

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic and Regulatory Services

Licensing Committee – 3 April 2012

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 John Montgomery 118 Cardross Road, Dumbarton, G82 5DF.

2. Background

- 2.1** Mr. Montgomery submitted an application for grant of a Window Cleaner's Licence to the Council on 14 November 2011.
- 2.2** Two letters were received from the Chief Superintendent of the Police authority on 15 December 2011.
- 2.3** The first letter received from the Chief Superintendent of the Police authority advises that the Chief Constable has a representation to make in relation to the application.
- 2.4** The second letter from the Chief Superintendent of the Police authority details the convictions which are considered spent under the Rehabilitation of Offenders Act 1974.
- 2.5** At the meeting on 7 February 2012, it was noted that the applicant was not present. It was agreed that consideration of the application be continued to the next meeting in order that the applicant may be given a further opportunity to appear before the Committee.

3. Main Issues

- 3.1** 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 3 April 2012.
- 3.2** 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. Montgomery's application was received on 14 November 2011, any representation should have been submitted by 12 December 2011. There is, however, provision in the legislation for the Licensing Authority to entertain a late representation which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the representation had not been made in the time required.

3.3 The terms of the letter from the Police will be made known to the Committee at the meeting as appropriate.

3.4 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. People Implication

4.1 There are no personnel issues.

5. Financial Implications

5.1 There are no financial implications.

6. Risk Analysis

6.1 There is no increased risk to the Council associated with the contents of this report.

7. Equalities, Health & Humans Rights Impact Assessment

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

8. Strategic Assessment

There are no strategic implications.

9. Conclusions and Recommendations

9.1 It is recommended that the application be considered and determined by the Committee.

Head of Legal, Democratic and Regulatory Services

Date: 20/02/2012

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Appendices: N/A.

Background Papers:

1. Application for grant of a Window Cleaner's Licence from John Montgomery, 118 Cardross Road, Dumbarton, G82 5DF.
2. Letters dated 15 December 2011 from the Chief Superintendent, Strathclyde Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Montgomery dated 15 March 2012.
4. Letter to the Chief Superintendent dated 15 March 2012.

Wards Affected: N/A.