



Gambling Act 2005

2005 CHAPTER 19

PART 8 **E+W+S**

PREMISES LICENCES

VALID FROM 13/11/2006

Licensing authorities' functions

VALID FROM 21/05/2007

153 Principles to be applied **E+W+S**

- (1) In exercising their functions under this Part a licensing authority shall aim to permit the use of premises for gambling in so far as the authority think it—
 - (a) in accordance with any relevant code of practice under section 24,
 - (b) in accordance with any relevant guidance issued by the Commission under section 25,
 - (c) reasonably consistent with the licensing objectives (subject to paragraphs (a) and (b)), and
 - (d) in accordance with the statement published by the authority under section 349 (subject to paragraphs (a) to (c)).
- (2) In determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.
- (3) This section is subject to section 166.

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Changes to legislation: There are currently no known outstanding effects for the Gambling Act 2005. Cross Heading: Licensing authorities' functions. (See end of Document for details)

154 Delegation of licensing authority functions: England and Wales E+W+S

- (1) The functions under this Part of a licensing authority in England and Wales are by virtue of this subsection delegated to the licensing committee of the authority established under section 6 of the Licensing Act 2003 (c. 17).
- (2) But—
 - (a) a licensing authority's functions under section 166 are not delegated by virtue of subsection (1) and may not be delegated by the authority,
 - (b) a licensing authority's functions under section 212 are not delegated by virtue of subsection (1) but may be delegated by the authority, and
 - (c) a licensing authority's function under section 349 is not delegated by virtue of subsection (1) and may not be delegated by the authority.
- (3) The following provisions of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee by virtue of subsection (1) or (2)(b) as they apply in relation to a function delegated under that Act—
 - (a) section 7(9) (referral back to licensing authority), and
 - (b) section 10 (sub-delegation).
- (4) In the application of section 10(4) of that Act (matters not to be delegated to officer) by virtue of subsection (3) above, the following shall be substituted for the list of functions—
 - (a) determination of an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn),
 - (b) determination of an application for the variation of a premises licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn),
 - (c) determination of an application for transfer following representations by the Commission,
 - (d) determination of an application for a provisional statement under section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn), and
 - (e) a review of a premises licence under section 201.
- (5) The provisions of section 9 of that Act and regulations under it apply to proceedings of licensing committees and their sub-committees in relation to the exercise of functions under this Part; and for that purpose regulations may, in particular, make provision which applies—
 - (a) only in relation to functions under that Act,
 - (b) only in relation to functions under this Part, or
 - (c) differently in relation to functions under that Act and functions under this Part.

VALID FROM 21/05/2007

155 Delegation of functions under Part 8: Scotland E+W+S

- (1) Subject to subsection (2), a licensing authority in Scotland may arrange for the discharge of any of their functions under this Part by a committee of the authority,

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a member or members of the authority, the clerk of the authority or any person appointed to assist the clerk.

- (2) A licensing authority are not to make any arrangements under subsection (1)—
- (a) in relation to their power under section 166 or their function under section 349, or
 - (b) for the discharge by the clerk of the authority or any person appointed to assist the clerk of any of the authority's functions mentioned in paragraphs (a) to (e) of section 154(4).
- (3) The procedures applicable to the proceedings of licensing boards in the exercise or their functions under the Licensing (Scotland) Act 1976 apply to the proceedings of those boards in the exercise of their functions under this Part: and for that purpose regulations made by the Scottish Ministers may, in particular, make provision which applies—
- (a) only in relation to functions under that Act,
 - (b) only in relation to functions under this Part, or
 - (c) differently in relation to functions under that Act and functions under this Part.

VALID FROM 21/05/2007

156 Register E+W+S

- (1) A licensing authority shall—
- (a) maintain a register of premises licences issued by the authority together with such other information as may be prescribed,
 - (b) make the register and information available for inspection by members of the public at all reasonable times, and
 - (c) make arrangements for the provision of a copy of an entry in the register, or of information, to a member of the public on request.
- (2) A licensing authority may refuse to provide a copy of an entry or of information unless the person seeking it pays a reasonable fee specified by the authority.
- (3) The Secretary of State may make regulations about—
- (a) the form of the register;
 - (b) the manner in which it is maintained.
- (4) The Secretary of State may make regulations—
- (a) requiring licensing authorities to give to the Commission specified information about premises licences issued by them,
 - (b) requiring the Commission to maintain a register of the information provided to it under paragraph (a),
 - (c) requiring the Commission to grant access to the register to members of the public (without charge),
 - (d) requiring the Commission to make copies of entries available on request, and on payment of a reasonable fee, to members of the public, and

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- (e) excusing licensing authorities, wholly or partly, from compliance with subsection (1).

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