



# Licensing Act 2003

## 2003 CHAPTER 17

### PART 2

#### LICENSING AUTHORITIES

##### *The authorities*

### 3 Licensing authorities

- (1) In this Act “licensing authority” means—
- (a) the council of a district in England,
  - (b) the council of a county in England in which there are no district councils,
  - (c) the council of a county or county borough in Wales,
  - (d) the council of a London borough,
  - (e) the Common Council of the City of London,
  - (f) the Sub-Treasurer of the Inner Temple,
  - (g) the Under-Treasurer of the Middle Temple, or
  - (h) the Council of the Isles of Scilly.
- (2) For the purposes of this Act, a licensing authority’s area is the area for which the authority acts.

##### *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;

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- (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,
  - (b) the [<sup>F5</sup>fire and rescue authority] for that area,
  - [<sup>F6</sup>(ba) each Primary Care Trust or Local Health Board for 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>F7</sup>five] year period, a licensing authority must keep its policy [<sup>F8</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>F9</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.

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[<sup>F10</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).]

#### 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** 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\(d\)](#)
- F8** 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\(d\)](#)
- F9** 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\(d\)](#)
- F10** 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—

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- (a) any function conferred on the licensing authority by section 5 (statement of licensing policy),
  - [<sup>F11</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—
    - (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

- F11** 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)

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#### **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**

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

- (1) Each licensing authority must keep a register containing—
- a record of each premises licence, club premises certificate and personal licence issued by it,
  - a record of each temporary event notice received by it,
  - the matters mentioned in Schedule 3, and
  - 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).

### *Licensing committees*

## **9 Proceedings of licensing committee**

- (1) A licensing committee may establish one or more sub-committees consisting of three members of the committee.
- (2) Regulations may make provision about—
- the proceedings of licensing committees and their sub-committees (including provision about the validity of proceedings and the quorum for meetings),
  - public access to the meetings of those committees and sub-committees,
  - the publicity to be given to those meetings,
  - the agendas and records to be produced in respect of those meetings, and
  - public access to such agendas and records and other information about those meetings.

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- (3) Subject to any such regulations, each licensing committee may regulate its own procedure and that of its sub-committees.

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

- C3** S. 9 applied (21.5.2007) by [Gambling Act 2005 \(c. 19\)](#), **ss. 154(5)**, 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)
- C4** S. 9 applied (1.12.2007) by [Gambling Act 2005 \(c. 19\)](#), **ss. 232(4)**, 358 (with **ss. 352, 354**); S.I. 2007/3155, **art. 2**

**Commencement Information**

- II** S. 9(2) in force at 16.12.2003 by S.I. 2003/3222, **art. 2**, **Sch.**; s. 9(1)(3) in force at 10.9.2004 by S.I. 2004/2360, **art. 2(2)**

**10 Sub-delegation of functions by licensing committee etc.**

- (1) A licensing committee may arrange for the discharge of any functions exercisable by it—
- (a) by a sub-committee established by it, or
  - (b) subject to subsection (4), by an officer of the licensing authority.
- (2) Where arrangements are made under subsection (1)(a), then, subject to subsections (4) and (5), the sub-committee may in turn arrange for the discharge of the function concerned by an officer of the licensing authority.
- (3) Arrangements under subsection (1) or (2) may provide for more than one sub-committee or officer to discharge the same function concurrently.
- (4) Arrangements may not be made under subsection (1) or (2) for the discharge by an officer of—
- (a) any function under—
    - (i) section 18(3) (determination of application for premises licence where representations have been made),
    - (ii) section 31(3) (determination of application for provisional statement where representations have been made),
    - (iii) section 35(3) (determination of application for variation of premises licence where representations have been made),
    - (iv) section 39(3) (determination of application to vary designated premises supervisor following police objection),
    - (v) section 44(5) (determination of application for transfer of premises licence following police objection),
    - (vi) section 48(3) (consideration of police objection made to interim authority notice),
    - [<sup>F12</sup>(via) section 53A(2)(a) or 53B (determination of interim steps pending summary review),]
    - (vii) section 72(3) (determination of application for club premises certificate where representations have been made),
    - (viii) section 85(3) (determination of application to vary club premises certificate where representations have been made),

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- (ix) section 105(2) (decision to give counter notice following police objection to temporary event notice),
  - (x) section 120(7) (determination of application for grant of personal licence following police objection),
  - (xi) section 121(6) (determination of application for renewal of personal licence following police objection), or
  - (xii) section 124(4) (revocation of licence where convictions come to light after grant etc.),
- (b) any function under section 52(2) or (3) (determination of application for review of premises licence) in a case where relevant representations (within the meaning of section 52(7)) have been made,
- [<sup>F13</sup>(ba) any function under section 53C (review following review notice), in a case where relevant representations (within the meaning of section 53C(7)) have been made,]
- (c) any function under section 88(2) or (3) (determination of application for review of club premises certificate) in a case where relevant representations (within the meaning of section 88(7)) have been made, or
- (d) any function under section 167(5) (review following closure order), in a case where relevant representations (within the meaning of section 167(9)) have been made.
- (5) The power exercisable under subsection (2) by a sub-committee established by a licensing committee is also subject to any direction given by that committee to the sub-committee.

#### Textual Amendments

**F12** S. 10(4)(a)(via) inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 22\(1\)\(a\)](#), 66(2)(3); S.I. 2007/2180, [art. 3\(a\)](#)

**F13** S. 10(4)(ba) inserted (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 22\(1\)\(b\)](#), 66(2)(3); S.I. 2007/2180, [art. 3\(a\)](#)

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

**C5** S. 10 applied (with modifications) (21.5.2007) by [Gambling Act 2005 \(c. 19\)](#), [ss. 154\(3\)\(4\)](#), 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)

**C6** S. 10 applied (with modifications) (1.12.2007) by [Gambling Act 2005 \(c. 19\)](#), [ss. 232\(2\)\(3\)](#), 358 (with [ss. 352, 354](#)); S.I. 2007/3155, [art. 2](#)

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