



# Gambling Act 2005

## 2005 CHAPTER 19

### PART 8

#### PREMISES LICENCES

##### *Licensing authorities' functions*

#### **154 Delegation of licensing authority functions: England and Wales**

- (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of an application for a premises licence in respect of which representations have been made under section 161 (and not withdrawn),

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*Status: This is the original version (as it was originally enacted).*

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- (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licence in respect of which representations have been made under section 161 as applied by section 187 (and not withdrawn),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section 204 in respect of which representations have been made under section 161 as applied by section 204 (and not withdrawn), and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.