



Transparency in pricing

Licensing Applications

Applications in relation to businesses under the
Licensing Act 2003

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Birkett Long LLP is committed to providing clarity in its pricing and service in accordance with the SRA Transparency Rules.

Applications in relation to businesses under the Licensing Act 2003

If you are planning to sell or supply alcohol, provide regulated entertainment or supply late night refreshments you need to apply for a licence to do that activity under the Licensing Act 2003.

The sale or supply of alcohol includes both on-sales (pubs, bars, restaurants), and off-sales (off-licences, supermarkets, convenience stores) as well as registered clubs (where alcohol is supplied). In addition to requiring a premises licence for the sale of alcohol, individuals may also be required to obtain a personal licence.

The provision of regulated entertainment is defined as specific activities that take place in the presence of an audience for the entertainment of that audience and are provided with a view to profit. Licensable activities are likely to include plays, films, indoor sporting events, boxing and wrestling, live and recorded music, entertainment similar to music and dance, late night refreshments as well as the sale and supplies of alcohol.

The provision of late-night refreshment is the sale of hot food and/or hot (non-alcoholic) drink whether for consumption on or off the premises (this includes mobile units and stalls) to the public between 11pm and 5am. This includes takeaways, restaurants and petrol stations that sell hot food.

Authorisation to carry out some or all these licensable activities is contained in a single premises licence, club premises certificate or temporary event notice. This is issued by the licensing authority and authorises the premises or location where the activity is to take place. These licences may be permanent, for a limited period, or for one-off events.

Who will handle my case?

All licensing application matters are dealt with by an experienced solicitor within our firm's Regulatory Law Team, namely:

- Tej Thakkar, Head of our Regulatory Law Team, who qualified as a solicitor in 2014; and / or
- Zoe Hosking, who qualified as a solicitor in 2018.

The solicitors in our Regulatory Team are directly supervised by Timothy Field, Partner and Business Team leader, who was admitted as a solicitor in 2016. You can view their respective profiles on our website, www.birkettlong.co.uk, including details of their areas of expertise.

Hourly Rate:

The work we undertake for and on your behalf will be charged at an hourly rate (determined by the level of the particular fee earner undertaking the work) unless we alternatively agree a fixed fee with you and or as otherwise specified herein. The **hourly rates applied for work undertaken in relation to licensing applications currently ranges from between £230 plus VAT and £300 plus VAT (totalling between £276 and £360 per hour) and disbursements.**

Initial Fixed Fee Consultation:

We are not able to provide any advice without charge. However, we offer an initial consultation package to new clients at a **fixed fee in the sum of £300 plus VAT (totalling £360)**. This will enable you to spend up to 90 minutes with you during a scheduled meeting at our office (Colchester, Chelmsford, Basildon, or London), by telephone or video meeting, or email.

If you wish to proceed, then we request full payment in the total sum of £360 to be made prior to commencement of the initial consultation. We can accept payment by electronic transfer, credit/ debit card or cash.

This payable fee only covers the initial meeting. In our experience, some clients find the advice they receive at the initial consultation meeting is sufficient to enable them to progress their respective application themselves without needing further input from us. Likewise, other clients require us to deal with the application process on their behalf.

If you require us to undertake further work on behalf of your business in respect of a new application, or to vary an existing application, and wish to instruct us to undertake such work we will usually be able to give you a costs estimate at our meeting.

Range of Fees:

If you are planning to apply for a Premises Licence to carry out licensable activities, or vary an existing Premises Licence, our fees for advising on the application and processing the application with the Licensing Authority will depend on a number of factors. Normally **our fee is in the range £1,000 plus to £2,000 plus VAT and disbursement** (below) depending on the level of complexities involved.

Our fee will include:

- Taking your instructions.
- Advising you as to how you can promote the licensing objectives within your premises licensing application.
- Advising you as the type of plans you are required to submit with your application.
- Completing the application form for a new premises licence (including the operating schedule) in accordance with your instructions and submitting this to the relevant Licensing Authority alongside suitable plans.
- Providing guidance on the fee levels payable to the licensing authority.
- Serving full copies of the application on the responsible authorities.
- Drafting the notices advertising the premises licence application and submitting the notice to the 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.
- 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.

Fees in the range will not ordinarily 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.
- Advising on future variations to the licence where the application is for a new Premises Licence.
- 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 unless a fixed fee is agreed with you in advance.

Disbursements:

Disbursements are costs directly related to your case that are payable to third parties or otherwise incurred by us on your behalf. We require advance payment of all disbursements and will then make payment of the disbursement on your behalf to ensure a smoother process. The disbursements that are likely to arise in applications for a Premises Licence (or variation) and are not included in the range of fees set out herein are:

- Petrol expenses for return journeys to premises location as required (which are charged at the rate of £0.45 per mile plus VAT), or where appropriate alternative and incidental costs relating to parking, train, and taxi fares.
- Application fee (payable to licensing authority) which varies depending on the rateable value of the premises concerned.
- Advertising fee, which will vary depending on the newspaper used.
- Enquiry agent fees to display public notices notwithstanding you may be able to put these notices up yourself.
- Any postal fees to serve the application in a tracked or recorded way.
- Printing additional copies of plans if necessary.

These fees vary depending on the individual premises and where it is located. We will give you an accurate figure for each item as soon as we are able to do so.

How long will my application take?

It is difficult to provide an accurate estimate of the period of time that is taken to process your application. The amount of time will depend on what, if any, liaison is required with both the responsible and Licensing authorities. You have to advertise the application at the premises for at least 28 consecutive days starting on the day after the day notice was given to the licensing authority.

Normally applications can be processed within 1 to 2 months of us receiving full instructions assuming there are no representations causing the application to be referred to the licensing committee. 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 of course take longer.