

FLINTSHIRE COUNTY COUNCIL	
DIRECTORATE OF ENVIRONMENT	
18 APR 2013	
MAIL SERIAL NO	ER
RECEIVED	

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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.

I Michael Lovatt

(Insert name of applicant)

apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
King Street Leeswood Flintshire	
Post town	Post code (if known)
Mold	CH7 4RU
Name of premises licence holder or club holding club premises certificate (if known)	
Coed Llai Sports and Social Club	
Number of premises licence or club premises certificate (if known)	
CA0015	

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Michael Lovatt Community Protection Manager Flintshire County Council County Hall Mold Flintshire CH7 6NH
Telephone number (if any) 01352 703393
E-mail address (optional) michael.lovatt@flintshire.gov.uk

This application to review relates to the following licensing objective(s)

- Please tick one or more boxes ✓
- | | |
|---|--------------------------|
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | ✓ |
| 4) the protection of children from harm | ✓ |

Please state the ground(s) for review (please read guidance note 2)

There have been a number of issues related to the running of the club that give rise to concerns that it may not satisfy the requirements laid down in the Licensing Act 2003 in respect of qualifying clubs.

From information held on file the following are relevant:-

Jan/Feb 2011 - suspicion of under age sales of alcohol and smoking in the premises

July 2011 – concerns expressed by the local Police Community Support Officer (PCSO) regarding under age sales of alcohol.

March – May 2012 – issues relating to gaming machines

April 2012 – person in the club admitted in Court a public order offence and possession of cocaine

New Year's Eve 2012 – Fighting in and outside the club – Police called

March 2013 – Assault in the club – Police investigated

April 2013 – PCSO referring to concerns reported by a resident

January, February and April 2013 – reports from an anonymous caller who complains about under age people coming out of the club in the early hours of the morning and causing disturbance. In accordance with the Club Premises Certificate the supply of alcohol should cease at 11:00pm each day (10:30pm on a Sunday)

It also became evident that the name of the club had been changed to the Kings Club and it is understood that the Club Rules had been changed. Both these actions require the submission of a formal notification to the Licensing Authority and this never happened. These are offences under Section 82 of the Licensing Act 2003.

A written request for information about the governance of the club was not responded to and repeated attempts to set up meetings to discuss matters proved unsuccessful.

Please provide as much information as possible to support the application (please read guidance note 3)

Following the receipt of information about the altercation at the club on New Years' Eve 2012 and bearing in mind the previous matters outlined above the Licensing Authority had concerns about the governance of the club and decided to seek information from the club that would help to enable it to determine whether the club was established and conducted in good faith in accordance with Part 4 of the Licensing Act 2003.

A letter, together with information and guidance was delivered to the club on 11th January 2013. The letter also enclosed a set of questions derived from Part 4 of the Licensing Act 2003 and a request for a response by 15th February 2013. A response was never received.

On 21st January 2013 an anonymous caller stated that the person running the club (Steve) was currently unavailable.

On 22nd February 2013 a person named Martin Hughes, who said he was the temporary manager at the club while Steve Davies was unavailable, came to County Hall, Mold. His intention was to pay an outstanding fee for a permit that the club hold enabling them to have gaming machines on the premises.

The Licensing Authority then made a number of attempts to set up a meeting between club representatives, the Police, the Gambling Commission and the Licensing Authority with the intention of identifying the current governance arrangements at the club and discussing the various concerns that existed.

Despite agreeing dates, times and locations by telephone beforehand and then confirming those in writing the club representatives did not turn up to a meeting scheduled for 3rd April 2013. The meeting was re-arranged for 16th April 2013 but Martin Hughes left a telephone message on 14th April to say that they could not attend that meeting either.

In the light of the lack of response to the Licensing Authority's letter of 11th January 2013, the failure to attend agreed scheduled meetings and the continued concerns over the governance of the club as reflected in the 'grounds of review' box above it has been decided that the Licensing Authority (acting as a Responsible Authority under the Licensing Act 2003) should apply for a Review of the Club Premises Certificate.

Note on the Gambling Act 2005

References were made in letters to the club to The Gambling Act 2005 and a representative of the Gambling Commission was invited to the proposed meetings. This was due to gaming machines of unknown provenance believed to be in use and the premises not being listed on the HMRC Register for Machine Games Duty. The premises also failed to pay on time the necessary annual fee to Flintshire County Council for the Gaming Machine Permit, though did later express a desire to make the payment. The matter has been put on hold until the Council can establish that the machines are bona fide.

The following documents are appended in support of the application:-

1. Copy of the Club Premises Certificate and club rules
2. Location plan
3. Letter to the club dated 11th January 2013
4. File note dated 26th February 2013
5. Confirmatory letter dated 27th February 2013
6. File note dated 13th March 2013
7. File note dated 20th March 2013
8. Confirmatory letter dated 25th March 2013
9. File note dated 3rd April 2013
10. Confirmatory letter dated 9th April 2013
11. File note dated 15th April 2013

Incident information in support of the application:-

12. File note dated 8th Feb 2011 by Rachael Hughes, Licensing Officer
13. File note dated 18th Feb 2011 by Rachael Hughes, Licensing Officer
14. E-mail by PCSO 2896 Andrea Ellis North Wales Police from July 2011
15. Newspaper report from 16th April 2012
16. E-mail from North Wales Police dated 3rd January 2013
17. E-mail from Rachael Hughes, Licensing Officer 21st Jan 2013
18. E-mail from Rachael Hughes, Licensing Officer 5th Feb 2013
19. E-mail from North Wales Police dated 14th March 2013
20. E-mail from Gemma Potter, Licensing dated 9 April 2013
21. E-mail from North Wales Police dated 17th April 2013

Have you made an application for review relating to the premises before

Please tick ✓
NO

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to the premises please state what they were and when you made them

Not Applicable

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *M. O. Lovatt*
.....

Date 18th April 2013
.....

Capacity Licensing Authority acting as Responsible Authority
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
As above	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Mr K Jones
Nant-y-Coed
Pontybodkin Hill
Leeswood
Flintshire
CH7 4RA

CA0015

August 24, 2005

J Lowe

01352 703376

Dear Mr Jones

Licensing Act 2003

Premises Licence: CA0015
Coed Llai Sports and Social Club
King Street
Leeswood
Flintshire
CH7 4RU

I write with reference to your recent application and enclose the Club Premises Certificate detailed above. This Certificate authorises the use of the premises for qualifying club activities in accordance with the Licensing Act 2003 and continues to have effect until such time as it is surrendered or withdrawn.

The Secretary of the Club is required to keep the Certificate (or a certified copy of it) at the premises and to display the Summary of the Certificate prominently in the premises.

If you have any queries in respect of this matter, please contact the Licensing Section on 01352 703030 or email: alcohol.licensing@flintshire.gov.uk.

Yours sincerely

M02

For Chief Environment & Resources Officer

Licensing Act 2003

Club Premises Certificate

CA0015

Club Details

NAME OF CLUB IN WHOSE NAME THIS CERTIFICATE IS GRANTED AND RELEVANT POSTAL ADDRESS OF CLUB

Coed Llai Sports and Social Club

THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

King Street, Leeswood, Flintshire, CH7 4RU.

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- any playing of recorded music
- the supply of alcohol

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
F. Playing of recorded music (Indoors)	Monday to Saturday	11:00am	11:00pm
	Sunday inc Good Fri.	midday	10:30pm
	Christmas Day	midday	3:00pm
	Christmas Day	7:00pm	10:30pm
	New Year's Eve	11:00am	midnight
	New Year's Day	midnight	11:00pm

L. the supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only

Monday to Saturday	11:00am	11:00pm
Sunday inc Good Fri.	midday	10:30pm
Christmas Day	midday	3:00pm
Christmas Day	7:00pm	10:30pm
New Year's Eve	11:00am	midnight
New Year's Day	midnight	11:00pm

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
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Licensing Act 2003

Club Premises Certificate

CA0015

WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

L. the supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only



Licensing Act 2003

Club Premises Certificate

CA0015

Mandatory Conditions

The supply of alcohol for consumption off the premises must

1. only be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with this club premises certificate, to members of the club for consumption on the premises
2. be in a sealed container
3. only be made to a member of the club in person.

Conditions consistent with the Operating Schedule

- All conditions contained in 'Coed Llai Sports and Social Club: Rules of the Club' must be adhered to.



Licensing Act 2003

Club Premises Certificate Summary

CA0015

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Coed Llai Sports and Social Club

THE POSTAL ADDRESS OF CLUB PREMISES TO WHICH THE CERTIFICATE RELATES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

King Street, Leeswood, Flintshire, CH7 4RU.

WHERE THE CLUB PREMISES CERTIFICATE IS TIME LIMITED THE DATES

Not applicable

QUALIFYING CLUB ACTIVITIES AUTHORISED BY THE CERTIFICATE

- any playing of recorded music
- the supply of alcohol

THE TIMES THE CERTIFICATE AUTHORISES THE CARRYING OUT OF QUALIFYING CLUB ACTIVITIES

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	New Year's Day	midnight	11:00pm
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Sunday inc Good Fri.		midday	10:30pm
Christmas Day		midday	3:00pm
Christmas Day		7:00pm	10:30pm
New Year's Eve		11:00am	midnight
New Year's Day		midnight	11:00pm

THE OPENING HOURS OF THE CLUB

Description	Time From	Time To
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WHERE THE CERTIFICATE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- L. the supply of alcohol by or on behalf of a club, or to the order of, a member of the club for consumption ON the premises only



Licensing Act 2003

Club Premises Certificate Summary

CA0015

STATE WHETHER ACCESS TO THE CLUB PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Not applicable



**COED LLAI SPORTS AND SOCIAL
CLUB**

RULES OF THE CLUB

RULES OF THE COED LLAI SPORTS AND SOCIAL CLUB

Preliminary

1. The name of the Club shall be The Coed Llai Sports and Social Club.
2. The Clubroom(s) of the Club shall be at that part of the Leeswood Community Centre shown coloured red on the annexed plans.
3. The objects of the Club shall be:
 - (a) To provide for the use of its members the means of social intercourse, mental and moral improvement, rational recreation, and the other advantages of a Club.
 - (b) To do all such other things as shall be conducive to the attainment of the above objects.
4. The Club shall be a members' club and shall consist of ordinary members together with such honorary members as are hereinafter mentioned.

Membership

5. The first ordinary members shall be the following eight persons, viz.,
Derek Cox, Colin Taylor, Derek Parsonage, Daniel Davies, Tracey Mauser, Raymond Evans, Michael Littlehales, Sheila Reid.
who, having determined to form themselves into a club more than two days before these rules are intended to become operative, are in this rule referred to as the founder members. Every candidate for ordinary membership other than the founder members must be proposed by one member of the Club and the proposal must be seconded by another member, both the proposer and seconder being ordinary members and both vouching for the candidate's fitness for membership. The name and address of every candidate proposed for ordinary membership, together with the names of his proposer and seconder, shall, for a period of at least two clear days before such candidate is elected, be posted in the Club in the manner prescribed in Rule 29.

Membership shall be restricted to so many of the residents of the electoral ward of Leeswood who are over the age of 18 years. Every applicant for membership must

sign an application form and submit it to the secretary with written details of present name, address.

6. Honorary members, who shall not be liable to pay any entrance fee or subscription but shall be entitled to all the privileges of membership, may be elected by the Club in General Meeting so, however, that there shall not at any one time be more than one fifth honorary members.

7. No person shall be admitted to ordinary membership until being a founder member or having been elected as provided in Rule 5, he shall have paid to the Treasurer his first annual subscription.

8. No person, whether as ordinary or honorary member, shall be admitted to membership, or be admitted as a candidate for membership to any of the privilege of membership, without an interval of at least two clear days between his nomination or application for membership and his admission. No person becoming member without prior nomination or application may be admitted to the privilege of membership without an interval of at least two clear days between his becoming a member and his admission.

Committee and Officers

9. The affairs of the Club, in all matters not in these rules reserved for the Club in General Meeting, shall be managed by the General Committee of the Club. The General Committee shall consist of not less than 6 nor more than 12 ordinary members of the Club who shall be elected annually at the Annual General Meeting of the Club. They shall all go out of office in every year, but shall be eligible for re-election.

The General Committee may appoint one or more sub-committees for such purposes it may deem appropriate. Three members shall constitute a quorum of the General Committee, and two a quorum of a sub-committee.

10. There shall be a Secretary and a Treasurer, who shall be elected from time to time by the Club in General Meeting from among the ordinary members of the Club and other officers of the Club as the Club may in General Meeting appoint. 7

Secretary, the Treasurer and every such officer shall act in all matters in accordance with the directions of the General Committee of the Club. Subject to any directions given to him by the General Committee, the Secretary may, on behalf of the Club, engage domestic staff and other club servants as may be necessary for the efficient and economical running of the Club, and may lawfully terminate any such engagement.

Trustees

11. There shall be four Trustees of the Club who shall be appointed from time to time as necessary by the Club in General Meeting from among ordinary or honorary members who are willing to be so appointed. A Trustee shall hold office during his life, or until he shall resign by notice in writing given to the General Committee, or until a resolution removing him from office shall be passed at a General Meeting of the Club by a majority comprising two thirds of the members present and entitled to vote.

12. All property of the Club, including land and investments, shall be held by the Trustees for the time being, in their own names so far as necessary and practicable, for the use and benefit of the Club. On the death, resignation or removal from office of a Trustee, the General Committee shall take steps to procure the appointment by the Club in General Meeting of a new Trustee in his place; and shall as soon as possible thereafter take all lawful and practicable steps to procure the vesting of all Club property in the names of the Trustees as constituted after the said appointment.

The Trustees in all respects act, in regard to any property of the Club held by them, in accordance with the directions of the General Committee; and shall have power to sell, lease, mortgage or pledge any Club property for the purpose of raising or borrowing money for the benefit of the Club in compliance with the Committee's directions. But no purchaser, lessee or mortgagee shall be concerned to enquire whether any such direction has been given.

Subscriptions, Finances and Accounts

13. The annual subscription for an ordinary member shall be such a sum not exceeding £5.00 as the General Committee may from time to time determine. At the discretion of the General Committee an ordinary member may be allowed to pay a reduced subscription for any period less than a year.

14. Annual subscriptions shall be payable on election as provided in Rule 8, and thereafter without demand on the 1st day of November in every year. The General Committee may terminate the membership of any ordinary member whose annual subscription remains unpaid on the 1st day of December.

15. The Treasurer shall keep such proper books of account as will enable him to present at every Annual General Meeting of the Club, or at any other time if required (on reasonable notice to him) by the General Committee, an accurate report and statement concerning the finances of the Club, including a separate statement with regard to the purchase and supply of tobacco and intoxicating liquor, for the preceding year, or for the current year as the case may be, and shall present such report and statement accordingly.

Intoxicating Liquor

16. The supply of intoxicating liquor in the Club premises will be permitted during the following hours-

Weekdays, Sundays, Christmas Day and Good Friday - In accordance with the general licensing hours set by the Licensing Act 1964 as amended.

No intoxicating liquor shall be supplied to members or to any other persons on the Club premises otherwise than by or on behalf of the Club. No intoxicating liquor shall be supplied for payment to any person on the Club premises other than member.

17. The General Committee shall arrange the supply of intoxicating liquor by the Club to members, and to other persons on the Club premises, and shall secure the due observance of the provisions of the Licensing Act 1964 and all Acts relating thereto and of any conditions attached to any licence held by or on behalf of the

Club or to any registration certificate granted in respect of the Club premises.

18. No person shall be paid at the expense of the Club any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor by the Club; nor shall any person directly or indirectly derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the Club to members or guests, apart from any benefit accruing to the Club as a whole.

General Meetings

19. An Annual General Meeting of the Club shall be held on the 1st Monday of November in every year. Notice of the day and time of the Annual General Meeting shall be posted in the Club in the manner prescribed in Rule 29 for a period of at least fourteen days before such day.

20. A General Meeting of the Club may be summoned at any time by the General Committee and shall be so summoned immediately upon any 5 members (each being entitled under Rule 22 to vote) delivering to the General Committee a written request in that behalf. A General Meeting shall be summoned by causing a notice thereof to be posted in the Club premises in the manner prescribed in Rule 29 for a period of at least fourteen days immediately before the day appointed for the meeting, but this period may be abridged in the discretion of the General Committee if the urgency of the business to be discussed in their opinion so requires.

21. At any General Meeting of the Club every member of the Club shall be entitled to be present and every ordinary or honorary member shall be entitled to one vote upon every question raised. In the case of equality of voting, the Chairman of the meeting (who shall be a member elected for the occasion by the meeting before any other business is opened) shall have a casting vote. The Secretary shall take minutes of the proceedings at all General Meetings of the Club.

Visitors

22. Members may introduce and entertain guests at the Club, and there shall be

kept at the Club premises a Visitors' Book which both the member and his guest shall sign. The member introducing a guest shall be responsible for his guest strictly observing these rules and the Club byelaws and shall not leave the Club premises before his guest. No person who membership of the Club has been terminated under Rule 28 or is for the time being suspended under Rule 26, or whose application for membership has at any time been rejected, shall be introduced as a guest; nor shall any member entertain on the premises more than two guests at any one time, nor introduce as a guest the same person on more than three occasions in any one calendar year.

Byelaws

23. The General Committee may from time to time make vary and revoke byelaws (not inconsistent with these rules) for the regulation of the internal affairs of the Club and the conduct of members, and the byelaws for the time being in force shall be binding on all members.

Conduct of Members

24. No betting shall be allowed in the Club. No lottery shall be promoted by any member or officer on behalf of or in any way connected with the Club or with any entertainment or event held by or in connection with the Club without the previous written authority of the General Committee. Gaming shall be permitted in the Club so, however, as not to contravene any of the provisions of any statute for the time being in force.

25. The General Committee may suspend the membership of any member whose conduct, whether on the Club premises or elsewhere, is or has been in the opinion of the Committee contrary to the interests of the Club or injurious to its reputation.

26. Immediately upon the suspension under Rule 26 of the membership of any member, the General Committee shall:-

- (1) cause to be displayed on the Club notice board a notice stating the name of the member under suspension and specifying the reasons for that

suspension:

(2) summon a meeting of the General Committee for a day not later than 21 days following the suspension;

(3) give notice forthwith by the recorded delivery service to the suspended member at his address last notified to the Secretary under Rule 29 of his suspension and the date of the meeting of the General Committee so that he may be present, if he so desires to make representations to the Committee concerning the suspension.

(4) cause to be displayed on the Club notice board a notice of such meeting informing members wishing to make representations to the Committee concerning the suspension to do so in writing to the Secretary not later than (seven) days from the display of the suspension notice.

27. At any such meeting any allegations against the suspended member shall be related (in his presence if he attends) to the Meeting by a member of the General Committee, and the suspended member shall (if he desires) be heard in answer, a reasonable adjournment to enable him to prepare his answer being allowed him in the discretion of the Meeting. The decision of the Club at the said Meeting or at any adjourned Meeting whether to re-instate the suspended member or to terminate his membership shall be taken by vote and shall be final and conclusive.

Notices

28. Each member shall keep the Secretary informed at the Secretary's office on the Club premises of that member's private address, or of some other address at which communications may be addressed for him. Nevertheless it shall not be necessary to send any notice intended for members generally to any member, by post or otherwise, except in the case of the notice convening any General Meeting for any of the purposes of Rule 32. All notices shall be posted by being affixed in a prominent position on the Club premises in a part of the Club which is frequented by members, and it shall be the duty of the Secretary to ensure that any such notice remains so exhibited throughout any period required in that behalf by or

under these rules.

Alteration of Rules

29. These rules may be revoked, added to or altered by a majority comprising two-thirds or more of the members present at and entitled to vote at any General Meeting of the Club of which notice has been duly given under Rule 20 or Rule 21 specifying the intention to propose the revocation, addition or alteration, together with full particulars thereof.

Exclusion of Liability

30. Neither the Club nor any officer thereof shall be liable to any member or guest of a member for any loss of or damage to any property occurring, from whatever cause, in or about the Club premises; nor for any injury sustained by any member or guest whilst on or entering or leaving the Club premises; and a notice to this effect shall at all time be displayed in a prominent position on the Club premises.

Dissolution

31. If the number of ordinary members of the Club shall at any time fall below ten, or if at any time the Club shall pass in General Meeting by a majority comprising two-thirds or more of the members present and entitled to vote a resolution (in this rule called "the first resolution") of its intentions to dissolve, the General Committee, or failing them the Trustees shall take immediate steps to convert into money all the property of the Club, with power however to postpone or delay the conversion of any particular property if the Club in General Meeting shall so authorise. Out of the proceeds of such conversion, the Trustees shall discharge all debts and liabilities of the Club including the expenses of of such conversion and any balance remaining in their hands shall be disposed of by them as the Club in General Meeting shall resolve; and thereupon the Club shall for all purposes be dissolved. Provided that if the Club shall

not, within six months after the date of the first resolution, resolve upon the disposition of any such balance, the same shall be divided equally between all persons who were ordinary members of the Club at the date of the first resolution. A copy of the notice convening any General Meeting under this rule shall be sent by the Secretary by post to every member at his address last notified to the Secretary under Rule 29 not less than fourteen days before the date appointed for the Meeting; but any accidental omission to send such copy or the non-receipt of the same shall not invalidate any proceedings or resolution.

Application of Profit

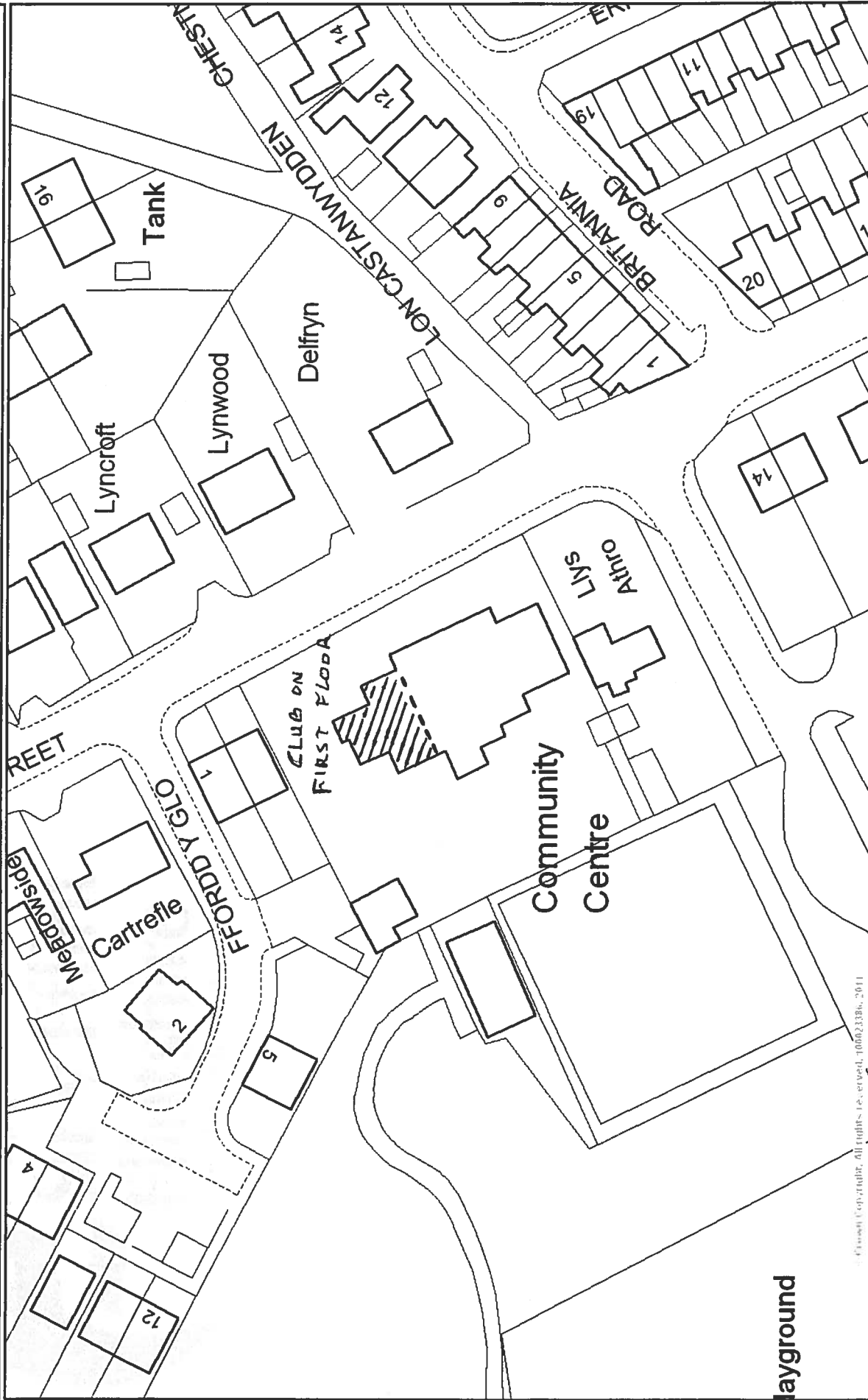
32. No money or property of the Club or any gain arising from the carrying on of the Club may be applied otherwise than for the benefit of the Club as a whole or the objects set out in paragraph 3 above or for some charitable or benevolent purpose or purposes chosen by resolution of a general meeting.

Interpretation

33. (a) Words importing the singular or plural shall include the plural and singular respectively;

(b) Words importing the masculine gender shall include the feminine.

Leeswood Community Centre



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Scale 1:7769
 Centre = 327045 E 360005 N
 Date 16/4/2013
 Name



The Secretary
Coed Llai Sports and Social Club
King Street
Leeswood
Flintshire
Ch7 4RU

MOL/NFH
11 January 2013
Mr M O Lovatt
01352 703393

Dear Sir

Licensing Act 2003 - Club Premises Certificate – Coed Llai Sports and Social Club

Gambling Act 2005 - Club Machine Permit – Coed Llai Sports and Social Club

The Police have informed Flintshire County Council of concerns about the above Club following an incident that occurred there last New Year's Eve. I understand that the Police will be contacting the Club directly over this matter.

Flintshire as the Licensing Authority has a responsibility to ensure that clubs comply with the requirements of the Licensing Act 2003 and the Gambling Act 2005.

Enclosed with this letter are the relevant sections of the Licensing Act and The Gambling Act that relate to clubs. Also enclosed is an extract from the Home Office Guidance of October 2012 that covers club premises (Licensing Act) and from the Gambling Commission Guidance to Licensing Authorities (Gambling Act).

As part of the Council's need to determine whether Coed Llai Sports and Social Club is being operated in accordance with the legislation a questionnaire is attached which the Council invites you to complete and return by 15th February 2013. You may wish to consult a solicitor prior to completing the questionnaire. A question about gaming machines is included because according to our records there is no Club Machine Permit in force at the current time.

In addition to returning the completed questionnaire, please submit the following documents:-

- a) Copies of the agendas and minutes of all general committee meetings, extraordinary meetings, special meetings and finance meetings that have been held in 2012.
- b) Copies of books of account and other records kept to ensure the accuracy of financial information for 2012.
- c) A copy of the current club rules.

If you have any queries on this letter please contact me.

Yours faithfully

A handwritten signature in black ink, appearing to be 'MOR'.

Community Protection Manager

Licensing Authority Questionnaire – Coed Llai Sports and Social Club

- 1) Are there any arrangements restricting the club's freedom to purchase alcohol? If so please provide details of them.

- (2) What are the rules or arrangements under which money or property of the club, or 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?

- (3) What are the arrangements for giving members information about the finances of the club?

- (4) What books of account and other records are kept to ensure the accuracy of that information?

- (5) Who is the chair person of the club?

(6) Who is the secretary of the club?

(7) Who is the treasurer of the club?

(8) Who are the members of the club committee?

(9) Does the club have at least 25 members?

(10) What is the current name of the club?

(11) Does the club have a set of rules?

(12) Are there any gaming machines currently at the club?

Signature of Club Representative:

Print Name and Position:

Date:

PART 4 of the Licensing Act 2003

CLUBS

Introductory

Section 60 Club Premises Certificate

(1) In this Act "club premises certificate" means a certificate granted under this Part—

(a) in respect of premises occupied by, and habitually used for the purposes of, a club,

(b) by the relevant licensing authority, and

(c) certifying the matters specified in subsection (2).

(2) Those matters are—

(a) that the premises may be used by the club for one or more qualifying club activities specified in the certificate, and

(b) that the club is a qualifying club in relation to each of those activities (see section 61).

Qualifying clubs

Section 61 Qualifying clubs

(1) This section applies for determining for the purposes of this Part whether a club is a qualifying club in relation to a qualifying club activity.

(2) A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies both—

(a) the general conditions in section 62, and

(b) the additional conditions in section 64.

(3) A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the general conditions in section 62.

Section 62 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.

Section 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.

Section 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.

Section 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).

Section 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

(4)(b)(ii),

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.

Interpretation

Section 67 Associate Members and their guests

(1) Any reference in this Act (other than this section) to a guest of a member of a club includes a reference to—

(a) an associate member of the club, and

(b) a guest of an associate member of the club.

(2) For the purposes of this Act a person is an “associate member” of a club if—

(a) in accordance with the rules of the club, he is admitted to its premises as being a member of another club, and

(b) that other club is a recognised club (see section 193).

Section 68 The relevant licensing authority

(1) For the purposes of this Part the “relevant licensing authority” in relation to any premises is determined in accordance with this section.

(2) Subject to subsection (3), the relevant licensing authority is the authority in whose area the premises are situated.

(3) Where the premises are situated in the areas of two or more licensing authorities, the relevant licensing authority is—

- (a) the licensing authority in whose area the greater or greatest part of the premises is situated, or
- (b) if there is no authority to which paragraph (a) applies, such one of those authorities as is nominated in accordance with subsection (4).
- (4) In a case within subsection (3)(b), an applicant for a club premises certificate must nominate one of the licensing authorities as the relevant licensing authority in relation to the application and any certificate granted as a result of it.

Section 69 Authorised persons, interested parties and responsible authorities

(1) In this Part in relation to any premises each of the following expressions has the meaning given to it by this section—

“authorised person”,

“interested party”,

“responsible authority”.

(2) “Authorised person” means any of the following—

(a) an officer of a licensing authority in whose area the premises are situated who is authorised by that authority for the purposes of this Act,

(b) an inspector appointed under section 18 of the Fire Precautions Act 1971 (c. 40),

(c) an inspector appointed under section 19 of the Health and Safety at Work etc. Act 1974 (c. 37),

(d) an officer of a local authority, in whose area the premises are situated, who is authorised by that authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution of the environment or of harm to human health,

(e) in relation to a vessel, an inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 (c. 21),

(f) a person prescribed for the purposes of this subsection.

(3) “Interested party” means any of the following—

(a) a person living in the vicinity of the premises,

(b) a body representing persons who live in that vicinity,

(c) a person involved in a business in that vicinity,

(d) a body representing persons involved in such businesses.

(4) “Responsible authority” means any of the following—

(a) the chief officer of police for any police area in which the premises are situated,

(b) the fire authority for any area in which the premises are situated,

(c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 (c. 37) for any area in which the premises are situated,

(d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the premises are situated,

(e) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to

human health,

(f) a body which—

(i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and

(ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters,

(g) any licensing authority (other than the relevant licensing authority) in whose area part of the premises is situated,

(h) in relation to a vessel—

(i) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c. 57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for qualifying club activities,

(ii) the Environment Agency,

(iii) the British Waterways Board, or

(iv) the Secretary of State,

(i) a person prescribed for the purposes of this subsection.

(5) For the purposes of this section, “statutory function” means a function conferred by or under any enactment.

70 Other definitions relating to clubs

In this Part—

“secretary”, in relation to a club, includes any person (whether or not an officer of the club) performing the duties of a secretary;

“supply of alcohol to members or guests” means, in the case of any club,—

(a) the supply of alcohol by or on behalf of the club to, or to the order of, a member of the club, or

(b) the sale by retail of alcohol by or on behalf of the club to a guest of a member of the club for consumption on the premises where

the sale takes place, and related expressions are to be construed accordingly.

Grant of club premises certificate

Section 71 Application for club premises certificate

(1) A club may apply for a club premises certificate in respect of any premises which are occupied by, and habitually used for the purposes of, the club.

(2) Any application for a club premises certificate must be made to the relevant licensing authority.

(3) Subsection (2) is subject to regulations under—

(a) section 91 (form etc. of applications and notices under this Part);

(b) section 92 (fees to accompany applications and notices).

(4) An application under this section must also be accompanied by—

(a) a club operating schedule,

(b) a plan of the premises to which the application relates, in the prescribed form, and

(c) a copy of the rules of the club.

- (5) A “club operating schedule” is a document which is in the prescribed form, and includes a statement of the following matters—
- (a) the qualifying club activities to which the application relates (“the relevant qualifying club activities”),
 - (b) the times during which it is proposed that the relevant qualifying club activities are to take place,
 - (c) any other times during which it is proposed that the premises are to be open to members and their guests,
 - (d) where the relevant qualifying club activities include the supply of alcohol, whether the supplies are proposed to be for consumption on the premises or both on and off the premises,
 - (e) the steps which it is proposed to take to promote the licensing objectives, and
 - (f) such other matters as may be prescribed.
- (6) The Secretary of State must by regulations—
- (a) require an applicant to advertise the application within the prescribed period—
 - (i) in the prescribed form, and
 - (ii) in a manner which is prescribed and is likely to bring the application to the attention of the interested parties likely to be affected by it;
 - (b) require an applicant to give notice of the application to each responsible authority, and such other persons as may be prescribed within the prescribed period;
 - (c) prescribe the period during which interested parties and responsible authorities may make representations to the relevant licensing authority about the application.

Section 72 Determination of application for club premises certificate

- (1) This section applies where the relevant licensing authority—
- (a) receives an application for a club premises certificate made in accordance with section 71, and
 - (b) is satisfied that the applicant has complied with any requirement imposed on the applicant under subsection (6) of that section.
- (2) Subject to subsection (3), the authority must grant the certificate in accordance with the application subject only to—
- (a) such conditions as are consistent with the club operating schedule accompanying the application, and
 - (b) any conditions which must under section 73(2) to (5) or 74 be included in the certificate.
- (3) Where relevant representations are made, the authority must—
- (a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - (b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.
- (4) The steps are—
- (a) to grant the certificate subject to—

- (i) the conditions mentioned in subsection (2)(a) modified to such extent as the authority considers necessary for the promotion of the licensing objectives, and
- (ii) any conditions which must under section 73(2) to (5) or 74 be included in the certificate;
- (b) to exclude from the scope of the certificate any of the qualifying club activities to which the application relates;
- (c) to reject the application.
- (5) Subsections (2) and (3)(b) are subject to section 73(1) (certificate may authorise off-supplies only if it authorises on-supplies).
- (6) For the purposes of subsection (4)(a) the conditions mentioned in subsection (2)(a) are modified if any of them is altered or omitted or any new condition is added.
- (7) For the purposes of this section, "relevant representations" means representations which—
 - (a) are about the likely effect of the grant of the certificate on the promotion of the licensing objectives, and
 - (b) meet the requirements of subsection (8).
- (8) The requirements are—
 - (a) that the representations were made by an interested party or responsible authority within the period prescribed under section 71(6)(c),
 - (b) that they have not been withdrawn, and
 - (c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- (9) Where the authority determines for the purposes of subsection (8)(c) that any representations are frivolous or vexatious, it must notify the person who made them of the reasons for its determination.
- (10) In discharging its duty under subsection (2) or (3)(b) a licensing authority may grant a club premises certificate subject to different conditions in respect of—
 - (a) different parts of the premises concerned;
 - (b) different qualifying club activities.

Section 73 Certificate authorising supply of alcohol for consumption off the premises

- (1) A club premises certificate may not authorise the supply of alcohol for consumption off the premises unless it also authorises the supply of alcohol to a member of the club for consumption on those premises.
- (2) A club premises certificate which authorises the supply of alcohol for consumption off the premises must include the following conditions.
- (3) The first condition is that the supply must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.
- (4) The second condition is that any alcohol supplied for consumption off the premises must be in a sealed container.
- (5) The third condition is that any supply of alcohol for consumption off the

premises must be made to a member of the club in person.

Section 74 Mandatory condition: exhibition of films

(1) Where a club premises certificate authorises the exhibition of films, the certificate must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the certificate, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where—

(a) the film classification body is not specified in the certificate, or

(b) the relevant licensing authority has notified the club which holds the certificate that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section—

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c. 39) (authority to determine suitability of video works for classification).

Section 75 Prohibited conditions: associate members and their guests

(1) Where the rules of a club provide for the sale by retail of alcohol on any premises by or on behalf of the club to, or to a guest of, an associate member of the club, no condition may be attached to a club premises certificate in respect of the sale by retail of alcohol on those premises by or on behalf of the club so as to prevent the sale by retail of alcohol to any such associate member or guest.

(2) Where the rules of a club provide for the provision of any regulated entertainment on any premises by or on behalf of the club to, or to a guest of, an associate member of the club, no condition may be attached to a club premises certificate in respect of the provision of any such regulated entertainment on those premises by or on behalf of the club so as to prevent its provision to any such associate member or guest.

Section 76 Prohibited conditions: plays

(1) In relation to a club premises certificate which authorises the performance of plays, no condition may be attached to the certificate as to the nature of the plays which may be performed, or the manner of performing plays, under the certificate.

(2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 72(2) or (3)(b), 85(3)(b) or 88(3), any condition which it considers necessary on the grounds of public safety.

Section 77 Grant or rejection of application for club premises certificate

(1) Where an application is granted under section 72, the relevant licensing authority must forthwith—

(a) give a notice to that effect to—

(i) the applicant,

(ii) any person who made relevant representations in respect of the

- application, and
- (iii) the chief officer of police for the police area (or each police area) in which the premises are situated, and
 - (b) issue the club with the club premises certificate and a summary of it.
- (2) Where relevant representations were made in respect of the application, the notice under subsection (1)(a) must specify the authority's reasons for its decision as to the steps (if any) to take under section 72(3)(b).
- (3) Where an application is rejected under section 72, the relevant licensing authority must forthwith give a notice to that effect, stating its reasons for that decision, to—
- (a) the applicant,
 - (b) any person who made relevant representations in respect of the application, and
 - (c) the chief officer of police for the police area (or each police area) in which the premises are situated.
- (4) In this section "relevant representations" has the meaning given in section 72(6).

Section 78 Form of certificate and summary

- (1) A club premises certificate and the summary of such a certificate must be in the prescribed form.
- (2) Regulations under subsection (1) must, in particular, provide for the certificate to—
- (a) specify the name of the club and the address which is to be its relevant registered address, as defined in section 184(7);
 - (b) specify the address of the premises to which the certificate relates;
 - (c) include a plan of those premises;
 - (d) specify the qualifying club activities for which the premises may be used;
 - (e) specify the conditions subject to which the certificate has effect.

Section 79 Theft, loss, etc. of certificate or summary

- (1) Where a club premises certificate or summary is lost, stolen, damaged or destroyed, the club may apply to the relevant licensing authority for a copy of the certificate or summary.
- (2) Subsection (1) is subject to regulations under section 92(1) (power to prescribe fee to accompany application).
- (3) Where an application is made in accordance with this section, the relevant licensing authority must issue the club with a copy of the certificate or summary (certified by the authority to be a true copy) if it is satisfied that—
- (a) the certificate or summary has been lost, stolen, damaged or destroyed, and
 - (b) where it has been lost or stolen, the club has reported the loss or theft to the police.
- (4) The copy issued under this section must be a copy of the club premises certificate or summary in the form in which it existed immediately before it was lost, stolen, damaged or destroyed.
- (5) This Act applies in relation to a copy issued under this section as it applies in relation to an original club premises certificate or summary.

Duration of certificate

Section 80 Period of validity of club premises certificate

- (1) A club premises certificate has effect until such time as—
 - (a) it is withdrawn under section 88 or 90, or
 - (b) it lapses by virtue of section 81(3) (surrender).
- (2) But a club premises certificate does not have effect during any period when it is suspended under section 88.

Section 81 Surrender of club premises certificate

- (1) Where a club which holds a club premises certificate decides to surrender it, the club may give the relevant licensing authority a notice to that effect.
- (2) The notice must be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to produce the certificate.
- (3) Where a notice is given in accordance with this section, the certificate lapses on receipt of the notice by the authority.

Duty to notify certain changes

Section 82 Notification of change of name or alteration of rules of club

- (1) Where a club—
 - (a) holds a club premises certificate, or
 - (b) has made an application for a club premises certificate which has not been determined by the relevant licensing authority,the secretary of the club must give the relevant licensing authority notice of any change in the name, or alteration made to the rules, of the club.
- (2) Subsection (1) is subject to regulations under section 92(1) (power to prescribe fee to accompany application).
- (3) A notice under subsection (1) by a club which holds a club premises certificate must be accompanied by the certificate or, if that is not practicable, by a statement of the reasons for the failure to produce the certificate.
- (4) An authority notified under this section of a change in the name, or alteration to the rules, of a club must amend the club premises certificate accordingly.
- (5) But nothing in subsection (4) requires or authorises the making of any amendment to a club premises certificate so as to change the premises to which the certificate relates (and no amendment made under that subsection to a club premises certificate has effect so as to change those premises).
- (6) If a notice required by this section is not given within the 28 days following the day on which the change of name or alteration to the rules is made, the secretary of the club commits an offence.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 83 Change of relevant registered address of club

- (1) A club which holds a club premises certificate may give the relevant licensing authority notice of any change desired to be made in the address which is to be the club's relevant registered address.

(2) If a club which holds a club premises certificate ceases to have any authority to make use of the address which is its relevant registered address, it must as soon as reasonably practicable give to the relevant licensing authority notice of the change to be made in the address which is to be the club's relevant registered address.

(3) Subsections (1) and (2) are subject to regulations under section 92(1) (power to prescribe fee to accompany application).

(4) A notice under subsection (1) or (2) must also be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to produce the certificate.

(5) An authority notified under subsection (1) or (2) of a change to be made in the relevant registered address of a club must amend the club premises certificate accordingly.

(6) If a club fails, without reasonable excuse, to comply with subsection (2) the secretary commits an offence.

(7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(8) In this section "relevant registered address" has the meaning given in section 184(7).

Variation of certificates

Section 84 Application to vary club premises certificate

(1) A club which holds a club premises certificate may apply to the relevant licensing authority for variation of the certificate.

(2) Subsection (1) is subject to regulations under—

(a) section 91 (form etc. of applications);

(b) section 92 (fees to accompany applications).

(3) An application under this section must also be accompanied by the club premises certificate or, if that is not practicable, by a statement of the reasons for the failure to provide the certificate.

(4) The duty to make regulations imposed on the Secretary of State by subsection

(6) of section 71 (advertisement etc. of application) applies in relation to applications under this section as it applies in relation to applications under that section.

Section 85 Determination of application under section 84

(1) This section applies where the relevant licensing authority—

(a) receives an application, made in accordance with section 84, to vary a club premises certificate, and

(b) is satisfied that the applicant has complied with any requirement imposed by virtue of subsection (4) of that section.

(2) Subject to subsection (3) and section 86(6), the authority must grant the application.

(3) Where relevant representations are made, the authority must—

(a) hold a hearing to consider them, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and

(b) having regard to the representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are—

- (a) to modify the conditions of the certificate;
- (b) to reject the whole or part of the application;

and for this purpose the conditions of the certificate are modified if any of them is altered or omitted or any new condition is added.

(5) In this section “relevant representations” means representations which—

- (a) are about the likely effect of the grant of the application on the promotion of the licensing objectives, and
- (b) meet the requirements of subsection (6).

(6) The requirements are—

(a) that the representations are made by an interested party or responsible authority within the period prescribed under section 71(6)(c) by virtue of section 84(4),

(b) that they have not been withdrawn, and

(c) in the case of representations made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(7) Subsections (2) and (3) are subject to sections 73 and 74 (mandatory conditions relating to supply of alcohol for consumption off the premises and to exhibition of films).

Section 86 Supp. provision about applications under section 84

(1) Where an application (or any part of an application) is granted under section 85, the relevant licensing authority must forthwith give a notice to that effect to—

(a) the applicant,

(b) any person who made relevant representations in respect of the application, and

(c) the chief officer of police for the police area (or each police area) in which the premises are situated.

(2) Where relevant representations were made in respect of the application, the notice under subsection (1) must specify the authority's reasons for its decision as to the steps (if any) to take under section 85(3)(b).

(3) The notice under subsection (1) must specify the time when the variation in question takes effect. That time is the time specified in the application or, if that time is before the applicant is given the notice, such later time as the relevant licensing authority specifies in the notice.

(4) Where an application (or any part of an application) is rejected under section 85, the relevant licensing authority must forthwith give a notice to that effect stating its reasons for rejecting the application to—

(a) the applicant,

(b) any person who made relevant representations, and

(c) the chief officer of police for the police area (or each police area) in which the premises are situated.

(5) Where the relevant licensing authority determines for the purposes of section 85(6)(c) that any representations are frivolous or vexatious, it must give the person who made them its reasons for that determination.

(6) A club premises certificate may not be varied under section 85 so as to vary substantially the premises to which it relates.

(7) In discharging its duty under subsection (2) or (3)(b) of that section, a licensing authority may vary a club premises certificate so that it has effect subject to different conditions in respect of—

- (a) different parts of the premises concerned;
- (b) different qualifying club activities.

(8) In this section “relevant representations” has the meaning given in section 85(5).

Review of certificates

Section 87 Application for review of club premises certificate

(1) Where a club holds a club premises certificate—

- (a) an interested party,
- (b) a responsible authority, or
- (c) a member of the club,

may apply to the relevant licensing authority for a review of the certificate.

(2) Subsection (1) is subject to regulations under section 91 (form etc. of applications).

(3) The Secretary of State must by regulations under this section—

- (a) require the applicant to give a notice containing details of the application to the club and each responsible authority within such period as may be prescribed;
- (b) require the authority to advertise the application and invite representations relating to it to be made to the authority;
- (c) prescribe the period during which representations may be made by the club, any responsible authority and any interested party;
- (d) require any notice under paragraph (a) or advertisement under paragraph (b) to specify that period.

(4) The relevant licensing authority may, at any time, reject any ground for review specified in an application under this section if it is satisfied—

- (a) that the ground is not relevant to one or more of the licensing objectives, or
- (b) in the case of an application made by a person other than a responsible authority, that—
 - (i) the ground is frivolous or vexatious, or
 - (ii) the ground is a repetition.

(5) For this purpose a ground for review is a repetition if—

- (a) it is identical or substantially similar to—
 - (i) a ground for review specified in an earlier application for review made in respect of the same club premises certificate and determined under section 88, or
 - (ii) representations considered by the relevant licensing authority in accordance with section 72, before it determined the application for the club premises certificate under that section, and
- (b) a reasonable interval has not elapsed since that earlier application or that grant.

(6) Where the authority rejects a ground for review under subsection (4)(b), it must notify the applicant of its decision and, if the ground was rejected because it was frivolous or vexatious, the authority must notify him of its reasons for making that decision.

(7) The application is to be treated as rejected to the extent that any of the grounds for review are rejected under subsection (4). Accordingly, the requirements imposed under subsection (3)(a) and (b) and by section 88 (so far as not already met) apply only to so much (if any) of the application as has not been rejected.

Section 88 Determination of application for review

(1) This section applies where—

- (a) the relevant licensing authority receives an application made in accordance with section 87,
- (b) the applicant has complied with any requirement imposed by virtue of subsection (3)(a) or (d) of that section, and
- (c) the authority has complied with any requirement imposed on it under subsection (3)(b) or (d) of that section.

(2) Before determining the application, the authority must hold a hearing to consider it and any relevant representations.

(3) The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4) The steps are—

- (a) to modify the conditions of the certificate;
- (b) to exclude a qualifying club activity from the scope of the certificate;
- (c) to suspend the certificate for a period not exceeding three months;
- (d) to withdraw the certificate;

and for this purpose the conditions of the certificate are modified if any of them is altered or omitted or any new condition is added.

(5) Subsection (3) is subject to sections 73 and 74 (mandatory conditions relating to supply of alcohol for consumption off the premises and to exhibition of films).

(6) Where the authority takes a step within subsection (4)(a) or (b), it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

(7) In this section “relevant representations” means representations which—

- (a) are relevant to one or more of the licensing objectives, and
- (b) meet the requirements of subsection (8).

(8) The requirements are—

- (a) that the representations are made by the club, a responsible authority or an interested party within the period prescribed under section 87(3)(c),
- (b) that they have not been withdrawn, and
- (c) if they are made by an interested party (who is not also a responsible authority), that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

(9) Where the relevant licensing authority determines that any representations are frivolous or vexatious, it must give the person who made them its reasons for that determination.

(10) Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to—

- (a) the club,
- (b) the applicant,

(c) any person who made relevant representations, and
(d) the chief officer of police for the police area (or each police area) in which the premises are situated.

(11) A determination under this section does not have effect—

- (a) until the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

Section 89 Supplementary provision about review

(1) This section applies where a local authority is both—

- (a) the relevant licensing authority, and
- (b) a responsible authority, in respect of any premises.

(2) The authority may, in its capacity as responsible authority, apply under section 87 for a review of any club premises certificate in respect of the premises.

(3) The authority may in its capacity as licensing authority determine that application.

Withdrawal of certificates

Section 90 Club ceasing to be a qualifying club

(1) Where—

- (a) a club holds a club premises certificate, and
- (b) it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates (see section 61), the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity.

(2) Where the only reason that the club does not satisfy the conditions for being a qualifying club in relation to the activity in question is that the club has fewer than the required number of members, the notice withdrawing the certificate must state that the withdrawal—

- (a) does not take effect until immediately after the end of the period of three months following the date of the notice, and
- (b) will not take effect if, at the end of that period, the club again has at least the required number of members.

(3) The references in subsection (2) to the required number of members are references to the minimum number of members required by condition 4 in section 62(5) (25 at the passing of this Act).

(4) Nothing in subsection (2) prevents the giving of a further notice of withdrawal under this section at any time.

(5) Where a justice of the peace is satisfied, on information on oath, that there are reasonable grounds for believing—

- (a) that a club which holds a club premises certificate does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates, and
- (b) that evidence of that fact is to be obtained at the premises to which the certificate relates, he may issue a warrant authorising a constable to enter the premises, if necessary by force, at any time within one month from the time of the issue of the warrant, and search them.

(6) A person who enters premises under the authority of a warrant under

subsection (5) may seize and remove any documents relating to the business of the club in question.

General provision

Section 91 Form etc. of applications and notices under Part 4

In relation to any application or notice under this Part, regulations may prescribe—

- (a) its form;
- (b) the manner in which it is to be made or given;
- (c) information and documents that must accompany it.

Section 92 Fees

(1) Regulations may—

(a) require applications under any provision of this Part (other than section 87) to be accompanied by a fee, and

(b) prescribe the amount of the fee.

(2) Regulations may also require the payment of an annual fee to the relevant licensing authority by or on behalf of a club which holds a club premises certificate.

(3) Regulations under subsection (2) may include provision—

(a) imposing liability for the making of the payment on the secretary or such other officers or members of the club as may be prescribed,

(b) prescribing the amount of any such fee, and

(c) prescribing the time at which any such fee is due.

(4) Any fee which is owed to a licensing authority under subsection (2) may be recovered as a debt due to the authority from any person liable to make the payment by virtue of subsection (3)(a).

Production of certificate, rights of entry, etc.

Section 93 Licensing authority's duty to update club premises certificate

(1) Where—

(a) the relevant licensing authority, in relation to a club premises certificate, makes a determination or receives a notice under this Part, or

(b) an appeal against a decision under this Part is disposed of, the relevant licensing authority must make the appropriate amendments (if any) to the certificate and, if necessary, issue a new summary of the certificate.

(2) Where a licensing authority is not in possession of the club premises certificate, it may, for the purpose of discharging its obligations under subsection (1), require the secretary of the club to produce the certificate to the authority within 14 days from the date on which the club is notified of the requirement.

(3) A person commits an offence if he fails, without reasonable excuse, to comply with a requirement under subsection (2).

(4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 94 Duty to keep and produce certificate

- (1) This section applies whenever premises in respect of which a club premises certificate has effect are being used for one or more qualifying club activities authorised by the certificate.
- (2) The secretary of the club must secure that the certificate, or a certified copy of it, is kept at the premises in the custody or under the control of a person (the "nominated person") who—
 - (a) falls within subsection (3),
 - (b) has been nominated for the purpose by the secretary in writing, and
 - (c) has been identified to the relevant licensing authority in a notice given by the secretary.
- (3) The persons who fall within this subsection are—
 - (a) the secretary of the club,
 - (b) any member of the club,
 - (c) any person who works at the premises for the purposes of the club.
- (4) The nominated person must secure that—
 - (a) the summary of the certificate or a certified copy of that summary, and
 - (b) a notice specifying the position which he holds at the premises,are prominently displayed at the premises.
- (5) The secretary commits an offence if he fails, without reasonable excuse, to comply with subsection (2).
- (6) The nominated person commits an offence if he fails, without reasonable excuse, to comply with subsection (4).
- (7) A constable or an authorised person may require the nominated person to produce the club premises certificate (or certified copy) for examination.
- (8) An authorised person exercising the power conferred by subsection (7) must, if so requested, produce evidence of his authority to exercise the power.
- (9) A person commits an offence if he fails, without reasonable excuse, to produce a club premises certificate or certified copy of a club premises certificate in accordance with a requirement under subsection (7).
- (10) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (11) In subsection (4) the reference to the summary of the certificate is a reference to the summary issued under section 77 or, where one or more summaries have subsequently been issued under section 93, the most recent summary to be so issued.
- (12) Section 95 makes provision about certified copies of club premises certificates and of summaries of club premises certificates for the purposes of this section.

Section 95 Provision supplementary to section 94

- (1) Any reference in section 94 to a certified copy of a document is a reference to a copy of the document which is certified to be a true copy by—
 - (a) the relevant licensing authority,
 - (b) a solicitor or notary, or
 - (c) a person of a prescribed description.
- (2) Any certified copy produced in accordance with a requirement under subsection 94(7) must be a copy of the document in the form in which it exists at the time.

(3) A document which purports to be a certified copy of a document is to be taken to be such a copy, and to comply with the requirements of subsection (2), unless the contrary is shown.

Section 96 Inspection of premises before grant of certificate etc.

(1) Subsection (2) applies where—

- (a) a club applies for a club premises certificate in respect of any premises,
- (b) a club applies under section 84 for the variation of a club premises certificate held by it, or
- (c) an application is made under section 87 for review of a club premises certificate.

(2) On production of his authority—

- (a) an authorised person, or
- (b) a constable authorised by the chief officer of police, may enter and inspect the premises.

(3) Any entry and inspection under this section must take place at a reasonable time on a day—

- (a) which is not more than 14 days after the making of the application in question, and
- (b) which is specified in the notice required by subsection (4).

(4) Before an authorised person or constable enters and inspects any premises under this section, at least 48 hours' notice must be given to the club.

(5) Any person obstructing an authorised person in the exercise of the power conferred by this section commits an offence.

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(7) The relevant licensing authority may, on the application of a responsible authority, extend by not more than 7 days the time allowed for carrying out an entry and inspection under this section.

(8) The relevant licensing authority may allow such an extension of time only if it appears to the authority that—

- (a) reasonable steps had been taken for an authorised person or constable authorised by the applicant to inspect the premises in good time, but
- (b) it was not possible for the inspection to take place within the time allowed.

Section 97 Other powers of entry and search

(1) Where a club premises certificate has effect in respect of any premises, a constable may enter and search the premises if he has reasonable cause to believe—

- (a) that an offence under section 4(3)(a), (b) or (c) of the Misuse of Drugs Act 1971 (c. 38) (supplying or offering to supply, or being concerned in supplying or making an offer to supply, a controlled drug) has been, is being, or is about to be, committed there, or
- (b) that there is likely to be a breach of the peace there.

(2) A constable exercising any power conferred by this section may, if necessary, use reasonable force.

6. Club premises certificates

- 6.1 This Chapter covers the administration of the processes for issuing, varying, and reviewing club premises certificates and other associated procedures.

GENERAL

- 6.2 Clubs are organisations where members have joined together for particular social, sporting or political purposes. They may then combine to buy alcohol in bulk as members of the organisation to supply in the club.
- 6.3 Technically the club only sells alcohol by retail at such premises to guests. Where members purchase alcohol, there is no sale (as the member owns part of the alcohol stock) and the money passing across the bar is merely a mechanism to preserve equity between members where one may consume more than another.
- 6.4 Only 'qualifying' clubs may hold club premises certificates. In order to be a qualifying club, a club must have at least 25 members and meet the conditions set out below. The grant of a club premises certificate means that a qualifying club is entitled to certain benefits. These include:
- the authority to supply alcohol to members and sell it to guests on the premises to which the certificate relates without the need for any member or employee to hold a personal licence;
 - the authority to provide late night refreshment to members of the club without requiring additional authorisation;
 - more limited rights of entry for the police and authorised persons because the premises are considered private and not generally open to the public;
 - exemption from police powers of instant closure on grounds of disorder and noise nuisance (except when being used under the authority of a temporary event notice or premises licence) because they operate under their codes of discipline and rules; and
 - exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected.
- 6.5 Qualifying clubs should not be confused with proprietary clubs, which are clubs run commercially by individuals, partnerships or businesses for profit. These require a premises licence and are not qualifying clubs.
- 6.6 A qualifying club will be permitted under the terms of a club premises certificate to sell and supply alcohol to its members and their guests only. Instant membership is not permitted and members must wait at least two days between their application and their admission to the club. A qualifying club may choose to apply for a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them. However, an individual on behalf of a club may give temporary event notices. See Chapter 7.
- 6.7 The 2003 Act does not prevent visitors to a qualifying club being supplied with alcohol as long as they are 'guests' of any member of the club or the club collectively, and nothing in the 2003 Act prevents the admission of such people as guests without prior notice. The 2003 Act does not define "guest" and whether or not somebody is a genuine guest would in all cases be a question of fact.

- 6.8 There is no mandatory requirement under the 2003 Act for guests to be signed in by a member of the club. However, a point may be reached where a club is providing commercial services to the general public in a way that is contrary to its qualifying club status. It is at this point that the club would no longer be conducted in “good faith” and would no longer meet “general condition 3” for qualifying clubs in section 62 of the 2003 Act. Under the 2003 Act, the licensing authority must decide when a club has ceased to operate in “good faith” and give the club a notice withdrawing the club premises certificate. The club is entitled to appeal against such a decision to a magistrates’ court. Unless the appeal is successful, the club would need to apply for a premises licence to authorise licensable activities taking place there.

QUALIFYING CONDITIONS

- 6.9 Section 62 of the 2003 Act sets out five general conditions which a relevant club must meet to be a qualifying club. Section 63 also sets out specified matters for licensing authorities to enable them to determine whether a club is established and conducted in good faith – the third qualifying condition. Section 64 sets out additional conditions which only need to be met by clubs intending to supply alcohol to members and guests. Section 90 of the 2003 Act gives powers to the licensing authority to issue a notice to a club withdrawing its certificate where it appears that it has ceased to meet the qualifying conditions. There is a right of appeal against such a decision.

ASSOCIATE MEMBERS AND GUESTS

- 6.10 As well as their own members and guests, qualifying clubs are also able to admit associate members and their guests (i.e. members and guests from another ‘recognised club’ as defined by section 193 of the 2003 Act) to the club premises when qualifying club activities are being carried on without compromising the use of their club premises certificate.

APPLICATIONS FOR THE GRANT OR VARIATION OF CLUB PREMISES CERTIFICATES

- 6.11 The arrangements for applying for or seeking to vary club premises certificates are extremely similar to those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these could have no adverse impact on the licensing objectives. Licensing authorities should refer to Chapter 8 of this Guidance on the handling of such applications.
- 6.12 In addition to a plan of the premises and a club operating schedule, clubs must also include the rules of the club with their application (as well as making a declaration to the licensing authority in accordance with regulations made under the 2003 Act). On notifying any alteration to these rules to the licensing authority, the club is required to pay a fee set down in regulations. Licensing authorities cannot require any changes to the rules to be made as a condition of receiving a certificate unless relevant representations have been made. However, if a licensing authority is satisfied that the rules of a club indicate that it does not meet the qualifying conditions in the 2003 Act, a club premises certificate should not be granted.

STEPS NEEDED TO PROMOTE THE LICENSING OBJECTIVES

- 6.13 Club operating schedules prepared by clubs, must include the steps the club intends to take to promote the licensing objectives. These will be translated into conditions included in the certificate, unless the conditions have been modified by the licensing authority following consideration of relevant representations. Guidance on these conditions is given in Chapter 10 of this Guidance.

Extract from the Gambling Act 2005

(Refer to the Act for the full context and detail)

Section 37 Use of premises

(1) A person commits an offence if he uses premises, or causes or permits premises to be used, to—

(a) operate a casino,

(b) provide facilities for the playing of bingo,

(c) make a gaming machine available for use,

(d) provide other facilities for gaming, or

(e) provide facilities for betting (whether by making or accepting bets, by acting as a betting intermediary or by providing other facilities for the making or accepting of bets).

(2) Subsection (1) does not apply in relation to the use of premises by a person if the use is authorised by a premises licence held by him.

(3) Subsection (1) does not apply in relation to the use of premises by a person if he acts in the course of a business carried on by another person who holds a premises licence authorising the use.

(4) Subsection (1) does not apply in relation to the use of a track by a person for accepting bets if the use is authorised by a premises licence (whether or not held by him).

(5) Subsection (1) does not apply in relation to the use of a casino for the provision of facilities for bingo or betting in accordance with an authorisation under section 174(3).

(6) Subsection (1) does not apply in relation to the use of premises to provide facilities which are to be used only by persons who—

(a) are acting in the course of a business, or

(b) are not on the premises.

(7) Other exceptions to subsection (1) are provided in—

(a) sections 39 and 40,

(b) section 214 (temporary use notice),

(c) sections 247, 248 and 249 (gaming machines),

(d) sections 269, 271 and 273 (clubs and miners' welfare institutes),

(e) sections 279, 282 and 283 (premises with alcohol licence),

(f) section 287 (travelling fairs),

(g)sections 289 to 292 (prize gaming),

(h)section 296 (private gaming and betting), and

(i)section 298 (non-commercial gaming).

(8)A person guilty of an offence under this section shall be liable on summary conviction to—

(a)imprisonment for a term not exceeding 51 weeks,

(b)a fine not exceeding level 5 on the standard scale, or

(c)both.

(9)In the application of subsection (8) to Scotland the reference to 51 weeks shall have effect as a reference to six months.

Section 242 Making machine available for use

(1)A person commits an offence if he makes a gaming machine available for use by another unless—

(a)he makes the machine available for use in accordance with an operating licence, or

(b)an exception in section 247, 248, 249, 271, 273, 282, 283 or 287 applies.

(2)A person commits an offence if he makes a gaming machine available for use in contravention of regulations under section 240.

Section 266 Members' Club

(1)In this Act members' club means a club—

(a)which is established and conducted wholly or mainly for purposes other than the provision of facilities for gaming (subject to subsection (2)),

(b)which is established and conducted for the benefit of its members (and which is not otherwise established or conducted as a commercial enterprise),

(c)which is not established with the purpose of functioning only for a limited period of time, and

(d)which has at least 25 individual members.

(2)A club is a members' club for the purposes of this Act despite subsection (1)(a) if—

(a)it is established or conducted wholly or mainly for the purpose of the provision of facilities for gaming of a prescribed kind, and

(b)facilities are not provided for any other kind of gaming in the course of the club's activities.

Section 269 Exempt gaming

(1) Sections 33 and 37 shall not apply to the provision of facilities for equal chance gaming which satisfies the conditions of this section by—

- (a) a members' club,
- (b) a commercial club,
- (c) a club that would be a members' club but for section 266(1)(a),
- (d) a club that would be a commercial club but for section 267(1)(a), or
- (e) a miners' welfare institute.

(2) The first condition of gaming for the purposes of subsection (1) is that the arrangements for the gaming satisfy the prescribed requirements (if any) in relation to—

- (a) amounts that may be staked, or
- (b) the amount or value of a prize.

(3) The second condition of gaming for the purposes of subsection (1) is that no amount is deducted or levied from sums staked or won.

(4) The third condition of gaming for the purposes of subsection (1) is that any participation fee does not exceed such maximum as may be prescribed.

(5) The fourth condition of gaming for the purposes of subsection (1) is that a game played on one set of premises is not linked with a game played on another set of premises.

(6) The fifth condition of gaming for the purposes of subsection (1), which does not apply to a club of a kind mentioned in subsection (1)(b) or (d), is that each person who participates—

- (a) is a member of the club or institute who applied for membership, was nominated for membership or became a member, at least 48 hours before he participates, or
- (b) is a guest of a member of the club or institute who would be entitled to participate by virtue of paragraph (a).

Section 270 Section 269: supplementary

(1) In section 269(1) a reference to the provision of facilities by a club or institute includes a reference to any provision of facilities made—

- (a) on behalf of or by arrangement with the club or institute, and
- (b) in the course of its activities.

(2) Regulations prescribing requirements in relation to stakes or prizes for the purposes of section 269(2) may, in particular—

(a) make different provision for different classes of club or institute;

(b) make different provision for different classes or descriptions of game.

(3) In section 269(3) the reference to a deduction or levy in respect of gaming provided by, on behalf of or by arrangement with a club or institute is to a deduction or levy made by or on behalf of—

(a) the club or institute, or

(b) a person providing facilities for gaming on behalf of, or by arrangement with, the club or institute.

(4) Regulations prescribing a maximum charge for the purposes of section 269(4) may, in particular—

(a) make different provision for different classes of club or institute;

(b) make provision depending on whether a club or institute holds a club gaming permit;

(c) make different provision for different classes or descriptions of game;

(d) make different provision for different classes or descriptions of fee.

(5) For the purposes of section 269(5) two games are linked if—

(a) the result of one game is or may be wholly or partly determined by reference to the result of the other game, or

(b) the amount of winnings available in one game is or may be wholly or partly determined by reference to the amount of participation in the other game;

and if a single game is played partly on one set of premises and partly on another it shall be treated as two linked games.

(6) For the purposes of section 269(6) a person shall not be treated as the guest of a member if the member extends an invitation—

(a) having had no previous acquaintance with the person, and

(b) for the purpose only of enabling the person to take advantage of facilities for gaming provided by or for the club or institute.

Section 273 Club Machine Permit

(1) Sections 37 and 242 shall not apply to making a gaming machine available for use in accordance with a club machine permit.

(2) A club machine permit is a permit issued by a licensing authority authorising up to three gaming machines, each of which must be of Category B, C or D, to be made available for use—

(a) on premises on which a members' club, a commercial club or a miners' welfare institute operates, and

(b)in the course of the activities of the club or institute.

(3)A club machine permit held by a members' club or a miners' welfare institute shall, by virtue of this subsection, be subject to the condition that each person to whom a machine is made available for use in reliance on the permit—

(a)is a member of the club or institute who applied for membership, was nominated for membership or became a member, at least 48 hours before he uses the machine, or

(b)is a guest of a member of the club or institute who would be entitled to use the machine by virtue of paragraph (a).

(4)A club machine permit shall, by virtue of this subsection, be subject to the conditions—

(a)that no child or young person use a Category B or C gaming machine on the club's or institute's premises, and

(b)that the holder comply with any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine.

(5)For the purposes of subsection (3)(b) a person shall not be treated as the guest of a member if the member extends an invitation—

(a)having had no previous acquaintance with the person, and

(b)for the purpose only of enabling the person to take advantage of facilities for gaming.

Part 25: Club gaming permits and club machine permits

- 25.1** Schedule 12 of the Act sets out the application process and regulatory regime for club gaming permits and club machine permits. Scottish Ministers may, with the consent of the Secretary of State, make separate regulations in relation to club gaming or club machine permits in place of Schedule 12, if the applicant or the holder of the permit is the holder of a certificate of registration under section 105 of the Licensing (Scotland) Act 1976. Scottish Ministers have made regulations in this regard⁵³. In exercising a function under Schedule 12, the licensing authority must have regard to this Guidance and, subject to the Guidance, the licensing objectives.
- 25.2** This part of the Guidance covers the following types of premises:
- Members' clubs
 - Commercial clubs
 - Miners' welfare institutes

A club gaming permit or club machine permit may not be issued in respect of a vessel or vehicle.

- 25.3** Under section 271 of the Act, a licensing authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines (as well as equal chance gaming and games of chance, as prescribed in regulations⁵⁴). The club gaming permit has certain conditions, including that, in respect of gaming machines, no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines (available on the Commission's website⁵⁵).
- 25.4** If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply to the licensing authority for a club machine permit under section 273 of the Act. This authorises the holder to have up to three gaming machines of categories B4, C or D (that is, three machines in total). Members' clubs and miners' welfare institutes (but not commercial clubs) are entitled to site category B3A gaming machines offering lottery games in their clubs. However, the limit of three machines in total remains.

Members' clubs

- 25.5** Members' clubs must have at least 25 members and be established and conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made such regulations and these cover bridge and whist clubs⁵⁶. A members' club must be permanent in nature and established and conducted for the benefit of its members and not as a commercial enterprise. Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations. They may apply for club gaming or club machine permits.

Commercial clubs

- 25.6** Commercial clubs have the same characteristics as members' clubs, except that the key difference is that they are established with a view to making a profit. Examples of commercial clubs are snooker clubs, clubs established for personal profit and most clubs

⁵³ SI No 504/2007: The Club Gaming and Club Machine Permits (Scotland) Regulations 2007

⁵⁴ SI No 1945: The Gambling Act 2005 (Club Gaming Permits) (Authorised Gaming) Regulations 2007

⁵⁵ Code of Practice on Machine Permits available from www.gamblingcommission.gov.uk

⁵⁶ SI No. 1942: The Gambling Act 2005 (Gaming in Clubs) Regulations 2007

established as private companies. In case of doubt, it is suggested that legal advice is sought. Commercial clubs may only apply for club machine permits.

Miners' welfare institutes

- 25.7 Miners' welfare institutes are associations established for recreational or social purposes. They are managed by representatives of miners or use premises regulated by a charitable trust which has received funds from one of a number of mining organisations. Miners' welfare institutes may also apply for club gaming and club machine permits.

Bingo in clubs

- 25.8 Clubs and miners' welfare institutes are able to provide facilities for playing bingo under section 275 of the Act, or in accordance with a permit under section 271, provided that the restrictions in section 275 are complied with. These include that in any seven day period the aggregate stakes or prizes for bingo must not exceed £2,000. If that limit is breached the club must hold a bingo operator's licence and the relevant operating, personal and premises licences must be sought (see part 18 of the Guidance). To help clubs and institutes to comply with the full range of statutory requirements for gaming, the Commission has issued a statutory code of practice. The *Code of Practice for equal chance gaming in clubs and premises with an alcohol licence* is available from the Commission's website⁵⁷.

Betting in clubs

- 25.9 Commercial betting, regardless of the level of stakes, is not allowed in clubs. Those who facilitate such betting in clubs – whether designated premises supervisors or club officials – are providing illegal facilities for gambling and are breaking the law. Even where designated premises supervisors or club officials accept bets on behalf of licensed bookmakers, or just facilitate betting through their own telephone accounts, they are acting as betting intermediaries and could be prosecuted.
- 25.10 Licensed bookmakers with a full or ancillary remote licence may accept telephone bets from a customer watching an event in a club, as long as that customer has an individual account with them. It is illegal for bookmakers to sit in the club taking bets themselves. Similarly, it is also illegal for operators to put their agent in clubs, for example, in a working men's club on a Saturday, to take bets.

Club gaming permits

- 25.11 Under section 271 of the Act, the licensing authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming (without having to abide by the stake and prize limits which would apply to exempt gaming in the absence of a permit) and games of chance as prescribed in regulations, namely pontoon and chemin de fer. This is in addition to the exempt gaming authorisation under section 269 of the Act.
- 25.12 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D but only one B3A machine can be sited as part of this entitlement. See part 16 of this Guidance for information on machine categories.
- 25.13 Where a club has gaming machines they are required to comply with the *Gaming Machine Permits Code of Practice*, which has been issued by the Commission on the location and operation of machines. Information about this code can be found on the Commission's website⁵⁸.

⁵⁷ Code of Practice for Equal Chance Gaming in Clubs and Premises with an Alcohol Licence, available from www.gamblingcommission.gov.uk

⁵⁸ Code of Practice on Gaming Machine Permits, available from www.gamblingcommission.gov.uk

25.14 The gaming which a club gaming permit allows is subject to conditions:

(a) in respect of equal chance gaming:

- the club must not deduct money from sums staked or won
- the participation fee must not exceed the amount prescribed in regulations
- the game takes place on the premises and must not be linked with a game on another set of premises.

Two games are linked if:

- the result of one game is, or may be, wholly or partly determined by reference to the result of the other game, or
- the amount of winnings available in one game is wholly or partly determined by reference to the amount of participation in the other game, and a game which is split so that part is played on one site and another part is played elsewhere is treated as two linked games
- only club members and their genuine guests participate.

(b) in respect of other games of chance:

- the games must be pontoon and chemin de fer only
- no participation fee may be charged otherwise than in accordance with the regulations
- no amount may be deducted from sums staked or won otherwise than in accordance with the regulations.

25.15 There are limits on stakes and prizes for poker played in those clubs and institutes that do not hold a club gaming permit issued by their local licensing authority. The introduction of these limits reflects significant recent growth in the popularity of poker, and the need to address the particular risks associated with such gaming. The regulations⁵⁹ impose a stakes limit of £10 per person per game, within a premises limit of up to £250 in stakes per day and £1,000 per week. The maximum fees that clubs may charge their members for participating in gaming has been set at £1 per day (or £3 if they hold a club gaming permit). Clubs and institutes holding a club gaming permit are also able to provide facilities for specified banker's games.

25.16 To help clubs and institutes to comply with the full range of statutory requirements for gaming, the Commission has issued a statutory code of practice on equal chance gaming in consultation with interested parties. The *Code of Practice for equal chance gaming in clubs and premises with an alcohol licence* is available from the Commission's website⁶⁰. The provisions of the code (which also applies to alcohol-licensed premises) include:

- ensuring that young people and children are protected by excluding them from gaming (even if they are permitted on the premises)
- ensuring that gaming is fair and open by requiring close supervision of the games, record keeping (as appropriate), the need for standard rules and the display of stakes and prizes limits and the rules during play.

25.17 A 48 hour rule applies in respect of all three types of gaming, so that the games may only be played by people who have been members of the club for at least 48 hours, or have applied or been nominated for membership or are genuine guests of a member.

Protection of children and young persons

25.18 The gambling provided under the authority of a club gaming permit must also meet the following conditions:

(a) in respect of gaming machines:

- no child or young person may use a category B or C machine on the premises

⁵⁹ SI No. 1944: The Gambling Act 2005 (Exempt Gaming In Clubs) Regulations 2007

⁶⁰ Code of Practice for Equal Chance Gaming in Clubs and Premises with an Alcohol Licence, available from www.gamblingcommission.gov.uk

- that the holder must comply with any relevant provision of a code of practice about the location and operation of gaming machines.

(b) the public, children and young persons must be excluded from any area of the premises where the gaming is taking place.

Club machine permits

- 25.19** If a members' club or a miners' welfare institute does not wish to have the full range of facilities permitted by a club gaming permit, they may apply to the licensing authority for a club machine permit under section 273 of the Act. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D. Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) so they should apply for a club machine permit, however, they will not be able to site category B3A gaming machines offering lottery games in their club.
- 25.20** There are a number of premises, such as work premises which operate membership-based social clubs, that are not licensed to sell alcohol but are allowed to apply for a club machine permit. Before granting the permit the licensing authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18 years of age. The permit will allow up to three machines of category B3A, B4, C or D. If under-18s use the club, for example they are apprentices, they may play the category D, but not the B4 or C, machines.
- 25.21** Holders of licensed premises club machine permits are required to comply with the *Gaming Machine Permits Code of Practice*, which has been issued by the Commission on the location and operation of machines. Information about this code can be found on the Commission's website⁶¹.

Protection of children and young persons

- 25.22** Section 273 sets out the conditions that will apply to the club machine permit, including that in respect of gaming machines no child or young person uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines. It should be noted that clubs do not have to have permanent premises or an alcohol licence.

Applications for club gaming permits and club machine permits

- 25.23** The Secretary of State has made regulations in relation to applications for these permits, and Scottish Ministers have made separate regulations setting out the fees and applications requirements that apply in Scotland.
- 25.24** Applications must be made to the licensing authority in whose area the premises are located, and must be accompanied by the fee and documents prescribed in regulations⁶². Within a time prescribed in the regulations, the applicant must also copy the application to the Commission and to the chief officer of police. The Commission and the police may object to the permit being granted. The period within which such objections must be lodged and the grounds on which they may be made are set out in regulations. If any objections are made, the authority must hold a hearing (unless consent has been given to dispense with it), otherwise no hearing is necessary.

⁶¹ Code of Practice on Gaming Machine Permits, available from www.gamblingcommission.gov.uk

⁶² SI No. 1834: The Gambling Act 2005 (Club Gaming and Club Machine Permits) Regulations 2007, and SI No. 2689: The Gambling Act 2005 (Club Gaming and Club Machine Permits)(Amendments) Regulations 2007
SSI No. 504: The Club Gaming and Club Machine Permits (Scotland) Regulations 2007

- 25.25 A licensing authority may grant or refuse a permit, but it may not attach any conditions to a permit. The authority has to inform the applicant, the Commission and the police of the outcome of the application and of any objections made.
- 25.26 Licensing authorities may only refuse an application on the grounds that:
- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
 - (b) the applicant's premises are used wholly or mainly by children and/or young persons
 - (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
 - (d) a permit held by the applicant has been cancelled in the previous ten years
 - (e) an objection has been lodged by the Commission or the police.
- 25.27 If the authority is satisfied that (a) or (b) is the case, it must refuse the application. Licensing authorities shall have regard to relevant guidance issued by the Commission and (subject to that guidance), the licensing objectives.
- 25.28 In cases where an objection has been lodged by the Commission or the police, the licensing authority is obliged to determine whether the objection is valid.

Fast-track procedure

- 25.29 There is a fast-track procedure for clubs in England and Wales which hold a club premises certificate under section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12.
- 25.30 The grounds on which an application under this process may be refused are that:
- (a) the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act
 - (b) in addition to the prescribed gaming, the applicant provides facilities for other gaming
 - (c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

Maintenance

- 25.31 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed.
- 25.32 The holder of the permit must pay to the licensing authority the first annual fee, and an annual fee before each anniversary of the issue of the permit, in accordance with regulations.
- 25.34 Permits may be amended to meet changing circumstances. Licensing authorities may only refuse a variation if on consideration of a completely new application they would refuse the permit.
- 25.35 The permit, which is to be kept on the premises it relates to, must be in a form specified by the regulations and, if obtained through the fast-track procedure, must identify the appropriate club premises certificate it relates to. It is an offence not to produce the permit when requested to do so by a constable or an enforcement officer.

- 25.36** If a permit is lost, stolen or damaged, the holder may apply for a replacement, subject to payment of a prescribed fee. The licensing authority must grant the application if it is satisfied that the permit has been lost, stolen or damaged and, where the permit is lost or stolen, a report has been made to the police. It should issue a copy and certify it as a true copy.
- 25.37** A permit will lapse if the holder of the permit stops being a club or miners' welfare institute, or if it no longer qualifies under the fast-track system for a permit. In addition, a permit will cease to have effect upon being surrendered to the authority. A notice to surrender must be accompanied by the permit or a statement explaining why it cannot be produced. The authority must inform the police and the Commission when a permit has been surrendered or lapsed.

Cancellation and forfeiture

- 25.38** The licensing authority may cancel the permit if:
- the premises are used wholly by children and/or young persons
 - an offence or breach of a permit condition has been committed in the course of gaming activities by the permit holder.

Reference here to 'a permit condition' means a condition in the Act or in regulations that the permit is operating under.

- 25.39** Before cancelling a permit, the licensing authority must give the permit holder at least 21 days' notice of the intention to cancel and consider any representations that they may make. The authority must hold a hearing if the permit holder so requests and must comply with any other procedural requirements set out in regulations. If there is no appeal, the cancellation will take effect 21 days after notice of the intention to cancel was given. The authority must notify the permit holder, the Commission and the police that the permit has been cancelled and the reasons for the cancellation.

Renewal

- 25.40** In accordance with paragraph 24 of Schedule 12 of the Act, an application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application.
- 25.41** The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

Appeals

- 25.42** The rights of appeal in relation to permits are discussed in part 12 of this Guidance.

Further Guidance

- 25.43** Further guidance about permitted and exempt gaming in clubs can be found in part 29 below.

Directorate of Environment & Regeneration
ENVIRONMENTAL HEALTH

FLARE REF:

	SUBJECT	Date:	*Best Value Time Analysis
	PREMISES: Coed Llai Club	26/2/13	
	OFFICER: MOE	Other Ref No:	
16.26	Tried the phone number of Martin Hughes Leeswood. Rang out but was not answered.		
17.15	Tried again - Mr Hughes answered - I explained that the Licensing Authority had concerns about the club hence my 2 letters. Mr Hughes said he had been told that the letters had been replied to. I confirmed that we had received nothing. Mr Hughes responded positively to my suggestion of a meeting of interested parties and club officials. It was agreed that I would contact him upon my return from leave to set up the meeting. I confirmed this in writing to him.		
27/2	Coed Llai Club has suspended further action on the £50 outstanding fee for the time being. Sent a note updating local ward Member		
			Total Time
			Total Time Side 1 & 2

• This is provided to record total person time for any activity referred to in file notes. Time record can be inserted into Flare

Mr Martin Hughes
5 Ffordd y Glo
Leeswood
Flintshire
CH7 4AJ

MOL/NFH
27 February 2013
Mr M O Lovatt
01352 703393

Dear Mr Hughes

**Gambling Act 2005 / Licensing Act 2003
re - Coed Llai Sports & Social Club, Leeswood**

I refer to our telephone discussion on 26 February 2013.

I have been trying to make contact with club officials in order to discuss the gaming machine and other matters relating to the Club Premises Certificate issued under the Licensing Act 2003.

As agreed, I would like to invite yourself and Mr Steven Davies, if he is available, and any other officials of the Club to a meeting at a mutually convenient time.

I am away from work during week beginning Monday, 4 March 2013 so I propose to contact you by telephone during week commencing 11 March 2013 in order that we can agree a date and time to meet.

In the meanwhile I will ask the Council's Finance Division to suspend any further action in relation to the gaming machine permit until our discussions have taken place.

If you need any further information at this point please contact me.

Yours sincerely



Community Protection Manager

FILE NOTE

Directorate of Environment & Regeneration
ENVIRONMENTAL HEALTH

FLARE REF:

	SUBJECT	Date:	*Best Value Time Analysis
	PREMISES <i>Coed Llai Club</i>	<i>13/3/13</i>	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">*Best Value Time Analysis</div> <div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">Total Time</div> <div style="border: 1px solid black; padding: 5px;">Total Time Side 1 & 2</div>
	OFFICER:	Other Ref No:	
<i>13-25</i>	<i>Phoned Martin Hughes and asked if he was available to meet next Thursday afternoon.</i>		
	<i>He said he would like to contact Steve to see if he could be out.</i>		
	<i>He said he would phone me back. I left him my office number and told him there was an ansaphone facility on it.</i>		

• This is provided to record total person time for any activity referred to in file notes. Time record can be inserted into Flare

Directorate of Environment & Regeneration
ENVIRONMENTAL HEALTH

FLARE REF:

SUBJECT Coed Llai SS Club PREMISES OFFICER: MBL	Date: 20/3/13 Other Ref No:	*Best Value Time Analysis
<p> </p>		<p> </p>
<p>21st March 2013 13.55</p>		<p> </p>
<p>Phoned and spoke with Martin Hughes. He apologised for forgetting to get back in touch with me as promised.</p>		<p> </p>
<p>He has been in contact with Steve Davies (Messham) and Wednesday afternoons are best from 1.30 onwards. He has to meet the police on Thursdays. I said I would contact the other people who will attend the meeting and find out their availability.</p>		<p> </p>
<p>25 March 2013 - 10.50. Discussed and agreed 3rd April at County Hall 2.00 subject to Steven Davies being okay with the time. Confirmatory letter sent.</p>		<p> </p>

Total Time

Total Time Side 1 & 2

• This is provided to record total person time for any activity referred to in file notes. Time record can be inserted into Flare

25-3-13

8

Posted by me
first class at
Mold Post-office
due to snowy
conditions and
no collections from
County Hall

Mr Martin Hughes
5 Ffordd y Glo
Leeswood
Flintshire
CH7 4AJ

MOL/LS
25th March 2013
Mr. M. O. Lovatt
01352 703393

Dear Mr Hughes,

**Licensing Act 2003 and Gambling Act 2005
Coed Llai Sports & Social Club, Leeswood**

Further to our earlier telephone discussion I write to confirm that the meeting to discuss licensing matters has now been arranged for 2:00 p.m. on Wednesday 3rd April 2013 at County Hall, Mold. Please come to Entrance 3 reception and ask for me.

I understand that you wish to check that Mr Steven Davies is okay with 2:00 p.m. Please confirm by telephone to me as soon as possible if the time needs to be any different.

I will be present at the meeting together with Ann Williams of North Wales Police Licensing Section and Derek Bebbington of the Gambling Commission.

I look forward to meeting you on the 3rd April. If in the meantime any further information is required please contact me.

Yours sincerely

MOL

Community Protection Manager

Directorate of Environment & Regeneration
ENVIRONMENTAL HEALTH

FLARE REF:

SUBJECT	Meeting	Date:	3/4/13	*Best Value Time Analysis
PREMISES	Coed Llai Club	Other Ref No:		
OFFICER:	MOZ			
2.00	Ann Williams NWP and Derek Bebbington of the Gambling Commission attended County Hall as arranged.			
	Mr Hughes & Mr Davies did not turn up.			
15.43	Martin Hughes phoned. Said sorry Steve couldn't come today. Confirmed that he did get the letter. Said that he can't come next week due to family bereavement. Suggests the 16 or 17 April. I said I'd check with police + GC and confirm it to him.			
	4/4/13 - Phoned Cllr Hughes and updated him.			
	16.35 - phoned Martin Hughes to advise that 16 April is the preferred date. Offered to meet in the Club if it was better for them. He said he'd ask Steve and contact me back.			
	5/4/13 - Phoned Martin Hughes to confirm 16th April and ask him where - the Club or County Hall. Said he'd speak to Steve in half an hour then let me know. I gave him my direct line number.			
				Total Time
				Total Time Side 1 & 2

• This is provided to record total person time for any activity referred to in file notes. Time record can be inserted into Flare

Mr Martin Hughes
5 Ffordd y Glo
Leeswood
Flintshire
CH7 4AJ

MOL/NFH
9 April 2013
Mr M O Lovatt
01352 703393

Dear Mr Hughes

**Licensing Act 2003 and Gambling Act 2005
Re – Coed Llai Sports & Social Club, Leeswood**

Further to our recent telephone discussions I write to confirm that the meeting to discuss licensing matters has now been arranged for **2:00pm on Tuesday, 16th April 2013 at County Hall, Mold**. Please come to Entrance 3 reception and ask for me.

I will be present at the meeting together with Ann Williams of North Wales Police Licensing Section and Derek Bebbington of the Gambling Commission.

If you would prefer the meeting to be at the club premises please contact me on 01352 703393. I can also be contacted on that number if you need any further information.

Yours sincerely



Community Protection Manager



FILE NOTE

Attended at the premises last night alongwith Gemma to observe whether there was any underage sales being made on the premises and also smoking. After ringing the door buzzer we were approached by a gentleman called Steve Davies who I had had dealings with in the past concerning the gaming machines, who said that we couldn't go inside. He became quite agitated and insisted that we contact Keith Jones the Secretary the next day to arrange a visit with him in attendance. He said that we couldn't go inside with Mr Jones being present. He said that Mr Jones was unable to come out then as he has a disabled wife so has to arrange for someone to sit with her when he's out. I found his manner aggressive particularly so when a very young looking girl opened the club door for us to go inside. We decided to leave the premises and speak with Mr Jones the next day.

On Tue 08 Feb 2011 15:02, Rachael Hughes wrote:

Spoke with Keith Jones, Secretary about what happened last night. He asked if we could arrange a visit as there needed to be 2 officials present. I queried what position Mr Davies held and he said that he was the Chairman. I asked why he couldn't take us into the club and Mr Jones said that he wanted him to be there also. I said that I found Mr Davies' to be aggressive and he said that he was sorry about that but that he is always like that. I said that I would discuss this with Gemma Brighton before coming back to him to arrange an evening visit. I explained that I had visited my other club premise in the evening when they were open and felt that I should treat them all the same.

On Tue 08 Feb 2011 15:08, Rachael Hughes wrote:

**FILE NOTE:**

Visited the Club alongwith Ann Williams, Andrea Ellis and Darren Jones from North Wales Police. Was met by Steve Davies and Keith Jones. Ann explained that they had received a complaint about underage drinking at the premises and asked if this was a problem. Mr Davies said that they didn't have any underage drinking and only had one 17 year old who played darts for their team. He said that they had altered their rules to allow this. I asked for a copy of their rules and he promised to send them to me. Mr Davies said that the problem was in the back car park where youngsters congregated and drank cans purchased from the 'Prince'. He said that there was a drugs problem on the back playing field with needles everywhere . He urged the Police to do a drugs raid on the premises particularly on a Saturday night. I checked the machine upstairs which was marked 'out of order'. No stickers whatsoever on the machine Cat D ? No AMLD on display - Steve said that this was because they were paying £2000 duty per annum so had downgraded the machine to a Cat D - waiting for new certificates. Club Certificate on display, PRS and insurance. Smoking area to the rear of the premises, back gate access for disabled via ramp. Steve agreed that it was difficult to keep the club secure as drinkers could let in who they wanted and get access into the club. Recently had CCTV installed in the premises, this covers most areas including smoking area but not back car park (?) Would like this covered Mr Davis said. I ured him to keep in contact with the Police re drugs issues abd he said that they would consider altering Club rules so that they only need 1 official present if we need to visit again. I gave Mr Davies a Gaming Machine Permit application form & guidance notes told him that he needed to get renewal into us no llater than June 2011 as existing expires in August, 2011. He said he would ask Keith to do this. No Smoking notices on display but gave Steve some extra ones.

18/2/2011

Rachael Hughes



"Ellis, Andrea (PCSO 2896)"
<Andrea.Ellis@nthwales.pnn.police.uk>
23/07/2011 15:48

To "Rachael.hughes@flintshire.gcsx.gov.uk"
<Rachael.hughes@flintshire.gcsx.gov.uk>, "Williams, Ann"
<ann.williams@nthwales.pnn.police.uk>
cc
bcc
Fax to
Subject RE: Leeswood

Hi Ann/ Rachael,

I have had a complaint about The Community Centre in Leeswood.....again!

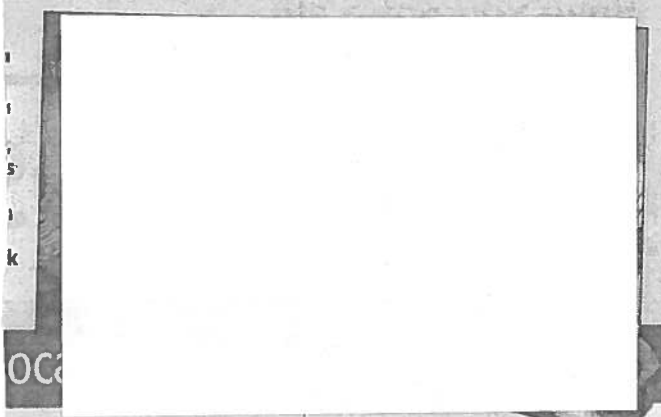
A couple of residents have stated that youths as young as 15 are getting served there.

A couple of weeks ago there was an incident reported in Leeswood whereby 3/4 youths were involved in some criminal damage approx midnight or so. Feedback from people claim that these youths may have left the Community centre and could well have been consuming alcohol although this cannot be confirmed!!!! we have to keep an open mind!!!

Andrea

C 2896 Swyddog Cefnogi Cymuned Yr Heddlu
C 2896 Police Community Support Officer
Gorsaf Heddlu Yr Wyddgrug/Mold Police Station
Ffon/Tel 0845 607 1002
Est/Ext 08110
Blackberry 07854352994
E-bost/E-mail Andrea.Ellis @nthwales.pnn.police.uk

20/04/12



Club ban for man who threatened licensee

A MAN has been banned from the Leeswood Sports and Social Club by a court.

~~Robert James Williams~~
formerly of ~~Leeswood~~

~~Leeswood~~, admitted a public order offence and possessing cocaine.

He was placed on a 12 month community order under which he must carry out 100 hours unpaid work.

At Flintshire Magistrates Court at Mold, District Judge Andrew Shaw made an order under The Licensing Act excluding him from the club

for 12 months.

He must pay £85 costs.

The judge told him he accepted he was drunk but regardless of his intention, he had repeatedly threatened the licensee.

Steven Ališ, defending, said Williams, 46, accepted taking drugs in the past but he had not taken any that day. He had drunk alcohol which he had mixed with the medication he was taking for depression.

Williams, who now lives in the Buckley area, did not recall the incident but bitterly regretted it.



FW: Leeswood - N214678

Williams, Ann to: Michael Lovatt (E-mail)
(Michael.lovatt@flintshire.gov.uk)

03/01/2013 16:47

Hi Mike,

Please see below e mail from PCSO Andrea Ellis re Coed Llai Club.

I have looked at the event N214678 and the following is recorded:-

31.12.12 – 23.08.03

Caller requests Police to the King Club – as its all kicked off here.

Officers attend

Three males and one female involved – they are not here, we will take a look around the area

Negative sightings of these people.

Event recorded as ASB Nuisance

I have not received a reply from Andrea as to whether any further 16th birthday parties have been booked at this location. I will let you know as soon as.

I met with Inspector Andy Griffiths this afternoon and he has been made aware of concerns raised.

Kind Regards,

Ann

From: Ellis, Andrea (PCSO 2896)
Sent: 03 January 2013 08:03
To: Williams, Ann
Subject: Leeswood - N214678

Ann,

Hello, how are you, happy New Year, hope you are well?

Can I please make you aware of an incident which took place in Leeswood on New Years eve - N214678.

An incident was reported regarding a fight which broke out in the grounds of the Community Centre.

I have been informed there was a birthday party taking place at the social club (upstairs) there - a 16th birthday party.

The concerns/complaint raised is - indeed a 16th birthday party may have taken place but the informant believes alcohol was being sold too.

Just to let you know

Andrea

C 2896 Andrea Ellis

Swyddog Cefnogi Cymuned Yr Heddlu

Police Community Support Officer

Gorsaf Heddlu Yr Wyddgrug/Mold Police Station

Heddlu Gogledd Cymru/North Wales Police

Ffon/Tel 101

Blackberry 07854352994

E-bost/E-mail Andrea.Ellis [@nthwales.pnn.police.uk](mailto:Andrea.Ellis@nthwales.pnn.police.uk)



HEDDLU GOGLEDD CYMRU
Heddlu Gogledd Cymru
NORTH WALES POLICE
A safer North Wales



Ni ddylid trin e-bost ar y rhyngwrwyd fel dull diogel o gyfathrebu. Mae Heddlu Gogledd Cymru yn monitro'r holl negeseuon e-bost a drosglwyddir ar y rhyngwrwyd yn ogystal â'u cynnwys.

Dim ond er sylw'r sawl y'i cyfeiriwyd hi ato/ati y bwriedir y neges hon. Os ydych yn derbyn y neges hon mewn camgymeriad, gadewch i'r sawl a'i gyrrodd wybod a dilëwch hi oddi ar eich system. Gall defnyddio neu ddatgelu cynnwys y neges hon heb ganiatâd fod yn anghyfreithlon. Efallai nad yw'r farn a fynegir yn y ddogfen yn bolisi swyddogol. Diolch i chi am eich cydweithrediad.

Heddlu Gogledd Cymru

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North Wales Police



Rachael
Hughes/EnvironmentAndReg
eneration/Flintshire/GB

21/01/2013 15:05

To Michael Lovatt/Environment/Flintshire/GB@Flintshire

cc

bcc

Fax to

Subject Coed Llai Club



Hello Mike,

I've just taken a call from a caller who didn't wish to be identified (redacted) saying that the licensee 'Steve' from the Kings Club is in (redacted) so there's no-one running the club. (redacted) is. The caller said that she wished to complain as there should be a licensee there and that people were coming out of the Club in the early hours of the morning when they shouldn't be.

Rachael

Rachael Hughes,
Licensing Officer/Swyddog Trwyddedu,
Environment & Regeneration/Amgylchedd ac Adfywio,
Tel/Ffon: 01352 702328



Fw: Leeswood Community Centre
Rachael Hughes to: Michael Lovatt

05/02/2013 10:28

Morning Mike,

This is the same phone number as the previous complaint.

regards,
Rachael.

Rachael Hughes,
Licensing Officer/Swyddog Trwyddedu,
Environment & Regeneration/Amgylchedd ac Adfywio,
Tel/Ffon: 01352 702328

----- Forwarded by Rachael Hughes/EnvironmentAndRegeneration/Flintshire/GB on 05/02/2013 10:28 -----



James
Lowe/EnvironmentAndRege
neration/Flintshire/GB
05/02/2013 09:30

To Rachael
Hughes/EnvironmentAndRegeneration/Flintshire/GB@Flints
hire
cc
Fax to
Subject Leeswood Community Centre

Morning Rachael,

Received call from lady who wished to remain anonymous
saying that 16-17 girls are attending Leeswood Community Centre and leaving drunk between 2 - 6
am in the morning on Tuesday, Thursday, Friday and Saturday nights after older friends have bought
them alcohol. I said I'd pass it on.

Cheers

James

James Lowe
Licensing Officer/SwyddogTrwddedu
Environment Directorate/Cyfarwyddwr yr Amgylchedd
Tel/Ffon: 01352 703376

**FW: RC13036183**

Williams, Ann to: 'Michael_Lovatt@flintshire.gov.uk'

14/03/2013 14:13

History:

This message has been replied to.

CONFIDENTIAL

Mike – FYI

Ann

From: Aldous, Gary (Con 1700)**Sent:** 14 March 2013 13:09**To:** Griffiths, Andrew (T/Insp 1891); Williams, Ann**Subject:** RC13036183

Insp, Ann

The above incident relates to an assault crime that took place inside the club, On the night Martin Hughes (BAR MANAGER) was very drunk and argumentative stating that if police did not arrest the person that assaulted him he would kill them and deal with it himself.

He was asked for CCTV as per his licence conditions, he explained that there was a cable missing, I pointed out to him that it has been missing for some time.

I asked who the person was, knowing that this was a members club, he was not able to say who he was or where he lived.

We were not to enter the club and he told me that no one in the club wanted to be a witness.

I also noted that the intercom system was not working.

I spoke to him two days later and we have then entered the club, he has stated that he has spoken to the male involved and no longer wants to make a complaint statement is attached to the file.

Gary 1700

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**Gemma M
Potter/EnvironmentAndRegen
eration/Flintshire/GB**
09/04/2013 10:30

To Michael Lovatt/Environment/Flintshire/GB@Flintshire
cc
bcc
Fax to
Subject Coed Llai Club

Mike

Just to make you aware the same lady I spoke to a few weeks ago in relation to Coed Llai Club has been on the phone again this morning to complain that people were in the premises until 3am again over the weekend. Then when they come out they are laughing and joking, drinking outside and causing a disturbance.

The lady wont leave her details, wont report it to the Police and wont inform Pollution

Thanks

Gemma

Gemma Potter

**Team Leader | Arweinydd Tîm
Licensing | Trwyddedu
Environment | Amgylchedd
Flintshire County Council | Cyngor Sir y Fflint**

**Tel | Ffôn | 01352 703371
Email | Epost | gemma.potter@flintshire.gov.uk**

**<http://www.flintshire.gov.uk> | <http://www.sirvfflint.gov.uk>
<http://www.twitter.com/flintshirecc> | <http://www.twitter.com/csvfflint>**



FW: COED LLAI SPROTS AND SOCIAL CLUB LEESWOOD
Williams, Ann to: 'Michael_Lovatt@flintshire.gov.uk'

17/04/2013 12:06

Hi Mike,

FYI

Ann

From: Ellis, Andrea (PCSO 2896)
Sent: 17 April 2013 10:37
To: Williams, Ann
Cc: Richards, Susan F (Sgt 1464)
Subject: COED LLAI SPROTS AND SOCIAL CLUB LEESWOOD

Hello Ann,

Hope you are well, and had a nice weekend?

I need to make you aware that I have spoken with a resident this morning who lives in Leeswood.

She has complained to me that this morning at 05.10am she was woken up by 4 people leaving the Coed Llai social club.

She says this is a common occurrence most weekends and believes the club is serving through the night and card games are taking place.

She also added they are continuing to serve under age!!!!

If you want me to assist in any way, by all means let me know.

Speak to you soon.

Andrea

C 2896 Andrea Ellis

Swyddog Cefnogi Cymuned Yr Heddlu

Police Community Support Officer

Gorsaf Heddlu Yr Wyddgrug/Mold Police Station

Heddlu Gogledd Cymru/North Wales Police

Ffon/Tel 101

Blackberry 07854352994

E-bost/E-mail Andrea.Ellis@nthwales.pnn.police.uk



HEDDLU GOGLEDD CYMRU
Gogledd Cymru diogelwch
NORTH WALES POLICE
Police North Wales



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