

Who needs to be trained?

All persons who serve or sell alcohol whether full-time, part-time, paid or unpaid will require to undertake a minimum of 2 hours training. This will include anyone working in members clubs. The training must be carried out for existing staff before 1 September 2009. From then any new staff will require to undertake the training **BEFORE** they can serve or sell alcohol. A full schedule of what must be covered in the training is available in the briefing pack supplied by the government.

There are a number of ways the staff can be trained:

- Attend a recognised training course i.e. ServeWise Certificate for Staff Working in Scottish Licensed Premises
- A personal licence holder can carry out the training
- Staff can complete a staff workbook under the guidance of a personal licence holder.

A record of the training must be kept on the premises and must be signed by and dated by both the person carrying out the training and the staff member.

Staff Induction Workbook

Workbooks will be available to purchase from May 2008. For more information on courses or the workbook please contact ServeWise on 0141 572 6703 or servewise@alcohol-focus-scotland.org.uk

Personal Licence Holders

ServeWise Certificate for Scottish Personal Licence Holders Qualification

Although there is no mandatory requirement for members clubs to have a personal licence holder, it is widely considered best practice for clubs to have at least one person who has received the training and holds a licence.

This would also mean this person could carry out the training of staff or provide guidance for staff completing the workbook.

Checklist for Members Clubs

- Read local Licensing Board Policy Statement
- Seek guidance from local Licensing Board when you will be required to submit your application
- Get layout plan arranged - employ an architect if necessary
- Keep a diary of events carried out at the club to include in your operating plan
- Practise completing the application and operating plan before you submit it and seek legal advice if required
- Find out the name and contact details of the Licensing Standards Officer
- Arrange training for staff and preferably also a personal licence

For more information on the changes or training available visit the following websites:

www.infoscotland.com/licensingact
www.alcohol-focus-scotland.org.uk

ServeWise, Alcohol Focus Scotland
166 Buchanan Street
Glasgow G1 2LW

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Members Clubs Information Guide

Licensing (Scotland) Act 2005



What does this mean for us?

When the Licensing (Scotland) Act comes into effect on 1 September 2009 and all premises which sell or serve alcohol will require to have a Premises Licence BEFORE then. For the first time since 1903 this will include "members clubs".

The transition period for licensed premises begins on 1 February 2008 through to 30 August 2009.

What is a definition of a members club?

The definition of a club in the Licensing (Scotland) Act 2005 is a club which is not conducted for the purposes of making a profit and which has a written constitution and rules and has:

- The business of the club carried out under the management of a committee or other governing body elected by the members of the club
- No person under 18 admitted as a member (unless club is devoted primarily to sporting purposes i.e. a golf club or is a students union under the management of an education authority)
- No person on the committee, governing body or employed by the club has an interest in the sale of alcohol or profits arising from it.
- No person can be supplied with alcohol on the premises unless they are a member or a guest of a member.
- Record of guests must be kept giving date, name and address of person and the name of the member accompanying the person
- Club has to have a minimum of 25 members to be properly constituted
- Membership of the club must involve a regular entrance fee or subscription

Applying for your premises licence

Effectively members clubs will be making an application for a new licence to the Licensing Board. Previously they were granted a Certificate of Registration by a Sheriff.

Licensing Boards will notify clubs of dates that their applications must be submitted by, however it is not known how much notice will be given, so the key thing is to make sure your club is ready in advance.

The premises licence

When applying for the premises licence you will be required to submit the following:

- The application form
- The operating plan
- A layout plan
- Certificates for building, planning, food hygiene etc

For existing clubs, you will not be required to submit certificates during the transition period.

However any members clubs who are applying for a premises licence after this period certificates will be required to submitted.

Premises licences will all have national conditions attached to them, this includes members clubs. A full list of these conditions can be found in the Scottish Government briefing pack.

Occasional licence

Members clubs can apply to the Licensing Board for an occasional licence. This allows the premises to be open to the public for a maximum of 56 days in a 12 month period. A club must not apply for:

- More than 4 occasional licences which will last for 4 days or more
- More than 12 occasional licences which will last for 4 days or less.

Exemptions for clubs

Unlike other licensed premises, members clubs have a number of exceptions under the Licensing (Scotland) Act 2005.

Overprovision

Each Licensing Board has a duty to assess overprovision in their area or locality. This means they will look at the number of licensed premises in the area and give guidance in their policy statement as to whether there are likely to be any new licences granted. However, members clubs will not be included in any assessments of overprovision.

Premises Manager

Each licensed premises will require a named premises manager responsible for the day to day running of the premises. Without a premises manager, the premises cannot sell alcohol. Members clubs have no requirement to name a premises manager.

Personal Licence Holder

All premises require the premises manager to also be a personal licence holder who authorises the sale of alcohol. Though there is no requirement for a premises manager in clubs, it is widely considered good practice to have a personal licence holder.

