

## **WEST DUNBARTONSHIRE COUNCIL**

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

#### **Licensing Committee – 28 August 2013**

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**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. John Montgomery, 118 Cardross Road, Dumbarton G82.

**2. Recommendations**

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

**3. Background**

- 3.1** Mr. Montgomery submitted an application for grant of a Window Cleaner's Licence to the Council on 12 April 2013.

- 3.2** A letter was received from the Chief Superintendent of the Police authority on 3 May 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 3 May 2013 details convictions which are considered spent under the Rehabilitation of Offenders Act 1974.

- 3.5** Members may recall that Mr. Montgomery was refused the grant of a Window Cleaner's Licence at the Licensing Committee on 3 April 2012 on the grounds that he was not a fit and proper person to hold a Window Cleaner's Licence.

- 3.6** Paragraph 6, of Schedule 1 to the Civic Government (Scotland) Act 1982 states: -

*'Where a licensing authority have refused an application for the grant or renewal of a licence they shall not, within one year of their refusal, entertain a subsequent application from the same applicant for the grant of the same kind of licence in respect of the same activity in the same area unless in their opinion there has been, since their refusal, a material change of circumstances.'*

- 3.7** As one year has passed since the decision to refuse Mr Montgomery's application last year and the submission of the current application, Members are able to consider the new application.

#### **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** It will 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.
- 4.3** 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

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**Appendices:** N/A.

**Background Papers:**

1. Application for grant of Window Cleaner's Licence from by Mr. John Montgomery, 118 Cardross Road, Dumbarton G82.
2. Letters dated 1 May 2013 from the Chief Superintendent, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. Montgomery dated 31 July 2013.
4. Letter to the Chief Superintendent dated 31 July 2013.

**Wards Affected:** N/A.