

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic and Regulatory Services

Licensing Committee – 28 August 2013

Subject: Application for grant of Window Cleaner's Licence

1. Purpose

- 1.1** To consider an application for grant of a Window Cleaner's Licence submitted by Mr. Paul Flanagan, 11/7 Steven Street, Alexandria, G83 0PT.

2. Recommendations

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

3. Background

- 3.1** Mr. Flanagan submitted an application for grant of a Window Cleaner's Licence to the Council on 15 March 2013.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 4 April 2013 advising that, due to further enquiries which required to be carried out, the response from the Chief Constable may fall out with the statutory 28 day period.
- 3.3** A second letter was received from the Chief Superintendent of the Police authority on 24 April 2013 advising that the Chief Constable has a representation to make in relation to the application.
- 3.4** A further letter received from the Chief Superintendent of the Police authority on 24 April 2013 details convictions which are considered spent under the Rehabilitation of Offenders Act 1974.

4. Main Issues

- 4.1** In view of the representation 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** In terms of the relevant legislation, a representation with respect to an application should be submitted within 28 days of receipt of the application. As Mr. Flanagan's application was received on 15 March 2013, any representation should have been submitted by 12 April 2013. There is provision in the legislation for the Licensing Authority to entertain a late representation 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 representation had not been made in the time required.

- 4.3 It will also be a matter for the Committee to decide whether the applicant's spent convictions 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.
- 4.4 The terms of the letters from the Police will be made known to the Committee at the meeting as appropriate.
- 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 Impact Assessment (EIA)**
- 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: 5/6/2013

Person to Contact: Robert Mackie,
Senior Officer (Licensing Services),

Licensing Team,
Rosebery Place,
Clydebank,
G81 1TG.

Tel. No. (Direct line) 01389 738742.
robert.mackie@west-dunbarton.gov.uk

Appendices: N/A.

Background Papers:

1. Application for grant of Window Cleaner's Licence from by Mr. Paul Flanagan, 11/7 Steven Street, Alexandria, G83 0PT.
2. Letter (1) dated 3 April 2013 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter (2) dated 17 April 2013 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
4. Letter (3) dated 17 April 2013 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
5. Letter to Mr. Flanagan dated 31 July 2013.
6. Letter to the Chief Superintendent dated 31 July 2013.

Wards Affected: N/A.