

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Head of Legal, Democratic and Regulatory Services**

#### **Licensing Committee – 6 March 2013**

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

#### **1. Purpose**

- 1.1** To consider an application for grant of a Temporary Employee Street Trader's Licence submitted by Mr. Raymond Jauncey, 34 Southdeen Road, Drumchapel, Glasgow, G15 7RZ.

#### **2. Recommendations**

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

#### **3. Background**

- 3.1** Mr. Jauncey submitted an application for grant of a Temporary Employee Street Trader's Licence to the Council on 25 October 2012.
- 3.2** A letter was received from the Chief Superintendent of the Police authority on 22 November 2012 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 further letter was received from the Chief Superintendent of the Police authority on 6 December 2012 advising that the Chief Constable has a representation to make in relation to the application.
- 3.4** A letter received from the Chief Superintendent of the Police authority on 6 December 2012 details convictions which are considered spent under the Rehabilitation of Offenders Act 1974.
- 3.5** At the meeting on 9 January 2013, 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.

#### **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 6 March 2013.
- 4.2** The terms of the letter from the Police will be made known to the Committee

at the meeting as appropriate.

- 4.3** 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. Jauncey's application was received on 25 October 2012, any representation should have been submitted by 22 November 2012. 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 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.
- 4.4** 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.
- 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: 04/02/2013

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**Appendices:** N/A.

**Background Papers:**

1. Application for grant of a Temporary Employee Street Trader's Licence from Mr. Raymond Jauncey, 34 Southdeen Road, Drumchapel, Glasgow, G15 7RZ.
2. Letter dated 22 November 2012 from the Chief Superintendent, Strathclyde Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter dated 29 November 2012 from the Chief Superintendent, Strathclyde Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
4. Letter dated 29 November 2012 from the Chief Superintendent, Strathclyde Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
5. Letter to Mr. Jauncey dated 17 December 2012.
6. Letter to the Chief Superintendent dated 17 December 2012.
7. Letter to Mr. Jauncey dated 18 February 2013.
8. Letter to the Chief Superintendent dated 18 February 2013.

**Wards Affected:** N/A.