

AGENDA ITEM

FALKIRK COUNCIL LICENSING BOARD

Subject: **Licensing (Scotland) Act 2005**
 Members' Clubs and Seamen's Canteens
Meeting: **Licensing Board**
Date: **17 November 2008**
Author: **Clerk to the Board**

1. INTRODUCTION

- 1.1 The purpose of this report is to recommend to the Board an "appropriate date" in respect of applications for premises licences for those premises previously licensed under parts III and VII of the Licensing (Scotland) Act 1976, being for seamen's canteens and members' clubs.
- 1.2 The Board is aware that applications for 2005 Act licences in respect of premises previously licensed under part II of the 1976 Act (public houses, off-sales, hotels etc.) required to be submitted in tranches with deadlines for each of the tranches being set out in para 20(3) of The Licensing (Transitional and Saving Provisions) (Scotland) Order 2007. The deadline dates for each of the tranches was the "appropriate date" under the Order. The Order did not, however, specify an "appropriate date" for part III (seamen's canteens) and part VII (clubs) licenses, leaving this instead to the discretion of Boards.

2. CLUBS AND CANTEENS

- 2.1 At its meeting on 5 February 2008, the Board Sub-Committee agreed that transitional applications for clubs and canteens should be dealt with by way of a 5th tranche of applications commencing in March, 2009.
- 2.2 The Board will recollect that previously licensed members' clubs and seamen's canteens enjoy the same grandfather rights and require to follow the same transitional application procedures as for other licensed premises. Similarly the Board requires to undertake the same processes in determining such applications including the requirement to notify each licence holder in writing as to the last lodging date (i.e. the "appropriate date"). In this connection, it is anticipated that one seamen's canteen application and approximately 50 members' club applications will be received.

3. APPROPRIATE DATE

- 3.1 It is proposed that, in order to ensure the maximum possible period for determination of the applications referred to in para 2.2, the “appropriate date” (i.e. the final date by which applications require to be lodged) for members’ clubs and seamen’s canteens should be determined to be 28 February, 2009

4. RECOMMENDATION

- 2.1 In terms of paragraph 20 of The Licensing (Transitional and Saving Provisions) (Scotland) Order 2007, it is recommended that the Board determines 28 February, 2009 to be the appropriate date for any application relating to premises in respect of which a licence under part III of the Licensing (Scotland) Act 1976 is in effect or a certificate of registration under part VII of that Act is in force.

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Clerk to the Board

Date: 11 November 2008

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