

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer – Regulatory & Regeneration

Licensing Committee – 2 August 2023

Subject: Application for grant of a Window Cleaner’s Licence

1. Purpose

- 1.1 To consider an application for grant of a Window Cleaner’s Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank G81 3JA.

2. Recommendations

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

3. Background

- 3.1 Mr. McGowan submitted an application for grant of a Window Cleaner’s Licence to the Council on 1 February 2023.
- 3.2 Letters were received from the Chief Constable of the Police authority on 16 February 2023, the first of which submitted an objection in connection with the application. The second letter details a number of alternatives to prosecution which are considered spent under the Rehabilitation of Offenders Act 1974 as additional information in connection with the objection.
- 3.3 Further letters were received from the Chief Constable of the Police authority on 30 March 2023 which provides additional information in connection with the objection to the application.
- 3.4 At the meeting on 14 June 2023, it was noted that the applicant failed to attend. 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 submission 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 2 August 2023.
- 4.2 It will be a matter for the Committee to decide whether the applicant’s spent alternatives to prosecution should be disclosed and taken into consideration. It should be noted that spent

alternatives to prosecution cannot be considered unless there is no other way of doing justice.

4.3 In relation to the letters received from the Chief Constable of the Police authority on 30 March 2023, in terms of the relevant legislation, an objection with respect to an application should be submitted within 28 days of receipt of the application. As Mr. McGowan's application was received on 1 February 2023, any objection should have been submitted by 1 March 2023. There is, however, provision in the legislation for the Licensing Authority to entertain a late objection which has been received before a final decision has been made if the Licensing Authority is satisfied that there is sufficient reason why the objection had not been submitted in the time required.

4.4 At the hearing on 14 June 2023 Members determined to admit the correspondence in relation to late information and alternatives to prosecutions and noted its terms.

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 Police Scotland were consulted in relation to the application.

10. Strategic Assessment

10.1 In terms of the Council's Strategic Priorities, the purpose of licensing is to ensure our Communities are Resilient and Thriving.

Chief Officer – Regulatory & Regeneration

Date 11 July 2023

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Appendices: N/A.

Background Papers:

1. Application for grant of a Window Cleaner's Licence submitted by Mr. Ross McGowan, 9 Cherry Crescent, Clydebank G81 3JA.
2. Letters dated 16 March 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letters dated 30 March 2023 from the Chief Constable, Police Scotland, 'L' Divisional Headquarters, Stirling Road, Dumbarton.
3. Letter to Mr. McGowan dated 14 July 2023.

Wards Affected: N/A.

