



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 2

#### LICENSING AUTHORITIES

##### *Functions of licensing authorities etc.*

#### **4 General duties of licensing authorities**

- (1) A licensing authority must carry out its functions under this Act (“licensing functions”) with a view to promoting the licensing objectives.
- (2) The licensing objectives are—
  - (a) the prevention of crime and disorder;
  - (b) public safety;
  - (c) the prevention of public nuisance; and
  - (d) the protection of children from harm.
- (3) In carrying out its licensing functions, a licensing authority must also have regard to—
  - (a) its licensing statement published under section 5, and
  - (b) any guidance issued by the Secretary of State under section 182.

#### **5 Statement of licensing policy**

- (1) Each licensing authority must in respect of each [<sup>F1</sup>five] year period—
  - (a) determine its policy with respect to the exercise of its licensing functions, and
  - (b) publish a statement of that policy <sup>F2</sup>... before the beginning of the period.
- <sup>F3</sup>(2) .....
- (3) Before determining its policy for a [<sup>F4</sup>five] year period, a licensing authority must consult—
  - (a) the chief officer of police for the licensing authority’s area,

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- (b) the [<sup>F5</sup>fire and rescue authority] for that area,
  - [<sup>F6</sup>(ba) each <sup>F7</sup>... Local Health Board for an area any part of which is in the licensing authority's area,]
  - [<sup>F8</sup>(bb) each local authority in England whose public health functions within the meaning of the National Health Service Act 2006 are exercisable in respect of an area any part of which is in the licensing authority's area,]
  - (c) such persons as the licensing authority considers to be representative of holders of premises licences issued by that authority,
  - (d) such persons as the licensing authority considers to be representative of holders of club premises certificates issued by that authority,
  - (e) such persons as the licensing authority considers to be representative of holders of personal licences issued by that authority, and
  - (f) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- (4) During each [<sup>F9</sup>five] year period, a licensing authority must keep its policy [<sup>F10</sup>in respect of that period] under review and make such revisions to it, at such times, as it considers appropriate.
- (5) Subsection (3) applies in relation to any revision of an authority's policy as it applies in relation to the original determination of that policy.
- (6) Where revisions are made, the licensing authority must publish a statement of the revisions or the revised licensing statement.
- [<sup>F11</sup>(6A) Without prejudice to subsection (4), a licensing authority may replace its policy in respect of a period, with effect from any date during that period, by—
- (a) determining its policy with respect to the exercise of its licensing functions in respect of a period of five years beginning with that date, and
  - (b) publishing a statement of that policy before that date.
- (6B) Subsection (3) applies in relation to any determination under subsection (6A) as it applies in relation to a determination under subsection (1).
- (6C) A licensing statement must specify the five year period to which it relates.]
- (7) Regulations may make provision about the determination and revision of policies, and the preparation and publication of licensing statements, under this section.
- [<sup>F12</sup>(8) In this section—
- “five year period”, in relation to a licensing authority, means—
  - (a) if paragraph (b) does not apply, the period of five years ending with 6 January 2016, and each subsequent period of five years, or
  - (b) if a licensing authority has published a licensing statement under subsection (6A), the period of five years to which the most recently published such statement relates, and each subsequent period of five years;
- “licensing statement” means a statement published under subsection (1)(b) or (6A)(b).]

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### Textual Amendments

- F1** Word in s. 5(1) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(2\)\(a\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F2** Words in s. 5(1)(b) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(2\)\(b\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F3** S. 5(2) omitted (25.4.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(3\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F4** Word in s. 5(3) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(4\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F5** Words in s. 5(3)(b) substituted (7.9.2004 for E. for certain purposes and 1.10.2004 otherwise and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, 61, [Sch. 1 para. 98\(2\)\(3\)\(b\)](#); S.I. 2004/2304, [art. 2\(1\)](#){(2)}; S.I. 2004/2917, [art. 2](#)
- F6** S. 5(3)(ba) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 104\(2\)](#), 157(1) (with s. 104(5)); S.I. 2012/1129, art. 2(d)
- F7** Words in s. 5(3)(ba) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 112\(a\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** S. 5(3)(bb) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 112\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Word in s. 5(4) substituted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(5\)\(a\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F10** Words in s. 5(4) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(5\)\(b\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F11** S. 5(6A)-(6C) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(6\)](#), 157(1); S.I. 2012/1129, art. 2(d)
- F12** S. 5(8) inserted (25.4.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 122\(7\)](#), 157(1); S.I. 2012/1129, art. 2(d)

## 6 Licensing committees

- (1) Each licensing authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.
- (2) This section does not apply in relation to the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple.

## 7 Exercise and delegation of functions

- (1) All matters relating to the discharge by a licensing authority of its licensing functions are, by virtue of this subsection, referred to its licensing committee and, accordingly, that committee must discharge those functions on behalf of the authority.
- (2) Subsection (1) does not apply to—
  - (a) any function conferred on the licensing authority by section 5 (statement of licensing policy),
  - [<sup>F13</sup>(aa) the functions of making, and varying or revoking, an order under section 172A (early morning alcohol restriction order),] or
  - (b) any function discharged under subsection (5)(a) below by a committee (other than a licensing committee),or any matter relating to the discharge of any such function.

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- (3) A licensing authority may arrange for the discharge by its licensing committee of any function of the authority which—
- (a) relates to a matter referred to that committee by virtue of subsection (1), but
  - (b) is not a licensing function.
- (4) Where the licensing authority does not make arrangements under subsection (3) in respect of any such function, it must (unless the matter is urgent) consider a report of its licensing committee with respect to the matter before discharging the function.
- (5) Where a matter relates to a licensing function of a licensing authority and to a function of the authority which is not a licensing function (“the other function”), the authority may—
- (a) refer the matter to another of its committees and arrange for the discharge of the licensing function by that committee, or
  - (b) refer the matter to its licensing committee (to the extent it is not already so referred under subsection (1)) and arrange for the discharge of the other function by the licensing committee.
- (6) In a case where an authority exercises its power under subsection (5)(a), the committee to which the matter is referred must (unless the matter is urgent) consider a report of the authority’s licensing committee with respect to the matter before discharging the function concerned.
- (7) Before exercising its power under subsection (5)(b), an authority must consult its licensing committee.
- (8) In a case where an authority exercises its power under subsection (5)(b), its licensing committee must (unless the matter is urgent) consider any report of any of the authority’s other committees with respect to the matter before discharging the function concerned.
- (9) Where a licensing committee is unable to discharge any function delegated to it in accordance with this section because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it, the committee must refer the matter back to the licensing authority and the authority must discharge that function.
- (10) This section does not apply in relation to the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple.

#### Textual Amendments

**F13** S. 7(2)(aa) inserted (31.10.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), **ss. 119(2), 157(1)**; [S.I. 2012/2670](#), art. 2(a)

#### Modifications etc. (not altering text)

**C1** S. 7(9) applied (21.5.2007) by [Gambling Act 2005 \(c. 19\)](#), **ss. 154(3), 358** (with **ss. 352, 354**); [S.I. 2006/3272](#), **art. 2(2)**, **Sch. 2** (with savings and transitional provisions in **Sch. 4**) (as amended by [S.I. 2007/1157](#))

**C2** S. 7(9) applied (1.12.2007) by [Gambling Act 2005 \(c. 19\)](#), **ss. 232(2), 358** (with **ss. 352, 354**); [S.I. 2007/3155](#), **art. 2**

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## **8 Requirement to keep a register**

- (1) Each licensing authority must keep a register containing—
  - (a) a record of each premises licence, club premises certificate and personal licence issued by it,
  - (b) a record of each temporary event notice received by it,
  - (c) the matters mentioned in Schedule 3, and
  - (d) such other information as may be prescribed.
- (2) Regulations may require a register kept under this section to be in a prescribed form and kept in a prescribed manner.
- (3) Each licensing authority must provide facilities for making the information contained in the entries in its register available for inspection (in a legible form) by any person during office hours and without payment.
- (4) If requested to do so by any person, a licensing authority must supply him with a copy of the information contained in any entry in its register in legible form.
- (5) A licensing authority may charge such reasonable fee as it may determine in respect of any copy supplied under subsection (4).
- (6) The Secretary of State may arrange for the duties conferred on licensing authorities by this section to be discharged by means of one or more central registers kept by a person appointed pursuant to the arrangements.
- (7) The Secretary of State may require licensing authorities to participate in and contribute towards the cost of any arrangements made under subsection (6).

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