



Form amended November 2020

CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 41
APPLICATION FOR ANNUAL PUBLIC ENTERTAINMENT LICENCE

(APPLICATION BY AN INDIVIDUAL)

For Use by Livingston CIS Payments Team

Date Lodged	Fee Paid	Receipt Number	Documents provided
			Plan(s) <input type="text"/>
			Proof of ID <input type="text"/>

For Use by Licensing Team

Date application complete		Deadline for initial Decision	
Acknowledgement		Deadline for final Decision	
Date to Police Scotland		Date to committee	
Date to Scottish Fire & Rescue Service		Decision	
Date to Environmental Health		Date of Determination	
Date to Development Management			
Date to Events Co-ordinator			

Applicants should start completing the form below

Please indicate which type of licence you are applying for by **ticking one of the boxes below** and make sure when submitting your application that you attach all the required documentation as outlined in the guidance notes. Please read the guidance notes before completing the application. Incomplete applications will be returned by second class post which will delay the processing of your application. There are separate forms for temporary licences so please check you are completing the correct form.

ANNUAL PUBLIC ENTERTAINMENT LICENCE	<input type="checkbox"/>
RENEWAL OF ANNUAL PUBLIC ENTERTAINMENT LICENCE	<input type="checkbox"/>

Question 1 – Applicant details (see guidance note 1)

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 (only to be completed if you have lived at your address for less than 3 years)
Post Code	Post Code
Time resident at this address	E-mail address
Telephone number	Mobile number

Question 2 – Day to day manager information (If applicable)

Does the person named in Question 1 propose to carry on the day to day management of the Licence to which this application relates? If no please give manager's details below .			YES/NO*
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 (only to be completed if you have lived at your Address for less than 3 years)	
Post code		Post code	
Time resident at current address			
Telephone number		Mobile number	
		E-mail address	

Question 3 – Premises/site details

<p>(a)Address of premises or site to be licensed.</p> <p>A premises can be many different things from part of a building, a building with several floors, a marquee or other temporary structure or an open air site.</p>	Name of premises (if applicable) :
	Address:
	Postcode:

(b) A detailed layout plan which is roughly drawn to scale must accompany this application. The area to be licensed should be clearly outlined in red. Please clearly mark on the plan where the different types of public entertainment including individual fairground rides/activities will be sited.

If the premises is an open air site an additional location plan should be included showing the area to be licensed outlined in red and the nearest main road. Location plans can be downloaded from the internet if required.

If the premises is part of a larger building the plan must clearly show the area to be licensed outlined in red.

Please tick the box opposite to indicate what type of area is to be licensed

outdoor site

indoor site

part of a larger building

Please tick the box opposite to indicate that you have enclosed a detailed layout plan and location plan (if required).

DO NOT DRAW THE PLAN IN THIS BOX

(c) Please tick the boxes opposite to indicate **all** of the different types of public entertainment or recreation which will be carried out in the premises.

The list opposite contains all the different types of entertainment which can be licensed under a Public Entertainment Licence in West Lothian.

Please note that if your licence is granted the list of activities will only include the ones which you have ticked.

Please consider carefully which types of entertainment you wish to be licensed as other activities cannot be added on and it is an offence to offer unlicensed activities if they are included in the list opposite but not ticked.

If your event involves:-

- a) A public collection
- b) Stalls selling items/offering services (e.g. face painting)
- c) The sale of alcohol
- d) Street trading

please check the Council's website –

<https://www.westlothian.gov.uk/article/34766/Entertainment-Licences-and-Permissions>

to determine whether any other licences or permits are also required for your event and what the current licensing fees are.

Guidance regarding the organisation of events is available from the Council's Events Co-ordinator on 01506 283285.

Public dance halls including disco dancing establishments

Premises with mechanical rides or simulators intended for entertainment or amusement unless the rides are for the exclusive use of children under the age of five whilst supervised by an adult

Circuses

Exhibition of persons or performing animals (does not include petting zoos)

Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, shooting galleries, mechanical riding, driving or boating apparatus, or anything similar to any of the foregoing

Indoor or open-air music concerts or other events involving the erection of temporary raised structures

Open-air concerts where in excess of 250 persons are present

Clay pigeon shooting

Paintball

Any exhibition to which the Hypnotism Act 1952 applies

Any activity involving inflatable structures

Any activity involving shooting

Archery

Indoor play areas for children

Wrestling

	<input type="checkbox"/> Cage fighting <input type="checkbox"/> Mechanical bowling alleys <input type="checkbox"/> Premises used for laser displays or laser games <input type="checkbox"/> Firework displays or bonfires <input type="checkbox"/> Adult entertainment - defined as "any form of entertainment which involves a person performing an act of an erotic or sexually explicit nature, and is provided wholly or mainly for the sexual gratification or titillation of the audience" <input type="checkbox"/> Sports or activities involving the transportation or propulsion* of persons whether by mechanical or other means including gravity. *See guidance notes List types of activity which fall under this category <div style="border: 1px solid black; height: 150px; width: 100%;"></div>
(d) State days of week and start and finish times each day when it is proposed that the premises or site will be open for business	
(e) State the maximum number of persons proposed to be admitted at any one time into the premises	
(f) State the number of persons to be employed/on duty in the premises or site	
(g) State the number of inflatables to be licensed (if applicable)	
(h) State the number of mechanical rides to be licensed (if applicable)	

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 application 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 or accepted a fixed penalty for an offence? Subject to the Rehabilitation of Offenders Act 1974, <u>all</u> unspent crimes and offences <u>must</u> be declared (see note 5(a) of the attached guidance notes).			yes/no
If answer is yes please provide details below ; continue on separate sheet if necessary.			
Date of conviction/ fixed penalty	Court where convicted or fixed penalty paid	Offence	Sentence/penalty

Site notice

Declaration by applicant re site notice (** delete whichever is not applicable)

** (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. A notice to be used for this purpose is attached. (See notes 5(b) of the attached guidance notes).

or

** (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:-

Please detail the steps you have taken in the box below

Question 6 - Declaration by applicant/agent

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	

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

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 – APPLICATION FOR A PUBLIC ENTERTAINMENT LICENCE BY AN INDIVIDUAL

What application form should I use?

- 1 (a) Applications must be made on the most up to date version of the application form. Please download a form from our website (search for public entertainment). It is helpful if you provide us with an email address as this allows us to contact you quickly if there are any issues arising in relation to your application.

Licences must be held by legal persons. Legal persons are either individuals, partnerships, companies or formally constituted organisations. This form should only be used where the applicant is an individual. If the application is being made by a business or an organisation a different form should be used. This form is for a licence which will be in force for a year. There are different forms for temporary licences to operate for periods of less than 6 weeks.

When should I make my application?

- 1(b) The council has 9 months in which to determine applications. However, the majority of applications are determined in less than 60 days using delegated powers. Applications which attract adverse comments have to be referred to the Licensing Committee for determination. The committee meets monthly. You should therefore make your application as soon as possible several months before you wish to start operating.

Do I need to name a day to day manager at Q2 of the form?

2. It is optional whether a day to day manager is appointed and named at Q2 of the form. A person named as day to day manager should be the person who is in day to day control of the premises being licensed. The day to day manager is jointly responsible for the operation of the licence along with the licence holder.

What types of public entertainment need to be licensed in West Lothian?

- 3 (a) Even if your event is free to enter it still needs to be licensed if it falls within the definition of public entertainment and is not exempt. The definition of a place of public entertainment is “any place where members of the public are admitted or may use any facilities for the purposes of entertainment or recreation”. There are a number of exemptions to this listed below.

The council has decided that the premises in West Lothian which require to be licensed by a public entertainment licence are those offering any of the following types of entertainment or recreation –

- Public dance halls including disco dancing establishments
- Premises with mechanical rides or simulators intended for entertainment or amusement unless the rides are for the exclusive use of children under the age of five whilst supervised by an adult
- Circuses
- Exhibition of persons or performing animals
- Fun fairs, including merry-go-rounds, roundabouts, swings, switchback railways, skittle alleys, coconut shies, hooplas, shooting galleries, mechanical riding, driving or boating apparatus, or anything similar to any of the foregoing
- Indoor or open air music concerts or other events involving the erection of temporary raised structures
- Open air concerts where in excess of 250 persons are present
- Clay pigeon shooting
- Paintball
- Sports or activities involving the transportation or propulsion of persons (i.e. people being moved) whether by mechanical or other means including gravity

- Any exhibition to which the Hypnotism Act 1952 applies
- Any activity involving inflatable structures
- Any activity involving shooting
- Archery
- Indoor play areas for children
- Wrestling
- Cage fighting
- Mechanical bowling alleys
- Premises used for laser displays or laser games
- Firework displays or bonfires
- Adult entertainment - defined as “any form of entertainment which involves a person performing an act of an erotic or sexually explicit nature, and is provided wholly or mainly for the sexual gratification or titillation of the audience”.

When completing question 3(c) of the form please fill in all the different types of entertainment which are included in the above lists which you require to be licensed.

However, the legislation provides that a Public Entertainment Licence is NOT required for: -

- An athletic or sports ground while it is being used as such.
- Premises in respect of which a licence is required under section 41A of the Civic Government (Scotland) Act 1982 (indoor sports entertainment licences) while such premises are being used for the purposes mentioned in that section.
- An educational establishment while it is being used as such.
- Premises belonging to or occupied by any religious body while being used wholly or mainly for purposes connected with that body.
- Premises licenses under the Theatres Act 1968, the Cinemas Act 1985 or the Gambling Act 2005.
- Licensed premises within the meaning of the Licensing (Scotland) Act 2005 at which public entertainment is being provided during licensed hours within the meaning of that Act.
- Premises in which machines for entertainment or amusement are being provided incidental to the main purpose or use of the premises where the main purpose of use is not a place of public entertainment.

Are there special rules about circuses?

3(b) Circuses

(1) Performances by live animals in circuses -

The council does not permit live animal performances in circuses held on Council owned land.

(2) Giving of live prizes at funfairs -

The Council has decided that there should be no overall ban on the giving of live prizes at show-grounds. However, the Council will expect the operators of funfairs to comply with the code of practice issued by the Showmen’s Guild of Great Britain with regard to the storage and treatment of goldfish given as prizes at funfairs. Officers of the Council will monitor funfairs to ensure compliance with the code.

Information about the licence applied for and applicants

4. Please complete Q4 providing information about whether the application is to renew an existing licence or not. In addition, information is required about anyone named in the application who has had an application for a licence refused or has had a licence suspended or revoked.

Do I need to provide details of convictions relating to myself and any manager named?

- 5(a) The law provides that you must provide details of any unspent convictions relating to you and any manager. It is a criminal offence to fail to do this or provide false information in the application form. If you are convicted this could result in a fine of up to £2500. You should therefore check these details with anyone else named in this form.

If you are in any doubt as to which offences are spent, you 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.

Do I need to display a site notice?

- 5(b) A site notice advertising your application must be displayed at or near the premises or site so that it can conveniently be read by the public. The site notice must be displayed from the day that your application is lodged or sent to the council. When your application is acknowledged as complete you will be asked 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 at or near 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 also a legal requirement.

The site notice (notice no.1) must be

1. completed with details of the application and the final date for objections to be received (see notes below)
2. displayed at or near the premises which are to be licensed for **at least 21 days** beginning with the date on which your fully completed application was lodged or sent to the council.
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.

Please complete 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. 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 which we will specify. No further opportunities to display a site notice can be given and if this requirement is not met your application cannot be processed. If you have any difficulties completing either of these notices, please contact Licensing Team staff on 01506 281632 who will be pleased to help.

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.
3. The address of the applicant. Where the application relates to premises with a postal address the address can be care of the premises.
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 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.

Can I get an agent to complete the form for me ?

6. New applications:

An agent can complete and sign the form for you. If the application is signed by an agent full details of that agent must be provided and the correct box at Q6 must be completed and signed. However, if the application is for the grant of a new licence it requires to be lodged by either the applicant or the day to day manager (if a manager is named at question 2) in person to Livingston CIS, Arrochar House, Almondvale Boulevard, Livingston along with the required fee and the following ID documentation:-

- the applicant/manager's photocard driving licence; or
- passport and proof of current home address of applicant/manager i.e. recent utility bill (within 3 months).

The address given in the application form must match the ID documentation. Livingston CIS staff will check the identity of the person lodging the form, copy the ID documentation and immediately return that documentation. Details of the current licensing fees can be found at the foot of the council's public entertainment licence webpage.

Renewal applications:

If the application is for the renewal of an existing licence it can be submitted prior to the expiry of the licence by either an agent, the applicant or the manager named in the form. 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 appropriate fee and a recent utility bill (within 3 months) from the applicant's or the manager's home address (if a manager is named at question 2). A fully completed form must be received **prior** to the expiry date. Alternatively it can be lodged at Livingston CIS. Applications cannot be handed in to the Civic Centre.

If you fail to make a competent application to renew your licence before the expiry date the licence expires automatically and you will be committing a criminal offence if you continue to operate after your licence has expired. Police Scotland is made aware of all expired licences. You should contact the Licensing Team immediately if you wish to make a new application.

If you consider that there are exceptional circumstances for not submitting your renewal application on time you may still lodge a renewal application within 28 days of the expiry date and it must be accompanied by a letter explaining the reasons why the application could not be submitted before the expiry date.

The Chief Solicitor will make a decision as to whether your late application can be accepted. In exceptional circumstances late applications may be accepted if the Chief Solicitor considers that good cause is shown for the late submission of the application. Your licence remains expired until the Chief Solicitor agrees to accept the late application. If the late application is not accepted it will be returned to you and an application for the grant of a new licence could be submitted, the balance of the grant fee would have to be paid and you would not be able to operate until that new application has been determined.

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 to you for amendment and you will then require to resubmit your application. This will delay the processing of your application.

What happens once my application is complete?

7. Once your application is complete you will receive an acknowledgement of that and it will be processed. 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.
8. 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 unless your phone does not accept calls from unknown numbers. 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.

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 page 10 of guidance notes

NOTICE IS HEREBY GIVEN THAT

NAME of Applicant (Individual, Company, Partnership or Organisation): See page 10 of guidance notes

of

ADDRESS of the above-named applicant: See page 10 of guidance notes

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

.....licence. 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 page 10 of guidance notes

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.

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 page 10 of guidance notes

Date notice posted (i.e. date application submitted)

See page 10 of guidance notes

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

NAME:	See page 10 of guidance notes
ADDRESS:	See page 10 of guidance notes

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

TYPE of LICENCE:	See page 10 of guidance notes
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in respect of:

SITE ADDRESS:	See page 10 of guidance notes
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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 page 10 of guidance notes]

Signed:[See page 10 of guidance notes]

Date of signature [See page 10 of guidance notes]

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