

## Pricing overview

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Licensing Applications under the Licensing Act 2003



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## Introduction

The purpose of our pricing overview is to explain the pricing options available to you. Brachers is committed to transparency, being efficient in handling your work and providing you with what to expect, without fear of unpleasant surprises.

It is our goal to provide you with exceptional quality work and the personal attention you would expect.

Once you have chosen the pricing option that suits your needs best, this will provide us with clarity as to the scope of our engagement.

We look forward to working with you.

## Fee estimate

### Cost ranges

#### How it works

We offer a range of pricing options to businesses seeking advice, assistance and representation in relation to licensing applications for business premises.

The most common types of licensing applications that businesses seek assistance with are:-

1. The transfer of an existing Premises Licence (Section 42 of the Licensing Act 2003).
2. An application to vary the existing Premises Licence to change the Designated Premises Supervisor (DPS) (Section 37 of the Licensing Act 2003).
3. Application for Temporary Event Notice ("TENS") (Section 100 of the Licensing Act 2003).
4. Application for a new Premises Licence (Section 17 of the Licensing Act 2003).
5. Application to vary an existing Premises Licence (Section 34 of the Licensing Act 2003).

We therefore set out our indicative pricing for these matters. The cost ranges are based on our hourly rate charging basis. The full basis for this is set out in our terms and conditions document (available upon request).

Our current standard hourly rates for Licensing matters are:

Partner	£300.00 plus VAT
Associates	£230.00 - £245.00 plus VAT
Solicitors	£170.00 - £180.00 plus VAT
Trainee Solicitors	£120.00 - £140.00 plus VAT

### 1. Transfer of Premises Licence

We can assist you with an application to transfer an existing premises licence under the Licensing Act 2003 where the transfer of the licence merely changes the identity of the holder of the licence and does not affect the terms of the licence in any other way. This is usually a straightforward application which we can deal with for a fixed fee of £720.00 (including VAT but excluding disbursements).

This fee is made up of:-

- Legal fees £600.00
- VAT on legal fees (currently 20%) £120.00

#### Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as the application fee. We will pay the disbursements on your behalf to ensure a smooth process.

- Application fee (Payable to licensing authority) £23.00
- Special delivery fee to serve the application £6.00-£26.00 (depending upon weight)

The fee includes:

- Taking your instructions and advising you upon the licensing application process.
- Completing the application form for the transfer of premises licence in the prescribed form in accordance with your instruction.
- Submitting the application for transfer of premises licence to the local licensing authority.

- Preparing the necessary form of consent of the existing premises licence holder which must accompany the application together with the existing premises licence or if that is not practicable, a statement of the reasons for the failure to provide the licence.
- Providing guidance on the fee levels payable to the licensing authority.
- Preparing written notification of the application to be sent to the Chief Officer of Police for the Police area in which the premises are situated.
- If the Designated Premises Supervisor (DPS) is not changing to prepare written notification to the DPS of the application.
- Checking the licence once granted and correcting any errors with the Licensing Authority.

The fee does not include:

- Advising on varying the premises licence.
- Advising you upon plans or layout of the premises.
- Advising on suitability of the applicant or DPS or how you can promote the licensing objectives.
- Attending any pre-consultation meetings with the Licensing Authority or Responsible Authorities, nor their fee for any such meeting.
- Dealing with advising you in relation to queries or representations received from the Licensing Authority, Responsible Authorities or other interested parties.
- Attendance and representation at any meeting or hearing relating to the licensing application.
- Any interim authority notice or special arrangements for continuation of the licence pending determination of the application.

Timescales

Applications are usually submitted within one to two weeks of receiving full instructions from you. This is on the basis of the application being relatively straightforward and your being able to provide all necessary documents promptly. If your matter is more complex or there is a delay in receiving documents that we need, it may take longer.

Once the application is submitted there is a statutory minimum period of 14 days notification to the Chief Officer of Police to submit any objection.

The speed at which the Licensing Authority processes an application varies between licensing authorities and most likely will be 28 to 56 days after submission (but can take longer).

## 2. Application to vary Licence to specify individual as Premises Supervisor

We can assist you with an application to change the Designated Premises Supervisor (DPS) without any alteration to the existing premises Licence.

This is usually a straightforward Application which we can deal with for a fixed fee of £720.00 (including VAT but excluding disbursements).

This fee is made up of:-

- Legal fees £600.00
- VAT on legal fees (currently 20%) £120.00

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as the application fee. We will pay the disbursements on your behalf to ensure a smoother process.

- Application fee (Payable to licensing authority) £23.00
- Special delivery fee to serve the application £6.00-£26.00 (depending upon weight)

The fee includes:

- Taking your instructions and advising you upon the licensing application process.
- Completing the application form for the change of DPS in the prescribed form in accordance with your instruction.
- Submitting the application to the local licensing authority.
- Preparing the necessary form of consent of the existing DPS and premises licence holder which must accompany the application together with the existing premises licence or if that is not practicable, a statement of the reasons for the failure to provide the licence.
- Providing guidance on the fee levels payable to the licensing authority.
- Preparing written notification of the application to be sent to the Chief Officer of Police for the Police area in which the premises are situated.

- Checking the licence once granted and correcting any errors with the Licensing Authority.

The fee does not include:

- Advising on varying the premises licence.
- Advising you upon plans or layout of the premises.
- Advising on suitability of the applicant or DPS or how you can promote the licensing objectives.
- Attending any pre-consultation meetings with the Licensing Authority or Responsible Authorities, nor their fee for any such meeting.
- Dealing with advising you in relation to queries or representations received from the Licensing Authority, Responsible Authorities or other interested parties.
- Attendance and representation at any meeting or hearing relating to the licensing application.
- Any interim authority notice or special arrangements for continuation of the licence pending determination of the application.

Timescales

Applications are usually submitted within one to two weeks of receiving full instructions from you. This is on the basis of the application being relatively straightforward and your being able to provide all necessary documents promptly. If your matter is more complex or there is a delay in receiving documents that we need, it may take longer.

Once the application is submitted there is a statutory minimum period of 14 days notification to the Chief Officer of Police to submit any objection.

The speed at which the Licensing Authority process an application varies between licensing authorities and most likely will be 28 to 56 days after submission (but can take longer).

### 3. Temporary Event Notice (TEN)

The Licencing Act 2003 introduced a system of permitted temporary activities in relation to licensable activities and authorise the use of a Premises. No authorisation from the Licencing Authority is formally required for a temporary event, instead notice of the event is given to the Licencing Authority and the Police. It can allow an existing business premises with a Premises Licence

to utilise a Temporary Event Notice for a certain number of specified events, in effect supplementing the terms of an existing Premises Licence.

We carry out such work on our standard hourly rates which reflects the variable range of situations and circumstances for which such applications are made.

Our indicative cost is 2 to 5 hours of a partner's time, £600 - £1,500 plus VAT plus disbursements.

Disbursements

Disbursements are costs related to your matter that are payable to third parties, such as the application fee. We will pay the disbursements on your behalf to ensure a smoother process.

- Application fee (Payable to licensing authority) £21.00 per TEN

The fee includes:

- Taking your instructions and advising you upon the licensing application process.
- Completing the application for the TEN in the prescribed form in accordance with your instruction.
- Submitting the application to the Police and local licensing authority.
- Providing guidance on the fee levels payable to the licensing authority.

The fee does not include:

- Advising on varying the premises licence.
- Advising you upon plans or layout of the premises.
- Advising on suitability of the applicant or DPS/Personal Licence Holder or how you can promote the licensing objectives.
- Attending any pre-consultation meetings with the Licensing Authority or Responsible Authorities, nor their fee for any such meeting.
- Dealing with advising you in relation to queries or representations received from the Licensing Authority, Responsible Authorities or other interested parties.
- Attendance and representation at any meeting or hearing relating to the application.
- Any attendance at a hearing or dealing with objections raised.
- Having to deal with more than one Licencing Authority area.

## Timescales

Applications are usually submitted within one to two weeks of receiving full instructions from you. This is on the basis of your providing necessary documents promptly.

There are two types of TEN, a standard TEN and a late TEN. A standard notice must be given no later than 10 working days before the event to which it relates. A late TEN must be given not before 9 and not later than 5 working days before the event.

## Note:

- The use of TENs is limited. A maximum of 50 TENs per year can be issued for a personal licence holder and 5 TENs for non-personal licence holders.
- A personal licence holder may give 10 late TENs per calendar year. A non-personal licence holder may only give 2 late TENs per calendar year.
- The number of times a TEN may be given for any particular premises is 15 times in a calendar year.
- The maximum length of time a TEN may have effect is 168 hours or 7 days.
- The maximum total duration of periods authorised by TENs in relation to individual premises is 21 days in a calendar year.
- The maximum number of people attending at any one time must be less than 500 people.

## 4. [Application for a new Premises Licence under Section 17 of the Licensing Act 2003](#)

We conduct this type of work on an hourly rate charging basis. This is because premises vary in relation to their size, licensing objectives, Licensing Authority area and the licensable activities that are sought. To give an indication of potential overall costs for such applications we would anticipate the normal range of costs for such applications would be:

- Straightforward application: 10 to 15 hours of a Partner's time; £3,000.00 to £4,500.00 plus VAT plus disbursements
- Medium complexity: 20 to 25 hours of a Partner's time; £6,000.00 to £9,000.00 plus VAT plus disbursements
- High complexity: 40 to 60 hours of a Partner's time; £12,000.00 to £18,000.00 plus VAT plus disbursements

These are indicative costs only and we would provide you with a specific costs estimate for your matter. By way of example, in our experience a straightforward application would be a straightforward application for a new premises licence relating to off-licence sales for a shop or licence for alcohol only, with no entertainment or other licensable activities.

Medium complexity would reflect an application for more than one licensable activity i.e. sale of alcohol together with entertainment, late night refreshment or other activities. Such applications would be common for pubs, clubs, restaurants, clubhouses etc.

High complexity would be for larger premises, such as hotels, sports stadiums, event arenas, theatres or art venues. Complexity may also arise by reason of the location and the specific requirements of a Licensing Authority, where there is a cumulative impact policy in place, a residential area or subject to other licensing restrictions.

## Disbursements

Disbursements are costs relating to your matter which are payable to third parties, such as the application fees. We will pay disbursements on your behalf to ensure a smoother process. We would seek money on account of costs for disbursements in advance of them being incurred.

- Application fee (payable to Licensing Authority). *\* See Appendix attached.*
- Advertising fee: £100-£500 plus VAT (depending upon publication)
- Enquiry Agent fees to display public notices: £100-£500 plus VAT (depending upon size / location of premises)
- Special delivery fee serving application: £6.00-£26.00 (depending on weight).

The estimated disbursements vary depending on the individual premises and location. If a hearing is required it may be necessary to instruct counsel to represent you (at additional cost).

We will give you an accurate estimate for each item for your particular matter. In addition specialist copying charges in relation to plans may be necessary.

The fee includes:

- Taking your instructions and advising you as to how you can promote the licencing objectives within your application.
- Advising you as to the type of plans you are required to submit with your application.
- Completing the application form for a new premises licence in the prescribed form.
- Advising you upon the operating schedule, in accordance with your instructions and submitting the application to the local Licencing Authority.
- Providing guidance on the fee levels payable to the licencing authority for your application.
- Preparing copies of the premises licence application for disclosure to the Responsible Authorities, serving copies of the application on the Responsible Authorities.
- Drafting the notices advertising the application and submitting the notice to the local newspaper on your behalf.
- Arrange with you for the display of the notices advertising the premises licence application and advising as to where and how this should be done in order to comply with the requirements of the Licencing Act 2003.
- Provide a form for the Designated Premises Supervisor (DPS) to sign in order to give their consent to act as the DPS as part of your application.
- Checking the licence once granted and correct any errors with the Licencing Authority.

The fee does not include:

- Obtaining suitable plans.
- Attending pre-consultation meetings with the Licencing Authority or Responsible Authorities or their fee for such a meeting.
- Dealing with or advising you in relation to queries or representations received from the Licencing Authority, Responsible Authorities or other interested parties.
- Advising on varying the licence.
- Attendance and representation at a licencing sub-committee hearing of the Responsible Authority.
- If representations are received and attendance and representation at a licencing sub-committee is required then we will provide a separate fee estimate for this work which will be charged at an hourly rate or a disbursement cost of counsel.

Time Scales

Applications are usually prepared for submission within 2-4 weeks of receipt of full instructions from you. This is on the basis that you will provide the necessary documents promptly. If your matter is more complex, or if there is a delay in receiving documents from you that we need, then it may take longer.

Once the application is ready for submission to the Licencing Authority and Responsible Authorities there is a minimum consultation period. A notice must be displayed at or on the premises for a minimum of 28 consecutive days and an advert in the newspaper must be published in the vicinity of the premises.

Usually the application will be dealt with in the period of 2 months from date of submission to the Licencing Authority. However, this is subject to the administrative processes of each Licencing Authority (which vary considerably) and the availability for hearings, if required. Therefore the process can take several months longer (excluding any appeals process).

#### [5. Application to vary an Existing Premises Licence under Section 34 of the Licencing Act 2003](#)

A premises licence holder may apply to the Licencing Authority to vary an existing licence. Variations can include the opening times to the premises, changes to the physical shape of the premises covered by the licence, the license and activities or conditions attached to the licence.

Due to the wide variation in such applications we conduct such work and charge on a time spent basis at our hourly rates plus VAT.

Fee Estimate

The application process is similar to the application for a new premises licence. To give an indication of potential overall costs for such applications we would anticipate the normal range of costs for such applications would be:

- Straightforward application: 10 to 15 hours of a Partner's time; £3,000.00 to £4,500.00 plus VAT plus disbursements
- Medium complexity: 20 to 25 hours of a Partner's time; £6,000.00 to £9,000.00 plus VAT plus disbursements

- High complexity: 40 to 60 hours of a Partner's time; £12,000.00 to £18,000.00 plus VAT plus disbursements

These are indicative costs only and we would provide you with a specific costs estimate for your matter. By way of example, in our experience a straightforward application would be a straightforward application to vary the premises licence relating to alcohol sales only, with no entertainment or other licensable activities.

Medium complexity would reflect an application for more than one licensable activity i.e. sale of alcohol together with entertainment, late night refreshment or other activities.

High complexity would be for larger premises, such as hotels, sports stadiums, event arenas, theatres or art venues. Complexity may also arise by reason of the location and the specific requirements of a Licensing Authority, where there is a cumulative impact policy in place, a residential area or subject to other licensing restrictions.

#### Disbursements

Disbursements are costs relating to your matter which are payable to third parties, such as the application fees. We will pay disbursements on your behalf to ensure a smoother process. We would seek money on account of costs for disbursements in advance of them being incurred.

- Application fee (payable to Licensing Authority). \* See Appendix attached.
- Advertising fee: £100-£500 plus VAT (depending upon publication)
- Enquiry Agent fees to display public notices: £100-£500 plus VAT (depending upon size / location of premises)
- Special delivery fee serving application: £6.00-£26.00 (depending on weight).

The application fee is the same as for the grant of a new premises licence.

The estimated disbursements vary depending on the individual premises and location. If a hearing is required it may be necessary to instruct counsel to represent you (at additional cost).

We will give you an accurate estimate for each item for your particular matter. In addition specialist copying charges in relation to plans may be necessary.

The fee includes:

- Taking your instructions and advising you as to how you can promote the licencing objectives within your application.
- Advising you as to the type of plans you are required to submit with your application.
- Completing the application form for to vary the premises licence in the prescribed form.
- Advising you upon the operating schedule, in accordance with your instructions and submitting the application to the local Licencing Authority.
- Providing guidance on the fee levels payable to the licencing authority for your application.
- Preparing copies of the application for disclosure to the Responsible Authorities, serving copies of the application on the Responsible Authorities.
- Drafting the notices advertising the application and submitting the notice to the local newspaper on your behalf.
- Arrange with you for the display of the notices advertising the premises licence application and advising as to where and how this should be done in order to comply with the requirements of the Licencing Act 2003.
- Provide a form for the Designated Premises Supervisor (DPS) to sign in order to give their consent to act as the DPS as part of your application.
- Checking the licence once granted and correct any errors with the Licencing Authority.

The fee does not include:

- Obtaining suitable plans.
- Attending pre-consultation meetings with the Licencing Authority or Responsible Authorities or their fee for such a meeting.
- Dealing with or advising you in relation to queries or representations received from either the Licencing Authority, or Responsible Authorities or other interested parties.
- Attendance and representation at a licencing sub-committee hearing of the Responsible Authority.
- If representations are received and attendance and representation at a licencing sub-committee is required then we will provide a separate fee estimate for this work which will be charged at an hourly rate or a disbursement cost of counsel.



## Time Scales

Applications are usually prepared for submission within 2-4 weeks of receipt of full instructions from you. This is on the basis that you will provide the necessary documents promptly. If your matter is more complex, or if there is a delay in receiving documents from you that we need, then it may take longer.

Once the application is ready for submission to the Licencing Authority and Responsible Authorities there is a minimum consultation period. A notice must be displayed at or on the premises for a minimum of 28 consecutive days and an advert in the newspaper must be published in the vicinity of the premises.

Usually the application will be dealt with in the period of 2 months from date of submission to the Licencing Authority. However, this is subject to the administrative processes of each Licencing Authority (which vary considerably) and the availability for hearings, if required. Therefore the process can take several months longer (excluding any appeals process).

## Other Applications

There are other applications and matters under the Licencing Act 2003 that we can provide advice and assistance upon.

We can provide you with a separate estimate of costs in relation to those matters upon your enquiry.

Such matters include advice upon personal licence applications, an individual becoming a Designated Premises Supervisor, an application by a DPS to cease acting, interim applications, applications relating to the lapse of a licence on death, incapacity or insolvency, applications relating to Club Premises Certificates, minor variations of premises licences.

## Questions

If any of the information set out above is not clear or you think it is incorrect, please be sure to raise this or any other questions or concerns you have with us immediately.

## Useful websites

[www.brachers.co.uk](http://www.brachers.co.uk)

<https://www.gov.uk/government/publications/explanatory/memorandum-revised-guidance-issued-under-s-182-of-licencing-act-2003>

(Revised guidance issued under Section 182 of Licencing Act 2003 effective 6 April 2018)

<https://www.gov.uk/government/publications/premises-licence-application-forms>

## Contact



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Partner

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## Appendix

The fee levels (payable to the Licencing Authority) are set by the Licensing Act 2003 (Fees) Licencing Regulations 2005 (SI2005/79) (Fees Regulations).\*

The level of fee will depend on the rateable value of the premises. In certain circumstances a fee multiplier may also apply. Increased fees also apply to exceptionally large events.

Rate-able Value Bands	A No rate-able value to £4,300	B £4,301 to £33,000	C £33,001 to £87,000	D £87,001 to £125,000	E £125,001 and above
Main application fee	100	190	315	450	635
Main annual charge	70	180	295	320	350

The following multiplier is applied to premises in bands D and E where they are exclusively or primarily in the business of selling alcohol (mainly large town and city centre pubs).

Band	D (x2)	E (x3)
City/town centre pub application fee	900	1,905
City/town centre pub annual charge	640	1,050

That applies for both application fees and in relation to the annual charge.

The following additional fees are payable for exceptionally large events.

Number in attendance at any one time	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

## Other fees

Theft, loss etc of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£195.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Theft, loss etc of certificate or summary	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc to be notified of licensing matters	£21.00

Regulations 9 and 10 of the Fees Regulations make provision for exemption from fees in relation to the provision of regulated entertainment in schools, colleges, church and village halls and similar facilities. Please contact us for further information.

\*fees correct as at 1 December 2018