



Liquor Licence Applications – Social/Sporting Clubs

Background

The Licensing (Scotland) Act 2005 means clubs that had traditionally been registered with the Sheriff for the sale of alcohol (under Part VII of the 1976 Act) now come under the remit of their local Licensing Board.

All clubs will require a premises licence, under the 2005 Act if they wish to sell alcohol.

Under the Licensing (Scotland) Act 2005 clubs are subject to much of the same regulations as other licensed premises. For example, Licensing Standards Officers will have statutory powers to enter licensed premises, including club premises, for the purposes of inspection and examination of records.

What is a Club?

Qualifying clubs (which can include recognised student unions of higher educational establishments) are defined in The Licensing (Clubs) (Scotland) Regulations 2007 (SI 76 of 2007), as those that:

- 1) must not be conducted for the purposes of making a profit; and
- 2) must have a written constitution and rules that provide for the following:
 - the business of the club is to be under the management of a committee or other governing body elected by the members;
 - no person under 18 is to be admitted as a member of the club (unless the club is devoted primarily to some sporting purpose or is a students' union);
 - no member or employee is to have any personal interest in the sale of alcohol on the club premises or in the profits from the sale of alcohol;
 - except when an occasional licence is in force alcohol can only be supplied to members, their guests or members of other qualifying clubs;

N.B. Note here that reference is to supply, not sale, so it is not possible for members to buy for others who do not qualify for one of these categories.

- 3) other than when an occasional licence is in force where a guest is supplied with alcohol entry must be made in a book to record the date and the names of the member and guest. This record should be available for inspection;
- 4) correct accounts and books are to be kept showing the financial affairs of the club;
- 5) the club must have at least 25 members to be properly constituted;

- 6) there can be no honorary or temporary membership or relief from payment of fees (entrance or subscription) except to allow temporary participation in the activity which is the prime purpose of the club and except in accordance with specific provision set out in the club rules;

Please note that as a qualifying club must have a proper constitution to comply with the Regulations the Licensing Board will be looking to clubs to provide a copy of their constitution with their application.

What are the Exemptions for Qualifying Clubs

Section 125 of the Licensing (Scotland) Act 2005 provides for exemptions from parts of the Act for clubs that fall within the description above. Qualifying clubs are exempted from;

- the assessments of overprovision (section 7)
- the ground of refusal of premises licence or premises licence variation application relating to overprovision (section 23(5)(e) and 30(5)(d))
- the requirement for operating plan to contain information as to the premises manager (section 20(4)(g))
- the requirement for name and address of premises manager to be specified in premises licence - (section 26(2)(a)(ii))
- the requirement for there to be a premises manager for licensed premises (schedule 3 para 4)
- the requirement for sales of alcohol under premises licence to be authorised by a personal licence holder (schedule 3 para 5)
- the requirement for sales of alcohol under certain occasional licences to be authorised by a personal licence holder (schedule 4 para 4)

These exemptions mean that qualifying clubs will not generally need a personal licence holder or a premises manager. The exception is where they open past 01:00 am and satisfy certain other requirements (beyond the scope of this leaflet) in which case they may become subject to specific mandatory conditions that include the presence of a personal licence holder.

What are the Training Requirements?

The Premises Licence mandatory conditions contained in Schedule 3 to the Act provide at paragraph 6 for the training of all staff selling or serving alcohol. There is no exemption for clubs from this provision and clubs cannot use untrained staff.

Where a person undertakes the role of selling or serving alcohol then that person must be trained to the standard prescribed in the Licensing (Training of Staff) (Scotland) Regulations 2007. That standard

is at least 2 hours' worth of relevant training from a person who hold a personal licence or who is accredited by the SQA.

Many club representatives have undergone recognised training in the past. Certain clubs may therefore choose to have one (or more) personal licence holder(s), even though there is no requirement for the same, as the personal licence holder can then train other staff internally. Each club must clearly make its own decision on this and club representatives should discuss training with accredited training providers.

What are the Entitlements for Clubs?

1. The main entitlement is to be able to hold a premises licence in the name of the club or the committee/governing body.
2. The Clubs Regulations provide that qualifying clubs can also apply for occasional licences in respect of their own premises. The Board may issue in respect of those premises in any period of 12 months –
 - a) not more than 4 occasional licences each having effect for a period of 4 days or more, and
 - b) not more than 12 occasional licences each having effect for a period of less than 4 days, provided that, in any period of 12 months, the total number of days does not exceed 56.

Therefore, up to 56 days a year can be covered by occasional licences the club will be able to admit and sell or serve alcohol to members of the public, as well as members and guests. During those times there will be no requirement for alcohol sales to be authorised by a personal licence holder, no requirement to sign in guests and other premises licence conditions will be suspended.

Clubs are not required to have (but may choose to have) a premises manager and/or one or more personal licence holders. Where a premises manager is named then he/she must be a personal licence holder and the application for that personal licence must be made at the same time as the application for a premises licence.