



RFU guidance Club Premises Certificate

Background

There is clearly an advantage for a CASC having a Club Premises Certificate (CPC) rather than a Premises Licence for the provision of the sale/supply of alcohol and regulated entertainment as the latter will require additional conditions for the wider sale of alcohol to the public, including a Designated Premises Supervisor. Conditions relating to CCTV may also be requested and the provision of SIA Door staff will become a mandatory condition if the police require door staff to be on duty when the Premises Licence is operating.

In order for individuals to benefit from a CASC's CPC they need to be members of the CASC, affiliate members or guests. This is because a CPC is designed to restrict the supply of alcohol to members and guests of members only.

The issue

Non-member bar income from guests is allowable under a CPC. However, where there are a large number of guests using the facilities of the club and/or if guests use the bar frequently, the arrangement may be in breach a CPC because it is not being operated in good faith. This is because alcohol is clearly being sold to non-members on more than a one-off type basis. It should also be noted that alcohol should only be sold to guests if the CASC's constitution and Club Premises Certificate allows it.

Some CASCs will arrange for non-participating members (such as parents of participating juniors or social members) to become members of a trading subsidiary rather than the CASC in order to meet the participation thresholds in the CASC Regulations. This poses a complication as these non-participating members are not able to regularly buy alcohol under a CPC.

However, affiliated members can benefit from a CASC's CPC even though they are not themselves members of the CASC. For instance, supporters who are members of a CASC's supporters' group could be affiliates provided there is a reference to affiliate membership in the CASC's constitution.

How can the potential issue be avoided?

The issue can be resolved if a trading subsidiary set up by a CASC is not only a trading subsidiary, but also a supporters' group. This would work by

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non-participating members of the CASC being supporter members of the trading subsidiary (without needing to set up a third entity), and therefore being affiliates entitled to use the CASC's bar. All bar activity for members, guests and affiliates would operate through the trading subsidiary under the control of the Alcohol Committee of the CASC.

The subsidiary/supporters' group would have its own constitution (as in the RFU model Subsidiary Articles) and would be able to demonstrate it was also acting in good faith.

Under the Licensing Act 2003 no one can make any personal gain from the sale/supply of alcohol. Any surpluses generated by alcohol sales through the subsidiary to affiliates would be paid up to the CASC. The members of the committee responsible for the supply of alcohol through the trading subsidiary should not be paid (i.e. members of the CASC that have been delegated with responsibility for purchasing alcohol who are also directors of the trading subsidiary that buy the alcohol and supply alcohol to the members, guests and affiliates through the subsidiary).

The CASC constitution may make a provision for individuals to be admitted as temporary members of the club for the purposes of certain events such as weddings (an approach often taken by clubs operating with a CPC for the supply of alcohol for the purpose of licensing law). The holding of events for temporary members would still need to be in 'good faith'. Frequent events for non-members, even correctly identified to the club may be viewed by the Licensing Authority as being not appropriate for a Private Members Club.

The proposals will not fit neatly with every club and further legal advice should be sought regarding the options available to the club through the RFU Alcohol Licensing Helpline 0115 934 9177.

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