

2005 No. 79

LICENCES AND LICENSING

The Licensing Act 2003 (Fees) Regulations 2005

Made - - - - *20th January 2005*

Laid before Parliament *20th January 2005*

Coming into force - - *7th February 2005*

The Secretary of State, in exercise of the powers conferred upon her by sections 55, 92, 100(7)(b), 110(3), 133(2) and 178(1)(b) of the Licensing Act 2003(a), hereby makes the following Regulations:

PART 1
GENERAL

Citation and commencement

1. These Regulations may be cited as the Licensing Act 2003 (Fees) Regulations 2005 and shall come into force on 7th February 2005.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Licensing Act 2003;

“college” means a college or similar institution principally concerned with the provision of full-time education suitable to the requirements of persons over compulsory school age who have not attained the age of 19;

“rateable value” as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b); and

“school” means a school within the meaning of section 4 of the Education Act 1996(c).

(2) For the purposes of these Regulations, a reference to—

(a) 2003 c.17. See section 193 for the definitions of “prescribed” and “regulations”.
(b) 1998 c.41
(c) 1996 c.56

- (a) a paragraph in a regulation or Schedule, a Schedule or a Part is a reference to the paragraph in that regulation or Schedule, the Schedule or the Part in these Regulations; and
- (b) a section shall be construed as a reference to the section in the Act.

Bands for premises

3.—(1) In a case where a premises has a rateable value specified in column 1 of the table in Schedule 1, the premises shall be in the band specified for that rateable value in column 2 of that table.

(2) Except in a case where a premises is in the course of construction, in which case the premises shall be in Band C, in all other cases, the premises shall be in Band A.

(3) For the purposes of this regulation, in a case where the premises forms part only of a hereditament in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988, the premises shall be treated as having a rateable value equal to the rateable value for the hereditament of which it forms part.

(4) For the purposes of this regulation, in a case where the premises comprises two or more hereditaments in the local non-domestic rating list, the premises shall be treated as having a rateable value equal to the rateable value for the hereditament with the highest rateable value.

PART 2

PREMISES LICENCES

Fee to accompany application for grant or variation of premises licence

4.—(1) Subject to regulation 9, in respect of an application under section 17 (application for premises licence) or section 34 (application to vary premises licence), the fee to accompany the application shall be determined in accordance with the following provisions of this regulation.

(2) Subject to paragraph (4), in a case where the application under section 17 or section 34 relates to –

- (i) a premises in Band D or Band E; and
- (ii) the use of the premises exclusively or primarily for the carrying on on the premises of the supply of alcohol for consumption on the premises,

the amount of the fee shall be –

- (a) in the case of premises in Band D, two times the amount of the fee applicable for the Band appearing in column 1 of the table in Schedule 2 specified in column 2 of the table, and
- (b) in the case of premises in B and E, three times the amount of the fee applicable for that Band appearing in column 1 of the table in Schedule 2 specified in column 2 of the table

(3) Subject to paragraphs (4) and, in the case of an application under section 34, (6), in all other cases, the fee to accompany the application shall be the fee applicable to the band appearing in column 1 of the table in Schedule 2 for the premises to which the application relates, determined in accordance with regulation 3, specified in column 2 of that table.

(4) Subject to paragraph (5), where the maximum number of persons the applicant proposes should, during the times when the licence authorises licensable activities to take place on the premises, be allowed on the premises at the same time is 5,000 or more, an application under paragraph (1) must be accompanied by an additional fee, the amount of which shall be the fee applicable to the range of number of persons within which falls the maximum number of persons the applicant proposes to be so allowed on the premises in column 1 of the table in Schedule 3 specified in column 2 of that table.

(5) Paragraph (4) does not apply where the premises in respect of which the application has been made—

- (a) is a structure which is not a vehicle, vessel or moveable structure; and
- (b) has been constructed or structurally altered for the purpose, or for purposes which include the purpose, of enabling—
 - (i) the premises to be used for the licensable activities the applicant proposes the licence should authorise,
 - (ii) the premises to be modified temporarily from time to time, if relevant, for the premises to be used for the licensable activities referred to in the application;
 - (iii) at least the number of persons the applicant proposes should, during the times when the licence authorises licensable activities to take place on the premises, be allowed on the premises, to be allowed on the premises at such times, and
 - (iv) the premises to be used in a manner which is not inconsistent with the operating schedule accompanying the application.

(6) In respect of an application under section 34 made at the same time as an application under paragraph 2 of Schedule 8 to the Act and which relates in any way or to any extent to the supply of alcohol for consumption on the premises to which the application relates, the fee to accompany the application under section 34 shall be the fee applicable to the band appearing in column 1 of the table in Schedule 4 for the premises to which the application relates, determined in accordance with regulation 3, specified in column 2 of that table.

Annual fee for premises licence

5.—(1) Subject to regulation 10, the holder of a premises licence shall pay to the relevant licensing authority an annual fee, the amount of which shall be determined in accordance with the following provisions of this regulation.

(2) In the case of premises in Band D or Band E that are relevant premises, the amount of the annual fee shall be—

- (a) in the case of premises in Band D, two times the amount of the fee applicable for that Band appearing in column 1 of the table in Part 1 of Schedule 5 specified in column 2 of that table; and
- (b) in the case of premises in Band E, three times the amount of the fee applicable for that Band appearing in column 1 of the table in Part 1 of Schedule 5 specified in column 2 of that table.

(3) In all other cases, the amount of the fee shall be the fee applicable to the band appearing in column 1 of the table in Part 1 of Schedule 5 for the premises, determined in accordance with regulation 3, specified in column 2 of that table.

(4) Subject to paragraph (5), in the case of a premises licence authorising licensable activities to take place where the number of persons the holder of the licence may allow on the premises at the same time is 5,000 or more, the holder of the licence shall pay to the said authority an additional annual fee, the amount of which shall be the fee applicable to the range of number of persons within which falls the maximum number of persons the applicant so allows on the premises in column 1 of the table in Part 2 of Schedule 5 specified in column 2 of that table.

(5) Paragraph (4) does not apply where the premises in respect of which the premises licence has effect—

- (a) is a structure which is not a vehicle, vessel or moveable structure; and
- (b) has been constructed or structurally altered for the purpose, or for purposes which include the purpose, of enabling—
 - (i) the premises to be used for the licensable activities authorised by the licence,
 - (ii) the premises to be modified temporarily from time to time, if relevant, for the premises to be used for the licensable activities;

(iii) at least the number of persons the applicant proposes should, during the times when the licence authorises licensable activities to take place on the premises, be allowed on the premises, to be allowed on the premises at such times, and

(iv) the premises to be used in a manner which is not inconsistent with the licence.

(6) The fee determined under paragraphs (2), (3) or (4) shall become due and payable each year on the anniversary of the date of the grant of the premises licence.

(7) In this regulation “relevant premises” are premises which are exclusively or primarily used for the supply of alcohol for consumption on the premises.

PART 3

CLUB PREMISES CERTIFICATES

Fee to accompany application for grant or variation of club premises certificate

6.—(1) Subject to regulation 9, in respect of an application under section 71 (application for club premises certificate) or, subject to paragraph (2), section 84 (application to vary club premises certificate), the fee to accompany the application shall be the fee applicable to the band appearing in column 1 of the table in Schedule 2 for the premises to which the application relates, determined in accordance with regulation 3, specified in column 2 of that table.

(2) In respect of an application under section 84 made at the same time as an application under paragraph 14 of Schedule 8 to the Act, the requirement under paragraph (1) for a fee to accompany the application under section 84 does not apply.

Annual fee for club premises certificate

7.—(1) Subject to regulation 10, the club holding a club premises certificate shall pay to the relevant licensing authority an annual fee, the amount of which shall be the fee applicable to the band appearing in column 1 of the table in Part 1 of Schedule 5 for the premises, determined in accordance with regulation 3, specified in column 2 of that table.

(2) It shall be the responsibility of the secretary of a club holding a club premises certificate to discharge the duty imposed on the club in paragraph (1).

(3) The fee determined under paragraph (1) shall become due and payable each year on the anniversary of the date of the grant of the club premises certificate.

PART 4

PERMITTED TEMPORARY ACTIVITIES, PERSONAL LICENCES ETC

Fees for other applications and notices

8. In the case of an application or a notice listed in column 1 of the table in Schedule 6, a person making that application or giving that notice shall accompany it with a fee, the amount of which is specified in column 2 of that table.

PART 5

MISCELLANEOUS EXEMPTIONS

9.—(1) In respect of an application under section 17, section 34, section 71 or section 84 which relates to the provision of regulated entertainment only, no fee shall be payable and accompany the application or notice if the conditions of this regulation are satisfied in respect of that application or notice.

- (2) The conditions referred to in paragraph (1) are –
- (a) in the case of an application by a proprietor^(a) of an educational institution in respect of premises that are or form part of an educational institution—
 - (i) that the educational institution is a school or a college; and
 - (ii) the provision of regulated entertainment on the premises is carried on by the educational institution for and on behalf of the purposes of the educational institution; or
 - (b) that the application is in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.

10.—(1) The requirement under regulation 5(1) or 7(1), as the case may require, to pay to the relevant licensing authority an annual fee does not apply in a circumstance where on the date the fee shall become due and payable the conditions of this regulation are satisfied.

- (2) The conditions referred to in paragraph (1) are that—
- (a) the premises licence or club premises certificate, as the case may require, in respect of the premises to which it relates authorises the provision of regulated entertainment only; and
 - (b) either—
 - (i) the holder of the premises licence or club premises certificate referred to in paragraph (2)(a) is—
 - (aa) the proprietor of an educational institution which is a school or college; and
 - (bb) the licence or certificate has effect in respect of premises that are or form part of the educational institution; and
 - (cc) the provision of regulated entertainment on the premises is carried on by the educational institution for and on behalf of the purposes of the educational institution; or
 - (ii) that the premises licence or club premises certificate has effect in respect of premises that are or form part of a church hall, chapel hall or other similar building or a village hall, parish hall or community hall or other similar building.

20th January 2005

Andrew McIntosh
Minister of State
Department for Culture, Media and Sport

(a) see section 16(3) of 2003 c.17 for the definition of “proprietor”.

SCHEDULE 1

regulation 3

RATEABLE VALUES AND BANDS

<i>Column 1</i>	<i>Column 2</i>
<i>RATEABLE VALUE</i>	<i>BAND</i>
No rateable value to £4300	A
£4300 to £33,000	B
£33,001 to £87,000	C
£87,001 to £125,000	D
£125,001 and above	E

SCHEDULE 2

regulations 4(2), (3) and 6(1)

PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

<i>Column 1</i>	<i>Column 2</i>
BAND	FEE
A	£100
B	£190
C	£315
D	£450
E	£635

SCHEDULE 3

regulation 4(4)

ADDITIONAL FEE

<i>Column 1</i> Number	<i>Column 2</i> Additional fee
5,000 to 9,999	£1,000
10,000 to 14,999	£2,000
15,000 to 19,999	£4,000
20,000 to 29,999	£8,000
30,000 to 39,999	£16,000
40,000 to 49,999	£24,000
50,000 to 59,999	£32,000
60,000 to 69,999	£40,000
70,000 to 79,999	£48,000
80,000 to 89,999	£56,000
90,000 and over	£64,000

SCHEDULE 4

regulation 4(b)

VARIATION FEE IN TRANSITION

<i>Column 1</i> BAND	<i>Column 2</i> FEE
A	£20
B	£60
C	£80
D	£100
E	£120

SCHEDULE 5

regulation 5, 7

ANNUAL FEE

PART 1

<i>Column 1</i> BAND	<i>Column 2</i> FEE
A	£70
B	£180
C	£295
D	£320
E	£350

PART 2

<i>Column 1</i> Number	<i>Column 2</i> Additional fee
5,000 to 9,999	£500
10,000 to 14,999	£1,000
15,000 to £19,999	£2,000
20,000 to £29,999	£4,000
30,000 to £39,999	£8,000
40,000 to £49,999	£12,000
50,000 to £59,999	£16,000
60,000 to £69,999	£20,000
70,000 to £79,999	£24,000
80,000 to £89,999	£28,000
90,000 and over	£32,000

SCHEDULE 6

regulation 8

PERMITTED TEMPORARY ACTIVITIES, PERSONAL LICENCES
AND MISCELLANEOUS

<i>Column 1</i> Application or notice	<i>Column 2</i> Fee
section 25 (theft, loss, etc. of premises licence or summary)	£10.50
section 29 (application for a provisional statement where premises being built, etc.)	£315.00
section 33 (notification of change of name or address)	£10.50
section 37 (application to vary licence to specify individual as premises supervisor)	£23
section 42 (application for transfer of premises licence)	£23
section 47 (interim authority notice following death etc. of licence holder)	£23
section 79 (theft, loss etc. of certificate or summary)	£10.50
section 82 (notification of change of name or alteration of rules of club)	£10.50
section 83(1) or (2) (change of relevant registered address of club)	£10.50
section 100 (temporary event notice)	£21
section 110 (theft, loss etc. of temporary event notice)	£10.50
section 117 (application for a grant or renewal of personal licence)	£37
section 126 (theft, loss etc. of personal licence)	£10.50

section 127 (duty to notify change of name or address)	£10.50
section 178 (right of freeholder etc. to be notified of licensing matters)	£21

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the determination of the fees to accompany the making of applications and the giving of notices under the Licensing Act 2003 (c.17) (the Act) and the payment of those fees. Further, they make provision for the payment of annual fees in respect of premises licences and club premises certificates granted under the Act.

In particular, these Regulations provide for the manner in which premises are allocated to specific bands for the purposes of determining the appropriate level of fee to be paid when applying for a premises licence or club premises certificate and for variations of the licences and certificates by reference mainly to the non-domestic value of the premises (regulation 3 and Schedule 1).

The Regulations make provision for the fee levels in respect of applications for premises licences and identify circumstances in which a particular application in respect of premises in the higher bands attract a multiplier in respect of the fee and when an additional fee needs to be paid in respect of events where 5,000 or more people may attend the premises concerned (regulation 4 and Schedules 2 and 3). However, the Regulations disapply the requirement to pay the additional fee in respect of premises that are buildings when certain conditions are met (regulation 4(5)). In respect of an application to vary which is made at the same time as an application to convert existing licences to new premises licences under paragraph 2 of Schedule 8 to the Act, the Regulations provide for a reduced fee to be paid for the application to vary (regulation 4(6) and Schedule 4).

Provision is made for the payment of an annual fee and the timing of that payment in respect of premises licences and provides for multipliers to be applied to the fee in relation to premises in higher bands and for the payment of an additional fee where the premises accommodate 5,000 or more people at the same time (regulation 5 and Schedule 5). The requirement to pay an additional annual fee is disapplied in relation to premises that comprise a building if certain conditions are met (regulation 5(5)).

Similar provision is made in respect of applications for club premises certificates and variations of these, except that such applications do not attract multiplier fees or additional fees (regulation 6 and Schedule 2). Also, provision is made for the payment of an annual fee in respect of club premises certificates and the timing of that payment. A duty is placed on the secretary of a club to pay the fee on behalf of the club (regulation 7 and Schedule 5).

A number of fixed fees in relation to other applications made or notices given under the Act are provided for, for example in respect of the giving of a temporary event notice under Part 5 of the Act (regulation 8 and Schedule 6).

Exemption from the payment of an application fee is provided in respect of applications relating only to regulated entertainment made in respect of certain premises where conditions are met, these being schools and colleges where the school or college premises are used for the entertainment by the school or college on behalf of the school or college or the use of church halls, village halls and the like for the provision of entertainment (regulation 9). A similar exemption is provided from the requirement to pay an annual fee in these circumstances provided conditions are met at the time an annual fee falls due to be paid (regulation 10).

Fees to be paid in respect of applications under paragraphs 2 or 14 of Schedule 8 to the Act are provided in the Licensing Act 2003 (Transitional conversions fees) Order 2005 (S.I. 2005/80).

A Regulatory Impact Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies may be obtained from Alcohol and Entertainment Licensing Branch of the Department for Culture, Media and Sport, 3rd Floor, 2-4 Cockspur Street, London, SW1Y 5DH or viewed on the Department's website, www.culture.gov.uk

STATUTORY INSTRUMENTS

2005 No. 79

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