

LICENSING ACT 2003

Section 78

Club premises certificate

St Albans City and District Council, Civic Centre, St Peters Street, St Albans, Herts AL1 3JE

Club premises certificate number: **LN/200500659** Date granted: **11/10/05**

Club details

Name of club in whose name this certificate is granted and relevant postal address of club:

St Albans Sub Aqua Club

Address: **St Albans Sub Aqua Club, St Albans BSAC Club, Cottonmill Lane, St Albans, Herts AL1 1HJ**

Telephone number: **01727 859829**

Qualifying club activities authorised by the certificate: **Supply alcohol for members and guests; plays; films; live music; recorded music; provision of facilities for entertainment of a similar description to that falling within making music or dancing;**

The times the certificate authorises the carrying out of qualifying club activities:

Plays and films:

- 10.00-23.00 Sunday to Saturday

Live music:

- 10.00-23.00 Sunday to Saturday
- 10.00-00.00 12 Saturdays in any 12 month period

Recorded music:

- 10.00-22.30 Sunday
- 10.00-23.00 Monday to Thursday
- 10.00-00.00 Friday and Saturday
- 10.00-00.00 12 Saturdays in any 12 month period

Provision of facilities for entertainment of a similar description to that falling within making music or dancing:

- 12.00-18.00 1 day in any 12 month period

Supply alcohol for members and guests:

- 10.00-22.30 Sunday
- 10.00-23.00 Monday to Thursday
- 10.00-00.00 Friday and Saturday
- Christmas Day – see Club Rules
- 12.00 – 22.30 Good Friday
- 10.00-01.00 12 Saturdays in any 12 month period
- New Year's Eve: in addition to the permitted hours for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day

Where the certificate authorises supplies of alcohol whether these are on and/or off supplies: **on**

Annex 1 – Mandatory conditions:

Conditions Carried Over from Licensing Act 1964 (Club Registration Certificate) and also:

S.49(3) Licensing Act 1964:- There shall be no alteration of the rules of the club without the consent of the Licensing Authority so as to authorise sales of intoxicating liquor not already authorised under the rules except such sales as permitted by S.49(4) of the Act.

Guidance issued under section 182 of the Licensing Act 2003, Annex I, Statutory qualifying conditions for clubs:

The following qualifying conditions for clubs are extracted from the Licensing Act 2003.

The general conditions

- (1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.
- (2) Condition 1 is that under the rules of the club persons may not —
 - (a) be admitted to membership, or
 - (b) 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.
- (3) Condition 2 is that 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.
 - (4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).
 - (5) Condition 4 is that the club has at least 25 members.
 - (6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- 63 Determining whether a club is established and conducted in good faith
- (1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).
 - (2) Those matters are —
 - (a) any arrangements restricting the club's freedom of purchase of alcohol;
 - (b) any provision in the rules, or arrangements, under which —
 - (i) money or property of the club, or
 - (ii) any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;
 - (c) the arrangements for giving members information about the finances of the club;
 - (d) the books of account and other records kept to ensure the accuracy of that information;
 - (e) the nature of the premises occupied by the club.
 - (3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.
- 64 The additional conditions for the supply of alcohol
- (1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following
 - (2) Additional condition 1 is that (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 —
 - (a) are members of the club;
 - (b) have attained the age of 18 years; and
 - (c) are elected by the members of the club.
- This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.).
- (3) Additional condition 2 is that 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.
 - (4) Additional condition 3 is that 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 —
 - (a) any benefit accruing to the club as a whole, or
 - (b) 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.
- 65 Industrial and provident societies, friendly societies etc.
- (1) Subsection (2) applies in relation to any club which is —
 - (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c. 12) (see section 74(1) of that Act),
 - (b) a registered society, within the meaning of the Friendly Societies Act 1974 (c. 46) (see section 111(1) of that Act), or
 - (c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c. 40) (see section 116 of that Act).
 - (2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that —
 - (a) the purchase of alcohol for the club, and
 - (b) the supply of alcohol by the club,
 are under the control of the members or of a committee appointed by the members.
 - (3) References in this Act, other than this section, to —
 - (a) subsection (2) of section 64, or
 - (b) additional condition 1 in that subsection, are references to it as read with subsection (1) of this section.

- (4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly—
 - (a) the premises of the society are to be treated as the premises of a club,
 - (b) the members of the society are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.
 - (5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions —
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 5 in subsection (6) of that section,
 - (c) the additional conditions in section 64.
 - (6) In this section "incorporated friendly society" has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).
- 66 Miners' welfare institutes
- (1) Subject to subsection (2), this Act applies to a relevant miners' welfare institute as it applies to a club, and accordingly —
 - (a) the premises of the institute are to be treated as the premises of a club,
 - (b) the persons enrolled as members of the institute are to be treated as the members of the club, and
 - (c) anything done by or on behalf of the trustees or managers in carrying on the institute is to be treated as done by or on behalf of the club.
 - (2) In determining for the purposes of section 61 whether a relevant miners' welfare institute is a qualifying club in relation to a qualifying club activity, the institute is to be taken to satisfy the following conditions —
 - (a) condition 3 in subsection (4) of section 62,
 - (b) condition 4 in subsection (5) of that section,
 - (c) condition 5 in subsection (6) of that section,
 - (d) the additional conditions in section 64.
 - (3) For the purposes of this section —
 - (a) "miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular), and
 - (b) a miners' welfare institute is "relevant" if it satisfies one of the following conditions.
 - (4) The first condition is that —
 - (a) the institute is managed by a committee or board, and
 - (b) at least two thirds of the committee or board consists —
 - (i) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more licensed operators within the meaning of the Coal Industry Act 1994 (c. 21), and
 - (ii) partly of persons appointed or nominated, or appointed or elected from among persons nominated, by one or more organisations representing persons employed in or about coal mines.
 - (5) The second condition is that —
 - (a) the institute is managed by a committee or board, but
 - (b) the making of —
 - (i) an appointment or nomination falling within subsection (4)(b)(i), or
 - (ii) an appointment or nomination falling within subsection is not practicable or would not be appropriate, and
 - (c) at least two thirds of the committee or board consists —
 - (i) partly of persons employed, or formerly employed, in or about coal mines, and
 - (ii) partly of persons appointed by the Coal Industry Social Welfare Organisation or a body or person to which the functions of that Organisation have been transferred under section 12(3) of the Miners' Welfare Act 1952 (c. 23).
 - (6) The third condition is that the premises of the institute are held on trusts to which section 2 of the Recreational Charities Act 1958 (c. 17) applies.

Annex 2 – Conditions consistent with the Club Operating Schedule:

Plays:

- Will take place indoors.
- Details: Amateur performances by members, for members and their guests. May contain amplified music.

Films:

- Will be exhibited indoors.
- Details: Slide/film/video shows by members, for members and their guests. May contain amplified music.

Live music:

- Will take place indoors.
- Details: Live bands may occasionally be invited to entertain members and their guests. Music may be amplified.

Recorded music:

- To be played indoors.
- Details: General background music on Club evenings (currently Wednesday and Friday). Plus disco music for occasional parties.

Provision of facilities for entertainment of a similar description to that falling within making music or dancing:

- Description of facilities: 'It's a Knockout' annual Club watersports day.
- Entertainment facilities are outdoors.
- Details: Light-hearted watersports day in open-air swimming pool for members and their guests. Loosely based on TVs 'It's a Knockout'. Could be noisy.

General – all 4 licensing objectives:

- St Albans Sub Aqua Club was founded in 1968 and became a Limited Company in 1981. We are a well established Private Members Club, and take all aspect of running the Club seriously and responsibly.

The prevention of crime and disorder:

- Floodlighting to front car park to deter car crime.
- Timelock on main entrance door (currently set to 23.00) to prevent the entry of unauthorised persons. Members have electronic key fobs. Emergency escape is not affected by this devise.

Public safety:

- Members of the general public are not permitted on the premises except as guests.

The prevention of public nuisance:

- The Club operates a policy of closing all external doors and windows late at night (currently 23.00) to prevent noise nuisance.

The protection of children from harm:

- The supply of alcohol to children is not permitted. The Club subscribes to the British Sub Aqua Club's Child Protection policies.

Annex 3 – Conditions attached after a hearing by the licensing authority:

Public safety:

- As advised by the Fire Authority, the maximum permissible number of persons that may be present within the area indicated as used for licensable activities at one time must not exceed 200.

The prevention of public nuisance:

- The extension of hours shall not be operative beyond that stated in the planning consent, until such time that it is varied.
- Suitable and conspicuous notices to be displayed at all entrances and exits reminding patrons it is a residential area and to leave quietly.
- The telephone number of the premises to be made available to residents.
- No music to be played in or transmitted to the outside area with the exception of the permitted one day in any 12 month period.
- The outside area to be cleared by 23.00 hours.
- All doors and windows to be closed by 22.00 hours and at all times during regulated entertainment except for egress and ingress.

The protection of children from harm:

- Children to be allowed in no smoking areas which must be separated by a closed door from smoking areas except for access and use of the toilet facilities.

Annex 4 – Plans: Attached

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Club premises certificate Summary

St Albans City and District Council, Civic Centre, St Peters Street, St Albans, Herts AL1 3JE

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Date granted: **11/10/05**

Club details

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Address: **St Albans Sub Aqua Club, St Albans BSAC Club, Cottonmill Lane, St Albans, Herts AL1 1HJ**

Telephone number: **01727 859829**

Qualifying club activities authorised by the certificate: **Supply alcohol for members and guests; plays; films; live music; recorded music; provision of facilities for entertainment of a similar description to that falling within making music or dancing;**

The times the certificate authorises the carrying out of qualifying club activities:

Plays and films:

- **10.00-23.00 Sunday to Saturday**

Live music:

- **10.00-23.00 Sunday to Saturday**
- **10.00-00.00 12 Saturdays in any 12 month period**

Recorded music:

- **10.00-22.30 Sunday**
- **10.00-23.00 Monday to Thursday**
- **10.00-00.00 Friday and Saturday**
- **10.00-00.00 12 Saturdays in any 12 month period**

Provision of facilities for entertainment of a similar description to that falling within making music or dancing:

- **12.00-18.00 1 day in any 12 month period**

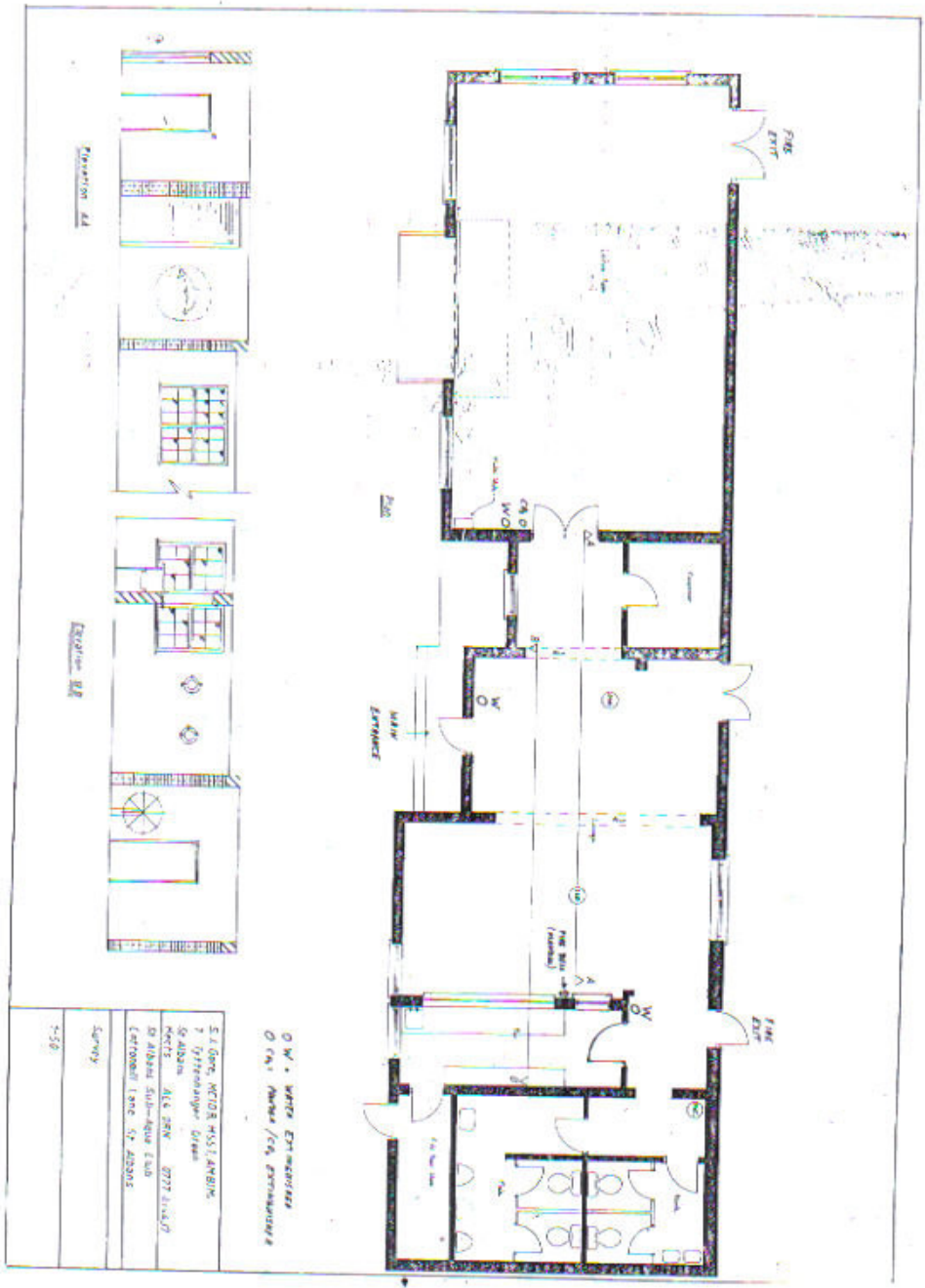
Supply alcohol for members and guests:

- **10.00-22.30 Sunday**
- **10.00-23.00 Monday to Thursday**
- **10.00-00.00 Friday and Saturday**
- **Christmas Day – see Club Rules**
- **12.00 – 22.30 Good Friday**
- **10.00-01.00 12 Saturdays in any 12 month period**
- **New Year's Eve: in addition to the permitted hours for that day, the period between the end of permitted hours on that day and the beginning of permitted hours the following day**

Where the certificate authorises supplies of alcohol whether these are on and/or off supplies: **on**

State whether access to the club premises by children is restricted or prohibited:

- **The supply of alcohol to children is not permitted. The Club subscribes to the British Sub Aqua Club's Child Protection policies.**
- **Children to be allowed in no smoking areas which must be separated by a closed door from smoking areas except for access and use of the toilet facilities.**



Section A-A

Section B-B

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