



# Licensing (Scotland) Act 1976

## 1976 CHAPTER 66

### PART IV

#### NEW TOWNS

#### **47 Committee to determine distribution of licensed premises in new towns**

- (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) Such committees shall be constituted, and their procedure shall be regulated, in accordance with the provisions of Schedule 3 to this Act.
- (3) The proceedings of such a committee shall not be invalidated by reason of any vacancy in the committee or any defect in the appointment of a member of the committee.
- (4) The development corporation for the new town for which such a committee are constituted shall provide for the committee such accommodation and secretarial and other services as may be requisite for enabling the committee to exercise their functions, and the development corporation shall defray any expenses incurred by the committee in connection with the exercise of the committee's functions or in the payment of travelling and other allowances to members of the committee, being expenses incurred with the agreement of the development corporation given either before or after the incurring of the expenses or, in default of such agreement, with the approval of the Secretary of State.
- (5) Where a committee are constituted for two new towns, the accommodation and services mentioned in subsection (4) above 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 such agreement, as the Secretary of State may determine; and 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.

- (6) Where a committee are constituted for two new towns, references in this Part of this Act and in Schedule 3 to this Act to the area for which the committee are constituted shall be construed as references to the aggregate of the areas of the said new towns.
- (7) An order under this section or the said Schedule may be varied or revoked by a subsequent order made thereunder.

#### **48 General duties of committee**

It shall be the duty of every committee constituted under section 47 of this Act, to consider from time to time, having regard to the existing circumstances of the area for which the committee are constituted and to the proposed development of that area, the requirements of the area as respects licensed premises, the accommodation and amenities which should be provided thereat and the facilities which should be available thereat for obtaining both alcoholic liquor and meals and other refreshments, including the provision of accommodation for the consumption therein of beverages other than alcoholic liquor and in which the consumption of alcoholic liquor is prohibited.

#### **49 Submission and approval of proposals by committee**

- (1) In the light of their consideration of the matters mentioned in section 48 of this Act, a committee constituted under section 47 of this Act shall from time to time formulate proposals specifying the places in the area for which the committee are constituted at which licensed premises should be established; and the proposals shall specify the way in which any licensed premises established in accordance with the proposals should be licensed, and shall contain provisions (in this Part of this Act referred to as " supplementary provisions ") as to the type of accommodation, amenities and services to be provided in premises being or comprising any such licensed premises, including, unless the committee in any particular case otherwise decide, provisions for the service of meals and of refreshments other than alcoholic liquor.
- (2) References in this Part of this Act to specifying the way in which licensed premises should be licensed are references to specifying—
  - (a) what type of licence should be granted in respect of the premises, and
  - (b) what descriptions of alcoholic liquor should be authorised to be sold under that licence,
 and references in this Part of this Act to the licensing of premises in accordance with proposals shall be construed accordingly.
- (3) The committee shall submit proposals formulated under this section to the Secretary of State, together with such plans and other matter explanatory of the nature and effect of the proposals as the committee think fit or the Secretary of State may, in any particular case, require.
- (4) Where a committee have submitted proposals to the Secretary of State under this section, they shall publish by advertisement in each of two successive weeks in one or more local newspapers circulating in the area for which the committee are constituted, and may publish, in such further manner as the committee may determine, a notice that they have submitted the proposals, naming a place at which copies of the proposals and of the plans and explanatory matter submitted to the Secretary of State may be seen at all reasonable hours, and stating the time, not being less than 28 days, within which

and the manner in which objections to the proposals may be made to the Secretary of State.

- (5) If no objection to the proposals is made to the Secretary of State within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the Secretary of State may, if he thinks fit, confirm the proposals, but, if objection is so made and not withdrawn, he 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 Secretary of State or, if it appears to the Secretary of State that the matters to which the objection relates are such as to require investigation by public local inquiry, he shall cause a public local 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, he may confirm the proposals.
- (6) Subsections (2) to (8) of section 210 of the Local Government (Scotland) Act 1973 (which relate to local inquiries held under that section) shall apply to an inquiry held under this section as they apply to inquiries held under that section.
- (7) The Secretary of State shall, before confirming any proposals submitted to him under this section, consult with the district planning authority.
- (8) The power of the Secretary of State under subsection (5) above 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 which the committee could have included in the proposals;

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

- (9) Proposals of a committee under this section may be varied or revoked by subsequent proposals formulated by the committee and submitted to and confirmed by the Secretary of State in like manner as the original proposals ; and references in this Part of this Act to proposals under this section which 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.

## **50 Grants of new licences and renewals in new towns**

- (1) Where application is made under Part II of this Act for the grant of a new licence for any premises in a new town, being premises situated in accordance with proposals under section 49 of this Act which have been confirmed, or for the renewal of a licence granted in respect of such premises, then if the effect of the grant or renewal would be that the premises would be licensed in accordance with the proposals and if the licensing board is satisfied—
  - (a) that the premises are fit and convenient for the purpose, or in the case of an application for the provisional grant of a new licence or for the renewal of such a provisional grant, that if the premises had been actually constructed in

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*Status: This is the original version (as it was originally enacted).*

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accordance with the plans submitted to the licensing board they would be fit and convenient as aforesaid;

- (b) that the applicant is not disqualified by or under this or any other enactment for holding a licence and is a fit and proper person to hold a licence, and
- (c) that effect has been or will be given to any supplementary provisions contained in the proposals,

the board shall grant the application.

- (2) An application for a new licence made as mentioned in subsection (1) above shall not be entertained by a licensing board unless there are produced to the board, in accordance with the provisions of section 23 of this Act, certificates from the appropriate authority as to the suitability of the premises for which the licence is sought, in relation to planning, building control and food hygiene, and an application for the renewal of a licence under that subsection shall not be entertained unless there is produced to the board, in accordance with section 24(1) of this Act, a certificate as to the suitability of the premises in relation to food hygiene.
- (3) Before granting or renewing a licence for any premises in a new town, the licensing board shall consult the fire authority for the area.
- (4) It shall not be lawful for a licence to be granted in respect of any premises in a new town which are not licensed at the time of the application for such grant unless—
  - (a) the premises are situated in accordance with proposals under section 49 of this Act which 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 board is satisfied that effect has been or will be given to any supplementary provisions contained in the proposals.
- (5) It shall not be lawful—
  - (a) for a licence of a type different from the type of the subsisting licence ; or
  - (b) for a licence the effect of which would be to add to the descriptions of alcoholic liquor authorised to be sold on the premises ; or
  - (c) for a licence other than a six day licence, where the subsisting licence is a six day licence,

to be granted in respect of any premises in a new town which are licensed at the time of the application for such grant unless the committee constituted under section 47 of this Act for the new town notify the licensing board that the committee have no objection to the grant.
- (6) A licensing board shall attach to any licence granted by it in respect of premises in a new town such conditions, including conditions as to the type of alcoholic liquor which may be sold in the premises, as are necessary for the purpose of implementing proposals confirmed by the Secretary of State under section 49(5) of this Act, and the holder of the licence or his employee or agent shall be guilty of an offence if he commits a breach of any such condition.

## **51 Dissolution of development corporation**

On the coming into operation of an order under section 36(1) of the New Towns (Scotland) Act 1968 providing for the winding up and dissolution of the development corporation for any new town—

- (a) if under section 47 of this Act, a committee were constituted for that new town only, the committee shall cease to exist;
- (b) if under the said section 47 a committee were constituted for that and another new town, the committee shall cease to exercise their functions as respects the first-mentioned new town, and thereafter this section shall apply as if under section 47 of this Act the committee had been constituted for the said other new town only, and the Secretary of State shall vary any order made by him under the said section 47 in such manner as appears to him requisite in consequence of the coming into operation of the said order providing for the winding up and dissolution of the development corporation ;
- (c) section 50 of this Act shall cease to apply to the first-mentioned new town but without prejudice to the operation of subsections (1) and (2) thereof as respects any application made before the date on which the order providing for the winding up and dissolution of the development corporation came into operation or made at the quarterly meeting of the licensing board next held after that date.

## **52 Interpretation of Part IV**

In 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 (Scotland) Act 1968, by an order which has become operative:

Provided that—

- (i) if an order designating the site of a proposed new town is revoked, section 51 of this Act shall, with any necessary modifications, apply as if at the time of the revocation of that order an order had come into operation under section 36(1) of the New Towns (Scotland) Act 1968 providing for the winding up and dissolution of the development corporation ;
- (ii) where, by reason of the variation of an order, land ceases to be comprised in such a site, the variation shall not affect the operation of subsections (1) and (2) of section 50 of this Act as respects an application made before the variation took effect or at the next quarterly meeting of the licensing board held thereafter, but except as aforesaid land excluded from such a site by the variation of an order shall be treated for the purposes of sections 47 to 52 of this Act and Schedule 3 to this Act as if not comprised in a new town.