



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 2

#### LICENSING AUTHORITIES

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

#### **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>F1</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.
- (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—

*Status: Point in time view as at 31/10/2012.*

*Changes to legislation: Licensing Act 2003, Section 7 is up to date with all changes known to be in force on or before 24 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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

- F1** 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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