

REPORT NO. 2 of the
PUBLIC SAFETY STANDING COMMITTEE
of its meeting held May 18, 2011

Present: **Councillor Jones, Chair**
Councillor Dilkens
Councillor Gignac
Councillor Maghnieh

Absent: **Councillor Payne**

Referencing: **REPORT NO. 144** of the
WINDSOR LICENSING COMMISSION
of its meeting held March 23, 2011

That the following recommendation of the Public Safety Standing Committee
BE APPROVED as follows:

Moved by Councillor Dilkens, seconded by Councillor Gignac,

That all Schedules in Business Licensing Bylaw 395-2004 and Public Vehicle Licensing Bylaw 137-2007, for categories requiring police record checks **BE AMENDED** first, by adding the necessary wording to allow applicants for renewals to submit a records check that was performed within the last year and second, by using consistent wording in all categories requiring record checks for initial applications, and further, that the amendments **BE FORWARDED** to City Council for their consideration and final disposition.

Carried.

Clerk's Note: The report from the Supervisor of Licensing/Deputy Licence Commissioner dated August 30, 2010 entitled "Police Clearance for Licence Renewals" is **attached** as background information.

Notification		
Windsor Licensing Commission		
Susan Gagnon	Windsor Police Services	sgagnon@police.windsor.on.ca

PUBLIC SAFETY STANDING COMMITTEE

REPORT NO. 144 of the
WINDSOR LICENSING COMMISSION
of its meeting held March 23, 2011

Present: Councillor Ron Jones, Chairperson
Councillor Alan Halberstadt
Jack Fathers

That the following recommendations of the Windsor Licensing Commission **BE APPROVED:**

That all Schedules in Business Licensing Bylaw 395-2004 and Public Vehicle Licensing Bylaw 137-2007, for categories requiring police record checks **BE AMENDED** first, by adding the necessary wording to allow applicants for renewals to submit a records check that was performed within the last year and second, by using consistent wording in all categories requiring record checks for initial applications, and further, that the amendments **BE FORWARDED** to City Council for their consideration and final disposition.

NOTE: The report of the Supervisor of Licensing/Deputy Licence Commissioner dated August 30, 2010 entitled "Police Clearance for Licence Renewals" is attached.

CHAIRPERSON

SECRETARY

THE CORPORATION OF THE CITY OF WINDSOR
Licensing and Enforcement Department

MISSION STATEMENT,

*..The city of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services..
and will mobilize innovative community partnerships*

LiveLink FILE #:	Report Date: August 30, 2010
Author's Name: Michael Chantler, Supervisor of Licensing and Licence Commissioner	Date to Commission: September 21, 2010
Author's Phone: 519 255-6100, Ext. 6869	Classification #:
Author's E-mail: mchantler@city.windsor.on.ca	

TO: Windsor Licensing Commission

1. RECOMMENDATION: City Wide: Ward(s):

That all Schedules in Business Licensing Bylaw 395-2004 and Public Vehicle Licensing Bylaw 137-2007, for categories requiring police record checks BE AMENDED first; by adding the necessary wording to allow applicants for renewals to submit a records check that was performed within the last year and second, by using consistent wording in all categories requiring record checks for initial applications, and further, that the amendments BE FORWARDED to City Council for their consideration and final disposition.

EXECUTIVE SUMMARY: N/A

BACKGROUND:

The RCMP is enforcing existing policies and procedures and has given direction to local police services which has altered how the local police services conduct and produce police record checks. These changes have resulted in a number of applicants being sent for fingerprinting and they must apply to the RCMP before receiving their complete report. It has resulted in extended wait times that, in many cases, could prevent applicants from renewing their licences before the applicable deadline. It is important to be aware that an applicant's requirements for the submission of fingerprints for elimination purposes should be considered an extra precautionary measure in the interest of public safety.

4. DISCUSSION:

In amending Bylaw 395-2004, the following schedules would be affected:

A1 - Adult Entertainment Parlours

A2 - Auctioneer

- A3 - Automobile Service Station
- B1 - Bill Distributor
- (B2 - Bed and Breakfast and Guest House Establishments
- E2 - Escorts/Personal Services
- H1 - Hawker - Pedlar
- Hi* - Heating Contractors and Master Heating Installers
- H3 - Owners of Holistic Centres and Holistic Practitioners
- L1 - Lodging Houses
- M2 - Mobile Vendors of Food
- O1 - Dealers in Old Gold or Other Precious Metals
- P2 - Plumbing Work
- R1 - Retail/Resale and Pawnbrokers
- S1 - Salvage Yards

Amending bylaw 137-2007 would affect:

- Schedule 3 - Livery
- Schedule 4 - Towing
- Schedule 5 - Taxi

· Amending these two bylaws would not only enable the applicants to secure the necessary police clearances in a timely manner, it would also establish consistent wording throughout the bylaws with respect to criminal record check requirements. In instances where an enhanced clearance is required for those employed in a position dealing with vulnerable persons, the requirement would read as follows:

(, .) ,;All applicants are required to submit the original search results of a Vulnerable Sector Criminal Record Check, enhanced screening for those employed in positions working with vulnerable persons, from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days and must be satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence."

For categories that require a standard criminal record check for initial application **and** renewal, the wording would be as follows:

· .."All applicants are required to submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days and must be satisfactory in form and content to the Licence Commissioner. In the case of a renewal, the criminal record check must be dated no more than one (1) year prior to the date of the application for a licence renewal. For new applications, the criminal record check must be dated no more than thirty (30) days prior to the application for a licence_;

· Currently we require criminal record checks, with the *initial application only*. for several schedules. Any new applicants in these categories would have to provide the appropriate criminal record check and would not be issued a licence without the proper documentation. The bylaw wording would read:

· "All new applicants are required to submit the original results of a criminal record check from each jurisdiction in Canada in which the applicant has been resident during the prior 365 days

and must be satisfactory in form and content to the Licence Commissioner. The criminal record check must be dated no more than thirty (30) days prior to the application for a licence." The requirement for a criminal record check would not apply to applicants for renewal in these particular categories.

The requirement for police record checks is consistent with the bylaws of other communities in Ontario such as Toronto, Oakville, London, Mississauga, and Hamilton. In some communities, such as Ottawa, a general provision is in place to allow the city to ask for a police clearance, for any category of licensing, issued within one (1) month of the date of application for that licence.

5. **FINANCIAL MATTERS:**

Payments for any fingerprinting or criminal record checks are not made to the Licensing Department and therefore the revenues of the department are not impacted; There is also no cost to Licensing as it does not administer the fingerprinting or record checks.

6. **CONSULTATIONS:**

Susan Gagnon, Manager of Information Services - Windsor Police Service

7. **CONCLUSION:**

8.

Administration recommends that the amendments be made to the various schedules and forwarded to City Council for final decision. The criminal record check process would become similar to the health inspection process where we require only one Permit to Operate from applicants in a 365 day period. This ensures that inspections/checks are done at least once per year; or the licence can not be renewed. This continues to ensure public safety while allowing the applicant sufficient time to prepare documents to renew their business licence:

Michael Chantler
Supervisor of Licensing/Deputy Licence
Commissioner

APPENDICES:

NOTIFICATION:

Name	Address	Email Address	Telephone	FAX