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## 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

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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