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

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- (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.

#### Textual Amendments

- F6** Words in s. 72(2)(b)(4)(a)(ii) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, [Sch. 7 para. 38](#); S.I. 2010/125, [art. 2\(t\)](#)
- F7** Word in s. 72(3)(b) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 110\(2\)\(a\)](#), 157(1) (with s. 110(6)); S.I. 2012/1129, [art. 2\(d\)](#)
- F8** Word in s. 72(4)(a)(i) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 110\(2\)\(b\)](#), 157(1) (with s. 110(6)); S.I. 2012/1129, [art. 2\(d\)](#)
- F9** Words in s. 72(8)(a) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 107\(4\)\(a\)](#), 157(1) (with s. 107(9)); S.I. 2012/1129, [art. 2\(d\)](#)
- F10** Words in s. 72(8)(c) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 107\(4\)\(b\)](#), 157(1) (with s. 107(9)); S.I. 2012/1129, [art. 2\(d\)](#)

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

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- (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.

### [<sup>F11</sup>73A **Mandatory conditions relating to the supply of alcohol to members or guests** E

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Where a club premises certificate authorises the supply of alcohol to members or guests, the certificate must include any conditions specified in an order under section 73B and applicable to the certificate.]

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### Textual Amendments

**F11** S. 73A inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 32, 116, [Sch. 4 para. 3](#); S.I. 2010/125, [art. 2\(r\)](#)

## [<sup>F12</sup>73B Power of Secretary of State to impose section 73A mandatory conditions **E+W**

- (1) The Secretary of State may by order specify conditions relating to the supply of alcohol to members or guests and applicable to all relevant club premises certificates or relevant club premises certificates of a particular description if the Secretary of State considers it appropriate to do so for the promotion of the licensing objectives.
- (2) The number of conditions in force by virtue of subsection (1) in relation to all relevant club premises certificates and the number of conditions in force by virtue of that subsection in relation to relevant club premises certificates of particular descriptions must not (when added together) exceed at any time nine.
- (3) An order under subsection (1) may—
  - (a) relate to existing or future relevant club premises certificates,
  - (b) specify conditions which involve, or consist of, the exercise of a discretion by any person.
- (4) Any conditions specified by an order under subsection (1) in relation to existing relevant club premises certificates are to be treated as—
  - (a) included in those certificates from the coming into force of the order, and
  - (b) overriding any conditions already included in those certificates (“the existing conditions”) so far as they are—
    - (i) identical to the existing conditions, or
    - (ii) inconsistent with, and more onerous than, the existing conditions.
- (5) Any conditions included, or treated as included, in relevant club premises certificates by virtue of section 73A and this section cease to have effect so far as they cease to be specified under this section in relation to those certificates.
- (6) Any conditions treated as mentioned in subsection (4)(b) cease to be so treated so far as they cease to be specified under this section in relation to the relevant club premises certificates concerned.
- (7) So far as conditions cease to be treated as mentioned in subsection (4)(b), the existing conditions revive.
- (8) Subsections (5) to (7) are subject to any alternative transitional or saving provision made by the order revoking the specification.
- (9) In this section—
 

“existing relevant club premises certificate”, in relation to an order, means a relevant club premises certificate granted before the coming into force of the order and in effect, or capable of having effect, on its coming into force,

“future relevant club premises certificate”, in relation to an order, means a relevant club premises certificate granted on or after the coming into force of the order,

“relevant club premises certificate” means a club premises certificate authorising the supply of alcohol to members or guests.]

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### Textual Amendments

**F12** S. 73B inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 32, 116, [Sch. 4 para. 4](#); [S.I. 2010/125](#), [art. 2\(r\)](#)

## 74 **Mandatory condition: exhibition of films** **E+W**

- (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.
- (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** **E+W**

- (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** **E+W**

- (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 [<sup>F13</sup>appropriate] on the grounds of public safety.

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### Textual Amendments

**F13** Word in s. 76(2) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 110\(3\), 157\(1\)](#) (with [s. 110\(6\)](#)); [S.I. 2012/1129](#), [art. 2\(d\)](#)

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

- (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 **E+W**

- (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 <sup>F14</sup>is issued]

### Textual Amendments

**F14** Words in s. 78(2)(e) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), [ss. 112, 116](#), [Sch. 7 para. 39](#); [S.I. 2010/125](#), [art. 2\(t\)](#)

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**79 Theft, loss, etc. of certificate or summary E+W**

- (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, <sup>F15</sup>...
  - <sup>F15</sup>(b) .....
- (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.

**Textual Amendments**

**F15** S. 79(3)(b) and preceding word omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), ss. [72\(b\)](#), [115\(7\)](#); S.I. 2015/994, art. 6(j)



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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5A inserted by 2015 c. 20 s. 67(2)Sch. 17
- s. 2(1A) inserted by 2015 c. 20 s. 67(1)
- s. 10(4)(e) and word inserted by 2011 c. 13 s. 121(3)(b)
- s. 140(2)(e) inserted by 2015 c. 20 s. 67(4)(b)
- s. 141(2)(e) inserted by 2015 c. 20 s. 67(5)(b)
- s. 143(2)(e) inserted by 2015 c. 20 s. 67(6)(b)
- s. 144(2)(e) inserted by 2015 c. 20 s. 67(7)(b)
- s. 147A(4)(c) inserted by 2015 c. 20 s. 67(8)(b)
- s. 153(4)(d) inserted by 2015 c. 20 s. 67(9)(b)
- s. 197(3)(cza) inserted by 2015 c. 20 s. 67(12)(a)
- s. 197A197B inserted by 2011 c. 13 s. 121(2)