

4. Proposed days and opening hours.	
5. Details of types of knives, swords or blades to be sold within the premises.	
6. Details of third party liability policy (including identity of insurance company, policy number, amount of cover and date of renewal). BEFORE A LICENCE CAN BE ISSUED, THE COUNCIL WILL REQUIRE SIGHT OF THE POLICY.	
7. (a) Has the applicant or any person named in 1 or 2 above previously held or currently hold a Knife Dealers licence? If YES Which Council granted the licence? What was the ref number, date of grant and date of expiry? (b) Has the applicant or any person named in 1 or 2 above ever applied for and been refused such a licence, or had such a licence suspended? If YES which Council refused/suspended the licence? When was it last refused/suspended?	

8. Subject to the provisions of the Rehabilitation of Offenders Act 1974, have you ever been convicted of any crime or offence? YES / NO if YES, give details below (continue on a separate page if necessary.)

Date	Court	Offence	Sentence

9. Declaration

A. * I declare that I am/We declare that we are complying with Paragraph 2(2) of Schedule 1 of the Civic Government (Scotland) Act 1982 regulating the display of a site notice for a period of 21 days from today, at or near the premises so that it can be conveniently read by the public.

B. * I declare that I am/We declare that we are unable to display a notice of this application at or near the premises because no access is available. The following action was taken to try to gain access but was unsuccessful.

I/ We declare that the particulars given on this form are correct to the best of my knowledge and belief.
I/ We understand that the information supplied by me/us as detailed in this form may be stored on a computer system by this Authority for the purpose of Licensing and that information may be disclosed to the police and other relevant parties for vetting and background enquiries whilst processing this application.
I/We understand that this authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information see <https://www.scotborders.gov.uk/nationalfraudinitiative> on the Council website or contact the Fraud Hotline on 01835 826825

Signature of Applicant:	Date:
Signature of Agent: (if applicable)	Date:

Any person who in, or in connection with the making of this application makes any statement which he/she knows to be false or recklessly makes any statement which is false in a material particular shall be guilty of an offence liable, on summary conviction, to a fine.



**Civic Government (Scotland) Act 1982
LICENSING OF KNIFE DEALERS**

GUIDANCE NOTES FOR APPLICANTS

With effect from 1 June 2010, The Scottish Government introduced a licensing regime requiring dealers of certain types of knives, swords and bladed articles to obtain a licence in order to carry on their business, subject to certain conditions. After that date, it will be an offence for a dealer to carry on their business without a licence.

Mandatory licensing conditions, together with details of exemptions from the licensing regime are set out below.

All licences granted by Scottish Borders Council will be subject to these mandatory licensing conditions. The Council may review the operation of the scheme in the future, including consulting with appropriate interested parties, in order to establish whether additional, local conditions required to be introduced.

DO I REQUIRE A LICENCE?

A "knife dealer licence" shall be required for carrying on a business as a dealer in the following articles:

- (a) knives (other than folding pocket knives whose blades do not exceed 3.5 inches (8.91cm) in length or knives designed for domestic use;
- (b) daggers (other than kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 cm) in length;
- (c) swords;
- (d) knife blades (other than those designed for domestic use);
- (e) any other article:
 - (i) which has a blade; or
 - (ii) which is sharply pointed, and which is made or adapted for use for causing injury to the person.

A "dealer" is defined as "one who carries on a business which includes:

- (a) selling;
- (b) hiring;
- (c) offering for sale or hire;
- (d) exposing for sale or hire;
- (e) lending; or
- (f) giving

such articles to other persons not acting in the course of a business.

Prospective applicants are therefore recommended to consider carefully the types of business they undertake and whether the articles they deal in fall within the definition as stated above.

EXEMPTIONS

As stated above, there are exemptions from the new licensing regime for:

- Knives designed for domestic use;
- Knife blades designed for domestic use;
- Folding pocket knives, kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 cm) in length

APPLICATION PROCEDURE

- (a) **Application form.** The Council's application form can be downloaded from the licensing section of the Council's website www.scotborders.gov.uk or can be collected or requested from the Licensing Unit, Regulatory Services - Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.
Telephone: 01835 826662; e-mail liquorandlicensing@scotborders.gov.uk.
- In support of your application, you will also be required to submit a copy of your public liability insurance and a layout plan of the premises.**
- (b) **Application by individual/company/partnership.** Applicants should ensure that full details are provided, to ensure that it is clear to whom the licence is to be granted.
- (c) **Location of premises/description/proposed opening hours.** The applicant must ensure that sufficient detail is given about the premises to ensure they can be clearly identified.
- (d) **Fee.** The application form should be accompanied by the appropriate fee of £400 for three year grant/renewal.
- (e) **Site Notice.** When submitting an application for a licence (or for renewal), the applicant will have to ensure that they display a site notice for a period of 21 days, commencing on the date the application is lodged with the Council. The Notice must be displayed at or near the premises, in a position where it can be easily read by the public. Once the Notice has been displayed for 21 days, it must then be returned to the Council's Licensing Unit together with the signed declaration completed on the Notice to certify that it has been displayed.
- (f) **Where to submit the application.** The application form and fee should be posted to the Licensing Unit, Regulatory Services – Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA or hand delivered to the main reception at the same address during office hours – Monday to Thursday 8.45am - 5.00pm, Friday 8.45am - 3.45pm.

WHAT WILL HAPPEN WITH YOUR APPLICATION

Copies of applications will be sent to the Police, Fire and Rescue Service and to the Council's Trading Standards Departments.

The fitness of the applicant and suitability of the premises require to be assessed. If no objections or adverse comments are received and the application is otherwise regarded as non-contentious, it may be granted under delegated powers. All other applications would be referred to the Council's Civic Government Licensing Committee for consideration.

WHEN THE LICENCE IS GRANTED – CONDITIONS OF LICENCE

In the event that a licence is granted, it will be subject to certain conditions. Failure to observe these conditions is a criminal offence and could lead to the licence being suspended or removed. The Council can impose other local conditions. Please note that the conditions of licence do not apply until the licence has been granted.

Mandatory Conditions

1. The dealer must make detailed written records on the day of the transaction with a customer and retain such records for a period of three years from that date stating the following information:
 - (a) the identity of the customer and the means by which the customer's identity was verified;
 - (b) the steps taken to establish that the customer was at least eighteen years of age at the time of the transaction (including any proof of age or identity sought or the means by which the customer's age was verified or reasons why such verification was not sought because it was unnecessary); and
 - (b) a full description of the article sold, hired or offered or exposed for sale or hire, lent or given to the customer.
2. The dealer must ensure that any article listed in Section 27A(2) of the Civic Government (Scotland) Act 1982 (ie knife blade, sword, etc) or display of any such articles is not visible from the street or any public entrance to the premises.
3. The dealer must display a notice which must:
 - (a) be displayed at all times at the point of entry to the premises, the point of sale or counter and in a position which is readily visible to customers;
 - (b) be at least A4 size and on which the lettering must be legible and no smaller than 5mm in height; and
 - (c) contain the following wording:
 - (i) it is an offence to sell to a person under the age of 18 any knife or knife blade (except if the person is aged 16 or over and the knife or blade is designed for domestic use);
 - (ii) it is also an offence to sell to a person under the age of 18 any razor blade, axe, sword or other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury; and
 - (iii) a customer may be asked to provide details of his/her age and identity (which may be recorded or copied and kept for inspection for up to three years

Additional Conditions – Swords

4. The dealer must take all reasonable steps to establish from the customer and confirm the intended use of any sword.
5. The dealer must make detailed written records on the day of the transaction with a customer and retain such records for a period of three years from that date stating the enquiries made of the customer or other persons or bodies as to the intended use of any sword.

Local Conditions

The type of conditions to be included in the licence have yet to be decided. The Council will consult those involved in the licensing scheme with a view to establishing what additional local conditions, if any, will be applied in future.

Requirement to Keep Records of Transactions

In terms of the licence conditions, once a knife dealer licence has been granted, the dealer will be required to maintain written records of all transactions involving knives, swords and other blades covered by the licensing scheme. The Council will provide a standard booklet, to assist dealers in keeping detailed records.



**CIVIC GOVERNMENT (SCOTLAND) ACT 1982
SITE NOTICE**

NOTICE IS HEREBY GIVEN that application has been made on:* to **SCOTTISH BORDERS COUNCIL** for a **KNIFE DEALER** licence in respect of premises at:*

Name and address of applicant:*

Proposed days and business hours:*

Any objections and representations in relation to the application may be made to the Licensing Unit, Regulatory Services - Legal and Licensing, Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA within **28 DAYS** of the above mentioned date.

Objections and representations must be made in accordance with the following provisions:

Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation:

- (a) is in writing;
- (b) specifies the grounds of the objection or, as the case may be, the nature of the representation;
- (c) specifies the name and address of the person making it and is signed by him or on his behalf;
- (d) was made to them within 28 days of the above mentioned date of application.

An objection or representation shall be considered to have been made to Scottish Borders Council within the period referred if it is delivered by hand or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered to them within that time.

It should also be noted that where an objection or representation is made to the Council after the date referred to but before a final decision is taken on the application, it is competent for the Council to entertain it if they are satisfied that there is sufficient reason why the objection or representation was not made within the period of time stated.

Applicant's Signature:*

Date:*

This site notice must be displayed for a period of **21 days** from the date the application was lodged with Scottish Borders Council at or near the premises in a position clearly visible to the public.

Where the application is made by a company or partnership, full names and addresses of all directors or partners must be detailed in an annexed list.

CONFIRMATION OF DISPLAY OF SITE NOTICE
(to be returned to SBC following the 21 day display period)

I (full name of applicant)*

Confirm the site notice has been displayed as prescribed above for a period of not less than 21 days

Signed:*

Date:*

** REQUIRES TO BE COMPLETED IN FULL*

Civic Government Licensing

PRIVACY NOTICE – KNIFE DEALER LICENCES

What information do we need?

Scottish Borders Council will act as the 'Data Controller' for the personal data you provide to us. The Data Protection Officer, who is responsible for ensuring personal data is managed in accordance with data protection legislation, can be contacted as follows:

Address: Data Protection Officer, Information Management, Scottish Borders Council, Newtown St Boswells TD6 0SA.

Email: dataprotection@scotborders.gov.uk

Telephone: 0300 100 1800

The information we collect from you will include details such as your name, address, e-mail address, telephone number, date and place of birth.

For the purposes of this specific service, the personal data we require includes special category information about you (also known as 'sensitive personal data'), specifically health information (disability, allergies, fitness to operate), For taxi driver or private hire driver licence applications, we ask for and hold specific information relating to medical conditions and a full group 2 medical standards certificate is required.

In addition we also require details of any previous criminal convictions and previous licence information.

Why do we need this information?

Your information is being collected to allow Scottish Borders Council to administer the process of applying for licences under the Civic Government (Scotland) Act 1982.

We need to know the personal data requested on the application form in order to provide this service to you. If you do not provide this information then we will be unable to process your request for a licence. We will not collect any personal data from you that is not needed for this purpose.

The lawful basis for collecting your information in these circumstances is:

Compliance with legal obligation:

Scottish Borders Council is required to collect your information in order to carry out the function of providing licences in relation to the Civic Government (Scotland) Act 1982, which is a statutory function of a local authority.

Where we collect special category data this processing is necessary for reasons of substantial public interest for aims that are proportionate and which contain appropriate safeguarding measures.

What will we do with your information?

We will use your information to process your application for a licence. Depending on the type of licence, this will involve sharing your information as shown in the table below.

Type of licence	Who your information will be shared with
Knife dealer	Police Scotland and Trading Standards

Applications where valid objections or representations are made will be considered at meetings of the Civic Government Licensing Committee, which are open to the public however some business may be held in private. We are also required to publish information in licensing registers, which will include your name, address and type of licence. No special category data is included in the register.

When you do not provide information directly to us, we may receive it from other relevant organisations including other Council services, other Local Authorities or Police Scotland.

You should also be aware that your data will be stored on servers located within the United Kingdom. We will take all reasonable steps to ensure that your data is kept secure and more information on how we do this can be provided by contacting the Data Protection Officer.

How long will we keep your information?

We will keep your information for the length of time specified within our document retention schedules, and after this period it will be destroyed under secure arrangements. More information on our retention policy and procedure can be obtained from the Data Protection Officer if required.

Automated Decision Making

No automated decision making will take place.

Your Rights

You have the right to request access to any personal data held about you by the Council. You can also request that we restrict the use of your information or even object to any further processing. You can do this by contacting the Data Protection Officer using the contact details provided above. We will respond to your request within thirty calendar days.

For more information on your rights please visit our website <http://www.scotborders.gov.uk/DPYourRights> or if you would like a hard copy of this information, please contact us using the contact details provided above.

If you are unhappy with the way the Council has processed your personal data please contact the Council's Data Protection Officer. If after raising your concerns with the Data Protection Officer you remain dissatisfied you have the right to complain to the Information Commissioner's Office.

Information Commissioner's Office

The ICO is the UK's independent body set up to uphold information rights.

Information Commissioner's Office
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
Telephone: 0303 123 1113
[Email: casework@ico.org.uk](mailto:casework@ico.org.uk)

The Information Commissioner's Office – Scotland
45 Melville Street, Edinburgh, EH3 7HL
Telephone: 0303 123 1115
[Email: Scotland@ico.org.uk](mailto:Scotland@ico.org.uk)