

ALCOHOL LICENSING

Regulations came into force on 31st October 2012 giving licensing authorities powers to make Early Morning Restriction Orders (EMROs) and to impose a late night levy (LNL).

GAMING MACHINE TAXATION

Machine Games Duty (MGD) is paid on the profit (stakes less winnings) on all gaming machines and other cash prize machine games (eg quiz machines where the machine offers a cash prize greater than the cost to play).

The rates of MGD are:

TYPE 1 LOWER RATE

- A rate of 5% of net takings from machines where maximum cost of play is not more than 20p and cash prize not more than £10;

TYPE 2 STANDARD RATE

- A rate of 20% of net takings from machines which are not type 1 but where the cost of play cannot be more than £5;

TYPE 3 HIGHER RATE

- A rate of 25% of net takings from machines where the maximum cost of play can exceed £5.

Category B3A electronic lottery machines and pull tabs are exempt from MGD and VAT.

GAMBLING ACT 2005

With effect from 1st September 2007 this Act replaced the Gaming Act 1968. From that date the following regulations applied:

1. **Bingo played as a club activity (formerly Section 40 Gaming Act 1968)**

- No limit on stakes or prizes (but see 3 below).
- Maximum participation fee £1.
- Games cannot be linked to other premises.
- Participants must be Bona Fide members or guests.
- No deduction from sums staked or won.
- Under 18s cannot participate but can be present.

2. **Bingo played at a non-commercial event (formerly Section 41 Gaming Act 1968)**

- No private gain; participants must be told the object is to raise funds for club or other noncommercial cause.
- Maximum payment by way of participation fee, stake or other charge – £8 per game.
- Value of prizes for all games at the event not to exceed £600.
- If series of events held on same premises value of prizes at final event not to exceed £900.

3. **High turnover bingo**

Clubs which play bingo involving over £2000 in stakes or prizes in any seven day period must notify the Gambling Commission. To exceed this amount within the next year they need a bingo operating licence from the Commission. This involves a fairly demanding application procedure. Any club affected can obtain an information pack from the Union Head Office to facilitate completion of the application forms. The initial application fee for a bingo operating licence is scaled with an annual fee of £1531 to follow although the latter is reduced by 25% for the first year. 70 Union Clubs are currently registered. Fees can be found on the Gambling Commission website.

4. **Card games etc.**

(a) Non-banker games may be played without a licence or permit. Games with a banker e.g. pontoon, are not allowed without a club gaming permit (formerly Part II registration under the Gaming Act 1968).

(b) Special rules apply to poker viz:

- Maximum stake per person per game £10.
- Aggregate amounts staked in any one day not to exceed £250.
- Aggregate amounts staked in any seven day period not to exceed £1000.
- Maximum prize in any one game not to exceed £250.
- Maximum participation fee per day £1.
- No deductions from amounts staked.
- Participants must be bona fide club members or guests.

5. **Club gaming permit**

It is possible for a club to take out a club gaming permit (formerly a Part II registration) from the local licensing authority on payment of the appropriate fees which permits the playing of pontoon and chemin de fer. The Union does not encourage its clubs to acquire gaming permits.

Note: In addition to the rules in 1 to 5 above the Gambling Commission requires bingo and other forms of gaming to be conducted by clubs with due regard to its published codes of practice.

GAMING MACHINES

Under the Gambling Act 2005 the Part III registration procedure with the magistrates was replaced by club machine permits issued by local licensing authorities. These permits last for 10 years and require an initial application fee of £100 and an annual fee of £50. Clubs with a club premises certificate under the Licensing Act 2003 have the benefit of a fast track procedure which precludes any objection by the police.

A club machine permit entitles a club to provide up to three machines. These may be either jackpot machines (maximum stake/prize £2/£400) or lower category machines. Exceptionally one of a club's machines may be an electronic lottery machine with a maximum stake of £1 and maximum prize of £500 a B3A machine.

Under the Gambling Act 2005 and Gambling Commission's code of practice only members and guests may play the machines; under 18s may not. The machines must be sited where they can be properly supervised to prevent under age usage.

CO-OPERATIVE AND COMMUNITY BENEFIT SOCIETIES ACT 2014

The Cooperative and Community Benefit Societies Act 2014 came into force on 1st August 2014. Its main effect is to consolidate earlier legislation including:

- Industrial and Provident Societies Act 1965
- Friendly and Industrial and Provident Societies Act 1968
- Cooperative and Community Benefit Societies Act 2003

The 2014 Act ensures continuity of registration for all pre-existing registered societies. All existing registered societies will now be referred to as “registered societies” instead of “industrial & provident (I&P) societies”.

The Union and its’ I&P member clubs rank as cooperatives because they conduct themselves by and for the benefit of their participating members.

Community Benefit Societies (or BENCOMS) exist primarily for the benefit of the wider community i.e. for the benefit of non-members and are of a philanthropic or charitable character.

The main things to note for the CIU are:

- all legal requirements for registration governance and interaction with the FCA remain the same
- for registrations after 1st August 2014 the registering society will be referred to and registered as a cooperative society
- existing registered clubs can retain their present name and need not change their rules; they keep their existing registration number;
- if a club has on its letterhead or website “an Industrial & Provident Society registered under the I & P Act 1965” the FCA advises that it “could” change it to “registered society under the Cooperative and Community Benefit Society Act 2014”. This is not said to be obligatory.

The FCA has updated its forms and information notes, in particular the new registration, rule changes and annual return forms. The new forms must be used for applications being determined after 1st August 2014.

The Union recommends that all clubs registered under the Friendly Society Act give consideration to transferring to the Co-operative and Community Benefit Societies Act as it gives greater protection to club officials.

FINANCIAL CONDUCT AUTHORITY (FCA) **Formerly known as the Financial Services Authority (FSA)**

The Union's Head Office will contact the FCA on behalf of clubs each time they require to change their rules. This applies to all clubs whether Friendly Societies or Industrial & Provident Societies or registered under the Co-operative Community Benefit Societies Act 2014. The annual fee to the FCA has been abolished.

FCA ANNUAL RETURN

Important

Clubs must complete the Annual Return to the FCA. It is a statutory requirement for clubs to complete these forms and return them direct to the FCA and it is hoped that all clubs will do so without facing any penalty. The FCA has recently prosecuted a number of clubs for non-submission of Annual Returns, and in a few cases, de-registered clubs.

Clubs registered under the (FS) Act have until 31st July to submit their Annual Return, whilst those under the (I&P) Act or the Co-operative & Community Benefit Societies Act 2014 must return within 7 months of its year end.

NEW SECRETARIES

When a new club secretary is elected or appointed as per the club rules, they must notify the licensing authority. This is an essential requirement of the Licensing Act and notice must be given within 42 days of the appointment.

Notification should be given to the local VAT office providing full details of the club secretary's name, home address and the club's VAT registration number. It is also essential for new secretaries to inform their insurance company.

Should any problem upon which the managing committee require advice occur, then the secretary should contact the Union Branch Secretary.

NEW TRUSTEES

If your club changes trustees for whatever reason they must obtain Form S from the Union's Head Office, complete it in all details and then forward to the FCA in London. This must happen within 14 days of the appointment of such a Trustee.

THE ROLE OF THE TRUSTEE IN A FRIENDLY SOCIETY CLUB

Every club registered under the Friendly Societies Act must have one or more Trustees. The rules of such clubs must make provision for the appointment and removal of the Trustees.

A club must have Trustees because of its un-incorporated nature; otherwise, for example, dealing with the property of an un-incorporated society, which belongs to all members equally, would be near impossible in a club of any size. The rules of the club should fix the number of Trustees; three is considered by the Union to be a suitable number. A member under 18 years of age may not be a Trustee.

All property belonging to a club, whether it was acquired before or after registration vests in the Trustees of the club, for the use and benefit of the club, its members and all persons claiming membership according to the club's rules.

The Trustees of a club are not liable to make good any deficiency in the funds of the club, and each Trustee is liable only for sums of money actually received by him on account of the club. The indemnity does not extend to illegal acts, but it would extend to acts by Trustees under the direction of the committee of management. This protection does not apply when a club goes into dissolution.

Trustees are the officers who sue or are sued on behalf of a club, and in this matter their responsibility and powers are significant.

OPTING OUT OF AUDITED ACCOUNTS

The Deregulation Order 1996 provided for a club to opt out of the need to have audited accounts of certain criteria are met. The financial criteria are as follows:

Industrial & Provident Societies Clubs

Co-operative and Community Benefit Societies Clubs

- | | | |
|---------------|---|--|
| 1. Full Audit | - | if turnover is in excess of £10,200,000 (Registered Auditor) |
| 2. Report | - | if turnover is £90,000 - £10,200,000 (Registered Auditor) |
| 3. Unaudited | - | if turnover is less than £90,000 (secretary and committee members) |
| 4. Lay Audit | - | if turnover less than £5,000 (two people – members) |

Friendly Societies Clubs

- | | | |
|---------------|---|--|
| 1. Full Audit | - | if turnover is in excess of £350,000 (Registered Auditor) |
| 2. Report | - | if turnover is £90,000 - £90,000 - £350,000 (Registered Auditor) |
| 3. Unaudited | - | if turnover is less than - £90,000 (Secretary & Committee members) |
| 4. Lay Audit | - | if turnover is less than £5,000 (two people – members) |

Once a club decides to change its rule to provide for this order and have them registered in the usual way then the members need to vote at an annual meeting as to whether they wish to take advantage of the Deregulation Order and this vote will have to take place on an annual basis, as the exemption is always based on meeting the financial criteria in the preceding year.

The club will still have to appoint a reporting accountant who is a qualified auditor and the accountant has to make a report in accordance with the relevant Societies Act. The rights to examine books, deeds and accounts etc., and attend general meetings, remains unchanged.

Taking up the audit exemption will, in practice, only save the club around £200 a year in accountants and auditing fees as the majority of the work will still have to be undertaken to enable them to make the "Accountants Report" required by the relevant Societies Act. The saving comes about, as the FCA will not have to complete an audit file, where it is currently required under the Audit Regulations Act.

FCA INSIST ON NO ALTERATIONS

The FCA has returned to the Rules Department at Head Office, rule books and several forms which have been submitted by the Union on behalf of various clubs. They require forms correctly made out and will not accept tippexed alterations. Clubs should be aware of this before making a submission to the Rules Department.

RULE CHANGES

The Union's Rules Department deals with many requests for alterations of rules and can advise clubs on partial amendments, full amendments and how to deal with the FCA. We can also arrange printing of these rules.

Some clubs go to their local solicitor for advice. We normally find that the solicitor then contacts our Rules Department to obtain this advice from our experts. Obviously the solicitor then charges the club a sizeable fee.

Clubs will find it easier if, whenever considering making any rule changes, they contact the Union directly and avoid dealing with a solicitor.

Amendments to club rules should be voted upon at a special general meeting called for that purpose. However, if the Annual General Meeting is imminent, it is quite in order to place the rule amendments at the end of the agenda provided on the occasion of that particular business the meeting is declared "special" in order to deal with the proposed amendments.

CHANGE OF CLUB ADDRESS

Whenever a club changes its address it must register this with the FCA. The relevant form is Form P for clubs registered under the Friendly Societies Act, and Form I for clubs registered under the Industrial and Provident Societies Act and the Co-operative and Community Benefit Societies Act 2014.

Both these forms may be obtained from the Union's Rules Department and they should be completed by the club and returned to the Department.

Clubs are also reminded that should they change the Trustee and whenever there is a change in Secretary, the FCA must be notified, as must the Union's Head Office.

CLUB NAME TO BE DISPLAYED

It is a condition of the Co-operative and Community Benefits Societies Act 2014, Industrial and Provident Societies Act and the Friendly Societies Act, that each registered society shall cause its registered name to be printed or affixed in a conspicuous position in letters easily legible on the outside of the registered office and on every other place in which the club business is carried on. In addition if a Seal is held by the club the names shall be shown in legible characters on the Seal and all notices and official publications of the society and on all business letters of the society plus all bills of exchange, cheques, orders and receipts.

CHANGING THE CLUB'S NAME

The FCA has sent us the following information Change of a Club or Society's name:

"We have recently reviewed our procedures for the processing of amendments which seek to change the name of societies. I refer you to chapter 11, paragraph 163 of the "Guide to the Law Relating to Friendly Societies and Industrial Assurance", which states that:

"The approval of a change of name is altogether discretionary. The reason for desiring to change should, therefore, be stated. Generally, unless the change of name is a consequence of a change in the constitution or circumstances of the society, or is for the purpose of more clearly indicating its character, the approval will be withheld as any change must be inconvenient, if not prejudicial, to persons having claims on the society".

COMMITTEE'S RESPONSIBILITY

The steward may be responsible to the managing committee for employing members of staff but the managing committee must always be sure that it has the final word on employment. If the steward pays staff illegally and Revenue and Customs are involved, the onus will be on the club and not their employee. It is a club's clear duty to ensure it has records for all workers, even if they are merely casual and working for just one month during college holidays.

Revenue and Customs are carrying out more and more checks on moonlighting and casual staff and they have the power to inspect club records and, if necessary, assess the correct amount of unpaid tax for these employees. A number of clubs have had to pay out large lump sums in respect of this back tax and it is essential that all clubs adopt correct methods to ensure that all employees are taxed no matter how casual their employment.

REGISTERING OF CLUB RULES

Clubs are reminded that following their members' decision to change the club rules they must have these rules registered with the FCA before they come into effect.

The club must contact the Union's Head Office to ensure that the correct procedure is followed. FCA must be sent copies of the changes and only when the FCA have returned these to the Union confirming the date they were registered as being amendments to the club rules, do they come into effect.

CLUBS REGISTERED UNDER THE FRIENDLY SOCIETIES ACT (FS)

(FS) clubs are reminded that two pieces of 1993 legislation are in force:

1. **Copy of Rules.** The 1974 Act was amended in 1992 to read "Every registered society or branch shall deliver to any person on demand, on payment of a reasonable fee, a copy of the rules of the society or branch". The "reasonable fee" therefore should be a sum commensurate with the cost of production.

2. **Dissolution.** The Dissolution Rule may now read that a club may at any time be dissolved by an instrument of dissolution approved by a special resolution of the club, instead of by the signature of three-quarters of the members as the Rule reads at present.

If the club should require to amend the rules as above and if either or both amendments are passed by the members at a special meeting, then if you write to Head Office the necessary partial amendment of rules will be prepared to enable the registration to take place.

COMMITTEE SHORTAGES

A number of clubs find it difficult to attract committee members and are worried that they cannot get a sufficient number to comply with their club rules. If a club has tried every possible way to attract committee members, they must consider the possibility of changing their rules and reducing the numbers of committee members and the number required to be quorate.

Clubs are informed that the FCA recommend there should be a minimum of six committee members stated within their rules.

EQUALITY ACT 2010

The main provisions of the Equality Act 2010 came into force on 1st October 2010. The Act harmonises and replaces previous legislation such as the Race Relations Act 1976 and the Disability Discrimination Act 1995. It covers the same groups that were protected by existing equality legislation – age, disability, gender re-assignment, race, religion or belief, sex, sexual orientation, marriage, civil partnership, pregnancy and maternity. Under the new legislation these are now called 'protected characteristics'.

Protected Characteristics – These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. There have been a few changes to the definitions, including the following:

Gender Re-Assignment: there is now protection for those who are "proposing to undergo" the process for the purpose of re-assignment of sex by changing physiological or other attributes of sex (and there is no requirement for medical supervision).

Race/Racial Group: this is now non-exhaustive and it may be that caste is added as a protected characteristic at a later date.

Disability: a wider range of individuals who are likely to be protected now fall within the Act, where they meet a general requirement that their impairment has a substantial and long term effect on their ability to carry out a normal day to day activity.

Types of Discrimination

Combined Discrimination: Employees will be able to bring claims of combined discrimination, based on a combination of no more than two protected characteristics (except for claims arising out of pregnancy and maternity or marriage and civil partnership).

Direct Discrimination: the Act amends existing definition of direct discrimination – it will be unlawful to discriminate against someone because of a particular protected characteristic. The legislation will cover those discriminated against because they are associated where the third party is covered by that protected characteristic. The Act also extends cover to discrimination where the employer wrongly perceives the employee to have a protected characteristic (again for marital status/civil partnership, which are not covered).

Harassment by third parties: protection from harassment in respect of the protected characteristics (except for pregnancy/maternity and marriage/civil partnerships) will be widened to protect employees who are harassed by someone from outside the employer's workforce.

Employers will be allowed (though not obliged) to discriminate in favour of a minority applicant who is as qualified as another applicant for the same role, if that minority group is under represented in the workforce and the method chosen is a proportionate means of achieving those aims.

Indirect Discrimination: a standard definition of indirect discrimination is adopted to ensure uniformity of protection across the protected characteristics. Indirect discrimination applies to all the protected characteristics except for pregnancy and maternity, and includes (for the first time) disability and gender re-assignment.

Disability Discrimination: the Act provides for a new type of disability discrimination – “detriment arising from disability”. The Act sets out that a person discriminates against a disabled person if: he or she treats them unfavourably because of something arising in consequent of their disability and cannot show that the treatment is a proportionate means of achieving a legitimate aim (i.e. it cannot be justified).

Further information is available at www.gov.uk.

Clubs will need to amend their rules to provide full membership for female members, for clubs who do not do so at present. Ladies will now be granted equal rights as for male members and be eligible to be nominated for official positions in the clubs and to hold the Associate Card and Pass Card. The 'Interpretation Rule' will need to be adopted by clubs and registered with the FSA. The Rules Department at Head Office will assist clubs in this procedure, once a special meeting has been called of the members. A club's rule book will need to be changed to reflect full membership rights, even though the Equality Act will over-ride all club rules.

The Union has advised its member clubs to alter their rules to provide for one type of membership. For further advice contact your Branch Secretary. If your club already has the Interpretation Rule in its rule book, this will provide for full/equal membership for ALL club members.

EMPLOYMENT TRIBUNALS

Clubs must be aware that Employment Tribunals will be significantly more inclined to decide in favour of a former employee if the correct procedures have not been followed when dismissing staff. This will happen even if the employee is clearly guilty and deserved dismissal.

Employees must be notified immediately when a disciplinary meeting will be carried out, and this can be done fairly quickly after the misconduct as long as sufficient time is given to arrange investigation, representation etc.

An investigation should be carried out prior to the disciplinary meeting. All evidence must be considered. CCTV images can be included as evidence.

All employees must be given the opportunity to explain their actions at an investigation meeting. ACAS has produced guidance. The current ACAS code of practice for grievances & discipline is not statutory but clubs failing to follow the ACAS code will suffer a detriment at any subsequent employment tribunal.

DAILY AND WEEKLY REST PERIODS AND REST BREAKS

Adult workers (over 18) are entitled to 11 hours consecutive rest in each 24-hour period. Young workers are entitled to 12 hours consecutive rest in each 24-hour period unless periods of work are split up over the day or are of short duration.

Adult workers are entitled to an uninterrupted rest period of not less than 24 hours in each 7- day period. This may be averaged over a two-week period. Young workers are entitled to two days rest in each week. This cannot be averaged over a two-week period but can be reduced to 36 hours where justified by “technical or work organisation reasons”.

Adult workers who work more than six hours in any day are entitled to a 20 minute rest break. The length of the rest break may be determined by a collective or workforce agreement. If however there is no agreement, the worker’s break must be at least 20 minutes long. Young workers are entitled to a minimum of 30 minutes rest break if they work for longer than 4 ½ hours. Young workers are defined as those over school leaving age but under 18.

WRITTEN CONTRACTS

Once any employee has been employed the club must give that employee a written statement of certain terms of employment within eight weeks of commencement of employment. The statement must contain the name of the club, the date the employment commenced, a job title, the rate of pay for the job, when payment is made, the normal working hours, holiday and sickness entitlement.

EMPLOYERS' HELP

Clubs with general enquiries about PAYE, National Insurance, or VAT registration, can now get the answers from the Revenue & Customs helpline 0300 200 3200.

The helpline is open from 8.00am to 8.00pm Monday to Friday. Saturday 8.00am to 4.00pm.

DISCLOSURE AND BARRING SCHEME

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

It replaces the Criminal Records Bureau (CRB) and the Independent Safeguarding Authority (ISA).

Further information is available from www.gov.uk/disclosure and barring services.

PENSIONS

Pensions Auto Enrolments is aimed at encouraging greater private saving including a duty on employers to *automatically* enrol all eligible workers into a qualifying workplace pension unless they opt out of membership. Employers will also be required to make minimum contributions into such a pension. This scheme will be phased into operation and will be likely to affect clubs.

Further information is available from the Pension Fund Regulator at: www.thepensionsregulator.co.uk

REFERENCES

An employer is not obliged to provide a reference but if an employee is refused a reference he or she could argue a case of victimisation or discrimination if they have protected characteristic. An employer owes a duty to its employee to take reasonable care in supplying a reference, and the employer is liable in negligence if the employee should suffer damage by the employer's failure to do so.

There is no requirement that a reference should be detailed or comprehensive. The primary requirements to bear in mind when constructing a reference are that it must be in substance true, accurate and fair, and must not give a misleading impression. A reference which is not true will only give rise to a claim for defamation where the reference is made in malice.

The employer may be liable not only because of what he says in the reference but what is not stated, an omission can be as bad as an incorrect reference. For example, an employee's departure to in part disciplinary proceedings and not having this mentioned in a reference may find the employer in breach of duty of care to the parties seeking such reference.

MANAGING COMMITTEES MUST CONTROL CLUB

All Union clubs are firmly reminded that it is the managing committee, consisting of duly elected members, who are responsible for the management of the club, not outside bodies or the employees.

The whole committee should be elected at regular intervals in accordance with the club's rule. Some club secretaries may be elected or appointed depending on the club rules.

Most clubs do not need a bar committee although some clubs do appoint them to have special responsibility for the stock. It can be a good idea to have a part of the managing committee concentrating on the stock side and working closely with the club steward but it is not a requirement of the law and the suggestion from one or two police officers that it is necessary is incorrect.

DON'T FLY TIP

Under the Clean Neighbourhoods and Environment Act 2005, if club dumps waste illegally, they can be fined up to £50,000 and/or or 12 months imprisonment. Even if you use someone else to get rid of your rubbish and they go onto dump it illegally, it is still the club's responsibility.

Further information at: www.environment-agency.gov.uk/flytipping.

DATA PROTECTION

From 25 May 2018 most processing of personal data will have to comply with the General Data Protection Regulation. Guidance available from www.co.org.uk.

THE FREEDOM OF INFORMATION ACT 2000

Club members will occasionally say "I am entitled to this under the Freedom of Information Act" and sometimes Committees can get worried as to what this means.

The Freedom of Information Act applies to individuals requesting information from public authorities including central or local Government bodies. It does not apply to CIU clubs.

CLIMATE CHANGE LEVY (CCL)

CCL was introduced as a tax on power use in 2001. It is made up of the main rates and carbon price support rate. Clubs are urged not to waste power unnecessarily and consequently the turning out of lights and control of heating, water etc. assumes even more importance. More information is available at www.gov.uk/greentaxes.

ORDERING OF GOODS

A number of cases have arisen where the Secretary or other officials of a club have ordered goods from a supplier without getting approval from the managing Committee. Once the managing Committee realise what has happened they decide not to support the Secretary and refuse to pay for the goods. Unfortunately two court cases have ruled that the club was responsible for the order as the Secretary is the duly authorised signatory to any letter or contract. Consequently clubs must ensure that the Secretary, when ordering goods, has the support of the managing Committee.

MANAGING ASBESTOS

Legal duties have been imposed on all buildings in the UK that are likely to contain asbestos materials. Clubs must find out whether their building contains asbestos and what condition it is in. They must also assess the risk, i.e. is it likely to release fibres, and form a plan to manage that risk. A surveyor, architect or contractor who is familiar with the club will almost certainly be able to inform the club as to how to proceed and the way to carry out an inspection of the building. This can be done in-house and there is no need to use an independent expert unless the club has some cause for concern. Clubs are reminded that asbestos is only dangerous when disturbed. If it is safely managed and contained it does not present a health hazard and does not need to be removed unnecessarily. There are various HSE publications relating to managing asbestos which are available to download free of charge at www.hse.gov.uk/asbestos.

FOREIGN TV SATELLITES ILLEGAL

The advice of the Union Executive remains unaltered in strongly advising clubs not to use foreign satellites to show football matches at cheaper rates.

LEASING

There are a number of companies in existence, none of whom is endorsed by the Union, which are in the business of providing equipment to clubs on lease arrangements. Most offers appear attractive at a glance, but ultimately they involve complex leasing agreements which run for many years and sometimes incorporate automatic renewal terms in the event of cancellation notices not being provided by clubs within a specified time slot.

These leasing contracts are legally binding and there is no escape for the clubs concerned. Clubs should not enter into leasing arrangements for such equipment, however plausible the offers may appear to be. If the club cannot afford the equipment outright, then it is probably best not to purchase it. Or else seek to obtain a proper loan from either a bank or a brewery.

You must also take careful note when cancellation notices should be given, also avoid offers of upgrading lease equipment already in place as this will invariably create new contract terms.

Often leasing equipment will never ultimately belong to the club and in almost every case companies selling the equipment use a separate finance company which actually owns the equipment, and it is this finance company which the club will have to deal with when there are problems involving either the equipment or the lease.

THE CLUB IS RESPONSIBLE

It is essential that club officials are aware of the Food Safety Act 1990 and Food Safety Regulations 1995 and the dangers of breaching them. Instances have occurred where environmental health officers have visited clubs and found beer and spirits have been adulterated. Clubs have been prosecuted and fined heavily. They must be aware that if an employee waters down intoxicants it is the club's responsibility as the employer and they will face legal action, not the employee. An intentional breach of the Act is of course gross misconduct and clubs could dismiss the responsible employee.

Clubs can exercise due diligence by insisting that spot checks concerning the quality of beer and spirits take place at any reasonable time. If clubs do take samples they should keep one themselves, ensure the steward has one, and a further one is sent to a brewery for analysis.

CCTV AND TAPE RECORDINGS

CCTV can only be used in areas where appropriate signage is in use. It is therefore essential that clubs make members aware that they are in an area being covered by CCTV and the reasons why.

The legislation requires that data controllers should ensure that they have at least one legitimate basis for processing all personal data eg video images, and that the processing is lawful and fair.

The Information Commissioner's Case Officer stated that as long as people were aware that their movements were being recorded and the arbitrators felt that it was in their reasonable expectation that any inappropriate behaviour would be recorded and the arbitrators felt that it was in their reasonable expectation that any inappropriate behaviour would be recorded and might be used at an appeal hearing then it was likely that it could be used without the consent of the individual. The Information Commissioner also stated that voice recording should not happen as standard procedure. Ongoing voice recording is not permitted and only in extreme circumstances where a serious crime was committed or suspected should audio recording take place. This would require the consent of those present in the club. It was stated that in such instances the Police are likely to be involved.

THE COMMITTEE OF REGISTERED CLUB ASSOCIATIONS (CORCA)

CORCA was set up following advice from the All Party Parliamentary Group and is made up, in addition to the CIU, of the Union of the Royal British Legion Clubs, the National Union of Labour Clubs, the Royal Naval Association Clubs, the National Union of Liberal Clubs, the Royal Air Forces Association Branch Clubs, the Association of Conservative Clubs, Association of London Clubs and Northern Ireland Federation of Clubs. They represent all shades of political opinion, but have in common the welfare of the genuine non-profit making members' clubs. CORCA and the All Party Parliamentary Group continue to work together successfully in their endeavours to assist clubs through the country.

PERFORMING RIGHT SOCIETY (PRS) / PHONOGRAPHIC PERFORMANCE (PPL) LIMITED

Copyright law exists to protect music in different ways. Businesses and organisations that play music in public will often require a licence from both *PRS for Music* and PPL. PRS for Music collects and distributes fees for the use of musical compositions (including lyrics) on behalf of songwriters, composers and music publishers. PPL collects and distributes fees for the use of recorded music on behalf of record companies and performers. PPL PRS Ltd is a joint venture between the UK's two music licensing societies – PPL and *PRS for Music*.

They have joined forces to make it easier for customers to obtain a single music licence for the playing or performance of music in public.

The joint licence will be administered by *PRS for Music*, acting on its own behalf and on behalf of PPL. *PRS for Music* will continue to be your point of contact for any queries or changes regarding your licence, and you will make a single payment of fees to *PRS for Music* (who will then pass on the PPL element of those fees to PPL).

DRUG AWARENESS

Drugs are entering all realms of society and up to a third of young children delve into illegal drugs or solvents by the time they leave school. It is worth repeating the possible indicators of problem drug abuse among members or visitors to clubs.

These include:

- An unwillingness to take part in activities that they previously participated in.
- Unusual outbreaks of temper.
- Marked mood swings, restlessness and irritability.
- Suddenly changing their group of friends.
- Spending or borrowing excessively.
- Reduced interest in personal appearance.
- Excessive tiredness without obvious cause.
- Heavy use of scent or cologne to hide the smell of drugs.
- Wearing of sunglasses in darkened areas to conceal dilated or constricted pupils.

If a club official or staff member finds a needle or syringe in the club they should dispose of it by handling the needle or syringe carefully with the needle pointing away from you. If a large quantity of needles are found you should ring your local Environmental Health Department who will come and collect them. A special plastic or cardboard container for disposal of needles and is available from the Environmental Health Department.

If somebody pricks himself or herself with a needle let the area bleed for a few minutes and press the area with warm soapy water and pat it dry. He/she should then seek advice from a doctor or contact the local hospital casualty department.

If any club requires further information or has any worries they should contact their local police drugs office or contact www.frank.com.

STOCKTAKING

A club should employ a professional gauger. The expense involved is negligible in comparison with the importance of securing an accurate account, and one that is likely to be accepted as correct should the stock accounts have to be produced in court. Stock should be taken monthly, the gauger furnishing an account to the club showing among other things what surplus or deficiency of cash has resulted.

When stock is taken the steward should be present and the stock arranged so that articles may be easily counted and recorded. Care should be taken that every item of stock is taken into account. The steward should sign the stock sheet as correct to prevent questions afterwards.

If a deficiency occurs, it should be immediately investigated. Failing a satisfactory explanation by the steward, the amount of the deficiency should be deducted from his deposit. The steward or his/her accountant should be allowed to inspect the stock account if desired, or to have the figures checked.

Should a deficiency on any succeeding stocktake be found, the committee should consider whether the steward should continue in the club's service.

CORRECT PROCEDURE FOR MEMBERSHIP OF A CLUB

Most club rules provide that a candidate for election must sign an application for membership and, in the case of a club registered under the Industrial & Provident Societies Act and the Co-operative and Community Benefit Societies Act 2014, deposit the full amount payable for one share. The amount for a share will of course be returned to the candidate in the event of non-acceptance as a member.

Every candidate must be proposed and seconded by two financial members, able from personal knowledge to vouch for his respectability and fitness to be a member, and if required the candidate must sign a declaration of his concurrence with the adherence to the purposes of the club.

The rule then provides that the election shall be by managing committee and the name, address and occupation of the candidate, with the names of his/her proposer and seconder, shall be prominently displayed in the principal club premises, in a part frequented by the members for at least seven days before the day on which his/her name is submitted for election to membership. This rule is among the most important rules in the rule book of any club, and for a club to remain a bona fide members' club the rule must be strictly complied with.

It is essential that any candidate for membership must be proposed and seconded by two financial members able from personal knowledge to vouch for their respectability and fitness to be a member, namely that the proposer and seconder must personally know the candidate and must not merely put their names to his application because they have been asked to do so.

When this period is over, then there is a question of his/her election to membership, and by law this election must be carried out by the managing committee. It is not sufficient for the secretary merely to read out the names of candidates for membership and for the club managing committee to elect them "en bloc". Each candidate should appear before the managing committee, together with his/her proposer and/or seconder, so that any member of the managing committee can ask the candidate any questions that are material to his/her application, and if the managing committee consider that he/she is a fit and proper person to become a member of the club then they can so elect him/her to membership.

The question is often posed regarding the election to membership of a person who has previously been a member and ceased to be a member because he/she has been expelled from membership, and it must be realised that when a person is expelled then he/she has ceased to be a member of the club and if he/she is desirous again to become a member he/she must be proposed and seconded in accordance with the club's rules.

His/her name must be published on the notice board and then it is for the managing committee to decide whether he/she is a suitable person to be a member of the club, and in reaching this decision the managing committee should take into account the reasons why he/she was expelled from membership, the length of time that has passed since he/she was expelled, and whether it would be in the interests of the club and the membership as a whole again make him/her a member, and with all the facts before them they must consider the application in depth.

If clubs wish to remain as private members' clubs, it is essential that the provisions in the club's rules relating to the election of persons to membership be strictly complied with.

DOOR SUPERVISORS

The Door Supervisors National Certificate has been introduced and the plan is for all those in charge of door supervision to possess a national registration certificate.

This certificate and regulation does not apply to non-profit making member' clubs such as those in the Union. Parliament has twice looked at the introduction of a national certificate but on each occasion the Union has sought and gained assurances that it does not apply to our clubs.

CONTROL ADMISSION

It is essential that clubs have total control of who enters their premises. If you do not have a doorman you must have some other form of security which ensures that only members, associates and bona fide guests come into the club.

All Associates must sign the appropriate book and so must guests of members. Both an associate book and a guest book can be obtained from your Branch office and all clubs must ensure they have them at a suitable point near the club's entrance.

HONORARY MEMBERSHIP

Unless the club rules permit the granting of honorary membership, and there are very few that do, then it is not possible. Clubs can only grant membership as laid down in their rule book to individuals who have gone through the correct method of application.

If the club does have a rule which permits the granting of honorary membership then it can happen, provided the club adheres strictly to the rule book.

LIFE MEMBERSHIP

Most clubs award Life Membership when members reach a qualifying age – usually 65 – and have been a member of the club for a stated length of time. Each club has a suitable rule.

However, to qualify for such an award (which usually but not exclusively, means free subscriptions) the Union believes it should only be granted for meritorious service to the club.

MISCONDUCT PROCEDURE

When your club suspends or expels any member it must ensure that details are sent to Union Head Office. By sending them to Head Office the details of the individual will be circulated to all clubs in the Union via the Club Journal, subject to their appeal and arbitration.

In addition you should notify the Branch Secretary of any suspension or expulsion and any of your colleagues in a division, panel or area. It is essential that all clubs know about individuals who have misbehaved themselves and then they can take steps accordingly.

Clubs are reminded of a rule in the rule book relating to misconduct of members. Almost every club has the Union's model rule which reads:

“The Secretary or President or in the absence of both such officers, any officer present upon the club premises shall have power to order the withdrawal from the club premises of any member who misconducts him /herself, and such members shall have no right of re-entry to the club premises until summoned to meet the committee, as provided in the “Misconduct of Members Rule”. If the next ordinary meeting of the committee be within less than three days, such member may claim to appear before them, and to have his case dealt with waiving the length of notice required by the said “Misconduct of Members Rule”.

Club officials are reminded to use the correct wording when ordering the withdrawal of a club member from the premises and are also reminded about the three days rule.

Clubs must use the withdrawal from club premises wording in their letter; rather than the word suspension; prior to the individual's case being heard by the full committee.

HEALTH AND SAFETY

The Management of Health and Safety at Work regulations 1999 requires that all employers, including clubs, must make suitable and efficient assessment of health and safety risks on their premises that might affect their employees and members and guests. The purpose of risk assessment is to identify any measures the club needs to take to comply with the law.

Clubs should therefore think carefully about the nature of the hazards within the club and what should be done to reduce or control those hazards to make the club safe. When carrying out a risk assessment, an assessment form should be completed and you need to define what constitutes a risk. Some examples of typical hazards likely to be encountered in a club are set out:

- Slipping/tripping hazards
- Fire from flammable materials
- Pressure systems, e.g. steam boilers vehicles Electricity e.g. poor wiring, poor lighting

The club should pay particular attention to the following groups when carrying out a risk assessment.

- Staff with disabilities
- Visitors
- Inexperienced staff, lone workers

Once the hazard has been identified the club should assess whether it has been adequately controlled, i.e. has the club taken precautions against the risks and whether the precautions meet the standards set by a legal requirement.

- Comply with a recognised industry standard
- Represent good practice
- Reduce a risk as far as reasonably practicable.

Clubs are reminded that a local Environmental Health Inspector can visit the club to check on compliance with the regulations; if after a visit the club is warned and takes no action, then an improvement notice may be issued.

Although not part of a risk assessment, clubs should ask themselves the following:

- Do we have an accident book and know where it is? Is there first aid equipment on the premises?
- Is there an emergency procedure for evacuating the club?
- Has the club a guideline on manual handling and control of substances hazardous to health?
- Is there inclusion of some kind of fire alarm and evacuation procedures in case of fire?
- Are radiator surface temperatures non-injurious to health?

Further information is available from www.hse.gov.uk

HEALTH AND SAFETY APPEALS

If a Health & Safety Inspector instructs you to carry out work you have a right to a letter explaining what needs to be done, when and why. You have two weeks to make a representation to the Inspector's Manager. If an Inspector intends to take immediate action, for example by issuing a Prohibition Notice, you have a right to a written explanation as soon as practicable as to why this is necessary.

If an Inspector intends to issue an Improvement Notice you have a right to a written explanation of what is wrong, what needs to be done and by when. You also have a right to have your point of view heard by the Inspector's Manager if you consider the notice should be changed or rescinded. You have two weeks in which to make such representations.

When a notice is issued, you will be told in writing about your right of appeal to an Industrial Tribunal and given an appropriate form.

All these procedures provide ways in which your views can be heard if you are not happy with the Health & Safety Inspector's action.

HEALTH AND SAFETY IN CLUBS

The 1974 Health & Safety at Work Act states that it is the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all club employees and this also applies to club members. Failure to do so is a criminal offence and could result in the club having to pay compensation to any injured party. The 1974 Act has been amended greatly in recent years, particularly in respect of the need to implement various EC Directives.

Those clubs that insure with CIU Insurance Services will have received an extremely comprehensive document relating to health and safety will prove of great benefit to club officials.

In accordance with Section 2(3) of the 1974 Act clubs should supply a new policy statement and display the poster entitled "Health and Safety Law" – issued by the HSE. There is a poster which all premises must display.

Serious injuries which occur on the club premises should be reported to the HSE under the Reporting of Diseases and Dangerous Occurrences Regulation of 1995. All injuries where an employee is off work for more than three days must be reported.

It is important that good practices are maintained within the club and the club should assess all risks or hazards and train staff in safe working practices. The Work Place Health & Safety Welfare Regulations 1992 include slips and trips, which are the main cause of reported injuries within clubs.

This guidance will enable clubs to eliminate or reduce risks concerning obstruction of floors and the spillage of substances. The HSE produce guidance free of charge.

Electrical equipment within a club premises should be installed and maintained by a competent person and there have been various articles in the Club Journal relating to this. Hazardous substances on club premises (pesticides or cleaning fluids) are subject to the Control of Substance Hazardous to Health Regulations (COSHH) 2002.

The Health & Safety First Aid Regulations of 1981 provide that all clubs should have first aid materials in a clearly identified box. The HSE provide a booklet entitled “First Aid at Work” which gives excellent guidance.

The 1971 Fire Precautions Act provides that clubs must have adequate means of warning of fire and the British Standard Code of Practice BS5839 provides that alarms should be tested every three months and all the results recorded. There are also requirements for the examination of fire extinguishers in accordance with the British Standard Code of Practice 5306 (3) 1985.

When staff or visitors are preparing food on club premises using the club facilities, registration must be made under the terms of the Food Safety Regulations 1995 and the club must ensure compliance with Food Hygiene Regulations and Guidance.

HEALTH AND SAFETY POSTER

There is a legal duty to display this poster in a readily accessible and visible position and it must be maintained in a reasonable position at all times. An alternative to displaying this large poster is to issue each employee with a copy of “Health & Safety Law – What you should Know” which has also been updated.

Clubs must be aware that it is illegal to photocopy the poster and place it on their notice board as it is an infringement of copyright and the Government would take action if it is found that a photocopy rather than the original is displayed in the club premises.

LEGISLATION ON LIFTING EQUIPMENT

Many clubs have lifting equipment or machinery installed – either lifts for the disabled or machinery to help carry out certain tasks. Legislation relating to such plant and machinery or work equipment used in clubs can be confusing. There is legislation covering all work equipment that includes appliances and tools, from a hand drill to a passenger lift, called the Provision and Use of Work Equipment Regulations (PUWER 98). This makes all employers responsible for ensuring that work equipment is suitable for its purpose is safe and is regularly maintained. Over and above PUWER 1998 are specific requirements applying to lifting plant. These are the Lifting Equipment Regulations 1998 (LOLER 98), and these aim to reduce risks to people’s health and safety from accidents involving lifting equipment such as passenger lifts, service and goods lifts, stair lifts, dumb waiters and window cleaning equipment. Slings, shackles, pulleys and eyebolts are to be well maintained and looked after.

LOLER 98 requires that equipment is:

- strong, stable and marked with the safe working load
- positioned and installed to minimise any risks
- used safely
- subject to ongoing thorough examination by a competent person.

It is essential that the competent person is sufficiently independent and that equipment continues to be used safely. LOLER 98 also requires that the examination is carried out frequently, at least every six months for equipment used for lifting persons and at least every 12 months for other lifting equipment.

Your insurer can assist clubs with lifting equipment compliance under the Lifting Operations and Lifting Equipment Regulations. They have a national field force of qualified engineer surveyors with the required skills, expertise and experience who will carry out the thorough examination as required and follow up with a comprehensive report.

For further information on the legislation or the service available please contact your insurers.

REFURBISHMENT REGULATIONS

Committees considering having the club refurbished and in some cases extended must be aware that if this job lasts more than 30 days, involves five or more men working on the site at any one time or involved demolitions, the contract comes under the Construction (Design and Management) Regulations 2015 (CDM) and you have to obtain certain obligations that you are legally required to fulfil. This is statute law and failure to comply can lead to unlimited fines and imprisonment.

CDM was brought into force to improve health and safety on construction sites it clearly lays out the responsibilities of the client of the client, planning supervisor, designer/architect and principal contractor.

One of the objectives of bringing in the regulations was to make safer the contract from concept to completion and eventually demolition, by making everyone aware of the hazards on the job and either designing them out or producing a safe risk management statement.

At the end of the contract a file is produced with drawings, as built, the materials used on the project, any hazards associated with them, plus instructions on the operational maintenance of electrical, mechanical and equipment installed during the contract. This Health and Safety file is kept by the owner of the building.

The Health and Safety file must be made available to anyone carrying out work on or within the building and added to on completion of any works. The file virtually acts as an instructions manual for the building. The simple nuts and bolts of the Regulation are:

- The client must appoint a planning supervisor, a competent contractor and designer/architect who allows adequate provision for health and safety, and also to pass on all information concerning the building top the architect/designer.
- The planning supervisor notifies the Health and Safety Executive, produces a pre-tender Health and Safety Plan, liaises with the designer/architect on health and safety, vets the main contractor by studying the method statement and risk assessments produced by the contractor and produces the Health and Safety file at the end of the contract.
- The designer/architect must produce detailed drawings with risk assessments for any part of the contract that is hazardous, i.e. demolition, working at heights etc.
- The main contractor produces the construction phase Health and Safety Plan, risk assessments and method statements and only employs competent sub-contractors and ensures all works are carried out in a safe manner according to the method statement.

NOISE NUISANCE

A number of clubs have had recent visits from Environmental Health Officers with complaints about noise. The change in the law has meant that they have to act even if there is only one complaint.

Officers usually contact the club, discuss the situation and determine whether there is a problem or not. If a club does decide to act immediately, they sometimes consider the installation of a cut-out piece of equipment, which is fitted into the concert room and cuts out the noise when it reaches about a certain decibel level.

Although this is unpopular with the musicians and groups that it affects, it can be very efficient. A club has informed me however that their machine cut out some of the noise being made by the group caused damage to their amplifiers because of the sudden short circuiting of the noise level. If this happens, then the club could well be in danger of being faced with the bill for damage to the musicians' equipment and they should obtain appropriate advice from an electrician when installing it or their insurers if they currently possess it.

BONUSES ARE ILLEGAL

Occasionally we receive a request from a club to see if they can reward the steward or the secretary if the club has a particularly good year. The club argue that it may be through the work of the steward or the secretary that the members have used the club more frequently or that more members have joined the club.

Although it may well be due to their efforts that more members have joined I am afraid they cannot be rewarded in monetary terms. The club rules, irrespective of whether the club is registered under the Industrial & Provident Society Act or the Friendly Societies Act, states:

The Officers Rule states "No office of salary, profit or remuneration shall be held by any member of the Committee". The Finance Committee rule states: "Nothing shall empower the Committee to incur expenditure except such as is consistent with the purpose in which the club is established".

In addition any arrangements which may appear to reward a steward on the basis of the sale of intoxicants in a registered club could offend the Licensing Act 2003.

CLUB SECURITY

Clubs must be aware that security is becoming more important. Break-ins are occurring with greater frequency and we hear of more and more stories of bar staff and stewards being threatened by violent robbers.

Some points to consider are:

- Make certain you have a proper insurance policy.
- No insurance policy can replace a relative, member or employee.
- Do not take chances.
- Minimise the risk of it happening.

Some clubs look at the possibility of installing security cameras. These undoubtedly are an excellent deterrent and are of tremendous use to the police.

Robbers will always check out a club before they strike and will only attempt to break in if they think there is a good opportunity of taking money and getting away with it. Security cabinets for gaming machines are excellent ideas. Many clubs only install them after they have had damage caused to the machines and substantial sums of money taken. The advantage of having a security cabinet is that you can prevent a burglary happening.

Clubs should also beware of the dangers of having the club steward's accommodation outside the scope of the alarm system. Robbers can then break into the steward's premises and use him and the threat of violence against his family to gain entrance to the club and to take money.

Clubs should also look at the possibility of bricking up unnecessary windows, particularly if they are on the ground floor around the back of the club. Exterior lighting around the club although expensive, can be a deterrent. Ensure members of staff and indeed club members are always vigilant and aware of unusual circumstances.

Try to ensure that more than one person opens or locks the club up at night. Keep as little cash on the premises as possible, with a small amount in each till.

PUBLIC INTEREST DISCLOSURE ACT 1998

This Act is designed to prevent the victimisation of any worker who makes a protected disclosure. If a worker notes that a criminal offence has been committed or is likely to be committed, there is failure to comply with a legal obligation, a miscarriage of justice has occurred, health and safety is endangered, the environment is under attack, and provides information to the appropriate body he/she cannot be victimised by his/her employer.

This is also referred to as the Whistle Blower Act and although we do not think that clubs will be greatly affected they should be aware of this Act.

CASH IN HAND IS ILLEGAL

It is not the responsibility of an individual employee to ensure statutory deductions are made from his/her wages. Cash in hand is illegal.

The Revenue will insist that clubs account for and fully detail any employee who earns more than £1 per week. A tax inspector will make a claim from the club for any unpaid tax and he can go back a number of years if failure to deduct is suspected.

A number of clubs each year face a hefty bill totalling several thousands of pounds for failure to keep accurate records and not deducting tax.

USE THE BRANCH OFFICE

All correspondence requesting advice and guidelines should be addressed to the respective Branch Secretary for attention. Should the Branch Secretary require clarification or the assistance of Head Office or the National Executive Committee he or she will act accordingly.

Clubs will appreciate the logic of this procedure. Branch Secretaries must be aware of all club matters within their respective areas.

Correspondence specifically for Head Office, i.e. applications for games/entries, education course applications, should be forwarded to Head Office. Articles and photographs for the Club Journal should be sent direct to the Editor at Head Office.

In addition, all clubs are urged to trade with the Branch. Diaries, club goods and Union publications can all be obtained at very competitive prices.

TV LICENSING

The TV licensing regulations state that one licence taken out in the designation of a responsible officer of the club e.g. the Secretary, Treasurer or Steward, will cover the use of television sets in the clubs available to members or any rooms or areas which are in common use.

A separate licence will be needed by any member of staff who uses television in their own living accommodation on the premises. If the responsible officer of the club named on the licence resides on the club premises that licence will cover his/her use of television in his/her own private accommodation on the premises.

PUB WATCH SCHEMES

Police in certain parts of the country have organised Pub Watch Schemes, and this has been extended to members' clubs. The basic idea is that after an individual has been found guilty of an offence of violence or threatened violence on licensed premises, to impose as an additional penalty, an exclusion order banning the person from any licensed premises named in the order for a period. Failure to obey such an order could expose the offender to a further form of penalty.

In the event of an individual being a member of a club the overall ban may not be imposed unless the member is summoned to appear before the management committee in accordance with the club's rules. Nearly all clubs' rules provide for the suspension and expulsion of members and club committees must ensure that anyone being disciplined should be dealt with under the club rules.

Many Pub Watch Schemes have proved very beneficial for our clubs and many officials are keen to support them.

SUBSTITUTING/TIPPING IS ILLEGAL

The practice of substituting cheap, sometimes bootleg spirits, into branded bottles for resale is known as “tipping” in the licensed trade. There are three different acts under which prosecutions can be brought:

The Food Safety Act, the Trade Descriptions Act, and the Trademark Act. Clubs should make certain that none of their employees attempt to participate in this illegal activity.

SMUGGLING

Revenue and Customs have made a determined attempt in the last few years to combat smuggling of drinks and cigarettes.

They are becoming more and more successful at catching individuals and introduced a computerised system to enhance the co-ordination and analysis on smuggling activities.

We again remind clubs that it is illegal to import excise goods which have been acquired duty free or duty paid from another EU member state and then to sell them without payment of UK duty and, where appropriate, VAT. It is essential that clubs do not get involved in this traffic.

CORPORATION TAX AND CLUBS

Although our clubs are private members’ clubs and are classed as non-profit making organisations, there are times when they can be liable to corporation tax. A club is not liable to corporation tax on any surplus it makes from normal activities with its members such as the bar or amusement machines.

This exemption does not apply however, to investment income, such as interest received on bank and building society accounts. This income is liable to corporation tax at the small companies rate.

VAT AND INVOICES

The standard VAT rate is 20%.

HMRC POWERS

Revenue officers have considerable powers of entry into buildings. Including private premises such as members’ clubs. Their powers in this regard are greater than those of the Police.

The authority in these circumstances is provided by the officer’s personal ID card or warrant issued by the HMRC. Club officials should ask to see these to check the officer’s authority.

Exceptionally a Revenue officer, having reasonable grounds to suspect the presence of anything liable to seizure and forfeiture under law, e.g. bootlegged alcohol or tobacco, may obtain entry to search premises, including private premises such as a club. Under the authority of a magistrates’ warrant or a “writ of assistance” issued by a senior Revenue and Customs official.

Such a warrant of “writ of assistance” authorises the officer to enter the premises, by force if necessary, but requires that the officer is accompanied by a Police Officer if exercising the power of entry at night.

ARBITRATIONS

A member will follow his rule book and lodge an appeal in writing accompanied by the required deposit. If the Arbitration Department opens an appeal, then both the club and the appellant will be required to lodge the balance of the Arbitration Expenses (currently £150.00 which includes VAT) with Head Office before an arbitration hearing date is organised.

When the hearing has taken place, the Arbitrators will come to a decision and apportion the costs accordingly. A refund of the costs may then be made in whole or part to the parties concerned. The decision of the arbitration panel is final.

MEMBERSHIP CANNOT BE TRANSFERRED

Occasionally we hear from clubs who are asking for the current position on transferring an individual's membership from one club to another and the transferring of the Associate and Pass Cards.

If an individual moves from one town to another he would obviously wish to join a club in his new town. He therefore usually becomes a member of the new club but wishes to keep his Associate and Pass Cards from his old club.

There is nothing wrong with this and he can indeed renew his Associate and Pass Card when he renews his membership to his old club. However, if he wishes to participate in any Union activity he must take out an Associate and Pass Card from the new club of which he is a member. Indeed it is only right and proper that he does.

UNDER 18'S

There is normally no restriction on the age of a guest or a visitor but a young person aged under 18 cannot enter the premises unless he or she is signed in by a member or an Associate. Some clubs have a junior members rule and the Union's Rules Department can provide for the exact wording in these circumstances. However under the Licensing Act no one under the age of 18 can consume or purchase alcohol in a club.

This rule allows junior members the same rights and privileges of membership except they may not purchase intoxicants in the club. They also cannot attend general meetings or become candidates for office or vote in elections.

Under 18s are not permitted to play gaming machines or play bingo in a club.

Any young persons on the premises of a club who are not lawfully signed in and who are not junior members are in breach of the club rules and they should not be on club premises.

School leavers aged 16 or over are permitted in most circumstances to employment in clubs subject to any local authority regulations. Under the Licensing Act 2003 they can serve as cleaners, glass collectors and undertake other jobs. The only task they cannot do is to dispense alcohol unless supervised for every pint pulled or spirit dispensed. Consequently the steward would be utilised in supervising young persons, rather than providing the drinks for the members.

STEWARDS' DEFICIENCIES

Almost all clubs have an agreement with the steward whereby if there is a stock deficiency it can be taken out of the steward's Bond. Indeed this is included in the CORCA standard contract. Some clubs however are under the misapprehension that they can deduct a deficiency from wages, instead of the Bond. This is not the case unless the steward and the club have written this into a specific agreement. Under the Employment Rights Act 1996 an employer is entitled to deduct money in respect of any over payment of wages or expenses for taxes owing to Revenue and Customs: as a consequence of a strike or industrial action: for trade union dues if there is a contract to that effect: in satisfaction of a court or tribunal order requiring the worker to pay to the employer: or if the deficiency is attributable to an error of computation. **NO DEDUCTIONS CAN BE MADE FROM WAGES FOR ANY OTHER REASONS UNLESS THE EMPLOYEE SO AGREES.**

STEWARD'S BOND

Some clubs are not placing the steward's cash bond in a separate account. When a steward is employed by a club the club correctly ask him to deposit a bond which could be used to protect the club if he became deficient or if he suddenly left the club's employ without giving due notice.

This bond however, is the steward's money and can only be used by the club in the two circumstances outlined above. In the normal course of events it would be refunded to the steward when he left the club's employ and the interest accumulated should also be credited to the steward's bond account.

All clubs are strongly advised to ensure that they have a separate account for the steward's bond and for a small premium clubs can have the security of the cash bond in their general insurance cover.

EDUCATION

The Award In Club Management (ACM) is now operating.

Information on the education services is provided each month in the Club Journal as well as on the Union website www.wmciu.org.uk. Additionally, major elements of the programme are circulated to all clubs on a regular basis. It is important that relevant information is also posted on club notice boards.

CERTIFICATE OF MERIT

The Silver Badge and Certificate is available for clubmen and women who meet the following conditions. (1) 10 years' service in same position provided for within the Club Rules; (2) Holding of Associate and Pass Cards for at least the last seven years; and (3) Club Affiliation to the Union for the last seven years. Part of the service must have been within the last five years. Service to more than one club is acceptable for the award, provided proof of service to the former club is provided.

Before submitting the application, Committees must ensure that applicants meet the conditions, and record the voting in favour of the application being made. A great deal of unnecessary correspondence takes place because this detail is not fully checked beforehand, and service is frequently claimed for positions not provided within the Club Rules. Invariably the person has been elected to the Committee by the club members and the Committee has then appointed them to the specific position. This should be mentioned on the application as the Committee Service can be claimed for the award.

The application forms and conditions of the award are obtainable from Branch and Head Office. Completed forms should be returned to the Branch Secretary who arranges for them to be endorsed by the Branch Executive, they are then passed to Head Office for approval by the National Executive Committee. If it is intended to make a presentation, at least eight weeks prior notice should be given. The Award comprises an attractive certificate and a solid silver Badge. Details of Awards made are published in the Club Journal each month.

LONG SERVICE AWARD

Some holders of the Certificate of Merit and others, who have not claimed it, go on giving service for considerably longer periods. To recognise this service the Union grants a Long Service Award.

To qualify, a club committee member must have given at least 25 years service, have held Associate and Pass Cards for the last 10 years, and the club must have been affiliated for 15 years. Applications cannot be accepted on behalf of clubmen or women who have held no office during the preceding five years, but service to more than one affiliated club is admissible for the award. Broken service is also acceptable. Application forms and copies of the full conditions of the award are available from Head Office and the procedure for application and consideration are the same as for the Certificate of Merit.

The Award comprises an attractive certificate and a silver badge. Details of awards are published in the Club Journal each month.

DISTINGUISHED SERVICE AWARD

To qualify for this award, a club committee member must have given at least 40 years' service, have held Associate and Pass Cards for the last 20 years, and the club must have been affiliated for 25 years. The award is for service as an Officer or Committeeman or woman specified within the club rules; part of the service must have been within the last five years.

The award is a solid gold badge with green enamel and is most distinctive. The Certificate is designed upon two pillars and has the wording of the Associate Card entwined around them. Application forms and full details are available from all Branches and Head Office. If making a presentation, please ensure the badge and certificate are in the club's possession before arranging a date.

SPECIAL (COMBINED) AWARDS

In addition to the awards given for club service there are other awards made to thank club members who perform long service in other spheres including sports and recreation duties. These awards are for ten and twenty five years.

CENTENARY CERTIFICATES

An attractive certificate is available to clubs with 100 years CIU membership.

RECREATION

The Union caters for all types of sporting activity and each year the Recreation Department organises numerous National Contests that are open to all Club Men and Women who are in possession of a current Pass Card. We are currently reviewing our recreation programme and welcome your suggestions for those events you wish to see continue.

Details of all competitions will be posted on the CIU website.

If you are interested in competing in any of these Championships please contact Head Office (Leisure) at 253/254, Upper Street, London, N1 1RY.

Tel 020 7226 0221

Fax 020 7354 1847

E-mail info@wmciu.org.

Entry forms are also available to download from the website www.wmciu.org.uk.

CARE OF TROPHIES

The trophies provided by the Union are sturdy, of pleasing design, and have a good coating of silver. With proper care and regular cleaning they should retain their “new” appearance for a considerable number of years.

If they are attended to frequently, say every two or three weeks, all that is normally required is a rub over with a smooth dry cloth. This should remove the small amount of tarnish that has formed. Should they, over a longer period, have become more heavily tarnished, all that is needed is the use of a liquid silver polish.

There are a few clubs that do not appear to clean cups between annual presentations. Faced with dark brown trophies they use abrasives to get the job done quickly.

Under no circumstances should an abrasive cleaner be used as it scratches and eventually removes the silver plate. Re-plating is an expensive process.

The neglect of trophies often arises because it is no one’s specific jobs to keep the cups clean, though the responsibility should rest with the Club Games Committee. Some clubs solve the problem by getting one of the cleaners to polish the cups every two or three weeks. Many Clubs and Games Leagues have in their possession trophies that, through age and fair wear and tear, are in need of re-plating, and this can prove expensive.

The majority of our trophies have bakelite plinths, and the trophy is fixed to the plinth with a spring clip, which screws into the plinth. Over the years the bakelite tends to wear away and the clip becomes loose. The thread on the plinth is a “bastard” thread, but this problem can be very simply overcome by the use of a rubber tap washer.

The National Executive are most concerned at the willful neglect of some trophies, and whilst it is appreciated that the majority of Branches, Areas and Clubs do take proper care, it was felt that in some cases the cause of damage was by neglect.

The Union spends a considerable amount each year on the provision of trophies, replicas and contest grants, and cannot therefore be expected to meet the cost of repairs that are caused by the negligence of the clubs holding the trophies.

The National Executive resolved that the following procedure must be carried out:

1. At all trophy presentations a check must be made to ensure that the trophies are in good condition.
2. Clubs must sign for the receipt of trophies in good condition.
3. If at future presentations the trophies are returned in a damaged condition, the club responsible will be required to meet the cost of repairs.
4. It is not unreasonable to expect clubs to take proper care of trophies they have won.

EFFICIENT ADMINISTRATION

Efficient organisation and administration are all-important if a League is to prosper. If there is slackness and lack of foresight the League will inevitably fail.

League Committees should study their rules prior to a season commencing and decide whether or not they are adequate, bearing in mind any incidents that arose in the previous season. Competing clubs should have a copy of the rules.

All contests for Union trophies are governed by a simple set of general rules, copies of which are available without charge from Head Office. They cover only such matters as minimum entries and Associateship. Playing conditions are entirely matters for local decision.

Where Union trophies have not been competed for during three consecutive years they should be returned to Head Office. It is essential therefore, that a record is kept of the whereabouts of all trophies. Where a cup has not been returned for presentation, the League Committee should ensure that it is eventually transferred to the current winners.

Adequate records must be kept of contest results to ensure that claims are submitted to Branches for grants and any Replicas or outright wins due.

League and Area Committees have the power to disqualify competitors for violation of rules, but they do not have any power to exclude them for a period. In the event of a serious or persistent misdemeanour, which a League or Area Committee considers warrants exclusion, it should so recommend to the Branch -Executive. That body can suspend an offender from participation in Branch games for a period not exceeding two years, and its decision is final.

CONTEST GRANTS

An annual Contest Grant is payable to Branches in respect of each Union trophy competed for. The purpose of the Grant is to assist in the cost of administration and provision of prizes.

The Grant is £20 for all Contests commencing on or after 1st January, 1992.

It will be appreciated that this Grant cannot be expected to cover all administrative costs and also maintain the standard of prizes. League Committees should therefore periodically review entry fees to ensure that they have sufficient income to meet their requirements.

TROPHY INSURANCE

It is necessary for clubs which hold Union trophies to cover them by insurance, as such provision is no longer made by the Union.

Trophies are expensive, and clubs should ensure that reasonable care is taken of them. They should not be kept in places where it is easy for an unauthorised person to remove them. They should not be kept on shelves from which they could fall as a result of knocking or vibration.

The best arrangement is the provision of a glass-fronted case with a lock, placed sufficiently high to make it difficult to be tampered with. Such a case not only displays trophies to best effect, but also invariably results in cups having to be cleaned less frequently.

In the event of a trophy being lost or damaged, an immediate report should be made to the Branch or Head Office. In the case of loss the matter must be reported to the police with as little delay as possible.

Union games rules stipulate that cups must be kept on club premises, but if they are required for display purposes elsewhere, permission must be obtained from Head Office. Under no circumstances should a trophy be handed over to a caller unless the club officials are satisfied that he has authority to collect the trophy, and a receipt should always be obtained.

GAMES CERTIFICATES

So that clubs may have some permanent record of their games successes, certificates are obtainable from Head Office, free of charge.

They are suitable for winners of any type of Union contest, and are attractively designed. Many clubs have a fine display of framed certificates in their games rooms.

Normally certificates are requested when Branches submit claims for Contest Grants, and if this is done soon after contests finish the certificates can be issued in time for presentation with trophies and prizes.