

<b>Report to:</b>	<b>Licensing Panel</b>
<b>Relevant Officer:</b>	Sharon Davies, Head of Licensing Services
<b>Date of Meeting :</b>	23 May 2017

## WITHDRAWAL OF CLUB PREMISES CERTIFICATE

### 1.0 Purpose of the report:

1.1 To consider issuing a notice withdrawing the Club Premises Certificates issued to the clubs detailed in paragraphs 4.4 and 4.5 in the information section.

### 2.0 Recommendation(s):

2.1 The panel is requested to determine whether to issue notices.

### 3.0 Reasons for recommendation(s):

3.1 It would appear to the Licensing Service that the clubs detailed below are no longer qualifying clubs. If the panel agree the legislation requires that a notice be given to the club withdrawing the certificate.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None,

### 4.0 Background Information

4.1 Club Premises Certificates can only be issued to qualifying clubs. A qualifying club must satisfy the conditions set out in sections 62 and 64 Licensing Act 2003 namely:

#### 4.2 **Section 62 – General conditions**

Condition 1 – 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.

Conditions 2 – 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.

Condition 3 – the club is established and conducted in good faith as a club.

Condition 4 – the club has at least 25 members.

Condition 5 – alcohol is not supplied or intended to be supplied to members on the premises otherwise than by or on behalf of the club.

#### 4.3 **Section 64 – additional conditions for the supply of alcohol**

Additional condition 1 – the purchase of alcohol for the club and the supply of alcohol by the club is managed by a committee whose members are:

- a) members of the club
- b) have attained the age of 18 years, and
- c) are elected by members of the club

Additional condition 2 – 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

Additional condition 3 – 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

Where it appears to the authority that a club does not satisfy the conditions for being a qualifying club, Section 90 Licensing Act 2003 requires that the authority gives notice to the club withdrawing the certificate.

The notice withdrawing the certificate takes effect immediately unless the reason for withdrawing is that the club has less than 25 members. In this case the notice must contain a statement that it does not take effect for a period of three months and it will not take effect at the end of that period if the club has more than 25 members.

**4.4 Blackpool Philharmonic Social Club, 68-70 Foxhall Road Blackpool.**

CPC0013 was issued to the Philharmonic Social Club in 2005. The certificate permits the supply of alcohol and provision of regulated entertainment 09.00 – 02.00 hours daily. The Licensing Service has seen a notice dated 7 April 2017 published in the Gazette calling an extraordinary meeting of members of the club to consider a resolution that the club (which has been formulated into a limited company) be voluntarily wound up and a liquidator be appointed to distribute any assets between the club members. The meeting is scheduled to take place on 5 May 2017. If the club is voluntarily wound up it cannot continue to be a qualifying club because the club would no longer exist. The Club Secretary has confirmed that the club no longer exists.

**4.5 LMS Loco Sports and Social Club, Back Ribble Road Blackpool**

CPC0012 was issued to the LMS Loco Sports and Social Club in 2005. The certificate permits the supply of alcohol and provision of regulated entertainment 11.00 – 00.00 hours daily. This certificate has been suspended for non-payment of the annual fee since 2014. In February 2017 a Premises Licence for the same building was granted to Mr Chris Maher who has no connection to the club and although the venue will now be operated as a members' club, it has no connection to the holder of the Club Premises Certificate. The Council's Business Rates team has indicated that the club was dissolved in April 2014.

4.6 Does the information submitted include any exempt information? No

**4.7 List of Appendices:**

None

**5.0 Legal considerations:**

5.1 The authority is required by the Licensing Act 2003 to give notice withdrawing the certificate if it appears that the club no longer satisfies the conditions for being a qualifying club.

**6.0 Human Resources considerations:**

6.1 None.

**7.0 Equalities considerations:**

7.1 None.

**8.0 Financial considerations:**

8.1 None.