



Form amended August 2019

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 41A APPLICATION FOR THE GRANT/ RENEWAL* OF INDOOR SPORTS ENTERTAINMENT 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

Table with 4 columns and 7 rows for tracking application progress. Headers include: Date of receipt of application, Acknowledgement, Fee paid, Receipt no., Date to Police, Date to Scottish Fire & Rescue Service, Deadline for initial decision, Deadline for final decision, Date to committee, Decision, Date of determination.

Question 1 (a) – Business details

Form for business details including: Is the applicant a company, partnership or organisation? (checkboxes for Company, Partnership, Organisation), Company registration number, Name of company/partnership, Address of registered or principal office of business, E-mail address, Telephone number, and instructions for next steps based on applicant type.

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 |
| | | |

PLEASE CONTINUE ON A SEPARATE SHEET IF REQUIRED

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 2 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) Name of place or address or premise(s) to be licensed | Name: Address: Postcode: |
| (b) Specify the type of premises for which a licence is required (see note 1 of the attached guidance notes) | |
| (c) Specify the kind(s) of public sports entertainment to be carried out (see note 1 of the attached guidance notes) | |
| (d) Specify the period for which a licence is required (see note 5 of the attached guidance notes) | |
| (e) State the days and hours of the week when it is proposed the above kinds of public entertainment will be available | |

| | |
|---|--------|
| (f) State the maximum number of persons proposed to be admitted at any one time into the premises or site (see note 3 of the attached guidance notes) | |
| (g) State the number of persons to be employed in the premises or site | |
| (h) State the number of persons nominated as responsible persons in control of the premises or site | |
| (i) Are you or your company, or firm, members of any professional or trade representative body | yes/no |
| (j) If yes please state the name and address of body and category of membership | |

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 5 – Further details

| Has anyone named in this application been convicted of any crime or offence? If answer is yes please provide details below; continue on separate sheet if necessary. | | | yes/no* |
|---|-------|---------|----------|
| Date | Court | Offence | Sentence |
| | | | |

SUBJECT TO THE REHABILITATION OF OFFENDERS ACT 1974, ALL UNSPENT CRIMES AND OFFENCES MUST BE DECLARED (SEE NOTE 6 OF THE ATTACHED GUIDANCE NOTES).

| |
|--|
| <p><u>Site Notice</u></p> <p>Does a site notice require to be displayed? yes/no* (*delete as applicable)</p> |
| <p>Declaration by applicant re site notice (** delete whichever is not applicable)</p> <p>** (a) I declare that I shall, for a period of 21 days commencing with the date on which a fully completed application is submitted, display at or near the premises or site, so that it can conveniently be read by the public, a notice complying with the requirements of paragraph 2(3) of schedule 1 to the Civic Government (Scotland) Act, 1982.</p> <p style="text-align: center;">or</p> <p>** (b) I declare that I am unable to display a notice of this application at or near the premises or site because I have no right of access or other rights enabling me to do so, but that I have taken the following steps to acquire the necessary rights, namely:-</p> <p>Please detail the steps you have taken in the box below</p> <p>but have been unable to acquire those rights</p> |

If the application is for a temporary licence no site notice is required and the above declaration should be deleted

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 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, telephone: 01506 281632.

GUIDANCE NOTES
INDOOR SPORTS ENTERTAINMENT LICENCE

1. In terms of Section 41A of the Civic Government (Scotland) Act, 1982, an "Indoor Sports Entertainment Licence" is required for the use of premises in West Lothian as a place of public sports entertainment.

- (a) "Premises" means any permanent or temporary building and any tent or inflatable structure and includes a part of the building where the building is a sports complex but does not include a part of any other building.
- (b) "Sports Complex" means a building:-
 - (i) Which provides accommodation and facilities for both those engaging in sport and spectators.
 - (ii) The parts of which are so arranged that one or more sport can be engaged simultaneously in different parts of the building.
- (c) "Sports Entertainment" means any sporting event to which the public are invited as spectators.
- (d) "Sporting Events" means any contest, exhibition or display of any sport.
- (e) "Sport" includes any game in which physical skill is the predominant factor and any form of physical recreation which is also engaged in for the purposes of competition or display, except dancing (in any form).

An indoor sports entertainment is not required:-

On any occasion on which the entertainment of the public by sport is not the principle purpose for which the premises are being used but this provision does not apply in relation to a sports complex.

2. 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.

3. The proposed maximum number of persons admitted at any one time into the premises or site will be examined by the Firemaster and a figure approved by the Council will be inserted as a condition on the licence, if granted.

4. The Council may attach conditions to an indoor sports entertainment licence –

(a) Restricting the use of the premises to a specified kind or specified kinds of public sports entertainment

(b) Fixing the days and times when the premises may be opened for the purposes of public sports entertainment.

5. A licence will normally be granted for a period of 1 year, unless the premises or land are to be used only for a short period, in which case a temporary licence will be granted for a period of up to a maximum of 6 weeks. The applicant must specify the particular period for which they require a licence.

6. 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.

7. 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.

8. 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.

9. All applications for temporary licences must be submitted a minimum of 35 days in advance of the event in order to allow the relevant advisors sufficient time to carry out all the necessary checks in relation to the application. It is council policy that such applications will not be processed if they are not received at least 35 days in advance of the event.

10. 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.

11. 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.

12. To contact the Licensing Team please email licensing@westlothian.gov.uk or call 01506 281632. Please note 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.

N.B.

(A) IF YOU CURRENTLY HOLD A PUBLIC ENTERTAINMENT LICENCE WHICH WILL COVER THE EVENT, AN INDOOR PUBLIC SPORTS ENTERTAINMENT LICENCE IS NOT REQUIRED.

(B) IF YOU OBTAIN AN INDOOR SPORTS ENTERTAINMENT LICENCE YOU WILL NOT NEED A PUBLIC ENTERTAINMENT LICENCE.

DISPLAY OF SITE NOTICES AND COMPLETION OF CERTIFICATES OF COMPLIANCE

13. 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.

14. 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.

15. 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.

16. 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 16(1)

NOTICE IS HEREBY GIVEN THAT

NAME of Applicant (Individual, Company or Partnership):

See 16(2)

of

ADDRESS of the above named applicant:

See 16(3)

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

.....licence. See 16(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 16(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 by *.....insert date i.e. 28 days after application is submitted. See 16(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 16(6)

Date notice posted (i.e.date application submitted) See 16(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 16(2)

ADDRESS:

See 16(3)

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

TYPE of LICENCE:

in respect of:

SITE ADDRESS:

See 16(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 16(6)]

Signed:[See 16(7)]

Date of signature [See 16(7)]