



# LICENSING

## BURNLEY TOWN HALL

21<sup>st</sup> June, at 6.30 pm

### 20. Amendments to Statement of Licensing Policy in respect of Delegated Functions

In discussing the report there were some queries around the delegations in Appendix 2.

It was explained that the relevant objectors had come from the Statutory Guidance. In relation to applications for personal licences the guidance sets out the following at Para 4.53,

*'4.53 Where an applicant has an unspent conviction for a relevant or foreign offence, and the police object to the application on crime prevention grounds the applicant is entitled to a hearing before the licensing authority. The applicant is also entitled to a hearing if the Home Office (Immigration Enforcement) object to the application on the grounds of the prevention of illegal working where the applicant has an unspent conviction for a relevant immigration offence or has been required to pay an immigration penalty. If the police or Home Office (Immigration Enforcement) do not issue an objection notice and the application otherwise meets the requirements of the 2003 Act, the licensing authority must grant it. Home Office (Immigration Enforcement) can object only with respect to convictions and civil immigration penalties received on or after 6 April 2017.'*

With regard to decisions around 'irrelevant, vexatious or frivolous' representations, the recommendation in the guidance is that the decision should be delegated to officers for the reasons set out below in the guidance at Paras 9.8/9.9;

*'9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.'*

*9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.*

***Following the debate, it was duly RESOLVED to recommend Full Council approve the amendments to Appendix A of the Council's Statement of Licensing Policy in line with Appendix 2 of this report.***