



**WEST LOTHIAN COUNCIL**  
**Civic Government (Scotland) Act, 1982**  
**Market Operator's Licence - New Application**

<p><b>APPLICATION under Section 40 of</b>  the Civic Government (Scotland) Act, 1982 for  the GRANT of a:</p> <p style="text-align: center; font-size: 1.2em;"><b>MARKET OPERATOR'S  LICENCE</b></p> <p>Information supplied on this form will be held  on computer and applicants are advised that  in processing this application background  checks will be made which may include  reference to personal data held on computer.</p>	<b>For official use only</b>																												
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Date application received</td> <td style="width: 25%;"></td> <td style="width: 25%;">Fee paid</td> <td style="width: 25%;"></td> </tr> <tr> <td>Date to Police</td> <td></td> <td>Receipt no.</td> <td></td> </tr> <tr> <td>Firemaster</td> <td></td> <td>Deadline for consideration</td> <td></td> </tr> <tr> <td>Environmental Health</td> <td></td> <td>Deadline for decision</td> <td></td> </tr> <tr> <td>Building Control</td> <td></td> <td>Date to Committee</td> <td></td> </tr> <tr> <td>Planning</td> <td></td> <td>Decision</td> <td></td> </tr> <tr> <td>Trading Standards</td> <td></td> <td>Date application determined</td> <td></td> </tr> </table>	Date application received		Fee paid		Date to Police		Receipt no.		Firemaster		Deadline for consideration		Environmental Health		Deadline for decision		Building Control		Date to Committee		Planning		Decision		Trading Standards		Date application determined	
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**Question 1 Personal details** (Note: for application made as company or partnership please provide full details of company/partnership, full address of principle or registered office, contact number, names, address and dates of birth for all Directors/Partners or other persons responsible for the management of the business, on a separate sheet of paper. In addition the full name, address, and date of birth of the employee or agent who is to be responsible for the day to day management of the business).

Forename		Middle name(s)		Surname	
Maiden name		Age		Date of birth	
Home address				Telephone or contact number	
Post code					
Business/trade name					
Address of premises or site where it is proposed that a market be carried on. (See Note 1)					
Give description of premises or site (including reference to the size of the premises/site and availability of toilet and parking facilities)					
Specify maximum number and layout of any stalls or other similar structures.					
<b>Note: 7 copies of a plan of the premises/site and of the layout <u>MUST</u> be provided with this application.</b>					

**THIS APPLICATION MUST BE SUBMITTED BY THE APPLICANT IN PERSON WITH THE APPROPRIATE FEE AND SIGHT OF A DVLA PHOTOCARD OR PASSPORT & PROOF OF CURRENT ADDRESS I.E. RECENT UTILITY BILL**  
**NB Incomplete applications and applications submitted on the wrong form will not be accepted and will be returned by ordinary post.**

<b>Question 2</b> Do you propose to carry on the day to day management of the business for which this application applies? (If No please give employee's details below)			Yes / No	
Full name of employee		Date of birth		
Full address of employee				
Post code				
<b>Question 3</b> Specify the period for which a licence is required (See Note 2)				
State the particular days of the week, and hours of each day when it is proposed that the market be carried on.				
<b>Question 4</b> Has any person named in questions 1 or 2 been convicted of any crime or offence?			Yes / No	
If answer is YES please provide details below; continue on separate sheet if necessary.				
Name	Date	Court	Offence	Sentence
<b>Subject to the Rehabilitation of Offenders Act, 1974, ALL Crimes and Offences MUST be declared.</b>				
Has any person named in question 1 previously held or does hold a Market Operator's Licence			Yes / No	
If yes which Authority granted the licence?		What is it's reference number		
When was it granted?		When does it expire?		
Has any person named in question 1 previously been refused a Market Operator's Licence ?			Yes / No	
If yes which Authority refused the licence?		When was it refused?		

**DECLARATION by Applicant**

**\*\* (A) I/We declare that I/We shall, for a period of 21 days commencing with the date hereof, 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 (See note 3).**

**Or**

**\*\* (B) I/We declare that I am/We are unable to display a notice of this application at or near the premises or site because I/We have no rights of access or other rights enabling me/us to do so, but that I/We have taken the following steps to acquire the necessary rights, namely:**

*Please detail the steps you have taken in the box below*

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**But have been unable to acquire those rights**

**(c) I declare that the particulars given by me on this form are correct to the best of my knowledge and belief. (See note 4)**

**I enclose \*cheque / postal order / cash to the value of**  **£**  **In payment of application fee.**

**Date:**  **Signature of Applicant:**

**Where Applicant is company or partnership**

<b>Signature of agent:</b>	<input type="text"/>	<b>Position of Applicant in company / partnership</b>
<b>Address of agent</b>	<input type="text"/>	<input type="text"/>

**NOTES**

**\*\* Delete (A) or (B) as appropriate. Where declaration (A) is made, there must be produced in due course a 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.**

**1. In terms of Section 40 of the Civic Government (Scotland) Act, 1982, a market operator's licence is required where it is proposed to carry on a market, whether covered or not, at which goods will be offered by more than one seller for sale by retail to the public.**

Section 40 also provides that a market operator's licence will **NOT** be required for carrying on:-

- a) functions held by charitable, religious, youth, recreational, community, political or similar organisations, or
- b) markets held only for the sale of livestock, fodder or grain.

## NOTES (Continued).

2. 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.
3. 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, so that it can conveniently be read by the public, advertising your application. The site notice must be displayed for at least 21 days beginning with the date on which the application was submitted to the Licensing Authority. A style for this site notice is enclosed with this application form. Paragraph 2 of Schedule 1 of the Civic Government (Scotland) Act, 1982, deals with the advertisement of your application. If your application is for a temporary licence, this site notice is not required and the declaration (A) or (B) at the top of page 3 should be deleted.
4. 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.
5. This application form, when completed, must be submitted by the applicant in person to West Lothian Connected, Unit 16A, Almondvale Centre, Livingston along with the appropriate fee and either the applicant's passport or photocard driving licence and proof of current address i.e. recent utility bill. West Lothian Connected will copy the evidence of identity and immediately return the documentation. If the applicant is a business the application must be submitted by the day-to-day manager of the business and that person must present his/her passport or photocard driving licence along with the application. Details of the current licensing fees can be found on the Council's website – [www.westlothian.gov.uk](http://www.westlothian.gov.uk). In the event of an application being refused or withdrawn after being processed no refund of the fee will be made.
6. The fee for this application is £168.00 or £79.00 for a temporary fee.
7. 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. Any applications submitted after this time will not be processed.

**SITE NOTICE    Notice No. 1**  
**Civic Government (Scotland) Act, 1982**  
**APPLICATION FOR THE GRANT/RENEWAL OF A:**

<b>TYPE OF LICENCE:</b>	See Note 1
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**NOTICE IS HEREBY GIVEN THAT**

<b>NAME:</b>	See Note 2
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of

<b>ADDRESS of Applicant, Company or Partnership:</b>	See Note 3
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has applied to the **WEST LOTHIAN COUNCIL** for the grant/renewal of a..... licence. (See Note 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:

<b>ADDRESS of Site</b>	See Note 4
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Members of the public may object to this application or make representations concerning it. Any objection or representation must be made in writing and must give grounds for the objection or representation. The name and address of the person objecting or making representations must be stated clearly and the letter must be signed by either the objector or an agent authorised to act for them and dated. Objections or representations should be sent to the Chief Solicitor, Legal Services, West Lothian Council, Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF by ..... (Please insert appropriate date. See note 7).

Any written objections or representations should be either delivered by hand to the address given above or sent by Recorded Delivery mail to the same address. Objections or representations may also be forwarded by email to [licensing@westlothian.gov.uk](mailto:licensing@westlothian.gov.uk).

The Council can consider late objections, provided a final decision has not been taken on the relevant application. If a late objection is made, it must be accompanied by an explanation for that lateness. If the Council is satisfied with the explanation offered, the objection can be considered.

Signed	See Note 5	
Signed	See Note 6	

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

<b>NAME:</b>	See Note 2
<b>ADDRESS:</b>	See Note 3

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

<b>TYPE of LICENCE:</b>	See Note 1
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in respect of:

<b>SITE ADDRESS:</b>	See Note 4
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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 ..... (Please insert appropriate date. See Note 6)

Signed: (See Note 5)

Date: (See Note 8)

NB Incomplete site notices and certificates of compliance will be returned for amendment by ordinary post and must be redisplayed for a further 21 days.



**West Lothian Council**  
**Civic Government (Scotland) Act, 1982**  
**Site Notices and Certificates of Compliance**

Paragraph 2 of Schedule 1 to the Civic Government (Scotland) Act, 1982 states that when an application for a licence is for an activity which is mainly carried out in premises, a site notice must be displayed on the premises, informing the general public that an application has been submitted to the Council.

Site notice requirements do **not** apply where the application is for a **temporary** licence. If you are applying for a temporary licence only, you may ignore what follows.

Two notices are attached to these notes. Notice No. 1 provides an outline of the notice to be displayed on the premises. It is called the **Site Notice**. Notice No. 2 is a **Certificate of Compliance** and states simply that the applicant, or the applicant's agents, has complied with the law in the display of the site notice.

The **Site Notice**, once completed, must be displayed on the premises that are the subject of the application. **It must be placed where it can be read easily by the public and must remain on display for a period of 21 days following the date the application was lodged.**

The **Certificate of Compliance** must be completed and submitted to the Council once the site notice requirements have been fully complied with.

The Site Notice and Certificate of Compliance **must** contain the following information: -

- Note 1. The type of licence which is being sought for the premises. Normally site notices are required for the following activities:-
- a) Second Hand Dealers (including Second Hand Vehicle Dealers)
  - b) Public Entertainment
  - c) Metal Dealers
  - d) Late Hours Catering
  - e) Skin Piercing
  - f) Market Operator
- Note 2. The full name of the applicant must be given. This may be an individual name or that of a company or partnership.
- Note 3. The home address of the applicant must be stated. Where a company or partnership is making the application, the registered or financial office of that organisation should be given.

- Note 4. The address of the premises which form the subject of the application must be stated clearly even though the site notice must be displayed at that same address.
- Note 5. The site notice must be signed by the applicant or an agent acting on the applicant's behalf.
- Note 6. The date on which the site notice was first displayed should be clearly stated.
- Note 7. Any person wishing to object to the application or make other representations must make their views known to the Council within 28 days of the date of application or within 28 days of the site notice being displayed. Normally these two dates would be the same. The closing date for the submission of objections or representations must be set out on the site notice by the applicant. This closing date should be 28 days after the submission of your application, or 28 days after first displaying the site notice, whichever is later.**
- Note 8. The Certificate of Compliance **only** should be signed and dated when it is submitted to the Council and 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 staff who will be pleased to help. Telephone 01506-281632.

