



LICENSING GUIDE FOR RUGBY FOOTBALL UNION CLUBS

With the imminent exposure of RFU Clubs to the public through the Rugby World Cup in 2015, ensuring your house is in order with respect to licensing issues at the club is extremely important.

The Rugby Football Union and Poppleston Allen Licensing Solicitors have prepared this guide to enable you to:-

- Compare your current offer and practices with the requirements of the Licensing Act 2003.
- Contemplate adjustments to your permissions to enable the club to take full advantage of the increased interest in Rugby Union as a consequence of the promotions which will generate footfall at your club in 2015 (and after, the Rugby World Cup legacy).

If your club sells/supplies alcohol on a regular basis (daily/weekly) when the club house is open there is a requirement under the provisions of the Licensing Act 2003 to hold either a Club Premises Certificate or a Premises Licence.

Q. What is the difference between a Club Premises Certificate and a Premises Licence?

A. Club Premises Certificate

Traditionally, Private Members' Clubs such as your Rugby Club have been able to supply alcohol for their members and guests by obtaining a Club Premises Certificate.

If your club currently operates using a Club Premises Certificate do not allow anyone (including the local constabulary) to persuade you that it would be easier to have a Premises Licence than a Club Premises Certificate in operation.

There are restrictions to the supply of alcohol and regulated entertainment and operating under a Club Premises Certificate however, the essential components to fulfil the requirements for eligibility to a Club Premises Certificate are:-

- To have at least 25 members.
- Requirement that all persons who are nominated for membership cannot enjoy the benefits of membership until at least 48 hours after the nomination for membership has been made.
- To operate in good faith.
- That the provision and the supply of alcohol are determined by an Alcohol Committee who oversees the purchase of alcohol for the members.

Events organised by the club must be for the membership and (for example) weddings organised on behalf of the general public are not allowed without the issue of a Temporary Event Notice.

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These restrictions you may think to be unnecessary however;

- There is no requirement to have a Designated Premises Supervisor to oversee the sale of alcohol.
- No requirement to have SIA registered door staff and the premises almost exist like a private dwelling.
- The Police cannot enter uninvited unless in pursuit of a felon or they hold an honest belief that someone who has committed a crime is in the premises.
- A parent of a junior member playing rugby on a Sunday would be able to purchase alcohol as a guest of a member.
- Supporters of the club when visiting other affiliated clubs may enjoy the benefits of membership at the club visited by way of “affiliate membership” for the period of the visit.

The downside of a Club Premises Certificate

- Alcohol can only be provided for consumption off the premises in a sealed container and to a member at a time when the club is open to supply alcohol to its members.
- The general public do not have access without firstly being nominated for membership, a process which must take at least 48 hours before the nominee can enjoy the benefits of membership.
- No advertising of functions (dances, bingo evenings etc.) which would allow the general public access without firstly being signed in as a guest of a member.

The question asked by every 'Private Members' Club who wishes to admit the general public on a regular basis is “how can this be achieved whilst continuing to maintain the integrity of the Club Premises Certificate?”

The Premises Licence (PL)

A Private Members' Club (Rugby Club) can also hold a Premises Licence (PL). A PL enables the holder to sell alcohol to anybody over the age of 18 years of age as long as they are not inebriated.

- The PL requires that in order to sell alcohol the premises identifies a Designated Premises Supervisor who holds a Personal Licence and who is responsible for the day to day running of the premises.

Any premises operating with a Premises Licence will be required (most probably) to have;

- CCTV operating whilst the sale of alcohol is taking place.
- The club which has a Premises Licence can open its doors to the public but will also be required (where door staff are employed) to ensure that the door staff are Security Industry Authority (SIA) approved.

There may also be a number of additional conditions which would be applied to the operating schedule of the Premises Licence which will generally be administrative in nature such as:

- Maintenance of staff training records.
- Maintenance of records detailing accidents and incidents in the premises.
- Different policies relating to the management of the premises.
- Records of door teams employed etc.

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There are a number of mandatory conditions which apply to both Club Premises Certificates and Premises Licences however, the Police (in particular) may require a host of additional conditions.

Temporary Event Notices (TEN'S)

TEN's allow licensable activities to take place at the premises on a temporary basis which could otherwise only be carried out by permissions granted on either the Club Premises Certificate or Premises Licence.

For example;

- If the Premises currently operates under a Club Premises Certificate and the club wishes to invite non-members to a function, a TEN can be issued to the local Licensing Authority.
- The TEN Notice should contain the number of people who are going to attend the event and should include staff and entertainers where appropriate. The maximum number of people who can be accommodated using a TEN is 499.
- The TEN will cover the sale of alcohol and any other licensable activities such as music or late night refreshment.
- The form also requires that an individual is named as being responsible for the safe keeping of the Notice once endorsed by the authority. The form, whilst requiring a significant amount of information is reasonably straight forward to complete, however records need to be maintained as the number of TEN's a premises can issue are restricted.
- Planning for specific events should therefore be considered to ensure that a TEN is available.

Please note: The same premises cannot be covered by a Temporary Event Notice on more than 12 occasions in a calendar year.

How do I operate both permissions at the same time?

- A. A Club Premises Certificate is a significant asset for the club.

Whilst there are restrictions associated with the certificate; the most significant relate to the supply of alcohol to non-members and the supply of alcohol for consumption off the premises in a sealed container.

Appropriate changes to an existing certificate will allow members and guests of members to consume alcohol in the seating area next to the club premises or on the balcony to the club relatively easily and still be within the requirements of the mandatory condition relating to the supply of alcohol for consumption off the premises.

Access to the club part of the premises should be to members and guests of members and opposing teams and their supporters (affiliate members only).

When the Premises Licence is being operated. If at all possible an area of the club should be maintained exclusively for the use of the membership. The club may also have a common area (a function room or separate room).

Operation of the club under a Club Premises Certificate should remain in an exclusive area for the members and guests of members.

Private Members' Clubs are not allowed to make a profit however, when operating under a Premises Licence where alcohol is sold rather than being supplied there will be a profit element. This should be accounted for in a separate set of accounts.

We suggest that you do an audit and produce a checklist to determine what you would like to do and how you would like to do it in your club.

If for example, the club is to remain for members and guests of members only and operate with a Club Premises Certificate you may not need to do anything. Review the issue regarding the consumption of alcohol off the premises without engaging the requirement that it be from a sealed container.

If the changes you wish to make include *access to non-members on a regular basis* and you are currently operating with a Club Premises Certificate, a *Premises Licence will need to be applied for to cover the areas and potential times that non-members will be in your premises.*

Careful consideration needs to be given to that application if it is your chosen route and further advice from a Licensing Solicitor is recommended.

Some of the questions you may want to ask:

1. What are my current permissions to supply alcohol and provide licensable activities :
 - For members and guests
 - Non members
2. Do I need to change my permissions to include non-members?
3. Do my current permissions allow members to take alcohol outside of the premises for consumption (need to review plans)?
4. How can I change my permissions to allow for consumption by members in the stands?
5. Does the club wish to hire its facilities to non-members and how do we do this?

Helpline - CALL: 0115 9349177

A *FREE* helpline 0115 9349177 is available to discuss any issues or concerns you may have relating to the licensing of your premises. Early communications are recommended so that you are ready for 2015 which will be here before we know it.

Download the Poppleston Allen Licensing Law App called MyLicence from iPhone App Store.

DISCLAIMER:

The material contained in this guide is set-out in good faith for general guidance and no liability can be accepted for loss or expense incurred as a result of relying in particular circumstances on statements made in this guide. Laws and regulations are complex and liable to change, users should check the current position with the relevant authorities before making arrangements.

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