



**West Lothian  
Council**

Form amended August 2019

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 42 APPLICATION  
FOR THE GRANT/ RENEWAL\*  
OF LATE HOURS CATERING LICENCE (BUSINESS)  
\*DELETE AS APPROPRIATE

IT IS STRONGLY ADVISED THAT YOU READ THE GUIDANCE NOTES BEFORE COMPLETING THIS APPLICATION AS INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED ON THE WRONG FORM WILL NOT BE ACCEPTED AND WILL BE RETURNED BY SECOND CLASS POST DELAYING YOUR APPLICATION. IF YOU PROVIDE AN EMAIL ADDRESS BELOW THIS WILL ALLOW US TO CONTACT YOU QUICKER REGARDING YOUR APPLICATION.

FOR OFFICIAL USE ONLY

Date of receipt of application		Deadline for initial decision	
Fee paid		Deadline for final decision	
Receipt no.		Date to committee	
Acknowledgement		Decision	
Date to Police Scotland		Date of determination	
Date to Scottish Fire & Rescue Service			

Question 1 (a) – Business details

Is the applicant a company, partnership or organisation? Please tick one of the boxes opposite to indicate.	<input type="checkbox"/> company <input type="checkbox"/> partnership <input type="checkbox"/> organisation
Company registration number	
Name of company/partnership	
Address of registered or principal office of business	
E-mail address	
Telephone number	
If the applicant is a company or partnership please go to Question 1(b)  If the applicant is an organisation please go to Question 1(c)	

1(b) – Details of partners or directors

Complete the full names (including any previous names), addresses, telephone numbers and places of birth of all partners and directors		
First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)		
Length of time resident in the UK		Nationality
Permanent address		Previous address
Post code	Post code	
Time resident at this address	E-mail address	
Telephone number	Mobile number	

First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)		
Length of time resident in the UK		Nationality
Permanent address		Previous address
Post code	Post code	
Time resident at this address	E-mail address	
Telephone number	Mobile number	

Question 1 (c) – Organisation – additional details required

Name of organisation	
Address within West Lothian	
Post code	
Type of organisation	
Name and address of secretary	

Question 2 – Day to day manager information  
(see note 5 of the attached guidance notes)

Give the details below of the person who proposes to carry on the day to day management of the licence to which this application relates

First name	Middle name(s)	Surname
Age	Date of birth	Place of birth
Previous name(s)	National Insurance Number	
Length of time resident in the UK	Nationality	
Permanent address	Previous address	
Post code	Post code	
Time resident at current address		
Telephone number	Mobile number	
	E-mail address	

Question 3 – Premises details

(a) Address of premises to be licensed	Name: Address: Postcode: Telephone no:
(b) List the types of food to be sold	
(c) Will food be consumed on the premises	yes/no* (*delete as appropriate)
(d) State days of the week and hours between 11 pm and 5 am when it is proposed to sell food (see note 3 of the attached guidance notes)	

Question 4 – Type of licence

Is this a renewal application?	yes/no
If yes, what is the licence number and renewal date?	
Has anyone named in this application ever applied for and been refused a licence by any council?	yes/no
If yes, which council refused the licence and by whom was the application made?	
When was it refused?	
Has anyone named in this application ever held a licence which was suspended or revoked?	yes/no
If yes, which council suspended or revoked the licence?	



Question 6 - Declaration by applicant

I declare that the information given by me on this form is correct to the best of my knowledge and belief.

Date	Signature of applicant*	
	Print name of applicant	

This box can be signed by a director, partner or office bearer of the body which is named on the form as the applicant.

If the application is being signed by an agent on behalf of the applicant please sign and complete the boxes below.

Declaration by agent on behalf of a business

I declare on behalf of the business referred to in question 1 of this form that the information given by me on this form is correct to the best of my knowledge and belief.

Date	Signature of agent	
	Print name of agent	
	Address of agent	

Privacy Statement – Data Protection

All personal information that you supply will be used to process your application in accordance with data protection law and the Civic Government (Scotland) Act 1982. In terms of the 1982 Act we are required to share this information with the following bodies:-

- Police Scotland; and where the licensed activity takes place within premises,
- the Scottish Fire and Rescue Service or other enforcing authority under Part 3 of the Fire (Scotland) Act 2005

We are required by law to protect the public funds we administer. Therefore in line with the National Fraud Initiative (NFI) we may also share your information with other bodies responsible for auditing or administering public funds in order to prevent and detect fraud.

Some of the information provided by you on this form will be held on a register which is available for inspection by members of the public.

Further information about how we handle your personal information, including how long we retain the information, information about the NFI and how you can complain about our handling of your information, is available in our Privacy Notice which can be found on the Licensing Team's webpage <https://www.westlothian.gov.uk/licensing>. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email: [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk), telephone: 01506 281632.

## **NOTES FOR GUIDANCE/NOTES RE LEGAL REQUIREMENTS LATE HOURS CATERING APPLICATIONS**

1. In terms of Section 42 of the Civic Government (Scotland) Act, 1982, a late hours catering licence is required where premises are to be used between the hours of 11 pm and 5 am for the sale to the public of meals or refreshments for consumption on as well as off the premises. From 1 October 2012 a change in the legislation will take effect to replace the words “meals or refreshments” with the word “food”. Food is defined in terms of the Food Safety Act 1990 and has an extremely wide definition which covers all food and drink including water and chewing gum. Licences will therefore be required to sell any food between the hours of 11pm and 5am unless an exemption applies.
2. There are exemptions contained in Section 42 from the requirement to have a late hours catering licence. These are –  
  
Section 42(4) –  
  
“A late hours catering licence shall not be required in respect of –  
(a) the use as such of licensed premises within the meaning of the Licensing (Scotland) Act 2005; or  
(b) premises being used in accordance with a public entertainment licence”  
  
The Council considers that unless a liquor licence or a public entertainment licence is in force which covers premises during the hours between 11pm and 5am a late hours catering licence will be required.
3. The Council’s policy in relation to late hours catering licences was amended on 7 August 2012 with immediate effect. The current policy is –  
  
**1. Applications for LHC licences for petrol stations, supermarkets and retail shops**  
In the absence of any objections, representations or adverse comments from either the public or the Council’s advisors, applications to licence the above premises between the hours of 11pm and 5am will be granted under delegated authority by the Chief Solicitor. All other applications will be referred to the Licensing Committee for a decision to be taken.  
  
**2. Applications for LHC licences for takeaway or restaurant premises**  
In the absence of any objections, representations or adverse comments from either the public or the Council’s advisors applications to licence takeaway or restaurant premises will be granted with a terminal hour of 1am for sales at the premises and 2am for deliveries. All other applications will be referred to the Licensing Committee for a decision to be taken.
4. A late hours catering licence will normally be granted for a period of 1 year.
5. If the applicant is a business there requires to be a day to day manager listed on the application form at question 2. If the applicant is an individual it is optional whether a day to day manager is appointed. There are separate forms for individuals and businesses so please check you are completing the correct form.

6. You are also advised that you may require to obtain planning permission for the use of your premises as a late hours catering establishment. If you do not have planning permission you should contact the Development Management Section at [planning@westlothian.gov.uk](mailto:planning@westlothian.gov.uk).
7. Any person who in or in connection with the making of this application makes any statement which they know to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence and liable, on summary conviction to a fine not exceeding £2500. In relation to question 5, if there is doubt as to which offences are spent, applicants should seek legal advice before completing this form. Details of all of your convictions are available on payment of a fee from any police station. In terms of the Civic Government (Scotland) Act, 1982, for the purposes of this application the person signing the form is responsible for its contents. If the application is signed by an agent full details of that agent must be provided.
8. When making an application for the first time the form when completed, must be submitted by the day to day manager in person to Livingston CIS, Arrochar House, Almondvale Boulevard, Livingston along with the required fee and:-
  - the manager's photocard driving licence or
  - passport and proof of their current home address i.e. recent utility bill.

The address given in the application form must match the ID documentation. Livingston CIS staff will copy the evidence of identity and immediately return the documentation. Details of the current licensing fees can be found on the Council's website – [www.westlothian.gov.uk](http://www.westlothian.gov.uk).

9. If the application is for the renewal of an existing licence and is submitted prior to the expiry of the licence then the form can be posted direct to The Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF along with a cheque/postal order with the required fee and a recent utility bill from the manager's current home address. Alternatively it can be lodged at Livingston CIS. Applications with payments enclosed cannot be handed in to the Civic centre.
10. Section 42(5) of the Civic Government (Scotland) Act, 1982, provides that the Council may, on application made to them, exempt the use of premises requiring a late hours catering licence from the requirement to have such a licence:-
  - a) in respect of any particular occasion; or
  - b) during a specified period not exceeding 2 months in any period of 12 months.

Section 42(6) of the Act further provides that an exemption as described above may be granted by the Council subject to conditions.

11. Please ensure that this application is fully completed, the correct fee is enclosed and that all required documents are lodged along with it. Incomplete applications will be returned for amendment and resubmission which will delay your application.



12. Once your application is complete it will be processed. You will receive an acknowledgement once your application is complete. We will then contact you once vetting is complete. Most applications are determined within 60 days but applications which require to be referred to the Licensing Committee for a decision will take longer to be determined. In the event of an application being refused or withdrawn after being processed, no refund of the application fee paid will be made.
  
13. To contact the Licensing Team please email [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) or call 01506 281632. Please note that if you are directed to our voicemail, please leave a message with your name and number and we will phone you back. Please note that the team cannot provide advice as to whether a licence is required. Applicants should seek legal advice from a solicitor or advice centre.

## DISPLAY OF SITE NOTICES AND COMPLETION OF CERTIFICATES OF COMPLIANCE

14. Unless the application is for a temporary licence for a period of less than 6 weeks, a site notice must be displayed at or near the premises or site so that it can conveniently be read by the public, advertising your application. When your application is acknowledged as complete you will be required to send two photographs of the site notice to the Licensing Team. One photo must show the location of the notice and the other must be a close up clearly showing the wording of the notice.

The two notices are attached to these notes:

- Notice No. 1 provides a style of the notice to be displayed on the premises. It is called the Site Notice. This is a legal requirement.
- Notice No. 2 is a Certificate of Compliance and certifies that the applicant (or their agent) have complied with the legal requirements regarding the display of the site notice. This is a legal requirement.

**If your application is for a temporary Licence, this site notice is not required and the declaration (A) and (B) on page 5 of this application form should be deleted. The rest of these notes can be ignored.**

15. The site notice (notice no.1) must be

1. completed with details of the application and objection period (see 16 below)
2. displayed on the premises which are to be licensed for **at least 21 days** beginning with the date on which your fully completed application was lodged.
3. placed where it can be read easily by the public

**If your application is returned to you as it was not complete you will require to post a further site notice giving a further 21 day period for objections to be lodged.**

16. For applications for annual licences or for renewal of annual licences see the declaration section on page 5 of the form. You are required to delete (A) or (B) as appropriate.

Where declaration (A) is made, after the objection period has expired you must complete and send us the Certificate of Compliance with paragraph 2(2) of Schedule 1 to the Civic Government (Scotland) Act, 1982.

A style for such Certificate of Compliance is enclosed with this form (notice no.2).

Your application cannot be progressed until this certificate is received. If you have not displayed your site notice for the required 21 day period contact us and we will send you another one to display for a further period.

17. The Site Notice and Certificate of Compliance must contain the following information: -

1. The type of licence applied for.
2. The full name of the applicant. This may be an individual's name or that of a company, partnership or organisation.
3. The home address of the applicant. Where a company, partnership or organisation is making the application the registered office of the company, or principal office of the partnership or organisation should be given.
4. The address of the premises to be licensed must be included even though the site notice must be displayed at that same address.
5. The site notice must be signed by the applicant or manager (in the case of a company, partnership or organisation) or an agent acting on the applicant's behalf.
6. The date on which the site notice was first displayed should be clearly stated. The final date for the submission of objections or representations must be completed. This date is 28 days after the date of lodging of the application with the Council.
7. The Certificate of Compliance should only be signed and dated at the end of the objection period before it is returned to the Council and it should state quite clearly when the site notice was displayed. There has to be at least a period of 21 days between the two dates specified.

If you have any difficulties completing either of these notices, please contact Licensing Team staff on 01506 281632 who will be pleased to help.

THIS NOTICE MUST BE DISPLAYED FROM THE DATE THE APPLICATION WAS SUBMITTED TO THE COUNCIL

**SITE NOTICE    Notice No. 1**  
**Civic Government (Scotland) Act, 1982**  
**APPLICATION FOR THE GRANT/RENEWAL OF A:**

**TYPE OF LICENCE:**

See 17(1)

**NOTICE IS HEREBY GIVEN THAT**

**NAME of Applicant (Individual, Company or Partnership):**

See 17(2)

of

**ADDRESS of the above named applicant:**

See 17(3)

has applied to the **WEST LOTHIAN COUNCIL** for the grant/renewal of a

.....licence. See 17(1). A licence for a 1 year period has been sought. The address of the premises or site for which the licence is sought is:

**ADDRESS of Site**

See 17(4)

Members of the public may object to this application or make representations concerning it. Any objection or representation must be made by letter or email and must give reasons for the objection or representation. The name and address of the person objecting or making representations must be stated clearly and any letter must be signed by that person or an agent authorised to act for them. Emails do not require a signature but must include a name and address. Objections or representations should be sent to the Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF or emailed to [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk) by \*.....insert date i.e. 28 days after application is submitted. See 17 (6)

Any letters containing objections or representations should be either delivered by hand to the address given above or sent by Recorded Delivery mail to that address.

The Council can entertain late objections or representations provided a final decision has not been taken on the relevant application if it is satisfied there is sufficient reason why it is late. If a late objection or representation is made it must be accompanied by an explanation for that lateness.

Signed .....

See 17(6)

Date notice posted (i.e.date application submitted) ..... See 17(6)

**THIS CERTIFICATE MUST BE COMPLETED AND RETURNED TO THE COUNCIL AFTER THE EXPIRY OF THE OBJECTION PERIOD**

**Certificate of Compliance Notice No. 2  
Civic Government (Scotland) Act, 1982**

**NAME:**

See 17(2)

**ADDRESS:**

See 17(3)

having made application to West Lothian Council for the grant/renewal of a:

**TYPE of LICENCE:**

Late Hours Catering Licence

in respect of:

**SITE ADDRESS:**

See 17(4)

HEREBY CONFIRM THAT I/WE have complied with the terms of Paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act 1982, by displaying a notice at or near the above mentioned premises or site where it could be conveniently be read by the public for a period of 21 days from \*.....insert date application was submitted [See 17(6)]

Signed: .....[See 17(7)]

Date of signature ..... [See 17(7)]