

APPLICATION FOR PLANNING CERTIFICATE

Licensing (Scotland) Act 2007

Section 50



Falkirk Council
Development Services

Falkirk Council is the Data Controller under the Data Protection Act 1998. Information submitted in this form and associated documents will be processed in accordance with the Act.

If you are applying for a premises licence or provisional premises licence then you will need a Planning Certificate or Provisional Planning Certificate, as required by Section 50 of the Licensing (Scotland) Act 2005. This certificate is confirmation from the Planning Authority that your premises either have the appropriate planning permission for your intended use, or that such permission is not required.

Unless you are intending to apply for a provisional premises licence only, then you will also need to obtain separate Section 50 certificates from Food and Safety Regulation and Building Standards.

In order to apply for a Section 50 Planning Certificate, you should complete this form and return it **with a complete set of the plans which will be submitted with your licence application** to:

The Director of Development Services
Abbotsford House,
David's Loan,
Falkirk FK2 7YZ

Information required to accompany an application for a Planning Certificate under Section 50 of the Licensing (Scotland) Act 2005

CHECKLIST:

- 1 copy of this form.
- 1 set of plans, being an exact copy of the plans which are to be lodged with the Licensing Board.
- Details of the relevant Planning Permission or Certificate of Lawful Use or Development authorising the use of the premises in the manner proposed.
- The appropriate fee.

1 APPLICANTS DETAILS

Name: _____
Address: _____
Postcode: _____ E-mail: _____
Telephone: _____ Fax: _____

2 AGENTS NAME AND ADDRESS

Name: _____
Address: _____
Postcode: _____ E-mail: _____
Telephone: _____ Fax: _____

3 DETAILS OF EXISTING and INTENDED USE OF PREMISES

Existing _____
Proposed _____

4 FULL NAME AND ADDRESS OF PREMISES FOR WHICH CERTIFICATE IS SOUGHT
<hr/> <hr/> <hr/>

5 DETAILS OF LICENCE TO BE APPLIED FOR
<input type="checkbox"/> Grant of Premises Licence <input type="checkbox"/> Provisional Premises Licence

6 DETAILS OF PLANNING PERMISSION(S) GRANTED IN RESPECT OF PREMISES			
Application No.	<hr/>	Date of Planning Permission	<hr/>
Application No.	<hr/>	Date of Planning Permission	<hr/>
Application No.	<hr/>	Date of Planning Permission	<hr/>
Application No.	<hr/>	Date of Planning Permission	<hr/>

7 DETAILS OF CERTIFICATE(S) OF LAWFUL USE OR DEVELOPMENT GRANTED IN RESPECT OF PREMISES					
Application No.	<hr/>	Date of Certificate	<hr/>	Section 150 <input type="checkbox"/>	Section 151 <input type="checkbox"/>
Application No.	<hr/>	Date of Certificate	<hr/>	Section 150 <input type="checkbox"/>	Section 151 <input type="checkbox"/>

A Certificate of Lawful Use or Development is a formal certificate issued under the Town and Country Planning (Scotland) Act 1997 (the Act), which clarifies or establishes the planning status of land, or whether existing or proposed development is lawful for planning purposes.

A formal application for a certificate must be made to the Council's Planning and Transportation Service. Applications do not have to be made by the owner of the land in question - any person may apply to Falkirk Council as the local planning authority for a decision on whether any of the following are lawful for planning purposes:

Under Section 150	Under Section 151
a specified existing use	a specified proposed use
a specified existing operational development	a specified proposed operational development

Following the registration of an application, the matters to be determined are solely matters of evidential fact and law, and it is important to note that the onus of proof is firmly on the applicant to support any claim with relevant evidence. Clearly, if there is a need to obtain planning permission, or an appropriate certificate of lawful use or development, an application in this respect would have to be made significantly in advance of an application to the Licensing Board.

Please also note that, under section 153 of the Act, it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Under section 152 of the Act, the Council can revoke, at any time, a certificate issued as a result of such false or misleading information.

I hereby certify that the information contained in this form is accurate and that the plans attached are identical to those which will accompany my application to the Falkirk Licensing Board.

Signature of Applicant / Agent*

Date of Application

 Date of Licensing Board

*Delete as appropriate