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STATUTORY INSTRUMENTS

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**2005 No. 79**

**The Licensing Act 2003 (Fees) Regulations 2005**

**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.