**WEST LOTHIAN LICENSING BOARD**

**APPLICATION FOR OCCASIONAL LICENCE**

Sales of alcohol are restricted by law and applicants for occasional licences should realise that they, their business or organisation will be responsible for all sales taking place under the occasional licence. There are a number of mandatory and local conditions which will apply and non-compliance with these conditions is a crime. The Board’s webpages and the LSO webpage contain information to assist applicants in operating within the law.

Before completing this form please read the guidance notes as incomplete applications or applications submitted on an out of date form will not be accepted for processing and will be returned which will delay your application. Up to date versions of this form can be downloaded from the Board’s website.

A fully completed competent application form must be received at least 35 days prior to the date of the proposed event otherwise it will be treated as a late application. The Licensing Team operates on Monday to Fridays only. If the date of the event is at the weekend the application must have been received by the Friday before the weekend falling 35 days before the event.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

|  |  |
| --- | --- |
| **The Clerk to the Licensing Board**  **West Lothian Council**  **West Lothian Civic Centre**  **Howden South Road**  **Livingston**  **West Lothian**  **EH54 6FF**  **Email: licensingboard@westlothian.gov.uk**  **Form amended - October 2022** |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **1. APPLICANT DETAILS – complete one of the three boxes below to indicate how you are eligible to apply for this licence (see Section 1 of the guidance notes)** | | | | | |
| **Premises licence number (if applicable)**  **(You must enclose a copy of the summary of your premises licence with your application unless it was issued by West Lothian Licensing Board)** | | | | | |
| **Personal licence number (if applicable)**  **(You must enclose a copy of your personal licence with your application unless it was issued by West Lothian Licensing Board)** | | | | | |
| **Name of voluntary organisation (if applicable)**  **(You must enclose a copy of the organisation’s constitution and letter of authority, see the guidance notes on completion of the form)** | | | | | |
| **2. PERSONAL DETAILS** | | | | | | |
| **TITLE** (delete as appropriate): Mr Mrs Miss Ms Other (please state) | | | | | | |
| Surname  Forenames |  | | | | | |
| **DATE OF BIRTH** | | | Day | Month | Year | |
| **ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES** | | | | | | |
|  | | | | | | |
| **Post town** | | **Post code** | | | | |
| **TELEPHONE NUMBERS** | | | | | | |
| Daytime  Evening | | Mobile  Fax Number | | | | |
| **E-MAIL ADDRESS**  **(As all licences are emailed to applicants please ensure that you provide details of an appropriate email address)** | | | | | | |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **3. THE PREMISES** | | | | | | | |
| **Description of premises** | | | | | | | |
| **Description of activities to be carried on in the premises (please also complete the enclosed additional information sheet which is attached to this form)** | | | | | | | |
| **Full postal address of premises which this application refers to (including postcode)** | | | | | | | |
| **4. DURATION OF LICENCE (i.e. date(s) when is alcohol to be sold, for times see Q5)** | | | | | | |
| **From:**  **To:** | | | | | | |
| **5. Is alcohol to be sold on & off the premises YES/NO\* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-\* delete as appropriate** | | | | | | |
| **Times for sale of alcohol for consumption on premises (e.g. 7pm – 11pm)** | | | **Times for sale of alcohol for consumption off premises (e.g. 7pm – 11pm)** | | | |
| **Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises** | | | | | | |
| **6. CHILDREN**  **This section must be completed where alcohol is for sale for consumption on the premises** | | | | | |
| **Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)** | | | | | |
| **Ages of children or young persons permitted entry** | | **Times at which children or young persons permitted entry** | | | |
| **Parts of premises to which children or young persons permitted entry** | | | | | |
| **7. CHECKLIST** | | | | | |
| **I have**  **Please tick yes** | | | | | |
| * **Enclosed payment of the fee for the application (posted applications only)** | | | | |  |
| * **Enclosed a copy of my personal licence (if applicable)** | | | | |  |
| * **Enclosed a copy of summary of premises licence (if applicable)** | | | | |  |
| * **Enclosed a copy of the organisation’s constitution (if applicable)** | | | | |  |
| * **Enclosed a letter of authority (if applicable)** | | | | |  |
| * **Enclosed a layout plan and location plan (if applicable)** | | | | |  |
| * **Enclosed an alcohol management plan (if applicable)** | | | | |  |
| **8. Signature and declaration by applicant (see note 3)**  **DECLARATION**  **IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**  (Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b))  The contents of this Application are true to the best of my knowledge and belief. | | | | | | |
| **PRINT NAME** |  | | **AGENT / APPLICANT (delete as required)** |  | | |
| **SIGNATURE**  **(Handwritten forms only)** |  | | **DATE** |  | | |

**NOTES**

1. Section 56 of the Licensing (Scotland) Act 2005 provides that only:-

* The holder of a premises licence;
* The holder of a personal licence; or
* A representative of a voluntary organisation

is eligible to apply for an occasional licence

The 2005 Act does not provide a definition of what constitutes a voluntary organisation. The definition to be applied by the Board in considering occasional licence applications is as follows:-

***“Voluntary organisations are formally constituted, non-profit making bodies which consist of a group of volunteers who do not get paid or employ staff. The main aim of a voluntary organisation is to deliver social benefit in a variety of forms, rather than to generate profit for distribution to its members.”*** See Section 6 of the Board’s policy.

1. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry.
2. Data Protection Act 1998

The information on this form may be held on an electronic register which may be available to members of the public on request. (See additional Board privacy statement below).

1. Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm)

**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 Licensing (Scotland) Act 2005. In terms of the 2005 Act we are required to share this information with the following bodies and individuals:-**

* **Police Scotland**
* **West Lothian Council’s Licensing Standards Officer**

**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.**

**The information provided by you on this form will be held on an electronic register which will be 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**](https://www.westlothian.gov.uk/licensing)**. A copy of our Privacy Notice is available on request by contacting the Licensing Team, email:** [**licensingservices@westlothian.gov.uk**](mailto:licensingservices@westlothian.gov.uk)**, telephone: 01506 281632.**

**Additional information sheet**

**Please submit this sheet with your occasional licence application form**

|  |  |  |
| --- | --- | --- |
|  |  | **Please supply details of the event to allow your application to be processed** |
|  | How is access gained to the event (e.g. ticket purchased in advance, ticket purchased at the door, private invitation)? |  |
|  | Approximately how many people are expected to attend the event? |  |
|  | How has this figure been obtained (e.g. previous events, ticket sales, capacity of venue)? |  |
|  | Of this number how many are expected to be (a) children (0 – 15) and (b) young persons (16 and 17)? |  |
|  | Re question 4 above, are any restrictions proposed to be implemented at the event in relation to children and young persons’ access? If so, please list them. |  |
|  | What age group is expected to form the majority of those attending (e.g. under 18; 18 – 30; 30 – 50; over 50)? |  |
|  | How many personal licence holders are expected to be present for the duration of the event? |  |
|  | How many persons trained to the standard prescribed in the Licensing (Training of Staff) (Scotland) Regulations 2007 are expected to be present for the duration of the event? |  |
|  | Please note that it is an offence under the Private Security Industry Act 2001 to employ unlicensed door stewards.  Please state the number, if any, of stewards to be employed at the event.  Of that number, please state how many will be SIA registered stewards and how many will be volunteers. |  |
|  |
|  | How many trained first aiders will be present for the duration of the event? |  |
|  | Is it proposed that music will be played or performed at the event?  If so, please indicate in what form and during which hours of the event |  |
|  | Is a curfew or latest time for admittance to the premises proposed in relation to the event?  If yes please indicate what that time will be |  |
|  | **Mandatory conditions** |  |
|  | A number of mandatory conditions apply to all occasional licences these are complex and include the following:   * restrictions on the pricing of alcohol; * restrictions on promotions; * restrictions on price variations; and * age verification   There is a link to the mandatory conditions which apply to all occasional licences on the Board’s occasional licence webpage. |  |
|  | **Local Conditions** |  |
|  | In terms of Subsection 6.2 of the Board’s Statement of Licensing Policy, all occasional licences will be subject to standard local conditions unless the applicant requests any or all of them should be not be applied to their licence.  The list of conditions that will be applied is attached to this application.  Do you consider that any of the standard conditions should not be applied? If so please include reasons why on an additional sheet if required. |  |
|  | **Point of contact** |  |
|  | Who will be responsible for all sales of alcohol and the main point of contact throughout the event for licensing purposes?  Please provide their name, address and contact telephone number. |  |
|  | **Layout plan(s)** |  |
|  | A layout plan must be enclosed with every application (unless the application is made by a club in relation to their own premises which is covered by a premises licence). \*  Please tick the box opposite to indicate that you have enclosed a layout plan(s) clearly showing the area to be licensed.   * If the premises is part of a larger building the plan must make clear which area is to be licensed, please clearly mark where the bar will be and where alcohol will be sold and consumed * If the premises does not have a postal address a street plan showing the exact location with reference to the nearest street must also be enclosed in order that the exact location of the area to be licensed can be ascertained. * If the application includes off sales any display areas must be clearly marked on the plan. * If the application is for an outdoor event or one taking place within a temporary structure the Board needs more information and the layout plan of the event space must clearly show the area(s) to be licensed and must include accurate dimensions of the areas in which alcohol will be sold and consumed. | \*The layout plan must be attached on a separate sheet of paper do not attempt to draw a plan on this form. |
|  |
|  |  |  |
|  | **Applications involving the sale and/or consumption of alcohol within or partly within outdoor areas or temporary structures such as marquees** |  |
|  | Does the application fall into this category? | **Yes/No** |
|  | **If yes please answer the following questions and see subsection 6.3 of the Board’s Licensing Policy Statement** |  |
|  | Has an Alcohol Management Plan (AMP) been provided with the application in accordance with subsection 6.3 of the Board’s Licensing Policy Statement? Please tick box opposite if an AMP is enclosed. |  |
|  | If not covered in the AMP what form will the proposed demarcation barrier at the event take? |  |

Applicants should refer to the occasional licence application considerations document, a copy of which can also be accessed in the related documents section of the occasional licence webpage through this link:

<https://www.westlothian.gov.uk/article/2958/Occasional-Licence>

**GUIDANCE ON COMPLETING THE APPLICATION FORM**

**A fully completed application form must be submitted at least 35 days prior to the date of the proposed event see the notes on the front page of this form. Applications may be submitted as soon as an event is planned and should be submitted before it is advertised. Applicants should refer to section 6 of the Licensing Board’s Licensing Policy Statement before completing the application form.**

**Section 1 – Applicant Details**

One of the three boxes at question 1 **must** be completed so the Board knows who is the applicant. The applicant must be either:

* **A premises licence holder** – the premises licence number should be stated in the appropriate place in section 1 of the application form. You must enclose a copy of the summary of the premises licence unless it was issued by West Lothian Licensing Board.
* **A personal licence holder** – the personal licence number should be stated the appropriate place in section 1 of the application form. You must enclose a copy of your personal licence with your application unless it was issued by West Lothian Licensing Board. This includes all parts of your personal licence – the front page and appendices A to C.
* **A representative of a voluntary organisation** – the name of the voluntary organisation should be stated in the appropriate place in section 1 of the application form. The Board has a definition of voluntary organisation in its policy. In order for the Board to be satisfied that an organisation meets the definition the application must be accompanied by a copy of the organisations’ constitution and a letter from the Chair or Secretary confirming that the applicant is authorised to make the application. If the applicant is an officer bearer then the letter of authorisation should be from the Chair or Secretary. The letter of authorisation must be from a different person than the applicant so if the applicant is the Chair or Secretary separate authorisation is required.

Applicants should only include details of one of the above as applicant, as including more than one may cause delays in ascertaining which category the application is being made under.

**Section 2 – Personal Details**

The details to be included in this section are

* For applications made by a personal licence holder: the personal licence holder’s details;
* For applications made by a premises licence holder
  + where the premises licence is an individual : their personal details; or
  + where the premises licence holder is a company or partnership : the personal details of either -
    - a connected person of the company (as notified previously to the Board)
    - or partner in respect of a partnership

with authority to make the application on the premises licence holder’s behalf.

(There is a requirement under the 2005 Act to keep the Board updated of all current connected persons and any resignation of a connected person); or

* + where the premises licence holder is a members club : the personal details of the office bearer of that club who is making the application.

(There is a requirement under the 2005 Act to keep the Board updated of all current office bearers); or

* for applications made by a voluntary organisation: the personal details of the authorised officer who is making the application on behalf of that voluntary organisation.

**Section 3 – The Premises**

Description of premises

The premises should be described in detail by reference to a plan and full postal address if any. A premises can be many different things from part of a building, a building with several floors to a marquee or other temporary structure. Applicants must provide a detailed layout plan of the premises with the application (unless the application is made by a club in relation to their own premises which is covered by a premises licence). Please clearly mark on the plan where the bar will be and where alcohol will be sold and consumed

Description of Activities

All activities proposed to take place on the premises must be detailed here. Merely stating “disco” or “party” is not sufficient. As it is a mandatory condition of the licence that any activity to be carried on at the premises may be carried on only in accordance with the description of the activity contained in the licence. The description should therefore be as complete as possible. Any activity outside of those described will be in breach of the licence.

If you are applying as a voluntary organisation, it is a mandatory condition of the licence that alcohol can be sold only at an event taking place on the premises in connection with the voluntary organisation’s activities.

Full postal address

This includes the postcode. Where the premises does not have a postal address, a street plan is required showing the exact location with reference to the nearest street in order that the exact location of the area to be licensed is clearly shown.

**Section 4 – Duration of licence**

Please complete the date(s) of the event. If an event starts at 7pm one day and ends at 1am the following date both dates should be inserted.

The law allows a maximum period of 14 days to be covered by an occasional licence. Please consult the Board’s occasional licence webpage for restrictions on the numbers of applications which can be made by voluntary organisations.

**Section 5 – Sale of alcohol**

In this section applicants must confirm whether alcohol will be sold

* for consumption on the premises,
* off the premises, or
* both on and off the premises.

The details of the hours during which alcohol will be sold in relation to both on and off sales as appropriate must be completed e.g. 7pm – 11pm.On sales hours and off sales hours may differ. Off sales hours cannot be granted before 10 am or after 10 pm.

Under its policy West Lothian Licensing Board considers that the commencement of the sale of alcohol for consumption on the premises (i.e. on sales) shall not be earlier than 11 am.

For premises other than nightclubs (as defined in the Board’s Licensing Policy Statement), the Licensing Board considers that the terminal hour beyond which alcohol must not be sold on the premises to be 12 midnight on Mondays, Tuesdays, Wednesdays and Sundays and 1 am on Thursdays, Fridays and Saturdays. For nightclubs (as defined in the Board’s Licensing Policy Statement), the equivalent terminal hour for on sales is 1 am on Mondays, Tuesdays, Wednesdays and Sundays and 3 am on Thursdays, Fridays and Saturdays.

Applicants seeking licensed hours for times outwith the Board’s Policy require to demonstrate in their applications that the additional requested hours are appropriate in the circumstances.

Times for Activities: The times during which each activity will take place should be detailed.

**Section 6 - Children**

This section only needs to be completed where alcohol is to be sold for consumption on the premises.

You must indicate if children and/or young persons will be permitted access to the premises and if so provide details of

* the ages of children and young persons who will be at the event;
* the times during which children and young persons will be allowed within the premises;
* the parts of the premises which children and young persons will be allowed in.

Ages – applicants should be clear that there is a distinction in the Act between children and young persons. Unless ages are specified ‘children’ will be all those under 16 and ‘young persons’ will be those aged 16 and 17.

Times – the times for access for children and young persons must be insert. There may be different times for children and young persons e.g. children until 9 pm and young persons until 11 pm.

Parts – the parts of the premises for access, or exclusion, need to be detailed. A plan may be of use in this regard. It will ultimately be the responsibility of the licence holder to ensure that persons attending the event are aware of the provisions for access for children and young persons and to monitor compliance of this.

**Section 7 – Checklist**

The applicant must submit the following with the application:

* payment of the relevant fee (for postal applications only) copy personal licence (if applicable)
* copy of summary of premises licence (if applicable)
* a copy of the voluntary organisation’s constitution (if applicable)
* a letter from the Chair or Secretary given authorisation on behalf of the voluntary organisation (if applicable)
* completed additional information sheet
* layout plan and location plan (if applicable)
* Alcohol Management Plan (if applicable)

**Section 8 – Declaration**

The applicant must

* sign and date the form at section 8, and
* indicate if they are signing as applicant or agent. (See table in Appendix 3 of the Board’s policy)

**Section 9 – Lodging of applications under the Licensing (Scotland) Act 2005**

**By email:** You shoulddownload a copy of the most recent version of the form from our website and complete it by typing the information into the boxes on the form. You must sign the form to confirm that the information is correct by typing your name in the declaration section at Q8. The council accepts this as a signature. You should then check that the form has been fully completed and email it along with any supporting documentation to [licensingboard@westlothian.gov.uk](mailto:licensingboard@westlothian.gov.uk) You will receive an emailed acknowledgement if it has been successfully delivered. Once your form and documents have been checked by the Licensing Team you will be emailed with information about how to make an online payment of the fee. Details of fees are available at the bottom of the webpage for each licensing scheme.

**By post:** You shoulddownload a copy of the most recent version of the form from our website and complete it by hand and sign the form to confirm that the information is correct at the declaration section at Q8. You should then check the form has been fully completed and post it along with any supporting documentation and a cheque for the fee to the Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF to arrive in plenty of time before the 35 day deadline prior to the event in case your application is incomplete. Details of fees are available at the bottom of the webpage for each licensing scheme.

**APPLICATIONS CANNOT BE LODGED AT CIS LIVINGSTON AT ARROCHAR HOUSE OR HANDED INTO THE CIVIC CENTRE. CASH CANNOT BE ACCEPTED UNDER ANY CIRCUMSTANCES.**

Contact details: To contact the Licensing Team please email [licensingboard@westlothian.gov.uk](mailto:licensingboard@westlothian.gov.uk)

**STANDARD LOCAL CONDITIONS FOR OCCASIONAL LICENCES**

In accordance with Section 6 of this policy the Board will impose the following conditions will on the granting of occasional licences unless the Convenor, the convenor’s nominee or the Board determines that they should not be applied:

1. The holder of the occasional licence must be familiar with the legal requirements of selling alcohol under the occasional licence and shall ensure that all persons selling or serving alcohol are aware of their duties and responsibilities in terms of the Licensing (Scotland) Act 2005 and any relevant regulations.

2. In respect of occasional licences granted for the sale of alcohol solely for consumption off the premises, alcohol must only be displayed in accordance with the areas identified on the accompanying layout plan.

3. The licence holder shall ensure that there are sufficient measures in place to ensure that persons leaving the premises to smoke behave in a quiet and orderly manner so as to prevent any public nuisance.

4. The licence holder is required to have signs to be displayed in a suitable place (to ensure they can be easily read by persons purchasing alcohol) within the premises outlining the conditions of the licence, and that signage should refer to:

a) The ‘Challenge 25’ requirements. (A downloadable version of a suitable poster is available in the premises pack on the occasional licence webpage)

b) The times during which alcohol will be sold as stated in this licence.

c) The Drinkaware “Drink Compare calculator”. (A downloadable version of this poster is available in the premises pack on the occasional licence webpage).

5. Any music or live performance must cease at least fifteen minutes prior to the time when sales of alcohol are required to end as stated in this licence.

6. The licence holder shall ensure that all reasonable requests made by Police Scotland or council Officers are complied with to include terminating any music or live performance where

* noise is seriously impacting on the amenity of neighbouring noise sensitive premises, and
* informal intervention has so far failed to resolve the problem satisfactorily.

7. The licence holder must ensure that the premises are not overcrowded. In assessing this the capacity of the premises shall not exceed the figure calculated in accordance with the Technical Annexe referring to occupancy capacity of premises contained within the document entitled “Practical Fire Safety Guidance for Places of Entertainment and Assembly” issued by the Scottish Government and available on the Scottish Government’s website or any replacement document.

8. The licence holder shall ensure that the point of contact named in the application shall be present throughout the event to liaise with any relevant official should the need arise.

9. If the licence holder has stated in the application for this licence that there will be a curfew then the following curfew will apply:

* No one shall be permitted entry to the event after <insert curfew time stated in application>.

10. If the licence holder has stated in the application for this licence that there will be a first aider present the following condition will apply:

* The licence holder will ensure that a person trained in administering first aid is present on the premises during the event until all attendees have dispersed.

11. If the licence holder has stated in the application for this licence that there will be a specific number of stewards present on the premises the following condition will apply:

* The licence holder shall ensure that (a) there are a minimum of <insert number> stewards (licensed by the SIA if appropriate) working at all times during the event until all attendees have dispersed, and (b) stewards are clearly identified by badges, armbands or a recognisable uniform.

12. If the licence holder has stated in the application for this licence that there will be children and young persons (aged 0-17 years) present on the premises the licence holder will ensure that children and young persons are accompanied by a responsible adult and that they do not remain within the premises after 10pm unless it is a private family event (i.e. where members of the public are admitted by invitation only). If the licence holder has stated in the application for this licence that there will be no children and young persons (aged 0-17 years) present on the premises the licence holder will ensure that this is the case.

13. The licence holder shall ensure that staff, committee members or stewards working within the premises during the event do not consume alcohol at the premises either during or at the conclusion of the event.

14. Bar staff must carry out regular checks of the premises to ensure that all empty glasses and bottles are collected.

15. The licence holder shall ensure that no alcohol purchased in the licensed area is allowed to be taken out of the licensed area.

16. The licence holder shall take all reasonable steps to ensure that noise from the premises is not audible outwith the premises so as to prevent public nuisance.