
Report To:	General Purposes Board	Date:	10 April 2019
Report By:	Head of Legal and Property Services	Report No:	LP/047/19
Contact Officer:	Lindsay Carrick Legal Services	Contact No:	01475 712114
Subject:	Application for the Grant of a Street Trader's Licence Neil Kirkpatrick Fixed Site on Bay Street, Port Glasgow		

1.0 PURPOSE

- 1.1 The purpose of this report is to ask the Board to consider the application for the grant of a Street Trader's Licence submitted by Mr. Neil Kirkpatrick.
- 1.2 In terms of the Civic Government (Scotland) Act 1982, the Local Authority must consider an application within 3 months and reach a final decision within 6 months thereafter. A final decision on Mr Kirkpatrick's application must be made by 29 September 2019.

2.0 SUMMARY

- 2.1 The Board may wish to note that an objection has been received to the application by Mr Kirkpatrick by way of a letter dated 5 February 2018, a copy of which forms Appendix 1 to the report.
- 2.2 The applicant was given the opportunity in terms of the Act to make representations in writing to the objection. Mr Kirkpatrick submitted a letter on 25 March 2019 in support of his application which forms appendix 2 to the report.
- 2.3 The applicant has also been advised that he may be present or represented at this meeting to be heard in support of his application should the Board decide to hear him.

3.0 RECOMMENDATIONS

- 3.1 The Board is asked to decide whether or not they wish to hear the applicant in support of his application.
- 3.2 The Board is asked to determine the application in light of the objection and to determine whether Mr Kirkpatrick's application should be granted.

4.0 BACKGROUND

4.1 An application for the grant of a Street Trader Licence has been submitted by Mr. Neil Kirkpatrick to allow him to operate a hot food van on Bay Street, Port Glasgow between the hours of 8am and 3pm on Mondays to Fridays and 8am and 2pm on Saturdays and Sundays. Mr Kirkpatrick currently holds a Street Trader Licence to allow him to operate a hot food van from a mobile unit at the lay-by of the A761 Port Glasgow Road, adjacent to Auchenbothie House, Kilmacolm. Mr Kirkpatrick's current licence expires on 27 April 2021.

5.0 IMPLICATIONS

Finance

5.1 There are no financial implications.

Legal

5.2 The Board will recall that the provisions in the Act regarding the refusal of an application stipulate that a Licensing Authority shall refuse an application where, in their opinion certain grounds apply including:-

(a) the applicant or, where the applicant is not a natural person, any director of it or partner in it or any person responsible for its management , is either –

(i) for the time being disqualified under section 7 (6) of the Act, or

(ii) not a fit and proper person to be the holder of the licence;

(b) the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c) where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to -

5.3 (i) the location, character or condition of the premises or the character or condition of the premises or the character or condition of the vehicle or vessel;

(ii) the nature and extent of the proposed activity;

(iii) the kind of persons likely to be in the premises, vehicle or vessel;

(iv) the possibility of undue public nuisance; or

(v) public order or public safety; or

(d) There is other good reason for refusing the application.

Mr. Kirkpatrick has recourse to the Sheriff Court in the event he wishes to appeal any decision of the Board.

Human Resources

5.4 There are no Human Resources implications.

Equalities

5.5 There are no equalities implications.

Repopulation

5.6 There are no repopulation implications.

6.0 CONSULTATIONS

6.1 Consultation has been undertaken with Police Scotland, Head of Environmental & Public Protection, Head of Regeneration & Planning, Environmental & Public Protection (Roads) and the Ward Councillors of the Area, none of whom have made any objection to the application.

6.2 Regeneration and Planning advised that providing the catering trailer is hooked up to a vehicle and removed from site each night, planning permission is not required.

6.3 The application was advertised in the Greenock Telegraph

7.0 LIST OF BACKGROUND PAPERS

7.1 None

MR JOHN LOGAN

AL SERVICES
RECEIVED BAY STREET07 FEB 2018
PORT-GLASGOW

5TH FEBRUARY 2018

246 LC

DEAR SIR.

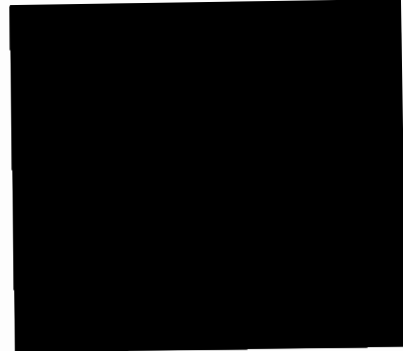
WITH REFERENCE TO APPLICATION FOR
~~THE~~ STREET TRADER BY MR NEIL KIRKPATRICK,
 MAY I RAISE AN OBJECTION TO THIS,
 BAY STREET IS ONLY FIVE MINUTES WALK FROM
 TOWN CENTRE, WITH AN ADEQUATE NUMBER OF
 HOT FOOD AND BEVERAGES FROM VARIOUS
 OUTLETS.

BAY STREET IS NOW FREEDOMITLY ALL RESIDENTIAL
 FROM THE "ROPE WORK FLATS" PAST THE NEW BUILD
 HOUSES, NOT FORGETTING THE THREE HIGH RISK FLATS,
 THE LEAST BAY ST AREA CULMINATES IN A
 DEAD END! AND IS BUSY ENOUGH WITH
 TRAFFIC WHO LIVE THERE.
 ENCOURAGING FURTHER TRAFFIC TO THIS AREA
 IF THAT IS THE PROPOSAL FOR THIS VENTURE
 WILL ONLY MAKE THINGS WORSE.

FOR INSTANCE, WHERE IS ANY TRAFFIC
 COMING IN TO USE THIS FACILITY GOING
 TO TURN TO LEAVE,
 ARE THEY GOING TO GO IN THROUGH THE
 NEW HOUSES COURT AREA AND OUT THE
 EXIT, IGNORING THE FACT THAT THESE ARE
 FAMILY HOMES WITH YOUNG CHILDREN
 POSSIBLY PLAYING OUTSIDE OR USING
 THE PRIVATE PARKING AREA OF THE ROPE WORK
 FLATS!
 RESIDENTS IM SURE DO NOT WANT OR,
 NEED SOMETHING LIKE THIS AND THE
 ASSOCIATED LIKELY MESS LEFT AROUND
 THE AREA, NOR DO THEY WANT TO PARK
 IN THE MORNING TO THE NOISE OF WORK-
 UANS AND THE LIKE CAUSING HAVOC
 TRYING TO FIND SOMEWHERE TO PARK,
 I THEREFORE GIVE AN OBJECTION TO THIS
 PROPOSAL.

John

Neil Kirkpatrick



Ref Civ 0925

To whom it may concern

Please find enclosed my view , as i address the points raised in the objection which was received on February 7th 2019.

1 There has been a hot food van at Bay street for several years , giving the public another option of hot food closer to there location.

2 I have been interested in this location at Bay street for some time. I deferred from applying because of the new houses being constructed , while the work was ongoing .

3 Concerning the road there is a turning point at the old ropeworks and the road has be widened.

4 I will provide bins as I previously done at my other site. I do regular checks that no litter is around the van as I belive any mess is my responsibility.

5 As for the noise concerns , it is next to a dual carriageway and the ship yards are close by.

6 Parking should not be a problem as there is ample space on each side of the road.



7 I have held a street trader licence for the last four years ,I have always asked for advice before I do anything concerning my licence . I have always complied and worked with the council departments who are involved with street traders licence.

8 I would like the board to accept my views and consider the granting of this application for my street traders licence.

9 I would like to attend the meeting on the 10 april 2019 .

Neil Kirkpatrick

Date 25/03/2019

