



## **Licensing Act 2003**

### **Declaration for a club premises certificate to be granted**

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#### **PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING DECLARATION**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

The completed declaration should be sent with your application for a Club Premises Certificate

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#### **Club Premises details**

<b>Name of club</b>	
<b>Postal address of club, if any, or, if none, ordnance survey map reference or description</b>	
<b>Post Town</b>	<b>Postcode</b>
<b>Telephone number (if any)</b>	
<b>E-mail (optional)</b>	

#### **CLUB DECLARATION AS TO QUALIFYING CLUB STATUS**

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*(Insert name of club)*

**club makes the following declarations**

**1) Where the club to which this application relates is:**

a registered society within the meaning of the Industrial and Provident Societies Act 1965, a registered society within the meaning of the Friendly Societies Act 1974 or a registered friendly society within the meaning of the Friendly Societies Act, the club declares that the club satisfies:

**Please tick Yes**

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 4 in section 62(5) of the Licensing Act 2003

Does the club wish to supply alcohol to members and guests?

If yes the club declares that -

The purchase of alcohol for the club and the supply of alcohol by the club is under the control of the members or of a committee appointed by the members

Please give relevant club rule number(s), if any

**2) Where the club to which this application relates is:**

an association organised for the social well-being and recreation of persons employed in or about coal mines, the club declares that the club satisfies:

**Please tick Yes**

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Does the club wish to supply alcohol to members and guests?  
If yes the club declares that it satisfies -

First condition in section 66(4) of the Licensing Act 2003

Please give relevant club rule number(s), if any

Second condition in section 66(5) of the Licensing Act 2003

Please give relevant club rule number(s), if any

**3) Where the club to which this application relates does not fall into the categories in 1 or 2 above, the club declares that the club satisfies:**

**Please tick Yes**

Condition 1 in section 62(2) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 2 in section 62(3) of the Licensing Act 2003

Please give relevant club rule number(s)

Condition 3 in section 62(4) of the Licensing Act 2003

The club's arrangements for restricting the club's freedom of purchase of alcohol are:

(a) contained in club rule number(s),

(b) or, as follows

(please provide a short description)

The club's provisions by which money or property of the club or any gain arising from the carrying on of the club is or may be applied for charitable benevolent or political purposes are:

(a) contained in club rule number(s),

(b) or, as follows

(please provide a short description)

The arrangements for giving members information about the finances of the club are:

(a) contained in club rule number(s),

or, as follows

(please provide a short description)

Please describe details of the books of account and other records kept to ensure the accuracy of the information about finances given to members of the club or give the relevant rule number(s)

**Please tick Yes**

Condition 4 in section 62(5) of the Licensing Act 2003

Condition 5 in section 62(6) of the Licensing Act 2003

The club proposes to supply alcohol to members and guests

and declares that the club satisfies:

additional condition 1 in section 64(2) of the Licensing Act 2003

Please give relevant club rule number(s), if any

additional condition 2 in section 64(3) of the Licensing Act 2003

Please give relevant rule number(s), if any

additional condition 3 in section 64(4) of the Licensing Act 2003

Please give relevant club rule number(s), if any

**It is an offence, liable to conviction to a fine up to level 5 on the standard scale (£5,000) under section 158 of the Licensing Act 2003 to make a false statement in or in connection with this action.**

The Council has a duty to process and store your personal information safely and securely in line with data protection legislation, which here means the General Data Protection Regulations (Regulation (EC) 2016/679 which is in force from 25 May 2018) (GDPR) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then any successor legislation to the GDPR.

The Borough Council of King's Lynn and West Norfolk (the Council), of Kings Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX is the data controller for the purposes of the GDPR and associated domestic law.

We will use your personal information for the purposes of the provision of the licensing services. The processing of this information is necessary for the Council to undertake a public task, i.e. the processing is necessary for the Council to perform a task in the public interest or for its official functions, and the task or function has a clear basis in law, in this case the Licensing Act 2003.

Your data will be used for this specific purpose and may be passed to such third parties, including Council departments and other agencies where there is lawful authority to do so, including for the purposes of preventing or detecting fraud or other crimes.

Your information will be kept strictly confidential. It will be stored separately from other information in a secure, password-protected database on the Council's computer system.

Your personal information will be kept for as long as you require a licence and for a period after the service is terminated. You can find more information about our retention policy on the [privacy notice](#) page which can be

found at the following link <https://www.west-norfolk.gov.uk/privacy>. We will only use your data within the terms of data protection laws, will delete your data securely and only keep it for as long as necessary. We will review dates for keeping personal data in the future and if necessary update these privacy notices.

You have a number of rights available to you, including the right to see copies of all the data held about you by the Council, to ask for it to be corrected, updated or deleted, to request the Council to restrict what it does with your data in certain circumstances, to object to what the Council may do with your data, and to data portability.

Please note that these rights are not absolute and that there are circumstances where they do not apply or the Council's obligations may override these rights. If this is the case, you will be informed of this.

You can find more information about Data Protection and the Council's Data Protection Officer, on our [Data Protection](#) page which can be found at the following link <https://www.west-norfolk.gov.uk/dataprotection>

If you are unhappy with the way your personal information is being handled you can contact the [Independent Information Commissioner, website: https://ico.org.uk/](#).

**make this declaration on behalf of the club and have authority to bind the club**

Signature: .....

Date: .....

Capacity: .....

**NOTES:**

**Where the club to which this application/registration relates is neither a 'friendly society or a 'miner's welfare club' the following conditions must be satisfied in order to qualify for a Club Premises Certificate:**

1. **Condition 1 in section 62(2)** – 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.
2. **Condition 2 in section 62(3)** – 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.
3. **Condition 3 in section 62(5)** – the club has at least 25 members.
4. **Condition 3 in section 62(4)** – the club is established and conducted in good faith as a club (see over for further information on this).
5. **Condition 5 in section 62(6)** – alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
6. **Additional condition 1 in section 64(2)** – (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 –
  - are members of the club
  - have attained the age of 18years; and
  - are elected by the members of the club.
7. **Additional condition 2 in section 64(3)** – 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.
8. **Additional condition 3 in section 64(4)** – **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 –
  - any benefit accruing to the club as a whole, or
  - 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.

**What is a qualifying club?**

To be classified as a qualifying club in relation to a qualifying club activity, a number of general conditions must be met. These are:

- That 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 for membership and their admission
- That under the rules of the club, those 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
- That the club is established and conducted in good faith as a club
- That the club has at least 25 members
- That alcohol is not supplied to members on the premises otherwise than by or on behalf of the club

To qualify as a club authorised to supply alcohol to its members and guests, additional conditions must be met. These are:

- The purchase and supply of alcohol by and for the club is managed by a committee made up of elected members of the club all aged over 18 years
- No arrangements may be made for any person to receive any commission, percentage or similar payment at the expense of the club with reference to purchases of alcohol by the club
- No arrangements may be made for any person to derive directly or indirectly any monetary benefit from the supply of alcohol to members or guests apart from to benefit the club as a whole or any indirect benefit a person derives by reason of the supply contributing to a general gain for the club as a whole

#### **How do licensing authorities determine whether a club is established and conducted in good faith?**

In determining whether a club is established and conducted in good faith, the licensing authority will have to look at a number of matters and take those into account. These matters are:

- Any arrangements restricting the freedom of the club to purchase alcohol
- Any arrangements where the money or property of the club or any gain arising from the running of the club can be used for purposes otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes
- The arrangements for giving members information about the finances of the club
- The books of account or any other records kept to ensure accuracy of that information
- The nature of the premises occupied by the club