



RYA RESPONSE TO TEMPORARY EVENT NOTICE CONSULTATION

Mr Simon Richardson
Consultation on temporary event notices
Alcohol and Entertainment Licensing Branch
DCMS
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BY POST AND EMAIL

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Dear Mr Richardson

Consultation on Temporary Event Notices – Licensing Act 2003

The Royal Yachting Association (RYA) is the governing body for recreational boating and represents boating interests, both coastal and inland, at a national level. The RYA currently has in the region of 100,000 personal members and approximately 1500 affiliated clubs and organisations representing approximately 400,000 members

The Government, through the DCMS, is actively encouraging participation in sports activities and the not-for-profit sector is a major contributor in offering such facilities. The fees under the Licensing Act are causing hardship for many sector clubs. The inevitable end result of the proposed policy on fee levels will be the closure of many club bars, possibly even the clubs themselves. Club bars are set up and run to support the club's activities. The government must surely be aware that such a substantial increase in fee levels is likely to result in clubs not being able to afford to run a bar as they are not able to offset fees against their profits in the same way as commercial organisations. The RYA strongly supports the comment of the Central Council of Physical Recreation (11 November 2004) that the proposed fees would have a devastating impact on grassroots sports clubs.

The RYA believes that increasing the number of Temporary Events available to non-commercial organisations such as clubs and village www.rya.org.uk

halls, churches etc. may help redress the imbalance caused by the high increase in fee levels and indeed may prevent some clubs from having to apply for Premises and Personal Licences.

The RYA offers the following detailed comments in response to the consultation document:

Limits on permitted temporary activities:

In terms of private members clubs, it is felt that the number of permitted temporary event notices should be increased to 25 or more per year in order that clubs may open their premises to non-members on more than 12 occasions so as to be able to raise much needed funds to keep the club running. This is especially so in light of the high increase in fee levels imposed by the Licensing Act 2003 which has resulted in a substantial increase of costs for voluntary run private members clubs. If the Government were to allow a more substantial number of TENs per calendar year for clubs holding a club premises certificate then clubs may be able to recoup some of the precious funds they will have had to spend on complying with the Act.

This may also prevent non-commercial organisations from having to go down the route of obtaining a Premises Licence, Personal Licence and Designated Supervisor status, which is a real possibility for some clubs due to the fact that they do hold a number of functions per year for non-members, for example, weddings, birthdays etc...

Questions:

4.10

As stated above we believe that the limit for TENs on premises for non-commercial organisations should be at least 25.

4.11

At least 28 days.

4.12

We agree with the current limit on the maximum duration of a single TEN.

4.13

We agree with the current limit on the maximum number of people who may be present on any single occasion during a TEN.

4.14

No, we do not consider that any of the present limits should be reduced.

4.15

There may be inherent risk of crime, disorder, public safety, public nuisance and the protection of children from harm if commercial premises (public houses, nightclubs etc.) limits on the number of TENs were to be increased. We therefore believe that such an increase on the maximum number of TENs permitted should only be available to non-commercial organisations, eg private members clubs, village halls, churches etc... that is to those organisations for which the Licensing Act has caused some considerable hardship who are also the same organisations that are **not** responsible for any crime, disorder, public safety, public nuisance, detriment to children issues.

4.16

If the limits were increased only for non-commercial premises, the impact on business and commercial enterprises would be negligible. As private members clubs, village halls etc are not in direct competition with commercial organisations. It is envisaged that such non-commercial organisations would merely be holding TENs in order to raise funds for the continued running of that organisation.

4.17

If the limits were increased the impact on non-commercial organisations would be one of substantial benefit to such organisations, their members and to the social fabric of society. It would mean that they would be permitted to open their doors to the general public on an increased number of occasions throughout the year in order to raise the profile of the organisation, increase membership and raise much needed funds for the continued running of the organisation.

4.18

Again if the limits were increased solely for non-commercial organisations then the impact on public nuisance, public safety and the protection of children from harm would be negligible; as it is clear from the lack of any evidence to the contrary that such organisations do not contribute to such problems, indeed, they help to eradicate them.

4.19

We believe that an increase in the number of TENs available per year should be permitted for those premises operated by non-commercial organisations.

4.20

As stated above we believe that if increases were permitted solely for village halls, church halls, private members clubs, sports organisations and non-commercial organisations, the impact on public nuisance, public safety and the protection of children from harm would be negligible.

5.5

No, we do not believe that the draft form of notice requires the unnecessary, unreasonable or disproportionate provision of information.

5.6

We do not believe any additional information should be required.

5.7

Additional information in the guidance notes to explain to clubs with Club Premises Certificates what an 'associate' means in terms of the operation/running of a club is imperative.

5.8

We do not believe that it would be preferable to leave Licensing Authorities to issue separate guidance notes on TENs as this would result in a lack of conformity and confusion across the board.

5.11

We believe the proposed arrangements to be satisfactory, provided that the Licensing Authority also keeps a copy of the endorsed notice.

5.12

One possible alternative method of acknowledging receipt of a TEN is a pre-printed acknowledgement form containing a synopsis of the pertinent information contained within the applicants TEN.

5.15

The counter notice appears to be clear and understandable.

5.16

The counter notice appears to contain all relevant information.

5.17

We believe that the proposed arrangements are satisfactory.

We have one worry in terms of the inability of applicants to appeal against a counter notice and that is where the Licensing Authority administration system makes an error and incorrectly reads one of the conditions to have been breached eg. the number of previous events held, the duration of events etc... If a Licensing Authority makes an administrative mistake the applicant should surely be afforded a right of appeal against that.

The Secretary of State, Tessa Jowell made a commitment in the House on 24th March 2003 to the effect that she was absolutely determined to ensure that when the Licensing Act received Royal Assent, it would be welcomed by sports clubs, large and small. We would ask the Government to honour that commitment by providing an increase in the number of permitted TENs per year for non-commercial organisations.

The RYA is willing to meet and discuss any aspect of the consultation or any points contained in this response, if it would assist you.

Yours faithfully

Mandy E Peters

F.Inst.L.Ex

Legal & Government Affairs

Mep[Clubs/Licensing Act/Response to Temporary Event Notices Consultation]