

## Licensing – our fees and services

The licensing team at Harrison Clark Rickerbys is uniquely positioned in that its team members include lawyers who have previously worked as in-house counsel for clients in this sector, senior licensing officers and lawyers within licensing authorities and the magistrate’s court. The team works closely with clients to provide clear practical advice and support.

### Our fees

Applications for new Premises Licenses and variations to existing premises licences will be charged based on the time that we spend working on the matter, at our hourly rates set out below, plus VAT and disbursements. The average cost for a new premises licence application under Section 17 Licensing Act 2003 or variation to an existing premises licence under Section 34 Licensing Act 2003 is:

Type	Factors	Cost
Simple application	<ul style="list-style-type: none"><li>• size, nature and type of the premises and the licensable activities proposed;</li><li>• location and whether the premises is located within a cumulative impact policy area where there is a rebuttable presumption against the grant of new premises licences or variation to existing licences or in a residential area.</li></ul>	£850 - £1250 plus VAT and disbursements
Medium complexity	<ul style="list-style-type: none"><li>• size, nature and type of the premises and the licensable activities proposed;</li><li>• location and whether the premises is located within a cumulative impact policy area where there is a rebuttable presumption against the grant of new premises licences or variation to existing licences or in a residential area.</li></ul>	£1250 – £1500 plus VAT and disbursements
High complexity	<ul style="list-style-type: none"><li>• size, nature and type of the premises and the licensable activities proposed;</li><li>• location and whether the premises is located within a cumulative impact policy area where there is a rebuttable presumption against the grant of new premises licences or variation to existing licences or in a residential area.</li></ul>	£1500 – 2500+ plus VAT and disbursements

Our hourly rates range from £145 an hour to £295 an hour depending on the level of legal advice required, the standard rate applies unless we notify you otherwise in advance.

## 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.

The fee payable (to licensing authority) for applications depends upon the rateable value of the premises and ranges between £100 - £1905\*.

Band	A	B	C	D	E
Non-domestic rateable value	£0 -£4,301	£4,301 £33,000	£33,001 - £87,000	£87,001 - £125,000	£125,001 and over
Fee	<b>£100</b>	<b>£190</b>	<b>£315</b>	<b>£450</b>	<b>£635</b>

If premises fall within Band D or E, and are used exclusively or primarily for supply of alcohol for consumption on the premises, then a multiplier applies:

Band D x 2 = £900

Band E x 3 = £1,905

Additional fees will be applied for premises with a capacity exceeding 5,000.

Advertising fee £150 to £550 plus VAT\*

Enquiry agent fees to display public notices £100 –250 plus VAT\* (We often work with applicants and advise them personally how to display public notices at the premises to meet the application requirements, resulting in no additional cost).

\*These fees vary depending on the individual premises and where it is located. The fees can on occasion be higher than the ranges given above. We will give you an accurate figure for each item as soon as we are able to do so.

### Fee includes:

- Taking your instructions and advising you as to how you can promote the licensing objectives within your application.
- Advising you on the type of plans you are required to submit with your application.
- Completing the application form for a new premises licence or variation (including the operating schedule) in accordance with your instructions and submitting this to the local licensing authority alongside suitable plans. You must provide suitable plans.
- Providing guidance on the fee levels payable to the licensing authority.
- Preparing copies of the premises licence application for disclosure to the responsible authorities and serving copies of the application on the responsible authorities.

- Drafting the notices advertising the premises licence application/premises licence variation and arranging advertisement of the notice in a local newspaper.
- Arranging with you for you to display the notice(s) advertising the premises licence application and advising as to where and how this should be done by you in order to comply with the requirements of the Licensing Act 2003 OR instructing enquiry agents to do this on your behalf.
- For new premises licence applications, providing a Designated Premises Supervisor (DPS) consent form for signature by a personal licence holder proposed by yourself.
- Checking the licence, once granted, and correcting any errors with the licensing authority.

The fee does not include:

- obtaining suitable plans
- attending pre-consultation meetings with the Licensing Authority or Responsible Authorities, nor their fee for this meeting.
- dealing with, or advising you in relation to, queries or representations received from either the responsible authorities or other interested parties
- attendance and representation at a licensing sub-committee hearing of the responsible authority. If representations are received and attendance and representation at a licensing sub-committee is required, then we will provide a separate fee estimate for this work which will be charged at an hourly rate.

### Timescale

Matters usually take between 28 and 56 days from receipt of full instructions from you. This is on the basis of the application being relatively straightforward and you being able to provide all the necessary documents promptly. If your matter is more complex, for example, if there is substantial opposition from interested parties, or if there is a delay in receiving the documents we need, it may take longer.

### Our services

Licensing of premises for the sale of alcohol, regulated entertainment and late night refreshment under the Licensing Act 2003 for multiple and individual operators:

- **Grant/variation of premises licences**, often in areas where cumulative impact policies apply in circumstances where there is a rebuttable presumption against grant;
- **Day to day management of licensed premises** on behalf of client's with national estates ranging in size from 10 to over 450 premises (DPS variations, Transfers & Personal licence applications)
- **Review proceedings** – often following serious incidents of crime and disorder associated with late night entertainment premises;
- **Premises licence appeals**
- **Investigations/prosecutions** for breaches of the Licensing Act 2003 – e.g. Underage sales, unauthorised sales of alcohol, breach of conditions, etc.

### Licensing of Sexual Entertainment Venues (SEV)

- Applications for grant of SEV licences (applying for and opposing applications)
- Magistrates Court Appeals & Judicial Review proceedings

### Gambling Act 2005:

- Applications for remote and non-remote **Operating Licences**;
- Applications for **Premises Licences**;
- General betting and gaming **regulatory compliance** to include lotteries, prize draws, raffles, etc.

### Regulatory compliance/enforcement:

- **investigations, interviews** under caution **and prosecutions** in respect of the following:
  - Licensing Act 2003 and Gambling Act 2005
  - Health & safety
  - Fire Safety
  - Food Safety
  - Weights & Measures/Trading Standards
  - Noise abatement appeals & prosecutions.

### Security Industry Authority licences and appeals

## Our team

### Heath Thomas – Partner, Head of Licensing, Regulatory and Tax – Qualified 1996

Heath is head of the Licensing & Regulatory team and has over 22 years' experience in the licensing sector, with particular experience of Licensing Act 2003 proceedings, including contested applications for grant of new licences and reviews of premises licences arising from issues of crime and disorder and/or public nuisance. Heath is an experienced advocate and regularly appears before licensing committees throughout England & Wales.

### **Kamal Chauhan – Partner, Health & Safety with Licensing and Regulatory team – Qualified 2006**

Since qualifying 14 years ago Kamal has provided specialised legal advice, covering civil and criminal law for global businesses', some of whom were being investigated or prosecuted for breaches of health, safety and environmental legislation. Specific examples of work include advising on contentious matters with a particular focus on corporate manslaughter and gross negligence manslaughter matters.

### **Stewart Wright – Consultant – Qualified 1989**

Stewart has over 26 years' experience in licensing matters, including taxi licensing and Licensing Act 2003 matters. He has been a senior lawyer in local government advising the licensing authority and licensing committees in hearings as well as acting as advocate in their appeals. He is an expert in taxi licensing matters as well as the Licensing Act 2003

### **Neil Styles – Licensing Manager – Working on licensing matters since 2004**

Neil Styles, formerly a senior licensing clerk at Birmingham Magistrates Court, has over 24 years' experience in licensing gained in both the public and private sector.