



Councillor briefing: Licensing Act 2003: Councillors as Interested Parties

Note: this briefing applies to elected members in England and Wales

Summary

The Licensing Act 2003 has been amended to expand the definition of "interested party" to include councillors, as long as they are a member of a council that is also a licensing authority (ie. nearly all councils in England and Wales).

This means that councillors can now make representations in respect of most types of licensing applications:

- New premises licence applications
- New club premises certificate applications
- Applications to vary existing premises licence applications
- Applications to vary existing club premises certificate applications
- Applications for a provisional statement
- Minor variation applications
- Applications for reviews of premises licences or club premises certificates

Legal basis for the change:

From 29th January 2010 the Licensing Act includes a fifth provision in section 13(3) to include councillors: "Interested party" means any of the following...(e) a member of the relevant licensing authority." The change was brought about by s33 of the Policing and Crime Act 2009.

Relevant Representations

Representations must address the likely effect of the proposed premises on one or more of the following licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance; or
- the protection of children from harm

Representations about "demand" or general problems are not relevant. In addition, representations must not be frivolous or vexatious.

Reviews

Reviews must be made on a ground (or grounds) relevant to the licensing objectives, and must not be frivolous or vexatious (as above),

Additionally, review applications must not be repetitious. If a review has been held recently and the circumstances at the premises remain the same, the licensing authority could reject the application for review.

Further information

- DCMS 'overview of the Act, ["Licensing Act 2003 Explained"](#)
- LACORS Licensing and Gambling Policy Officer: emily.scantlebury@lancashire.gov.uk