



**LICENSING ACT 2003
RYA 2ND CLUB MAILSHOT**

16th February 2005

Dear Secretary

Re: Licensing Act 2003 - Fee Increase

I am writing to you again on the subject of the Licensing Act. You will recall my letter to you of 26th November 2004 in which I sought your participation in the response to the Government's Consultation on fee levels under the Act.

Firstly, I would like to thank you for the time your club took in responding to the Consultation. The sailing fraternity is credited with sending in more responses than any other interested organisation. Well done to all of us!

You will recollect that the legislation seeks to categorise clubs, not-for-profit community based clubs, voluntary organisations and sports clubs in the same way as commercial premises in terms of the fee levels to be set. It will allocate organisations and businesses to particular fee bands using the non-domestic rateable value of premises.

Unfortunately the Government appears to have completely ignored the concerns raised by the consultation. Instead of reducing the burden on clubs it has raised levels by 50% on that originally proposed under the consultation. The effect this will have on clubs' licensing fees is as follows:

Rateable Value	Band	Application Fee	Annual Fee
No rateable value to £4,300	A	£100	£70
£4,301 to £33,000	B	£190	£180
£33,001 to £87,000	C	£315	£295
£87,001 to £125,000	D	£460	£320
£125,001 and above	E	£635	£350

There are, of course, other fees under the Act that clubs will be subject to, such as Temporary Event Notices, Notification of Change of name or address etc. The detail of the new fee structure can be found at:

www.culture.gov.uk/alcohol_and_entertainment/fee_levels.htm

The RYA is now seeking a meeting with the Secretary of State for Culture, Media and Sport, Tessa Jowell MP to discuss our concerns over the fees together with a number of other issues under the Act, such as the definition of guest, reciprocal arrangements, visiting yachtsmen and competitors.

We accept that it is necessary for fee levels under the new regime to increase to a reasonable level. However we believe that the fee levels to be applied to clubs should take into account the not-for-profit sector element and should not, as the Government proposes, be calculated on the non-domestic rateable value. This is likely to have an adverse impact upon smaller clubs, particularly those that operate at the 'grass roots' level.

Urgent action is required and I am therefore seeking your assistance once more in this matter. I would be grateful if you would write a letter to your MP demanding their support for the Early Day Motions (EDM) on your club's behalf.

The purpose of an EDM is to draw the Government's attention to a matter of concern to back bench MPs. This is a numbers game, and the more MPs who sign, the more the Government is likely to take notice. The EDM on Community Amateur Sports Clubs (CASCs) in 2002 was signed by over 150 MPs on an all-party basis and was instrumental in the Government's final decision to include the CASC provisions in the 2002 Budget.

The EDM's that need support on this issue are EDM 55 and 595 (copies attached), both are suitably phrased (ie, no party politics) to be signed by MPs of all parties.

I attach a list of the bullet points that you may wish to include in your letter to your MP. Please do ensure that your letter is personalised and represents your club's individual concerns and needs and is not just a blanket copy of the bullet points below. Do include any matters that you have previously flagged up as an issue for your club. I also enclose (for those who might want it) a model letter based on the Central Council of Physical Recreation's suggested draft.

You may wish to invite your MP to visit your club so that you may brief them on the effect to your club of the increase.

The issue is, not unsurprisingly, a hot topic in the media at the moment. You may therefore also consider writing to your local press, perhaps joining forces with other clubs in your area to come up with an agreed statement to the press on the effect of the fee level increase to sailing clubs.

If you visit the RYA website and click onto the 'Last Orders' article under legal and government you will find a link to a list of MP's and contact details.

I would be grateful to receive a copy of your letter to your MP by post or email mandy.peters@rya.org.uk

Further information on the Act and the fees can be obtained from the Department for Culture Media and Sport website www.dcms.gov.uk

Do check our website regularly as I will be putting the latest information on it as soon as it comes to me.

I have updated our leaflet on the Licensing Act which can be viewed on the website. If you would like a paper copy, please do contact June Palmer or Jeanette Wright in the legal department.

Yours sincerely

Mandy E Peters
F.Inst.L.Ex
Legal & Governmental Affairs

Fee Levels:

- It is unreasonable to ask the not-for-profit sector generally to financially support the implementation of the new licensing regime which has been brought about to resolve the very real problem of binge drinking in our city centres. A problem which, at its deepest level, is a social problem but at the top tier is a 'commercial drinking venue problem'. It is not a problem associated with not-for-profit clubs, and it is particularly unfair to ask clubs to make a significant financial contribution to resolve such problems.
- The Government has not put forward any reasonably compelling argument or evidence to the affect that binge drinking, anti-social behaviour, crime disorder, public nuisance and public safety are issues that arise from the operation of non-commercial sector clubs that supply alcohol to their members and guests. There is no justification for lumping clubs into this legislation, specifically in terms of the way that fees are to be levied.
- The Government should lower fee levels in respect of the not-for-profit sector to take into account factors such as the large size of premises on which the Non-Domestic Rateable Value is based in comparison to the size of bar area; the short duration in terms of opening times; the Government's aim to promote sporting at grass roots level; the non-commercial venture factor; the low level of risk to society in terms of binge drinking etc...; the social ingredient of club bars and the very important fact that monies made through club bars are ploughed straight back into the club in order to keep it running.
- The Government should be made aware of the likely impact of this legislation on sport at the grass roots level which will undoubtedly affect small clubs. The real prospect of closure of clubs' bars and thus the demise of the beneficial social element of clubs will damage participation in sport and may possibly result in higher crime rates and further public disorder.

Clarification of issues under the Act itself:

Clubs need:

- Clear guidance on what the Act means in relation to a 'guest' and reciprocal arrangements and the ability of clubs to supply alcohol to visiting yachtsmen and competitors.
- Clarification on the number of Temporary Event Notices a club may give per year.
- Clarification on whether events outdoors of clubs premises will fall under the Registered Club Licence or whether the club will in fact be required to obtain a Temporary Event Notice.

Please do raise any other issues that you have in relation to the Act's effect on your club.

mep[Clubs/Licensing Act/2nd Club Mailshot]