



Club Premises changing to and Open Premises Licence

All premises that sell or supply alcohol require a licence.

Under the Licensing (Scotland) Act 1976 licensed premises were described as hotels, pubs, restaurants, licensed grocers, licensed cafes etc. These terms were replaced with the single term 'Premises Licence' under the Licensing (Scotland) Act 2005.

Until 1st September 2009 members clubs received registration from the Sheriff and were administered by the Sheriff Clerks Office. After this date clubs were brought into line with other licensed premises and now have a Premises Licence granted by the local Licensing Board.

The majority of members clubs are non-profit making, as opposed to business enterprises, and therefore benefit from reduced annual fees, but must comply with the Licensing (Clubs) (Scotland) Regulations 2007 in relation to signing in of guests and visitors who are to partake of alcohol on the premises. Clubs often require outside funding to maintain the fabric of their premises and to provide the facilities they are constituted and may apply for up to 12 Occasional Licences per annum. However, many clubs find the signing in procedures and limited number of Occasional Licences they can apply for non-member events a hindrance and look towards the option of applying for an Open Licence.

There is no such term in the Licensing (Scotland) Act 2005 as Open Premises Licence, but in order to differentiate between the different types of premises, as were separately defined under the old Act, we simply use the term Open Premises Licence to refer to any licence which does not hold a club style licence that requires signing in procedures to be followed.

A club changing to an Open Premises Licence requires to do the following:

- Apply for a major variation to change from club status to an ordinary Premises Licence
- The application will cost £200.
- The application will take 2-3 months to reach a determination at the Licensing Board.

What are the implications for clubs changing to an Open Licence. Please note the following:

- The Club will require to make a major variation application.
- If the change of licence is granted, the club will require to nominate a Designated Premises Manager, who is a Personal Licence Holder.
- The club will be subject to a higher annual fee, based on the rateable value of the premises. Non-profit making club fees, under a club Premises Licence, are capped at £180 per annum. Information on fees can be found on the East Lothian Council website.
- The club will require to check with the local authority that their rates relief and any other benefits will not be affected due to the change.
- If in the unlikely event that an Open Premises Licence does not work out for the club then an application can be made to vary the licence back to the original club status. There is no guarantee the reversion will be granted.
- Clubs that change over to an Open Licence can still enjoy their internal club status, namely, retention of a constitution and rules, memberships to use the club facilities, the difference is that you can advertise and hold non-member functions without the need for signing in non-members and having to apply for Occasional licences. At all other times the club operates as normal.
- If your club allows children under 5 years on the premises, and you don't already have baby changing facilities, you will require to install them under the change of licence.

The Licensing Standards Officer can provide guidance on the procedure to change licences types, but is not permitted to give you legal advice, which you should seek from a licensing agent or solicitor.