

Responding to licensing applications under Part II of the Civic Government (Scotland) Act 1982 (other than temporary licences)

Under the above legislation applicants for all civic government licensing applications relating to the use of premises (including land) need to put up site notices at the premises from the date they lodge the application for 21 days. The site notices must advise when the objection period closes and how to make an objection or representation.

There is a difference between an objection and a representation. An objection is a view that there is a reason why the application should be refused. A representation is a view that there is information the Committee should take into account when deciding whether to grant the application and can also include suggesting conditions the committee may wish to impose on the licence if the application is granted. Any conditions must be reasonable and relate to licensing objectives i.e. public safety, public order or prevention of crime.

Common applications include public entertainment, second hand dealers, skin piercing and tattooing and market operators.

In addition, objections and representation may be made in relation to other applications made under the Civic Government (Scotland) Act 1982 where site notices don not require to be displayed.

How do I lodge an objection or representation?

All objections and representations must:

- be in writing (including email) and include the name and address of the sender
- specify the grounds of objection or the nature of the representation (these must relate to the grounds of refusal in the legislation and be for licensing reasons i.e. public safety, public order or prevention of crime, the grounds for refusal are contained in Paragraph 5(3) of Schedule 1 to the 1982 Act).
- be sent by
 - hand delivery, or
 - registered or recorded delivery post, or
 - email to licensing@westlothian.gov.uk as long as the name and address of the objector is included in the email (emails cannot be sent direct to individual Licensing Team members)
- be signed by the person making the objection or representation (if not sent by email)
- be received by the Licensing Team within 28 days of the date the application was made

The Licensing Committee has discretion to consider late objections and representations if the committee is satisfied that there is sufficient reason why the objection or representation was not received in time. If this applies you will need to explain in your objection or representation why it is late and address the committee regarding this at the relevant committee meeting. A copy of your objection or representation will not be provided to the committee unless the committee decides to consider it.

If you have made an objection or representation to an application this means that a committee hearing must be held and you will be given notice of the relevant committee meeting by the Committee Services Team. You will have the opportunity at the relevant committee meeting to address the committee regarding your objection or representation and to answer any questions from the applicant or committee members regarding it.

Temporary licences under the Civic Government (Act) 1982

There is no facility for the public to object or make representations about temporary applications such as applications for short (less than 6 weeks) or one off events. The legislation requires the council to consult with Police Scotland and the Scottish Fire & Rescue Service about temporary applications. In addition the Licensing Team notifies all local elected members and in house advisors such as Environmental Health & Trading Standards, Planning, Building Standards and Roads & Transportation Services of all temporary applications.

**Licensing Team
December 2019**