

*These notes refer to the Licensing Act 2003 (c.17)
which received Royal Assent on 10 July 2003*

LICENSING ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 2: Licensing authorities

Section 7 - Exercise and delegation of functions

40. Subsections (1) and (2) of this section provide that the licensing committee will discharge all of the authority's licensing functions, except for the function of the determination and publication of its statement of licensing policy.
41. Subsection (3) provides that the authority may decide that its licensing committee must also discharge additional functions of the authority that are related to its licensing functions. If a licensing authority chooses to discharge such related functions itself rather than to arrange for the licensing committee to discharge them, it must consider any relevant report prepared by the licensing committee before acting in any such matter (unless it is urgent). This ensures that the licensing committee will have an input into any matter relating to the authority's licensing functions.
42. Subsections (5) to (8) provide that in cases where a matter concerns other functions in addition to licensing functions, a licensing authority may choose to refer the matter either to its licensing committee (having first consulted it) or to another of its committees. If the latter course is followed, then in considering the matter, that committee must consider any report unless the matter is urgent) prepared by the licensing committee. If the former course is followed the licensing committee must, in considering the matter, consider any report about the matter prepared by any of the of the authority's other committees (again, unless the matter is urgent).
43. Subsection (9) makes provision that if a licensing committee is unable to discharge its functions because some of its members are prevented from considering or voting on a matter – for example, if they are disqualified under the licensing authority's standing orders because they have a financial interest in the matter – then the matter is instead referred back to the licensing authority for it to discharge its functions in relation to the matter.
44. Subsection (10) disapplies the provisions in the section with respect to the Inner Temple and the Middle Temple with the result that in those cases the licensing authority will discharge all its licensing functions.