

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic and Regulatory Services

Licensing Committee – 28 August 2013

Subject: Application for grant of Employee Street Trader's Licence

1. Purpose

- 1.1** To consider an application for grant of an Employee Street Trader's Licence submitted by Mr. Umran Ahmad, Flat 3/1 12 Kelvingrove Street, Finnieston, Glasgow, G3 7RX.

2. Recommendations

- 2.1** It is recommended that the application be considered and determined by the Committee.

3. Background

- 3.1** Mr. Ahmad submitted an application for grant of an Employee Street Trader's Licence to the Council on 7 March 2013.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 4 April 2013 advising that a matter had arisen requiring further investigation which would result in the response from the Chief Constable falling out with the statutory 28 day period.
- 3.3** A letter was received from the Chief Superintendent of the Police authority on 3 May 2013 advising that the Chief Constable has an objection to make in relation to the application.
- 3.4** The letter received from the Chief Superintendent of the Police authority states that the objection is based on convictions which are considered spent under the Rehabilitation of Offenders Act 1974. A second letter containing details of the spent convictions was received from the Police.

4. Main Issues

- 4.1** In view of the objection that has been received from the Police, the applicant and a representative of the Police authority have been invited to attend the meeting of the Committee to be held on 28 August 2013.
- 4.2** The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.
- 4.3** In terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr.

Ahmad's application was received on 7 March 2013, any objection should have been submitted by 4 April 2013. There is provision in the legislation for the Licensing Authority to entertain a late objection which has been received before a final decision has been made on an application if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been made in the time required.

- 4.4** It will also be a matter for the Committee to decide whether the spent convictions, which form the sole grounds of the objection, should be disclosed and taken into consideration. It should be noted that spent convictions cannot be considered unless there is no other way of doing justice.

5. People Implications

- 5.1** There are no personnel issues.

6. Financial Implications

- 6.1** There are no financial implications

7. Risk Analysis

- 7.1** There is no increased risk to the Council associated with the contents of this report.

8. Equalities, Health & Humans Rights Impact Assessment

- 8.1** No impact assessment is required because this report does not involve any change to policies or services or financial decisions.

9. Consultation

- 9.1** No consultation exercise was required in relation to this application.

10. Strategic Assessment

- 10.1** In terms of the Council's Strategic Priorities, the purpose of licensing is to protect the welfare of the community, including vulnerable people.



Head of Legal, Democratic and Regulatory Services

Date: 4/6/2013

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Appendices: N/A.

Background Papers:

1. Application for grant of Employee Street Trader's Licence from Mr. Umran Ahmad, Flat 3/1 12 Kelvingrove Street, Finnieston, Glasgow, G3 7RX.
2. Letter dated 3 April 2013 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Two letters dated 30 April 2013 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
4. Letter to Mr. Ahmad dated 31 July 2013.
5. Letter to the Chief Superintendent dated 31 July 2013.

Wards Affected: N/A.