

2005 No. 80

LICENCES AND LICENSING

**The Licensing Act 2003 (Transitional conversions fees) Order
2005**

<i>Made</i> - - - -	<i>20th January 2005</i>
<i>Laid before Parliament</i>	<i>20th January 2005</i>
<i>Coming into force</i> - -	<i>7th February 2005</i>

The Secretary of State, in exercise of the powers conferred upon her by paragraphs 2(5) and 14(4) of Schedule 8 to the Licensing Act 2003(a), hereby makes the following Order:

**PART 1
GENERAL**

Citation and commencement

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

Interpretation

2.—(1) In this Order—

“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 this Order, a reference to—

(a) a paragraph in an article or Schedule, a Schedule or a Part is a reference to the paragraph in that article or Schedule, the Schedule or the Part in this Order; and

(b) a section shall be construed as a reference to the section in the Act.

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

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) In all other cases, the premises shall be in Band A.

(3) For the purposes of this article, 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 article, 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 conversion of existing licence

4.—(1) Subject to article 6, in respect of an application under paragraph 2 of Schedule 8 to the Act (application for conversion of existing licence), the fee to accompany the application shall be determined in accordance with the following provisions of this article.

(2) Subject to paragraph (4), in a case where the application under paragraph 2 of Schedule 8 to the Act 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 –

- (i) 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 Schedule 2 specified in column 2 of that table; and
- (ii) 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 Schedule 2 specified in column 2 of that table.

(3) Subject to paragraph (4), 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, during the times when the existing licence authorises licensable activities to take place on the premises, may allow 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 corresponding to the range of number of persons within which falls the maximum number of persons so allowed 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 existing licensable activities the existing licence or licences authorises or authorise,

- (ii) the premises to be modified temporarily from time to time, if relevant, for the premises to be used for the existing licensable activities referred to in the existing licence or licences;
- (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 existing licence or licences accompanying the application.

PART 3

CLUB PREMISES CERTIFICATES

Fee to accompany application for conversion of existing club certificate

5. Subject to article 6, in respect of an application under paragraph 14 of Schedule 8 to the Act (application for conversion of existing club 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.

PART 4

MISCELLANEOUS EXEMPTIONS

6.—(1) In respect of an application under paragraph 2 or 14 of Schedule 8 to the Act which relates to the provision of regulated entertainment only, no fee shall be payable and accompany the application if the conditions of this article are satisfied in respect of that application.

(2) The conditions referred to in paragraph (1) are –

- (a) in a case of an application by a proprietor^(a) of an educational institution in respect of premises that are or form part of the 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.

Andrew McIntosh
Minister of State

20th January 2005

Department for Culture, Media and Sport

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

SCHEDULE 1

article 3

RATEABLE VALUES AND BANDS

<i>Column 1</i>	<i>Column 2</i>
RATEABLE VALUE	BAND
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

article 4(2), (3), 5

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

article 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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the determination of the fees to be paid in respect of premises for the conversion of existing licences and registered certificates to new premises licences and club premises certificates under paragraphs 2 or 14 of Schedule 8 to the Licensing Act 2003 (c.17) (the Act).

Article 3 and Schedule 1 allocate premises to bands by reference to the non-domestic rateable value of premises and make provision about the relevant band in circumstances where the premises does not have a non-domestic rateable value and in other circumstances.

Articles 4 and 5 and Schedule 2 make provision for the level of fee to be paid by reference to the band in which the premises is allocated and, for conversions to premises licences only, for a multiplier to be applied to the fee for higher banded premises. Article 4(4) and Schedule 3 make provision for an additional fee to be paid in respect of a conversion to a premises licence where the number of persons the applicant allows on the premises at any one time is 5,000 or more (article 4(5) sets out circumstances in which this additional fee is not payable in respect of premises which comprise a building).

Article 6 makes provision for exemption from paying the fee in respect of applications to convert which relate to the provision of regulated entertainment only in specified circumstances. These relate to schools and colleges (defined in article 2) and to church halls, village halls and the like.

This Order does not make provision for any other fees payable in respect of applications made or notices given under the Act. In particular it does not make provision for the fee in respect of applications to vary under sections 34, 37 or 84 of the Act made at the same time as the applications to convert covered by this Order. All other such fees are provided for in the Licensing Act 2003 (Fees) Regulations 2005 (S.I. 2005/79).

A Regulatory Impact Assessment in relation to this Order has been placed in the libraries of both Houses of Parliament and copies may be obtained from the 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

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