



**Basingstoke and Deane Borough Council**  
**Licensing Act 2003 – Best practice guidance**  
**documents for club premises**

*Relevant to premises which hold a club premises certificate only*

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This guide provides examples of best practice documents and templates to assist club certificate holders to ensure compliance with the requirements of the Licensing Act 2003.

The enclosed templates provide guidance only and should be amended to reflect the operating procedures of each club. Templates are not exhaustive and may require updating following changes or updates to legislation.

The enclosed templates are defined as 'best practice' guidance documents however, where the requirement for a written age verification policy, authorisations, refusals/incident log or staff training records forms part of your club certificate conditions failure to comply with such requirements may constitute a breach of your club premises certificate which is an offence under section 136 of the licensing act 2003.

Please ensure that you read your club certificate conditions listed at Part A Annex 2 and 3 of your certificate summary and your club rules to ensure you fully understand the terms of your club certificate.

Should you have any questions regarding the contents of this guide please contact [licensing@basingstoke.gov.uk](mailto:licensing@basingstoke.gov.uk) or call (01256) 844844.

## Club Premises Certificate – Sale and Supply of alcohol by staff authorisation

On behalf of .....Club, I ....., hereby authorise the following persons to sell/supply alcohol under the Licensing Act 2003 on these premises at any time during the permitted hours and in accordance with the Club Premises Certificate. This authority applies whether or not I am present on the premises at the time of the sale or supply of alcohol. I can confirm these persons have been made aware of his/her legal responsibilities under the Act.

Signed:\_\_\_\_\_ Print Name:\_\_\_\_\_ Date:\_\_\_\_\_

We sign below in the knowledge that it is an offence to:

- Knowingly sell, attempting to sell or allowing sale of alcohol to person who is drunk.
- Sell alcohol to a person under 18 years of age.
- Allow licensable activities to be conducted otherwise than in accordance with the Club Premises Certificate and the conditions it contains.

I also understand that I require individuals who appear to me to be under **18 years of age (or any older age as may be specified in the club premises certificate holders age verification policy)** to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Signed:\_\_\_\_\_ Print Name:\_\_\_\_\_ Date:\_\_\_\_\_

Signed:\_\_\_\_\_ Print Name:\_\_\_\_\_ Date:\_\_\_\_\_

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Signed:\_\_\_\_\_ Print Name:\_\_\_\_\_ Date:\_\_\_\_\_

## **TIPS**

- Where a club premises certificate authorises the supply of alcohol to club members and the sale of alcohol to their guests a designated premises supervisor (DPS) is not required. However it is recommend as best practice that every supply of alcohol is made or authorised by a responsible person representing the club such as the club steward.
- Staff should be aware of the authorisation and understand their responsibilities under the Licensing Act 2003 before agreeing to be authorised.
- By signing the authorisation staff are confirming that they have participated in and fully understand training material.
- Staff should be able to produce the written authorisation on request to an authorised officer.
- It is important any such authorisation is updated regularly, say every 3 months.
- A suggested text of written authorisation is listed above for information. You may wish to adjust this accordingly and insert the actual age within your age verification policy.

**Example Refusal/Incident Book**

Date	Time	Product	Reason for Refusal / Description of incident	Description of Person / Action taken	Name and Signature	Date record checked and signed by club representative
<i>Example</i> 01.01.2015	19:32	Pint of Carlsberg	<i>Refused sale: Customer unable to supply proof of age on request</i>	<i>Female, blonde approx. 16 years of age, red jacket.</i>	<i>John Smith</i> <i>John Smith</i>	05.01.2015 <i>Jan Stevens</i>
<i>Example</i> 13.02.2015	16:52	Double Whiskey	<i>Refused sale to customer who was drunk. Customer reacted to refusal by shouting at staff members. Was asked to leave store and police called</i>	<i>Male, early 40's, Grey t-shirt, jeans and beard.</i>	<i>Sarah Jones</i> <i>Sarah Jones</i>	15.02.2015 <i>Jan Stevens</i>

### **TIPS**

- All refusals/incidents should be recorded in a specific 'Refusal/Incident Book'.
- Maintaining a Refusal/Incident Book is an example of "due diligence".
- It is considered good practice for the log to be checked, signed and dated by a club representative on a weekly basis to monitor staff members implementation of their training and the premises age verification policy.
- The above table is an example only and can be updated or adapted as required.

## TABLE OF OFFENCES – LA2003

SECTION	OFFENCE	OFFENDER	PENALTY LEVEL 1-5 FINES LEVEL 1 - £250 LEVEL 2 - £500 LEVEL 3 - £1,000 LEVEL 4 - £2,500 LEVEL 5 - £5,000 PENALTY NOTICE FOR DISORDER
<b>Qualifying Clubs</b>			
82(6)	Failure to notify licensing authority of change of name or alteration of rules of the club	Secretary	Level 2 fine
83(6)	Failure to notify licensing authority of change of registered address of club	Secretary	Level 2 fine
93(3)	Failure to produce club premises certificate (CPC) to licensing authority within 14 days of request	Secretary	Level 2 fine
94(5)	Failure to keep CPC or certified copy at the premises	Secretary	Level 2 fine
94(6)	Failure to display at premises the summary of the CPC or certified copy, together with a notice stating the position held by the nominated person	Nominated person	Level 2 fine
94(9)	Failure to produce CPC to constable or authorised person for examination	Nominated person	Level 2 fine
96(5)	Failure to permit entry to authorised person for purposes of inspection prior to grant, variation or review of CPC	Any person	Level 2 fine
<b>Permitted Temporary Activities</b>			
108(3)	Intentional obstruction of authorised officer inspecting temporary event premises to assess likely effect of temporary event notice (TEN) upon promotion of crime prevention objective	Any person	Level 2 fine
109(4)	Failure to display TEN, or keep it in the custody of the premises user (who is at the premises) or nominated person (for whom a notice of nomination must also be on display at the premises)	Premises user	Level 2 fine
109(8)	Failure to produce TEN to authorised officer	Premises user or nominated person	Level 2 fine
<b>General Offences</b>			
136(1)	Knowingly allowing or carrying on unauthorised licensable activities	Any person (exceptions: s 134(2))	6 months' imprisonment and/or unlimited fine
137(1)	Unauthorised exposure for sale of alcohol	Any person	6 months' imprisonment and/or £20,000 fine
138(1)	Unauthorised possession of alcohol with intent to sell or supply	Any person	Level 2 fine
140(1)	Knowingly allowing disorderly conduct on premises with premises licence, CPC or TEN	Any person authorised to prevent	Level 3 fine
141(1)	Knowingly selling, attempting to sell or allowing sale, or supplying, attempting to supply or allowing supply, of alcohol to person who is drunk	Any person authorised to prevent	Level 3 fine or PND £90
142(1)	Knowingly obtaining or attempting to obtain alcohol for consumption by	Any person	Level 3 fine

	person who is drunk		
143(1)	Failure to leave premises with premises licence, CPC or TEN, or attempting to enter premises, by a person who is drunk or disorderly, following request by person in authority	Any person	Level 1 fine
144(1)	Knowingly keeping unlawfully imported goods on relevant premises	Any person authorised to prevent	Level 3 fine
156(3)	Selling alcohol on or from moving vehicles	Any person	3 months' imprisonment and/or £20,000 fine
157(5)	Knowingly selling, attempting to sell or allowing sale of alcohol on trains contrary to prohibition order	Any person	3 months' imprisonment and/or £20,000 fine
158(1)	Knowingly or recklessly making false statement in connection with licensing application	Any person	Level 5 fine
179(4)	Intentional obstruction of entry of authorised person to investigate unauthorised use of premises for licensable activity	Any person	Level 3 fine
<b>Underage Offences</b>			
145(1)	Knowingly allowing unaccompanied child under 16 on premises when open and used for sale or supply of alcohol for consumption there	Any person authorised to prevent	Level 3 fine
146(1)(2)(3)	Selling alcohol to person under 18 or supplying alcohol to club member or guest under 18	Any person or club	Unlimited fine or PND £90 (s 146(1) and (3))
147(1)(3)	Knowingly allowing sale of alcohol to person under 18 or knowingly allowing supply of alcohol to club member or guest under 18	Any person authorised to prevent	Unlimited fine
147A(1)	Unlawful sale of alcohol on 3 or more different occasions on same premises within period of 3 consecutive months	Premises licence holder or premises user under a TEN	Unlimited fine
148(1)(2)	Sale or supply of liqueur confectionary to person under 16	Any person or a club	Level 2 fine
149(1)(3)(4)	Purchase or supply of alcohol by or on behalf of person under 18, or attempt to do so	Person under 18 or person purchasing on his behalf	Level 3 fine (person under 18) Level 5 fine (person on behalf of under 18) or PND £90
150(1)	Knowingly consuming alcohol on premises with premises licence, CPC or TEN when under 18	Person under 18	Level 3 fine
150(2)	Knowingly allowing consumption of alcohol by person under 18 on premises with premises licence, CPC or TEN	Person working at premises, member or officer of club who could have prevented	Unlimited fine or PND £60
151(1)(2)(4)	Delivering or allowing delivery to person under 18	Person working at premises, member or officer of club who could have prevented	Level 5 fine or PND £90 (s 151(1) and (2))
152(1)	Sending person under 18 to obtain alcohol for consumption off the premises	Any person	Level 5 fine
153(1)	Knowingly allowing person under 18 to sell or supply alcohol without approval on premises with premises licence, CPC	Premises licence holder, designated premises supervisor, or person over	Level 1 fine



	or TEN	18 authorised by either	
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*Please Note: The details listed above in relation to offences, penalties, fines and PND's issued in line with the Licensing Act 2003 may be subject to change following updates to relevant legislation. For further information regarding Penalty Disorder Notices (PND's) please refer to the [Ministry of Justice Guidance](#).*

### **TIPS**

#### **The person selling or supplying the alcohol:**

By selling or supplying alcohol to a person who is under 18, it is **YOU** that commits the offence. You could receive a penalty notice of £90 or an unlimited fine if prosecuted.

#### **The customer:**

A customer who purchases alcohol for a person under 18, or attempts to do so, commits an offence. They could receive a penalty notice of £90 or a fine of up to £5,000 if prosecuted.

A customer who is under 18 and purchases alcohol or attempts to do so, or consumes alcohol on the premises also commits an offence. They could receive a penalty notice of £90 or a fine of up to £1,000 if prosecuted.

#### **The club certificate holder:**

Persistently selling or supplying alcohol to children is defined as selling or supplying alcohol on the same premises to a person who is under 18 on two or more occasions within a single three month period. Currently there are three avenues by which action can be taken against premises to be persistently selling alcohol to children.

1. The club certificate holder, if prosecuted, can plead not guilty and go to court and if found guilty can be given an unlimited fine with up to 3 months suspension of the alcohol licence.
2. As an alternative to prosecution, the police or trading standards officers can give the certificate holder the option to voluntarily accept a 48 hour closure notice rather than face criminal liability.
3. The police can make a representation to the relevant licensing authority to ask them to review the club certificate. This can also happen in addition to options 1 and 2.

## Club Premises Age Verification Policy

This policy applies in relation to the sale or supply of alcohol on the following Premises:

Name and address of premises

.....  
.....  
.....

Name of club certificate holder

.....

1. This policy applies in relation to the sale or supply of alcohol on these premises.
2. For this policy the responsible person is one of the following:
  - the holder of the club premises certificate
  - a person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18; OR
  - a member or officer of a club present on the club premises in a capacity which enables him or her to prevent the supply in question
3. Staff serving alcohol on the premises must require any individuals who appear to the responsible person to be under the of age *18 years (or any older age as may be specified in the club premises certificate holders age verification policy)* to produce on request, before being served alcohol, identification bearing their photograph, date of birth, and either a holographic mark or ultraviolet feature
4. Examples of appropriate identification include:
  - *A passport*
  - *A photo card driving licence*
  - *A proof of age card bearing the PASS hologram*
5. The club premises certificate holder will ensure that staff are made aware of the existence and content of this policy.

Signed.....

CLUB CERTIFICATE HOLDER

## **TIPS**

- In order to ensure compliance with the club premises certificate mandatory conditions the certificate holder should take all reasonable steps to ensure that a proof of age policy is operated at their premises.
- Staff must be aware of the scheme operated and be trained accordingly with written records kept of the training carried out.
- It is recommended the age verification policy that is carried out at the premises should be in writing and documented within any training or authorisations.
- Staff involved with the selling of alcohol should be aware of the policy's existence and content.
- The above example is a suggested text for an age verification policy, as per Home Office guidance. Text in italics is examples and you should adjust accordingly to insert the actual age and acceptable ID for the age verification policy operated at your premises.
- It is also recommended that appropriate signage is displayed detailing the age verification policy in operation at the premises. Free point of sale posters are widely available from various sources via the internet. Posters and further advice on responsible retailing and age restricted products can also be obtained from [Trading Standards](#) via their website.

## TRAINING LOG

<b>NAME:</b>	
<b>SUBJECT:</b>	<ul style="list-style-type: none"> <li>• The Licensing Act 2003</li> <li>• The promotion of the licensing objectives</li> <li>• The club certificate activities</li> <li>• The club certificate conditions</li> <li>• The club rules</li> <li>• Club Premises Authorisations</li> <li>• The premises age verification policy</li> <li>• The refusals/incident book</li> <li>• Offences under the Licensing Act 2003</li> <li>• How to deal with difficult customers</li> <li>• Noise Impact Assessment</li> <li>• Drugs Policy</li> <li>• Dispersal Policy</li> <li>• Health and Safety in the workplace</li> <li>• First Aid</li> <li>• Emergency Evacuation Procedures</li> </ul>
<b>Relevant training material:</b>	<p><b>General</b>  <a href="#"><u>Section 182 Guidance Issued under the Licensing Act 2003</u></a>  <a href="#"><u>Home Office Guidance on Mandatory Licensing Conditions</u></a>  <a href="#"><u>Hampshire County Council Trading Standards</u></a></p> <p><b>On-licences- Pubs, Bars &amp; Restaurants</b>  <a href="#"><u>Basingstoke and Deane Borough Council: Guidance on Control of Noise from Licensed Premises</u></a>  <a href="#"><u>Drugs and Pubs- A Guide for Licensed Premises – The Beer and Pub Association</u></a></p> <p><b>Gambling</b>  <a href="#"><u>Gaming Machine Codes of Practice</u></a></p>

I .....have read and fully understand the attached documents.

Date: ..... Stewards signature: .....

**Training review dates:**

<b>Notes:</b>					
<b>Date:</b>		<b>Signature:</b>		<b>Stewards signature:</b>	

<b>Notes:</b>					
<b>Date:</b>		<b>Signature:</b>		<b>Stewards signature:</b>	

<b>Notes:</b>					
<b>Date:</b>		<b>Signature:</b>		<b>Stewards signature:</b>	

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<b>Notes:</b>					
<b>Date:</b>		<b>Signature:</b>		<b>Stewards signature:</b>	

<b>Notes:</b>					
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<b>Notes:</b>					
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<b>Date:</b>		<b>Signature:</b>		<b>Stewards signature:</b>	

<b>Notes:</b>					
<b>Date:</b>		<b>Signature:</b>		<b>Stewards signature:</b>	

<b>Notes:</b>					
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**TIPS**

- All staff should be adequately trained to regarding their responsibilities under the Licensing Act 2003 to ensure compliance with the terms of the club premises certificate and demonstrate due diligence by the club certificate holder.
- It is recommended that staff sign training records to clarify they have participated in and fully understand training material.
- Subject matter should include include their understanding of the Licensing Act 2003, the promotion of the licensing objectives, relevant offences under the act, the club age verification policy and the use of the refusals/incident book. However, you may also wish to include additional topics for which staff are required to be trained under separate legislation such as health and safety, fire safety and first aid.
- Such records also support any Club authorisations and show responsible management of the premises.
- It is recommended that refresher training is carried out and documented every six months.
- Training records should be made available to the police or local authority on request.