

LICENSING ACT 2003

GRANT OF A CLUB PREMISES CERTIFICATE (CPC)

GUIDANCE FOR COMPLETION OF APPLICATION FORMS

These guidance notes are intended to provide further information to applicants to enable them to submit an application which complies with the provisions of the Licensing Act 2003 (“the Act”) and the associated regulations. However, these notes do not constitute a full statement of the law and in cases of doubt applicants should seek further advice from their own legal advisor.

What is a club premises certificate (CPC)?

The Act recognises that premises to which the public has restricted access and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those who sell alcohol to the public. It is for this reason that the new Act preserves aspects of earlier alcohol licensing law as it applied to “registered members clubs” under the new guise of a club premises certificate.

Club premises will also include a vehicle, vessel or moveable structure or any place (including in the open air) or part of a premises.

These clubs are organised where members have joined together for particular social, sporting or political purposes and then combined to buy alcohol in bulk as members of the organisation for supply in that context. They commonly include, Labour, Conservative and Liberal Clubs, the Royal British Legion, other ex-services clubs, working men’s clubs, miners welfare institutions and social and sports clubs.

There are technically no sales by retail of alcohol by the club at such premises except to guests when they make a purchase. Where members are involved there is no sale at that point (as the member owns part of the alcohol stock) and the money passing across the bar when there is a supply of alcohol to a member is merely a mechanism to preserve equity between members where one may consume more than another. This explains why the Act often refers to the supply of alcohol in the context of clubs and not just to the sale by retail.

Clubs have traditionally not been “licensed” because “sales” do not take place there. They have registered with the magistrates’ courts having established that they qualify to be treated exceptionally. The Act preserves this special treatment and requires the club to “qualify” to be outside of the normal premises licence arrangements. Therefore, the grant of a club premises certificate means that a qualifying club is entitled to certain benefits which include:

- The authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;

- The absence of a requirement to specify a designated premises supervisor (DPS);
- More limited rights of entry for the Police and authorised officers/persons because the premises are considered to be private and generally not open to the public;
- Club premises not being subject to Police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice) because they operate under their codes of discipline and rules which are rigorously enforced;
- Not being subject to potential orders of the magistrates' court for the closure of all licensed premises in an area where disorder is happening or expected.

Such qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public including the sale of alcohol to them. However it should be noted that an individual, on behalf of a qualifying club, may give temporary event notices on up to 12 occasions each calendar year so long as no more than 500 people attend the event and subject to an overall maximum duration in the year of 15 days and on these occasions can sell alcohol to the public or hire out their premises for use by members of the public without the need for a premises licence.

Note: Previously, registered members clubs also enjoyed another privilege of being outside the normal licensing regime, the freedom to sell alcohol to minors and allow them to consume it on the club premises. Whilst in recent years, clubs have operated voluntary rules which prohibit sales and supply of alcohol to those persons under 18, the Act has removed this privilege and the sale or supply of alcohol to children in such clubs is now unlawful.

What general conditions must a relevant club meet to be a qualifying club?

In order to be a qualifying club, Section 62 of the Act sets out five general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity which are:

Condition 1 - 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 or application for membership and their admission.

Condition 2 - Under the rules of the club, persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

Condition 3 - The club is established and conducted in good faith as a club.

Condition 4 - The club has at least 25 members.

Condition 5 - Alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

How must the Licensing Authority decide whether a club is established and conducted in good faith?

Section 63 of the Act sets out specified matters for licensing authorities to take into account in order for them to determine whether a club is established and conducted in good faith which are:

- (i) any arrangement restricting freedom of purchases (such as a 'tie' to a brewer);
- (ii) any arrangement under which club money or property (including profits) may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
- (iii) the arrangements for giving information to members about the finances of the club;
- (iv) the books and records kept to ensure that information is accurate;
- (v) the nature of the club premises.

Are there any additional conditions for clubs that intend to supply alcohol to members and guests?

Section 64 sets out additional conditions which only need to be met by clubs that intend to supply alcohol to members and guests which are:

Additional Condition 1 - 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.

In respect of this requirement, there are special provisions contained within section 65 & 66 of the Act for interpreting these criteria in relation to industrial and provident societies, friendly societies and miners' welfare institutes which reflect their constitutions.

Additional condition 2 - 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.

Additional condition 3 - 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 -

- (d) any benefit accruing to the club as a whole, or
- (e) 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.

How does the Act interpret a guest of a member of a club?

Reference in section 67 of the Act 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 associate member of the club.

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 the other club is a qualifying club under the Act.

What is a qualifying club activity?

There are three qualifying club activities contained within the Act (Section 1) which are:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place; and
- The provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

What is regulated entertainment?

Subject to conditions and exemptions, the definitions of regulated entertainment are contained within Schedule 1 of the Act and are:

- A performance of a play;
- An exhibition of a film;
- An indoor sporting event;
- A boxing or wrestling entertainment (indoors or outdoors);
- A performance of live music;
- Any playing of recorded music;
- A performance of a dance;
- Entertainment of a similar description to that falling within the performance of live music, any playing of recorded music and the performance of dance.

Providing that the entertainment is provided exclusively for members and their guests of a qualifying club and the premises are made available for a purpose that includes enabling the entertainment concerned to take place.

Regulated entertainment will also include the provision of "entertainment facilities" to enable persons to take part in entertainment outlined above for the purpose, or for purposes which include the purpose, of being entertained. The descriptions of entertainment are:

- Making music;
- Dancing;
- Entertainment of a similar description to making music or dancing.

Where can I get the application form?

Copies of the application form can be obtained from:

- The Licensing Authority (contact details below);
- Portsmouth City Council Website: www.portsmouth.gov.uk;
- Department of Culture, Media & Sport Website: www.culture.gov.uk.

How can I contact the Licensing Authority?

The contact details are provided in Table 1 below.

Table 1 - Contact details for the Licensing Authority:	
Portsmouth City Council Licensing Section Legal & Democratic Services Civic Offices Guildhall Square Portsmouth Hants PO1 2AL	Direct Dial No: 023 9283 4607 or 023 9268 8367 Fax No: 023 9283 4811 Answerphone: 023 9283 4811 Email: Licensing@portsmouthcc.gov.uk DX No: 2244 Portsmouth

What information must a club provide when making an application?

The club must submit the following information to the Licensing Authority:

1. The prescribed application form;
2. A declaration in the prescribed form¹ either on or before making an application;
3. The prescribed fee (see Table 2 on pages ???);
4. An up-to-date scale plan of the premises (see Table 3 on page ??? for details of the prescribed scale to be used and information to be shown on the plan);
5. A copy of the rules of the club.

Note: A person commits an offence if he/she knowingly or recklessly makes a false statement in or in connection with an application.

How do I complete the application form and what details should I provide?

The application form sets out the information required to be provided by a club which is necessary to enable any responsible authority or interested party to identify the type and extent of qualifying club activities intended to be provided at the premises and to assess whether the steps identified by the applicant to be taken to promote the licensing objectives are satisfactory.

Appendix A of these guidance notes gives more detailed assistance in completing the prescribed application form.

Do I have to send a copy of this application to any responsible authority?

A club **MUST** give notice of the application to each responsible authority by giving to each authority copies of the application and accompanying documents on the same day as the day on which the application is given to the Licensing Authority.

A list of all the contact details for the relevant responsible authorities have been enclosed with all the necessary forms and information connected with this application or alternatively is available from the Licensing Section, contact details of which are provided in Table 1 on page ???.

¹ As set out in Part A of Schedule 9 of SI 2005/42 (Regulation 17).

What happens if I have filled in the form incorrectly or have not submitted all the documentation?

Licensing staff will check the application when it is received to ensure that all the paperwork and associated documentation is correct and complete. If there are any errors or omissions, the application and documents will be sent back to the club for corrections and/or additional documentation and the club will have to submit the application again.

Do I have to publicly advertise my application?

When an application is made for the grant of a club premises certificate, the club must advertise the application in the following ways:

- (a) for a period of no less than 28 consecutive days starting on the day after the application was given to the Licensing Authority, display of a notice which is -
 - (i) of a size equal or larger than A4,
 - (ii) of a pale blue colour,
 - (iii) printed legibly in black ink or typed in black in a font size equal to or larger than 16.

The notice must be displayed 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 square metres, 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

- (b) by publishing a notice -
 - (i) in a local newspaper²;
 - (ii) on at least one occasion during the period of 10 working days starting on the day after the application was given to the Licensing Authority.

What information does the notice have to contain?

The regulations prescribe that in respect of an application for the grant of a club premises certificate, the notice shall contain the following information -

- (a) a statement of the relevant qualifying club activities which it is proposed will be carried on or from the premises;

² For the purposes of applications which need to be published in a local newspaper, we would wish notices to be published in "The News". Contact details are: The News, The News Centre, Hilsea, Portsmouth, PO2 9SX; Tel: 023 9266 4488, Website: www.thenews.co.uk.

- (b) the name of the club;
- (c) the postal address of the 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 to be identified;
- (d) the postal address and, where applicable, the web site address where the register of the Licensing Authority is kept and where and when the application may be inspected;
- (e) the date by which an interested party or responsible authority may make representations to the Licensing Authority; ***[Please note that applicants must insert the appropriate date calculating 28 days forward from the day after the day on which the application was made to the licensing authority]***
- (f) that representations shall be made in writing; and
- (g) that it is an offence knowingly or recklessly to make a false statement in connection with an application and a person guilty of an offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale (currently £5,000).

Note: The Licensing Section have prepared such notices as referred to above and will be sent to applicants as part of the "application pack" or alternatively can be sent on request.

Can I send my application by Email or Fax?

The regulations made under the Act prescribe that an application shall be given in writing. However, they do permit the receipt of applications by electronic means and providing the recipient has agreed in advance to the receipt of such applications by these methods, subject to the following criteria that the application:

- (a) is capable of being accessed by the recipient;
- (b) is legible in all material respects;
- (c) is capable of being read and reproduced in legible form and used for subsequent reference;
- (d) **is also given to the recipient in writing**, following the sending of the application by electronic means.

Note for applicants: When the text for this particular application is sent by electronic means, the application shall not be deemed to be given until the fee and accompanying documents have been received by the Licensing Authority.

How long will it take for my application to be processed?

Once we have received all the necessary information required for us to consider your application, a statutory period of 28 consecutive days, starting on the day after the application was submitted to the Licensing Authority, is provided for in order for responsible authorities and interested parties to consider your application and make representations if necessary. Any such representations **MUST** be made within this 28 day period and if received after this time will **NOT** be able to be taken into account.

Who can make representations about my application?

Written representations can be made by any of the responsible authorities in respect of the proposed variation if they consider that the proposal undermines any of the licensing objectives. In addition, an “interested party” is also entitled to make written representations to the Licensing Authority for the same reasons. “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.

If there are no representations, will my certificate be granted with any conditions?

If no representations are received within the time limits prescribed by the Act, the Licensing Authority must grant the application subject only to such conditions as are consistent with the club operating schedule (which forms part of the application form) and any mandatory conditions prescribed by the Act.

The Act requires that mandatory conditions are imposed on a club premises certificate (where applicable) in respect of:

- (a) supply of alcohol off the premises; and
- (b) exhibition of films.

What happens if representations are made in respect of my application?

Where relevant representations are made, the Licensing Authority must hold a hearing to consider them, unless the Licensing Authority, the applicant and each person who has made such representations agree that a hearing is unnecessary or the representations are subsequently withdrawn.

The Licensing Authority, having regard to the representations may take the following steps (if any) as it considers necessary for the promotion of the licensing objectives:

- (a) to grant the certificate subject to the conditions outlined in the operating schedule, modified to such extent as the Licensing Authority considers necessary for the promotion of the licensing objectives and such mandatory conditions prescribed by the Act;
- (b) to exclude any qualifying club activities to which the application relates;
- (c) to reject the application.

Where an application is granted after a hearing, the Licensing Authority must give the applicant, any person who made relevant representations in respect of an application and the Police a notice to that effect stating the authority's reasons for its decision.

Where an application is rejected after a hearing, the Licensing Authority must give a notice to that effect stating its reasons for rejecting the application to the applicant, any person who made relevant representations and the Police.

What happens if my application is rejected?

Where a Licensing Authority rejects an application, imposes any condition or excludes a qualifying club activity, a club may appeal against that decision to the Magistrates Court within 21 days beginning with the day on which the applicant was notified of the decision by the Licensing Authority.

In addition, where a person who made relevant representations in relation to the application wishes to contend that the certificate ought not to have been granted or that on granting the licence, the Licensing Authority ought to have imposed different or additional conditions or should have excluded a qualifying club activity, that person may also appeal against that decision within the same time period as that provided to the club.

When will the certificate take effect?

The new club premises certificate will have effect from when the certificate is granted but this will not be before the second appointed day when the existing licensing regimes end and are replaced by the new licensing system. This date has yet to be confirmed but is likely to be 24 November 2005.

Table 2 - Prescribed Fees for Club Premises Certificates:

The prescribed fees payable in respect of club premises certificates are based upon the non-domestic rateable value of the premises concerned. For certain types of premises not specified with a non-domestic rateable value, the fee shall be calculated in accordance with band A. The bands and fees are as follows:

Rateable Value Bands	A 0 - £4,300	B £4,300 - £33,000	C £33,001 - £87,000	D £87,000 - £125,000	E £125,001 & above
Main Application Fee	£100	£190	£315	£450	£635
Main Annual Charge	£70	£180	£295	£320	£350

In relation to an application for a club certificate mainly in respect of open air sites; where the maximum number of persons permitted on the premises at the same time is 5,000 or more, an additional fee must accompany the main fee. The range of fees is dependent upon the permitted maximum number of persons as follows:

Number in attendance at any one time:	Additional Fee:
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

Miscellaneous Exemptions:

No fee shall be payable in respect of an application for a club premises certificate which relates to the provision of regulated entertainment only subject to the following conditions:

- (a) in a case of an application by a proprietor of an educational institution in respect of premises that are or form part of the educational institution -
 - (i) that the educational institution is a school or a college; and
 - (ii) the provision of regulated entertainment on the premises is carried on by the educational institution for and on behalf of the purposes of the educational institution; or
- (b) that the application is in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar

building.

Table 3 - Information to be shown on scale plan:

Unless the Licensing Authority has previously agreed in writing with the applicant, following a request by the applicant that an alternative scale plan is acceptable, in which case the plan shall be drawn to that alternative scale, the plan shall be drawn in standard scale 1:100 (1mm represents 100mm).

The plan shall 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 points of access to and egress from the premises;
- (c) if different from (b) above, the location of escape routes from the premises;
- (d) in a case where the premises is used for more than one existing 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) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
- (g) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
- (h) in a case where the premises includes any room or rooms containing toilet facilities, the location of the room or rooms;
- (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.

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

COMPLETION OF THE PRESCRIBED APPLICATION FORM

This Guidance is intended to help clubs complete the application form. In addition to assistance from the Licensing Section, further information about the Licensing Act 2003 and other sources of help can be found on the DCMS website www.culture.gov.uk. You may also wish to consider other sources of advice such as a relevant club body, or by engaging professional assistance, such as legal advice.

These guidance notes have been produced having been based on the guidance issued to applicants by DCMS.

COMPLETING THE FORM

In the opening statement, you should insert the name of the club who is applying for the licence e.g. 'The Pompey Sailing Club' or 'The Happy Workers Sports & Social Club'.

PART 1 - Club Premises Details

This section asks for the name of the club, postal address, optional e-mail address and telephone number of the club premises. If the club premises has no postal address, for example, if the application relates to an event on open land, you should describe the location of the premises or give the Ordnance Survey map reference.

The section also requires the details of the name, address, daytime telephone number (if any) and e-mail address (optional) of the person performing the duties of a secretary to the club.

The section also asks for the non-domestic rateable value (NDRV) of the premises. This is not the same as the actual business rates that you pay, but is a value determined by the Valuation Office which helps determine business rates. The NDRV, rather than your business rates bill, will determine the fee level to be paid with the licence application and the annual fee. The NDRV of any premises can be checked on the Valuation Office Agency (VOA) website www.voa.gov.uk. NDRV is re-valued every 5 years. A new valuation came into force on 1 April 2005 and business rate payers should have received details of the new value. Premises which do not have a non domestic rateable value are treated as falling into Band A for licensing fee purposes.

For further information on fees payable, please refer to Table 2 on pages ?? of these guidance notes or alternatively further guidance is provided on the DCMS website: www.culture.gov.uk/beer_and_entertainment/fee_levels

This section also requires the club to tick “yes” or “no” as to whether the club premises are occupied and habitually used by the club.

Part 2 - Club Operating Schedule

You should state the date from which you would like the premises licence to start.

Note: If you are applying for the grant of a club premises certificate before 24 November 2005, as the certificate does not come into operation until the second appointed day, that is the earliest date that the certificate may start.

Alternatively, if you wish the certificate to be valid only for a limited period, you should state when you want it to end.

5,000 or more people attending

The question on the number of people attending the premises at any one time is necessary to determine whether an additional fee for large events should apply. It is not necessary to complete this box if you think that less than 5,000 people will attend the premises at any one time. The figure relates to the maximum number of people on the licensed premises, including employees, at any one time - not the total number over a period of time. It is important to note that the attendance figure relates to the ‘licensed premises’ (i.e. the licensed area identified in the plan) and not areas that are outside the ‘licensed premises’. If you decide that the number will not exceed 5,000, you will be responsible for ensuring that the numbers at any one time do not exceed this figure. If you do exceed it, you could be engaging in an unlicensed activity which is a criminal offence.

General description of the club

You are then asked to give a general description of the premises. For example the type of premises it is, its general situation and layout and any other information that would be relevant to the licensing objectives. You should also describe any external areas that you intend to provide for people to consume alcohol that you sell or supply such as beer gardens.

Qualifying club activities intended to be conducted on the club premises

You should tick the appropriate list in relation to the qualifying club activities you wish to provide and then complete the subsequent relevant boxes from A to L which relate to that particular activity. For example, if you wish to provide live music and supply alcohol, you would tick the box for live music then go on to complete the details in box E, and would also tick the box for the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club and the box

relating to the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place and complete the details in box L.

Only complete the boxes that relate to the qualifying club activities you have ticked in the first part of Part 2.

In considering what to write in this section, you should think about all the activities you may want to conduct at the premises in the future and consider whether any are qualifying club activities under the Act.

You should give timings using the 24 hour clock and only give details for days of the week when you intend the premises to be used for the qualifying club activities in question. The space marked 'state any seasonal variations', gives you the opportunity to include any, for example, longer hours or additional days during the summer. The space marked 'non standard timings', gives you the opportunity to record occasions when the timings will change. For example, you may wish the activity to go on longer on Christmas Eve, New Year's Eve or weekends preceding bank holidays.

For boxes A - K (except box C - indoor sport) you are asked to indicate whether the activity is taking place indoors, outdoors or both. Indoors may include a tent.

In the space marked 'Please give further details here', please state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

In completing boxes A-K you should consider Schedule 1 of the 2003 Act which contains provisions on regulated entertainment and consider carefully how the activities you are proposing relate to this Schedule. If in doubt, you should contact the Licensing Section or your legal advisor for further advice.

BOXES A - H (Provision of regulated entertainment)

BOX A: Plays

A performance of any dramatic piece, (including rehearsal), whether involving improvisation or not, which is wholly or in part by one or more persons present and performing in which the whole or a major proportion of what is done by the person(s) performing, whether by way of speech, singing or action, involves the playing of a role.

BOX B: Films

Any exhibition of moving pictures except where its sole or main purpose is to demonstrate a product, advertise goods or services or provide information, education or instruction, if it consists or forms part of an exhibit put on show for any purposes of a museum or art gallery. The use of television or radio receivers is not licensable, except for the showing of pre-recorded programmes.

BOX C: Indoor sporting event

A sporting event is defined in the Act as any contest, exhibition or display in which physical skill is the predominant factor, and any form of physical recreation which is also engaged in for purposes of competition or display which takes place wholly inside a building, and at which the spectators are accommodated inside that building. This includes any roofed structure and includes a vehicle, vessel or moveable structure.

A venue with a roof that opens and closes is regarded under the Act as being an outdoor event and sporting activities in such venues are not licensable under the 2003 Act. But note that other activities at such venues (such as the sale of alcohol or live music) are licensable.

BOX D: Boxing or wrestling entertainment

Unlike other sports, boxing and wrestling is licensable whether held indoors or outdoors.

BOX E: Live music

Music includes vocal or instrumental music or any combination of the two. The performance of live music, if it is incidental to some other activity which is not itself regulated entertainment, is not licensable.

BOX F: Recorded music

Your certificate does not have to cover the playing of recorded music if it is incidental to some other activity which is not itself regulated entertainment as this is exempt. For example, background music is likely to be considered to be incidental. If you have a juke box or a DJ at your club premises you need to think whether, in your case, this is incidental music or whether it is a licensable activity. If in doubt, discuss this with licensing staff.

BOX G: Performances of dance

Morris dancing or any dancing of a similar nature is not licensable, nor is the performance of unamplified live music as an integral part of such dancing.

BOX H: Entertainment of a similar description to that falling within (e) live music, (f) recorded music or (g) performance of dance

BOXES I, J & K (the provision of entertainment facilities)

This refers to facilities provided for allowing members and their guests to take part in making music, in dancing and in similar activities.

BOX I: Provisions of facilities for making music

BOX J: Provision of facilities for dancing

BOX K: Provision of facilities for entertainment of a similar description to that falling within (i) provision of facilities for dancing or (j) performance of dance

BOX L: (supply of alcohol)

This box should be completed if you wish your premises to be licensed for the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club and the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place.

If you wish to supply alcohol by or on behalf of the club to, or to the order of, a member of the club and 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, please tick 'on'. If you wish to supply alcohol to members for consumption off the club premises, please tick 'off'. If you wish to do both, please tick 'both'.

In all cases, boxes M, N and O must be completed.

BOX M: Hours premises are open to the members and guests.

While this may include times where no qualifying club activities take place, it is important for responsible authorities, interested parties and the Licensing Authority to know how long your club premises is open in addition to the times where qualifying club activities will take place. For example, it might be necessary and proportionate to ensure that the qualifying club activities finish in good time before the club premises closes to members and guests to allow orderly departure. This may be where a club wishes to indicate a period during which alcohol may be consumed after the supply or sale of alcohol has ceased ("drinking up time").

BOX N

This asks you to give information about anything to occur at the club premises or ancillary to the use of the premises which may give rise to concern in respect of children, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or gambling. You do not need to give details here of AWP machines. If this section does not apply to your club premises you should not leave it blank but instead write 'none' or 'N/A' to be clear that you have considered this, rather than simply forgotten to complete the box.

Box O: Steps intended to be taken to promote the four licensing objectives.

You should give careful consideration to the information intended to be submitted in respect of the steps which are proposed to be taken to promote the licensing objectives. You should make yourself aware of the expectations of the Licensing Authority and the responsible authorities about the steps that are necessary for the promotion of the licensing objectives and seek further advice from those authorities (such as the Police, Fire, Public Protection Service) on draft proposals you may have formulated before formally submitting an application. By a club adopting such an approach it could minimise any disputes and formal representations being made on receipt of an application and prevent any unnecessary formal hearings.

Anything information you provide in Box O will become a condition of your certificate. Failure to meet those conditions would mean committing an offence

under the Act. You should therefore think carefully about adding conditions to ensure that they are achievable, realistic, necessary, appropriate, proportionate and within your control. Base your response on a proper, common sense consideration of the risks and what you can realistically do to mitigate them.

Clubs should also have regard to the Statement of Licensing Policy published by the Licensing Authority.

Examples of possible conditions in relation to the four licensing objectives are included in the Guidance which the Secretary of State has issued to licensing authorities and a copy of the Pool of Model Conditions should have been provided with these guidance notes. Further copies are available from the Portsmouth City Council website [www.portsmouth.gov.uk] or from the DCMS website [www.culture.gov.uk]. These are simply given as a pool of potential conditions which might be helpful for people to consider. In no way should be seen as standard conditions that will be applied to everyone.

Guidance has been produced by various responsible authorities, copies of which have been supplied with these guidance notes in order to assist clubs when compiling their operating schedules in respect of the promotion of the licensing objectives.

In the 'General Box', list the steps you will take to promote all four licensing objectives together.

Checklist and declaration

By ticking this list, you are making a declaration that you have carried out the listed actions. If you tick the boxes and do not carry out these actions, you may be making a false statement in relation to the application which is an offence which, on conviction, is liable to a fine of up to £5,000.

You should check that you have included all the required documentation and the correct fee.

You should copy all of the application and accompanying documents to the responsible authorities.

Part 3 - Signatures

The application form must be signed, dated and their capacity, by a person who is authorised to make the application on behalf of the club and has authority to bind the club.

Contact address for correspondence

You must complete the details of the address for correspondence associated with this application.

