



Licensing Act 1964

1964 CHAPTER 26

PART VI

NEW TOWNS

108 Committee to determine distribution of licensed premises in new town

- (1) For the purpose of determining the number, nature and distribution of licensed premises in new towns there shall be a committee for each new town or, if it appears to the Secretary of State that by reason of the proximity of any two new towns it is expedient that one committee should be constituted for them and the Secretary of State by order so directs, for those two new towns.
- (2) It shall be the duty of every such committee to consider from time to time, having regard to the existing circumstances of the area for which the committee is constituted and of the proposed development of that area, what licensed premises the area requires, what accommodation and amenities should be provided in those premises and what facilities should be available in them for obtaining both intoxicating liquor and meals and other refreshments, including the provision of accommodation in which beverages other than intoxicating liquor may be consumed and in which the consumption of intoxicating liquor is prohibited.
- (3) Such committees shall be constituted and their procedure regulated in accordance with Schedule 10 to this Act.
- (4) Where a committee is constituted for two new towns, references in this Part of this Act and in Schedule 10 to this Act to the area for which the committee is constituted shall be construed as references to the aggregate of the areas of the new towns.

109 Formulation and submission to Minister of proposals by committee

- (1) In the light of its consideration of the matters mentioned in subsection (2) of section 108 of this Act, a committee constituted under that section shall from time to time formulate proposals specifying—

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- (a) the places in the area for which the committee is constituted at which licensed premises should be established ; and
 - (b) what description of excise licence for the sale of intoxicating liquor should be authorised to be held for each of the licensed premises established in accordance with the proposals.
- (2) Any such proposals shall contain supplementary provisions for the type of accommodation, amenities and services to be provided in premises which are or include such licensed premises, including, unless the committee in any particular case otherwise decides, provision for the service of meals and of refreshments other than intoxicating liquor.
- (3) The committee shall submit proposals formulated under this section to the Minister, together with such plans and other matter explanatory of the nature and effect of the proposals as the committee thinks fit or the Minister may in any particular case require.
- (4) Where a committee has submitted proposals to the Minister under this section it shall publish by advertisement, in each of two successive weeks, in one or more local newspapers circulating in the area for which the committee is constituted, and may publish in such manner as it may determine, a notice that it has submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Minister may be seen at all reasonable hours, and stating the time, which shall not be less than twenty-eight days, within which and the manner in which objections to the proposals may be made to the Minister.

110 Objections to and confirmation of proposals and power to revoke or vary

- (1) If no objection to proposals submitted under section 109 of this Act is made to the Minister within the time and in the manner stated in the notice published under subsection (4) of that section, or if all objections so made are withdrawn, the Minister may confirm the proposals.
- (2) If objection is made as mentioned in subsection (1) of this section and not withdrawn, the Minister shall afford to any person making an objection an opportunity of appearing before and being heard by a person appointed for the purpose by the Minister or, if it appears to him that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause such an inquiry to be held; and after considering any objection not withdrawn and the report of the person before whom the objector appeared or of the person holding the inquiry, as the case may be, the Minister may confirm the proposals.
- (3) Subsections (2) to (5) of section 290 of the Local Government Act 1933 (which relate to the summoning of witnesses and the production of documents before, and the costs incurred at, local inquiries under that section) shall apply to an inquiry held under this section as they apply to inquiries held under that section, but with the substitution for references to a department of references to the Minister.
- (4) The power of the Minister under this section to confirm proposals shall include power—
- (a) where the proposals relate to the establishment of licensed premises at more than one place, to confirm the proposals, but without prejudice to the next following paragraph, so far as they relate to one or some only of the places in question;

- (b) to confirm the proposals subject to modifications so far as they relate to the situation of proposed licensed premises;
- (c) to confirm the proposals subject to the modification of any supplementary provisions contained in the proposals or to the addition of any supplementary provisions that the committee could have included in the proposals;

and references in this Part of this Act to proposals that have been confirmed shall be construed accordingly.

- (5) Proposals of a committee under section 109 of this Act may be varied or revoked by subsequent proposals formulated by the committee and submitted to and confirmed by the Minister in like manner as the original proposals; and references in this Part of this Act to proposals under that section that have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation or revocation of them.

111 Grant of new licences and removals in new towns

- (1) Where application is made for the grant of a new justices' licence for, or for the removal of a justices' licence to, premises in a new town which are situated in a place specified in that behalf by proposals under section 109 of this Act that have been confirmed, then, if the effect of the grant would be that the premises would be licensed in accordance with the proposals, the licensing justices shall make the grant if they are satisfied that—
 - (a) the premises are fit and convenient for the purpose; and
 - (b) the applicant is not disqualified by this or any other Act for holding a justices' licence and is in all other respects a fit and proper person to hold a justices' licence; and
 - (c) effect has been or will be given to any supplementary provisions contained in the proposals.
- (2) Where an application such as is mentioned in subsection (1) of this section is for the provisional grant under section 6(1) of this Act of a new licence or of the removal of a licence, paragraph (a) of subsection (1) of this section shall have effect as if the reference to the premises were a reference to them as they would be if constructed in accordance with the plans submitted to the justices.
- (3) Subsections (5) and (6) of section 6 of this Act shall not apply to any such application as is mentioned in subsection (1) of this section for the provisional grant of a licence.
- (4) Nothing in this section shall limit the powers and duties of licensing justices to impose conditions on the grant of a new justices' licence.

112 Restriction on grant or variation of justices' licence for premises in new towns

- (1) The provisions of subsection (2) or subsection (3) of this section have effect with respect to the grant of new justices' licences, other than Part IV licences, for premises in new towns, and the removal of justices' licences to such premises, as follows:—
 - (a) subsection (2) applies where—
 - (i) the licence is a justices' on-licence and the premises are not on-licensed premises, or
 - (ii) the licence is a justices' off-licence and the premises are not licensed premises ;

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- (b) subsection (3) applies where—
 - (i) the licence is a justices' on-licence and the premises are on-licensed premises ; or
 - (ii) the licence is a justices' off-licence and the premises are licensed premises;

but the effect of the grant or removal would be to add to the descriptions of intoxicating liquor authorised to be sold in the premises or to abolish a limitation that intoxicating liquor should only be sold for consumption with a meal in a restaurant.
- (2) Where this subsection applies the new licence or removal shall not be granted unless—
 - (a) the premises are situated in a place specified in that behalf by proposals under section 109 of this Act that have been confirmed; and
 - (b) the effect of the grant would be that the premises would be licensed in accordance with the proposals; and
 - (c) the licensing justices are satisfied that effect has been or will be given to any supplementary provisions contained in the proposals.
- (3) Where this subsection applies the new licence or removal shall not be granted unless the committee constituted under section 108 of this Act for the new town notifies the licensing justices that it has no objection to the grant.
- (4) A justices' licence for premises in a new town shall not be varied under section 37 of this Act so as to add to the descriptions of intoxicating liquor authorised to be sold in the premises unless the licensing justices are satisfied that the committee constituted for the new town under section 108 of this Act has no objection to the variation.
- (5) In this section " on-licensed premises " means premises for which a justices' on-licence is in force; and in determining for the purposes of this section whether any premises are on-licensed premises or licensed premises, a justices' licence for the premises shall be treated as being in force if it would be in force but for the fact that its grant for or removal to the premises was provisional and has not been declared final.

113 Temporary licensed premises

- (1) Proposals under section 109 of this Act may include provision whereby during such period (in this section referred to as " the interim period ") as may be specified in the proposals subsection (2) of this section shall apply to any place specified in the proposals for the situation of licensed premises.
- (2) While, by virtue of proposals under section 109 of this Act that have been confirmed, this subsection applies to any place, premises situated at that place shall not be treated for the purposes of section 4(2) or section 5(4) of this Act as not being structurally adapted to the class of licence required or, as the case may be, to the licence by reason only of the materials of which the premises are constructed or to be constructed or of the fact that the premises were constructed or have been used for other purposes.
- (3) Nothing in subsection (2) of this section shall require justices to grant a new justices' licence for, or the removal of a justices' licence to, premises situated at the said place if in their opinion the premises are not proper to be used for the purpose.
- (4) Where licensing justices grant a new justices' licence or the removal of a justices' licence by virtue of subsection (2) of this section they shall certify that they have so granted it; and unless a licence so granted is previously removed, otherwise than by

virtue of that subsection, to other premises at the same place or removed to premises at a different place, it shall become void on the expiry of the interim period.

- (5) Where proposals under section 109 of this Act include such provision as is authorised by subsection (1) of this section, proposals of the committee for other places at which licensed premises should be established may include provision whereby the proposals shall not have effect until the expiry of the interim period or such earlier date as the committee may from time to time determine.

114 Membership of committee not to disqualify licensing justice

A person shall not be disqualified for acting as a licensing justice in relation to any matter by reason only that, as a member of a committee constituted under section 108 of this Act, he was concerned with the matter in question.

115 Development corporation to provide services for, and pay expenses of, committee

- (1) The development corporation for the new town for which a committee is constituted under section 108 of this Act shall provide for the committee such accommodation and secretarial and other services as may be requisite for enabling the committee to exercise its functions, and shall pay any expenses incurred by the committee in the exercise of its functions or in the payment of travelling and other allowances to its members, so far as those expenses are incurred with the agreement of the development corporation or, in default of such agreement, with the approval of the Secretary of State; and any such agreement or approval may be given either before or after the expenses are incurred.
- (2) Where a committee is constituted for two new towns—
- (a) the accommodation and services mentioned in subsection (1) of this section shall be provided by such one of the development corporations concerned, or partly by one and partly by the other, as the corporations may from time to time agree or, in default of agreement, as the Secretary of State may determine ; and
 - (b) the expenses mentioned in that subsection shall be defrayed by the development corporations in such proportions as may be so agreed or determined;

and references in that subsection to the development corporation shall be construed accordingly.

116 Effect of transfer of development corporation's property to Commission for the New Towns

- (1) The following provisions of this section shall apply on the coming into operation of an order under section 6 of the New Towns Act 1959 providing in relation to any new town for a transfer of the development corporation's property to the Commission for the New Towns.
- (2) If under section 108 of this Act a committee was constituted for that new town only, the committee shall cease to exist.
- (3) If under the said section 108 a committee was constituted for that and another new town—
- (a) the committee shall cease to exercise its functions as respects the first-mentioned new town, and thereafter this section shall apply as if under the

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said section 108 the committee had been constituted for the said other new town only ; and

- (b) the Secretary of State shall vary any order made by him under that section in such manner as appears to him requisite in consequence of the coming into operation of the order mentioned in subsection (1) of this section.
- (4) Sections 111 and 112 of this Act shall cease to apply to the new town, but without prejudice to the operation of the said section 111 as respects any application made before the date on which the order mentioned in subsection (1) of this section came into operation or made at the licensing sessions next held after that day.

117 Meaning of "new town" and effect of revocation or variation of order designating site of proposed new town

- (1) In the foregoing provisions of this Part of this Act " new town " means an area designated as the site of a proposed new town under section 1 of the New Towns Act 1946 by an order that has become operative.
- (2) If an order designating the site of a proposed new town is revoked, section 116 of this Act shall with the necessary modifications apply as if at the time of the revocation of the order an order had come into force under section 6 of the New Towns Act 1959 providing in relation to the new town for a transfer of the development corporation's property to the Commission for the New Towns.
- (3) Where, by reason of the variation of an order designating the site of a proposed new town, land ceases to be comprised in such a site, the variation shall not affect the operation of section 111 of this Act as respects an application made before the variation took effect or at the next licensing sessions held thereafter, but the land excluded from such a site by the variation shall not otherwise be treated for the purposes of this Part of this Act as comprised in a new town.