

WEST DUNBARTONSHIRE COUNCIL

Chief Officer, Supply, Distribution and Property

Infrastructure Regeneration and Economic Development Committee:

15 September 2021

Subject: Use of area to front of Blue Lagoon, 40 Balloch Road, Balloch G83 8LE

1. Purpose

1.1 The purpose of this report is to seek the approval of the Committee to grant a licence to occupy over an area of the pavement to the front of 40 Balloch Road, Balloch for outdoor seating in connection with the business of the Blue Lagoon Fish and Chip shop.

2. Recommendations

2.1 It is recommended that the Committee:

- (i) Approve the use of the area for outdoor seating in connection with the business of the occupier of 40 Balloch Road.
- (ii) Authorise the Chief Officer, Supply, Property and Distribution to conclude negotiations on a licence to occupy for a period of 1 year with a 2 week notice period by either party.
- (iii) Authorise the Chief Officer, Regulatory and Regeneration to conclude the transaction on such conditions as considered appropriate.

3. Background

3.1 In June 2021 the occupiers of 40 Balloch Road, Blue Lagoon Fish and Chips requested permission from the Council to occupy part of the paved area on Balloch Road opposite their premises. The area was to be used to provide outdoor seating as part of the business's response to the pandemic. The outdoor area was to cater for customers who may prefer to dine outdoors and also provide additional capacity given the reduced capacity indoors owing to social distancing.

3.2 All the relevant Council service areas, together with Loch Lomond and the Trossachs National Park planning authority were consulted regarding this proposal and no significant objections were raised. There were observations made by Environmental Health regarding the disposal of waste and operating hours, both of which were accepted by the applicant.

- 3.3** On 16 July 2021 the Council entered into a licence to occupy with Blue Lagoon Fish and Chips Ltd to occupy the area opposite the shop for the proposed use. The Licence was for a period of 2 weeks and was regarded as a trial period to see if there were any major objections and issues.
- 3.4** Unfortunately during the trial period there were a number of complaints raised by members of the public. This included criticism that a public open space area was being used for a commercial use and also safety concerns about staff and patrons crossing Balloch Road to get to and from the shop to the outdoor seating area.
- 3.5** Given the complaints and issues raised it was decided not to continue the Licence beyond the expiry of the trial period.
- 3.6** Following discontinuance of the Licence, the applicant has now requested consent to use an area of the pavement immediately outside their shop for outdoor seating. A plan is attached as Appendix 1 showing the area concerned.

4. Main Issues

- 4.1** The business is still affected by the social distancing requirements caused by the pandemic and providing outdoor seating helps to alleviate this problem. The advice from the Scottish Government is that Local Authorities should assist businesses in the short term by relaxing planning controls for temporary proposals for outdoor seating during the period of Coronavirus restrictions.
- 4.2** The Council's roads service have confirmed that as a 2 metre corridor remains for pedestrians to use the existing footway they would have no objection to the proposal.
- 4.3** Loch Lomond and Trossachs National Park planning authority have confirmed that in principle they would have no objection to the proposal on a temporary basis in the light of the coronavirus relaxations. They would wish there to be restrictions in terms of the daily duration of the proposed use, to limit noise during anti-social hours. We would suggest that the use of the outdoor seating be limited to the hours of 9.00am to 8pm.
- 4.4** This report has been referred to committee for a decision given concerns raised in relation to the temporary licence to occupy.

5. People Implications

- 5.1** There are no significant people implications other than the resources required by the Asset Management to conclude the licence to occupy.

6. Financial and Procurement Implications

6.1 The financial implications are that the Council will receive a minimal income in terms of the licence to occupy.

6.2 There are no procurement implications arising from this report.

7. Risk Analysis

7.1 There is no significant risk associated with this proposal as the Licence Agreement will be capable of being terminated on 2 weeks written notice.

8. Environmental Sustainability

8.1 This is a short term arrangement which will have no significant environmental impact.

9 Equalities Impact Assessment (EIA)

9.1 An Equality Impact Screening did not indicate any further action required

10. Consultation

10.1 Consultations have been undertaken with colleagues in Roads, Licensing and Environmental Health and Loch Lomond and the Trossachs National Park planning authority, Planning. Roads in relation to the proposal..

11. Strategic Assessment

11.1 By agreeing to this proposal the Council will assist a local business affected by the restrictions associated with the coronavirus pandemic.

11.2 The vibrancy of Balloch town centre will be enhanced by agreeing to this proposal.

11.3 Should issues arise as a result of the use of the outdoor seating, the Council can bring the Licence to an end on 2 weeks written notice.

Angela Wilson
Chief Officer – Supply, Distribution and Property
8 September 2021

Person to Contact: J David Johnston, Estates Surveyor, 6-14 Bridge Street,
Dumbarton G82 1NT. T: 01389 737581
Email: david.johnston2@west-dunbarton.gov.uk

Michelle Lynn, Assets Co-ordinator, Council Offices,
Bridge Street, Dumbarton G82 1NT, T: 01389 776992,
Email: michelle.lynn@west-dunbarton.gov.uk

Appendices: Appendix 1 – Site Plan.

Background Papers: None

Wards Affected: Ward 1