

SUPPLEMENTARY POLICY 7 – MEMBERS CLUBS

Members Clubs

- 7.1 With some exceptions, members' clubs are regulated under the Licensing (Scotland) Act 2005. To authorise the sale of alcohol on the premises, a premises licence is necessary.
- 7.2 Members Clubs are non-profit making with a constitution **and limited access by members of the public**. Each club, in submitting an application for a premises licence **must** also submit a copy of its current constitution.
- 7.3 The Board expects members' clubs to reflect certain operational requirements in their constitution and may impose conditions on a premises licence to that effect on the following matters –

That the business and affairs of the club shall be under the management of a committee or governing body;
That no person under 18 is to be admitted as a member of the club; (unless the club is devoted primarily to some sporting purpose or is a students' union)
That correct accounts and books shall be kept showing the financial affairs and intromissions of the club;
That no member of the committee or governing body, and no manager or staff employed in the club, shall have any personal interest in the sale of alcoholic liquor in the premises or in the profits arising therefrom;
That the membership of the club be at least 25 members to be properly constituted;
That no persons shall be allowed to become honorary or temporary members of the club or be relieved of the payment of the regular entrance fee or subscription, except those possessing certain qualifications defined in the constitution;
That no person is to be supplied with alcohol on a club premises unless that person is a member of the club or is on the premises at the invitation of a member and in the company of that member, or is a member of another qualifying club; (unless an occasional licence is in place). These conditions are found in the Licensing (Clubs) (Scotland) Regulations 2007.

The above list is not exhaustive.

- 7.4 All constitutions will be checked by the Board for compliance with the Regulations and only when satisfied that the constitution complies will an application be granted. Approved constitutions are attached to premises licences issued by the Board.
- 7.5 If a members' club is running an event where the number of members is insufficient to sign in the number of non-members, an occasional licence **must** be applied for.
- 7.6 Unless an Occasional Licence is in force, all promotional materials (including adverts and promotion by way of social media) **must** specify that events are open to 'Members and their guests only'.
- 7.7 Members Clubs should not be run in the same way as a pub or a nightclub. Events run at Members Clubs should primarily be run for the benefit of Members and their guests, whether under an occasional licence or not. Events should not be run for non-members or third-party organisations not connected to the Club.
- 7.8 Membership of such clubs must relate to the primary functions that the club is set up for and should only be granted after formal written application, payment

of the proper subscription and recording in the Nominal Roll. Membership solely to allow patrons admission to use the bar or restaurant of prescribe clubs in exchange for a fee is **not acceptable**.

- 7.9 Clubs **must keep their constitutions updated** and, when revised, submit a copy of the revised constitution within 28 calendar days of the draft constitution/rules being approved by the Club's governing body to the Clerk to the relevant Board as part of a minor variation of premises licence application to update the terms of the licence [see 7.11 below].
- 7.10 Where there are any changes to the list of connected persons in relation to the Club, the Club **must submit details** of the names, addresses, postcodes, dates and places of birth of the new connected persons and an updated list of all connected persons, to the Board, within 28 calendar days of the changes to connected persons being approved by the Club's governing body. Failure to comply may result in a request for review of premises licence by the LSOs.
- 7.11 Any changes in respect of a Clubs constitution or their list of connected persons will be treated as a minor variation in terms of their licence.
- 7.12 Clubs **must** also ensure their constitution, accounts and entry book are available for inspection by the LSOs and the Police at all reasonable times.
- 7.13 Separate entry books should be kept for "hospitality" so that it is clear that those enjoying hospitality are not guests of members being signed in by members, but are members of another prescribed club being offered hospitality by the club. Such entry books should provide the names and addresses of the members being entertained, together with details of the registered clubs that they are members of.
- 7.14 Refusals Registers should also be kept.
- 7.15 All entry books and refusals registers should be on sequentially numbered pages. These may be audited by Licensing Standards Officers as part of their routine inspection of premises.
- 7.16 To ensure compliance with all of the licensing objectives, the Board expects at least two members of staff, or Committee Members or volunteers involved in the management of the Club to obtain a training qualification to the standard required by Personal Licence Holders. Clubs will require to provide evidence of such training when applying for their premises licences. Any person requiring to hold a training certificate for these purposes, **must** complete a refresher training course within a period of 3 months of the 5-year anniversary of the date of the initial training certificate and submit a copy of the refresher training certificate to the Board within 28 calendar days of receipt of the updated certificate. Further refresher training **must** be completed at 5 yearly intervals thereafter.
- 7.17 Members Clubs may apply to the Board for a variation of the terms of their premises licence to allow up to 5 guests to be signed in per member. This will require a revised constitution to be submitted with the application for variation. Clubs who do not wish to take advantage of this, will only be able to sign in 3 guests as per the approved constitution attached to their current premises licence.

The content of this supplementary policy statement is reflected in **local conditions 22-30**

Members clubs must apply for one occasional licence per each separate event during the festive season, including festive lunches and dinners.

