

WEST DUNBARTONSHIRE COUNCIL

Report by the Head of Legal, Democratic and Regulatory Services

Licensing Committee – 3 April 2012

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

1. Purpose

- 1.1** To consider an application for grant of a Principal Street Trader's Licence submitted by Jonathon Bradley, 59 Stewart Drive, Hardgate, Clydebank, G81 6AF.

2. Background

- 2.1** Mr. Bradley submitted an application for grant of a temporary Principal Street Trader's Licence to the Council on 19 August 2011.
- 2.2** At the meeting of the Licensing Committee on 4 October 2011, having heard the objection from the Police authority, members decided to grant Mr. Bradley's application for the temporary grant of a Principal Street Trader's Licence for a period of six weeks.
- 2.3** Members also agreed that should Mr. Bradley apply for a full licence, the application would be referred to a future Licensing Committee for consideration.
- 2.4** Mr. Bradley gave an undertaking to the Committee that he would not operate his business from the business estate at Castlegreen Street, Dumbarton.
- 2.5** Mr. Bradley submitted an application for grant of his Principal Street Trader's Licence to the Council on 14 November 2011.
- 2.6** A letter was received from the Chief Superintendent of the Police authority on 21 December 2011 advising that due to further enquiries which required to be carried out in relation to the application, the response would fall out with the 28 day statutory period.
- 2.7** Two letters were received from the Chief Superintendent of the Police authority on 4 January 2012.
- 2.8** The first letter received from the Chief Superintendent of the Police authority advises that the Chief Constable has an objection to make in relation to the application.
- 2.9** 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.

- 2.10** At the meeting of the licensing committee on 7 February 2012 the representative of the Police Authority indicated that further information in relation to the applicant may be available and the hearing was continued until 3 April 2012.
- 2.11** On 23 February 2012 a letter was received from the Chief Superintendent of the Police Authority, which contains information in relation to further criminal proceedings in respect of the applicant, since the granting of his Temporary Street Trader's licence on 4 October 2011.

3. Main Issues

- 3.1** 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 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. Bradley'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. Members have previously decided to hear the late representation from the Police.
- 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. Members have previously decided to hear the Police with regard to Mr. Bradley's spent convictions.
- 3.5** The Licensing team have been aware that Mr. Bradley has yet to commence operating as a Street Trader since his licence was granted by the Committee on 4 October 2011 and have been in contact with Mr. Bradley throughout this period. Mr. Bradley replied to an email from Mr. James McArthur (Licensing Officer) on 7 January 2012 intimating that he had acquired a vehicle but had not started operating as his funding was not yet in place.

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

- 8.1** 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: 28/2/12

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Appendices: N/A.

Background Papers:

1. Application for grant of Principal Street Trader's from Jonathon Bradley, 59 Stewart Drive, Hardgate, Clydebank, G81 6AF.
2. Letter dated 20 December 2011 from the Chief Superintendent, Strathclyde Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letters dated 4 January 2012 and 23 February 2012 from the Chief Superintendent, Strathclyde Police, 'L' Divisional Headquarters, Stirling Road, Dumbarton.

4. Letter to Mr. Bradley dated 15 March 2012.
5. Letter to the Chief Superintendent dated 15 March 2012.

Wards Affected: N/A.