



# Licensing Act 1964

## 1964 CHAPTER 26

### PART VII

#### LICENSING PLANNING AREAS

#### **118 Licensing planning areas**

- (1) The Secretary of State may by order declare a licensing planning area any area consisting of—
  - (a) a licensing district or county district the whole or part of which has sustained extensive war damage; or
  - (b) two or more such districts which are contiguous and the whole or part of each of which has sustained extensive war damage;if he is satisfied that it is desirable to do so by reason of the war damage and the consequences of that damage, including redevelopment that has taken place or is likely to take place in the area.
- (2) Before declaring an area a licensing planning area, the Secretary of State shall consult with the licensing justices for the licensing district or districts comprising, or included in whole or in part in, the area and with any local planning authority having jurisdiction therein.
- (3) In this section " war damage " has the meaning assigned to it by section 2 of the War Damage Act 1943.

#### **119 Licensing planning committees**

- (1) For every licensing planning area there shall be a licensing planning committee.
- (2) It shall be the duty of every licensing planning committee to review the circumstances of its area and to try to secure, after such consultation and negotiation as it may think desirable, and by the exercise of the powers conferred on it by this Part of this Act, that the number, nature and distribution of licensed premises in the area, the accommodation provided in them and the facilities given in them for obtaining food,

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accord with local requirements, regard being had in particular to any redevelopment or proposed redevelopment of the area.

- (3) A licensing planning committee shall comply with such general or special directions as the Secretary of State may from time to time give it about consultation with such authorities or bodies as he may specify in the directions.
- (4) Licensing planning committees shall be constituted and their procedure regulated in accordance with Schedule 11 to this Act.
- (5) A licensing planning committee may pay to its secretary, and to the secretary of any sub-committee appointed under that Schedule, such remuneration as the Secretary of State may approve.
- (6) In such circumstances as the Secretary of State may approve, a licensing planning committee may defray expenses incurred in travelling by its secretary, or the secretary of any such sub-committee.
- (7) Any expenses properly incurred by a licensing planning committee shall be defrayed by the local planning authority having jurisdiction in the area, or, where there are two or more such authorities, by those authorities in such proportions as the Secretary of State may direct.

## **120 Variation and abolition of licensing planning areas**

- (1) The Secretary of State may, on the application of the licensing planning committee for any licensing planning area, and after such consultation with other authorities as he may think desirable, by order include in the area any licensing district or part of a licensing district, whether contiguous with the existing area or not, to which there has been, or is in his opinion likely to be, a substantial transfer of population, or of industry or other activities from the existing area.
- (2) The Secretary of State may, after consultation with the licensing planning committee for any licensing planning area, by order exclude from the area any licensing district or part of a licensing district included in the existing area.
- (3) An order under either of the two preceding subsections may make such variations in the provisions of the order constituting the area as appear to the Secretary of State to be expedient in consequence of the inclusion in, or exclusion from, the existing area of any district or part of a district.
- (4) If it appears to the Secretary of State that it is no longer expedient that an area should be a licensing planning area, he may, after consultation with the licensing planning committee for the area, by order revoke the order constituting the area.

## **121 Submission and confirmation of proposals**

- (1) The licensing planning committee for any area may from time to time—
  - (a) formulate proposals for the removal, subject to and in accordance with the provisions of this Part of this Act relating to removals, and subject to such conditions, if any, as the proposals may specify, of justices' licences from premises in the area to other premises in the area specified in the proposals or to premises on sites in the area so specified ;
  - (b) formulate with the agreement of the persons interested in the premises in question proposals for the surrender, subject to such conditions, if any, as the

proposals may specify, of existing justices' licences for premises in the area, other than licences in suspense under this Act; and

- (c) formulate with the agreement of the persons interested in the premises in question proposals for the extinguishment of existing justices' licences for premises in the area which are in suspense under this Act;

and shall submit any such proposals to the Minister, together with such plans and other matter explanatory of the nature and effect of the proposals as may be prescribed or as the Minister may in any particular case require.

- (2) Any such removal as is mentioned in paragraph (a) of the preceding subsection is in this Act referred to as a " planning removal".
- (3) Where a licensing planning committee has submitted proposals to the Minister under this section it shall publish in the prescribed manner 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 within which and the manner in which objections to the proposals may be made to the Minister.
- (4) If no objection to proposals submitted under this section is made to the Minister within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the Minister may confirm the proposals with or without modification.
- (5) If objection is so made 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 with or without modification.
- (6) 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.
- (7) Proposals under this section may be varied by subsequent proposals formulated 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 that have been confirmed shall be construed as references to such proposals as they have effect having regard to any subsequent variation of them.

## **122 Planning removals**

- (1) Where proposals of a licensing planning committee that have been confirmed provide for a planning removal, and application is made to the licensing justices for the licensing district in which the premises to which it is intended to make the removal are situated, the justices shall grant the removal if they are satisfied that—
  - (a) the premises are fit and convenient for the purpose ;
  - (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

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- (c) any conditions specified in the proposals as confirmed have been complied with.
- (2) If the application is for the provisional grant of a planning removal, any plans submitted to the licensing justices shall be treated for the purposes of section 6 of this Act as plans deposited under this Act, but subsections (5) and (6) of that section shall not apply, and if the provisional grant is made it shall not be declared final unless the licensing justices are satisfied, in addition to the matters mentioned in subsection (4) of that section, that any conditions specified in the proposals as confirmed have been complied with.
- (3) Any such application to licensing justices as is mentioned in the preceding provisions of this section, and any application for a provisional grant of a planning removal to be declared final may be made or dealt with at any meeting of the licensing justices specially called for the purpose as well as at licensing sessions.
- (4) Sections 21 to 25 of this Act shall apply, with the necessary modifications, to a decision of licensing justices refusing to grant a planning removal (including a refusal to make a provisional grant) as they apply to a decision refusing a special removal.

### **123 Limitations on power to grant or vary licences in licensing planning areas**

- (1) No new justices' licence, other than a Part IV licence, shall be granted for any premises in a licensing planning area unless the licensing justices are satisfied that the licensing planning committee have no objection to the grant.
- (2) No ordinary or special removal of a justices' licence shall be granted to any premises in a licensing planning area unless the premises are licensed premises and the licensing justices are satisfied that the licensing planning committee have no objection to the grant.
- (3) A justices' licence for premises in a licensing planning area 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 licensing planning committee has no objection to the variation.

### **124 Extinguishment of licences in licensing planning areas**

- (1) Where proposals of a licensing planning committee that have been confirmed provide for the surrender of a justices' licence for premises in its area, then, if such conditions as the proposals may specify have been complied with, the licence shall, by virtue of this Part of this Act, be extinguished as from such date as the proposals may specify, or such later date as the licensing planning committee may allow.
- (2) Where the proposals of a licensing planning committee provide for the extinguishment of a justices' licence in suspense under this Act, then, on confirmation of the proposals, the licence shall be extinguished.

### **125 Old on-licences in licensing planning areas**

- (1) The renewal of an old on-licence for premises in a licensing planning area shall not be refused on any grounds other than those on which licensing justices may refuse it under section 12 of this Act; and accordingly sections 13, 18 and 136 of this Act, and section 144 of this Act so far as it relates to the said section 136, shall not apply to an

old on-licence for premises in a licensing planning area; but where licensing justices have decided, at a time when any premises were not in a licensing planning area, to refer to the compensation authority the question of the renewal or extinguishment of an old on-licence for the premises, the like proceedings may be had by virtue of that decision as if the premises had continued not to be in a licensing planning area.

- (2) No charge shall be imposed under section 17 of this Act on the renewal or transfer of an old on-licence for premises in a licensing planning area, or on the removal of an old on-licence to such premises; and no charge imposed under that section shall be levied for premises which, at the date when the charge would, apart from this provision, fall to be levied, are in a licensing planning area, notwithstanding that when the charge was imposed they were not in such an area.

## **126 Temporary premises**

- (1) A licensing planning committee may, on the application of a person intending to make an application under subsection (2) of this section in respect of a justices' licence for premises in its area, certify, in the prescribed form, that for such period as may be specified in the certificate the committee has no objection to the business of the holder of the licence being carried on in such temporary premises in the area as may be so specified.
- (2) Where such a certificate is given, then, subject to the following provisions of this section.—
- (a) an application may be made to the licensing justices for the removal of the licence to the temporary premises so specified, and
  - (b) a subsequent application may be made to licensing justices for the removal of the licence from those premises to premises on the site of the premises to which the licence related before the removal to the temporary premises,
- in all respects as if those removals (in this Act referred to as "temporary premises removals") were planning removals for which proposals had been confirmed under this Part of this Act; and section 122 of this Act shall apply accordingly.
- (3) Where, before such a certificate is given, proposals for the planning removal of the licence have been confirmed under this Part of this Act, but the licence has not been removed, paragraph (b) of subsection (2) of this section shall have effect as if for the reference to premises on the site of the premises to which the licence related before the removal to the temporary premises there were substituted a reference to the premises to which the licence is to be removed in pursuance of the planning removal.
- (4) Subject to section 141(6) of this Act, where a licence is removed to temporary premises by virtue of a temporary premises removal, the licence shall, at the expiry of the period specified in the certificate of the licensing planning committee, or such longer period, if any, as the committee may allow, become void unless it has previously been removed to other premises.
- (5) Where a certificate is given under subsection (1) of this section, the temporary premises specified in the certificate shall be treated for the purposes of section 5 of this Act as structurally adapted to the licence; but nothing in this subsection shall require justices to grant a removal to, or to renew a licence for, any premises which in their opinion are not proper to be used, for the period specified in the certificate or, as the case may be, for the further period allowed by the committee, for the purposes of the business of the holder of the licence.

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- (6) Nothing in this section shall limit the powers conferred by this Part of this Act as to the granting of planning removals ; and in the provisions of this Part of this Act conferring those powers, and in the preceding provisions of this section, references to removals include references to removals to or from temporary premises from or to other premises on the same site.
- (7) In this section " temporary premises" includes all premises, whether temporary in their nature or not, which it is not intended to use permanently for the purposes of the business in question.

## **127 London**

- (1) The administrative county of London shall be a licensing planning area; and subject to subsection (2) of this section and to section 128 of this Act, this Part of this Act shall apply to that area as if it had been constituted by order of the Secretary of State under section 118 of this Act.
- (2) This Part of this Act, except section 123(3), shall not apply to justices' licences for premises in the administrative county of London which, under any enactment, authorise the sale of intoxicating liquor only for consumption with a meal in a restaurant.

## **128 Proposals for planning removals and surrender of licences in London**

- (1) This section applies—
- (a) to proposals for planning removals within, and
  - (b) to proposals for the surrender or extinguishment of justices' licences for premises in,
- the administrative county of London, exclusive of any area for the time being designated by order of the Minister as an area of large-scale redevelopment.
- An order under this subsection may be varied or revoked by a subsequent order thereunder.
- (2) Any proposal to which this section applies shall be formulated by the appropriate sub-committee of the licensing planning committee instead of by that committee and shall be submitted to that committee instead of to the Minister; and accordingly references in subsections (1) to (3) and (7) of section 121 of this Act to the licensing planning committee and to the Minister shall be construed, in relation to such proposals, as referring respectively to the appropriate sub-committee of that committee and to that committee, and sections 122, 124 and 129 of this Act shall be construed accordingly.
- (3) In its application to proposals to which this section applies section 121 of this Act shall have effect as if for subsections (4) to (6) there were substituted the following subsection:—
- “(4) If no objection to the proposals is made to the licensing planning committee within the time and in the manner stated in the notice, or if all objections so made are withdrawn, the committee may confirm the proposals with or without modifications ; but if objection is so made, the licensing planning committee shall afford to any person making an objection an opportunity of appearing before or being heard by the committee ; and after considering any

objection not withdrawn, the committee may confirm the proposals with or without modification.”

- (4) The coming into force of an order under subsection (1) of this section, or of an order varying or revoking such an order, shall not affect the proceedings in relation to any proposals submitted for confirmation before the coming into operation of the order.

## **129 Regulations**

The Secretary of State may make regulations—

- (a) about the procedure to be followed on and in connection with applications under this Part of this Act to licensing justices,
- (b) about the procedure, including quorum, of licensing planning committees and of sub-committees appointed under Schedule 11 to this Act,
- (c) for fixing the time within which and the manner in which objections to proposals of a licensing planning committee may be made to the Minister,
- (d) about the keeping and auditing of accounts of the expenditure of licensing planning committees and the furnishing by those committees of estimates of expenses to the authorities by whom the expenses of the committees fall to be defrayed, and
- (e) for prescribing anything that by this Part of this Act is required or authorised to be prescribed.

## **130 Membership of licensing planning committee not to disqualify licensing justice**

A person shall not, by reason of his membership of, or anything done by him in the course of his duties as a member of, a licensing planning committee or a sub-committee of a licensing planning committee, be held to be disqualified for acting as a licensing justice in relation to any matter falling to be decided by the licensing justices for the licensing planning area or any part of it, whether under this Part of this Act or otherwise.

## **131 Duration of Part VII**

- (1) This Part of this Act shall continue in force until the end of March 1965 and shall then expire.
- (2) On the expiry of this Part of this Act section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall have effect as if this Part of this Act had been repealed by another Act.