

# Agenda



## Special Meeting of Licensing Committee

**Date:** Wednesday, 17 March 2021

---

**Time:** 14:00

---

**Venue:** By Zoom Video Conference

---

**Contact:** Nuala Borthwick, Committee Officer,  
nuala.borthwick2@west-dunbarton.gov.uk

Dear Member

The Convener has directed that the powers contained in Section 18B of the Civic Government (Scotland) Act 1982 that the hearing cannot be held in person because of a reason relating to coronavirus and so Members and parties to the proceedings will attend this special meeting of the **Licensing Committee** remotely. The business is shown on the attached agenda.

Yours faithfully

**JOYCE WHITE**

Chief Executive

**Distribution:**

Councillor Jim Finn (Chair)  
Councillor Ian Dickson  
Councillor Caroline McAllister  
Councillor Jonathan McColl (Vice Chair)  
Councillor Marie McNair  
Councillor Lawrence O'Neill  
Councillor Brian Walker  
Vacancy

All other Councillors for information

Chief Executive  
Chief Officer of Health & Social Care Partnership

Date issued: 4 March 2021

**LICENSING COMMITTEE**  
**WEDNESDAY, 17 MARCH 2021**

**AGENDA**

**1      STATEMENT BY THE CHAIR – ZOOM VIDEO CONFERENCING**

**2      APOLOGIES**

**3      DECLARATIONS OF INTEREST**

Members are invited to declare if they have an interest in any of the undernoted items of business on this agenda and, if so, state the reasons for such declarations.

**4      OPEN FORUM**

The Committee is asked to note that no open forum questions have been submitted by members of the public.

**5      PRINCIPAL STREET TRADER’S LICENCE – UPDATE                      5 - 7**

Submit report by the Chief Officer – Regulatory and Regeneration providing an update on the grant of a Principal Street Trader’s Licence to Mr Kieran Kilpatrick, 2 Wyvis Quadrant, Blairdardie, Glasgow G13 4LX.

**6      EXCLUSION OF PRESS AND PUBLIC                                      9**

The Committee is asked to consider passing the following resolution prior to consideration of the undernoted items of business:-

“That under Section 50A(4) of the Local Government (Scotland) Act, 1973 the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 1 of Schedule 7A of the Act.”

**7/**

**7                    HEARING REGARDING POSSIBLE SUSPENSION OR                    11 - 14**  
**REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE**  
**CAR DRIVER'S LICENCE**

Submit report by the Strategic Lead – Regulatory and Regeneration concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

**8                    HEARING REGARDING POSSIBLE SUSPENSION OR                    15 - 18**  
**REVOCATION OF A TAXI DRIVER'S/PRIVATE HIRE**  
**CAR DRIVER'S LICENCE**

Submit report by the Chief Officer – Regulatory and Regeneration concerning a request from the Chief Constable of Police Scotland for the suspension of a Taxi Driver's/Private Hire Car Driver's Licence.

**WEST DUNBARTONSHIRE COUNCIL**

**Report by Chief Officer – Regulatory and Regeneration**

**Licensing Committee – 17 March 2021**

---

**Subject: Principal Street Trader's Licence - Update**

**1. Purpose**

To update the Committee on the grant of a Principal Street Trader's Licence to Mr Kieran Kilpatrick, 2 Wyvis Quadrant, Blairdardie, Glasgow G13 4LX.

**2. Recommendations**

It is recommended that the Committee:-

- (a) considers the terms of this report including the update provided by Licensing Officers and the updated planning position; and
- (b) determines the condition(s) to be applied to Mr Kilpatrick's Principal Street Trader's Licence.

**3. Background**

**3.1** Mr Kilpatrick submitted an application for grant of a Principal Street Trader's Licence to the Council on 6 October 2020 requesting permission to trade from a snack van within the grounds of 834 Dumbarton Road, Dalmuir, Clydebank G814BX, which operates a car wash and valet, with permission of the proprietor.

**3.2** West Dunbartonshire Council's Planning Team have previously advised Mr Kilpatrick and Licensing Officers that he would require to apply for planning permission in order to occupy the site location within 834 Dumbarton Road and the applicant was given pre-application advice from the planning service.

**3.3** At a meeting of the Regulatory Committee (Licensing Committee) held on 2 February 2021, Mr Kilpatrick was granted a Principal Street Trader's Licence. Mr Kilpatrick was told at this meeting that he would require the requisite planning permission before he operated the Principal Street Trader's licence.

**4. Main Issues**

**4.1** Mr Kilpatrick, after being issued with the Principal Street Trader's Licence, immediately began to trade on his licence notwithstanding the terms of what he was specifically told at the Committee hearing about obtaining the

requisite planning permission before he could operate the terms of the civic licence. Subsequently, Mr Kilpatrick was given advice from planning on 18 February 2021, that they would not take enforcement action at this stage, and instead they have invited a retrospective application for planning permission and provided a timescale for this to be submitted by Mr Kilpatrick. This will be considered separately in terms of planning procedure which is a separate matter for planning officers, and may ultimately require to be considered by the Planning Committee.

- 4.2** On Friday, 26 February 2021, a Civic Licensing Standards Officer issued a Section 45H compliance notice in terms of the Civic Government (Scotland) Act 1982 on Mr Kilpatrick, and since then he has been told to trade without breaching the terms of such notice. This notice referred to the terms of the planning permission being a requirement of his ability to operate the licence. Members are now aware of the updated position from planning. The compliance notice currently remains in place. Officers have the ability to withdraw the notice too, but given the terms of the Committee's decision and what was said to Mr Kilpatrick by the Committee on 2 February 2021, it was felt appropriate by Officers to report to the Committee on the updated position, to enable the Committee to determine the appropriate steps going forward with Mr Kilpatrick's civic licence.

## **5. People Implications**

- 5.1** There are no personnel implications.

## **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 original 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.

**Peter Hessett**  
**Chief Officer – Regulatory and Regeneration**

**Date: 3 March 2021**

---

**Person to Contact:** Raymond Lynch, Solicitor (Section Head – Licensing),  
Municipal Buildings, College Street, Dumbarton,  
G82 1NR.  
  
Tel. No. (Direct line) 01389 737818  
[raymond.lynch@west-dunbarton.gov.uk](mailto:raymond.lynch@west-dunbarton.gov.uk)

**Appendices:** None

**Background Papers:** Report to Licensing Committee on 3 February 2021 entitled  
'Application for grant of a Principal Street Trader's Licence'.

**Wards Affected:** N/A







## **NOT FOR PUBLICATION**

**by virtue of Paragraph 14 of Part 1 of Schedule 7A of  
the Local Government (Scotland) Act, 1973**

**ANY ACTION TAKEN OR TO BE TAKEN IN  
CONNECTION WITH THE PREVENTION,  
INVESTIGATION OR PROSECUTION OF CRIME**

**PLEASE NOTE THAT CONFIDENTIAL PAGES HAVE BEEN REMOVED**