



Form amended November 2020

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

(APPLICATION BY A COMPANY/PARTNERSHIP/ORGANISATION)

For Use by Livingston CIS Payments Team

Date Lodged	Fee Paid (if applicable)	Receipt Number	Documents provided
			Plan <input type="checkbox"/>
			Proof of ID <input type="checkbox"/>
			Constitution (if applicable) <input type="checkbox"/>
			Letter of authorisation (if applicable) <input type="checkbox"/>
			Fee exemption letter (if applicable) <input type="checkbox"/>

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 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 annual licences so please check you are completing the correct form.

Question 1(a) – Business details (see guidance note 1)

Is the applicant a company, partnership or an 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/organisation	
Address of registered or principal office of business/partnership/organisation	

E-mail address	
Telephone number	
Is the application for an event organised by a gala day committee or a committee organising Marches Day or New lands Day? (See note 3(b) of the attached guidance notes)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the application for a fund raising event organised by a non profit distributing voluntary or community group based in West Lothian? (see note 3(b) of the attached guidance notes)	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you are an organisation claiming the exemption referred to in note 3(b) please tick the box opposite to confirm that you have enclosed a letter from the secretary of the organisation confirming that (1) the organisation is formally constituted, (2) the organisation is based in West Lothian and (3) the profit from the event will be used for community or charitable purposes.	<input type="checkbox"/>
<p>If the applicant is a company or partnership please go to question 1(b)</p> <p>If the applicant is an organisation please go to question 1(c)</p>	

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 <input type="checkbox"/>
Previous name(s)	<input type="checkbox"/>	
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	

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 (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	

PLEASE CONTINUE ON A SEPARATE SHEET IF REQUIRED

<u>Question 1 (c)</u> – Organisation – additional details required	
Name of organisation	
Address within West Lothian	
Post code	
Type of organisation	
Charity number (if applicable)	
Name and address of secretary	
Name and address of chairperson	

Question 2 – Day to day manager information

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 (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>	<p>Name of premises (if applicable):</p> <p>Address:</p> <p>Postcode:</p>
<p>(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.</p> <p>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.</p> <p>If the premises is part of a larger building the plan must clearly show the area to be licensed outlined in red.</p> <p>Please tick the box opposite to indicate what type of area is to be licensed</p> <p>Please tick the box opposite to indicate that you have enclosed a detailed layout plan and location plan (if required).</p>	<p style="text-align: center;">DO NOT DRAW THE PLAN IN THIS BOX</p> <p>outdoor site <input type="checkbox"/></p> <p>indoor site <input type="checkbox"/></p> <p>part of a larger building <input type="checkbox"/></p> <p><input type="checkbox"/></p>

(c) Please tick the boxes opposite to indicate **all** of the different types of public entertainment or recreation 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.

Once your licence is granted the list of activities will only include the ones which you have ticked.

Please consider carefully which types of entertainment which 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.

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, sw itchback 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 inflatables 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".

	<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 data-bbox="879 454 1386 893" style="border: 1px solid black; height: 196px; width: 318px; margin: 0 auto;"></div>
(d) Specify the dates for which a licence is required (see note 1(a) of the attached guidance notes)	
(e) State days of week and start and finish times of the event	
(f) State the maximum number of persons proposed to be admitted to the event/premises at any one time	
(g) State the number of persons to be employed/on duty in the premises or site	
(h) State the number of inflatables to be licensed (if applicable)	
(i) State the number of mechanical rides to be licensed (if applicable)	

Question 4 – Licence details

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 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 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

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*	

*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 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 TEMPORARY PUBLIC ENTERTAINMENT LICENCE BY A COMPANY/PARTNERSHIP/ORGANISATION

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. It is important that you complete the correct form as this may have consequences for obtaining insurance as the licence holder will be the legal person responsible for operating under the licence. Your licence will come to an end if the partnership or company is dissolved or the organisation is not operated in line with its constitution or statutory requirements. Applications for licences to be held in the name of partnerships or organisations must be accompanied by evidence of the existence of the partnership or organisation: -

- (i) If the applicant is a company we require the company number so we can check your directors details at Companies House. Details of all directors listed must be supplied. Applications should be signed by a director or an agent.
- (ii) If the applicant is a partnership we require a copy of your partnership agreement or correspondence from HMRC containing your partnership tax reference. Applications must be signed by a partner or an agent.
- (iii) If the application is an organisation we require a copy of the constitution or charity number and a letter from the secretary or chair of the organisation confirming that the office bearer who has signed the application is authorised to make the application on behalf of the organisation. The letter of authorisation must be signed by an office bearer other than the one who signed the application. You should take legal advice if you are in any doubt who the applicant for the licence should be. Applications must be signed by an office bearer or an agent

This form is for a temporary licence to operate for a period of less than 6 weeks. There are different forms for licences which will be in force for a year.

When should I make my application?

- 1(b) Applications for temporary licences for particular events should preferably be made at least 4 months before the event to allow time for the application to be processed. More notice will be required for events attracting large number of people. It is council policy that applications **must** be received at least 35 days in advance of the date of the event. Applications which attract adverse comments have to be referred to the Licensing Committee for determination. The committee meets monthly.

If you consider that there are exceptional circumstances for not submitting your application on time it must be accompanied by a letter explaining the reasons why the application could not be submitted at least 35 days in advance of the event.

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. If the late application is not accepted it will be returned to you.

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

2. It is a requirement that 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 on page 9.

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 licensed 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 any events exempt from paying a fee?

3(b) Applications for public entertainment licences for the following events are exempt from paying a fee -

- events organised by gala day committees and committees organising Marches Day and Newlands Day
- fund raising events organised by other non profit distributing voluntary and community groups based within West Lothian

Organisations claiming the exemption must be applying for the licence to run a fund raising event, and they must –

- be formally constituted i.e. have a written constitution and office bearers
- be based in West Lothian
- profits from the events must be used for community or charitable purposes.

When an organisation wishes to claim this exemption a letter from the secretary of the organisation must accompany the application form confirming (1) that the organisation is formally constituted i.e. it has a written constitution and office bearers, (2) that the organisation is based in West Lothian and (3) that profits from the event to be licensed will be used for community or charitable purposes.

Are there special rules about circuses?

3(c) 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 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. 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.

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

6. 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, the application requires to be lodged by the day to day manager in person to Livingston CIS, Arrochar House, Almondvale Boulevard, Livingston along with the required fee and the following ID documentation:-

- The manager's photocard driving licence; or
- passport and proof of current home address of 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.

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. 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.