

Erratum Notice



Special Meeting of Licensing Committee

Date: Wednesday, 17 March 2021

Time: 14:00

Venue: Video Conference

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

Dear Member

I refer to the agenda issued on 4 March and now enclose an updated copy of **Item 5 – Principal Street Trader's Licence - Update** that has been **corrected at paragraph 4.2 of the report**. Please substitute this version for the one previously issued.

Apologies for any inconvenience caused.

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

Chief Executive
Chief Officers

Date of issue: 10 March 2021

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 not 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),
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G82 1NR.

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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