

Civic Government (Scotland) Act 1982

**APPLICATION FOR GRANT / RENEWAL OF A
MARKET OPERATOR LICENCE**

Please read the attached guidance notes before completing this form

Question 1 or 2, and all other questions must be answered. Please use block capitals.

1. To be completed if applicant is a private individual

Full name (if you have a previous name, give that name also)	Surname	
	Forenames	
Home Address		
Post Code		
Telephone number		
Email address		
Age, date and place of birth	Age	Date of birth
	Place of birth	
Is applicant to carry out the day to day management of the business? If not, give full name, address and date of birth of any manager. Contact telephone number Email address	YES	NO – give details

2. To be completed if applicant is not a private individual (eg Company or partnership)

Full name		
Address and postcode of principal or registered office		
Telephone number		
email address		
Names, private addresses and dates of birth of directors/ partners or other persons responsible for its management		
Name, address and telephone number of manager		
Age, date and place of birth	Age	Date of birth
	Place of birth	

Date Received	Fee Paid	Date to Police, Fire, EHO Officer, Trading Standards, Transport	Reply	Objectors	Granted/ Refused
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For office use only

3.	(a) Has any party named in 1 or 2 above ever held or does any such party currently hold a market operator licence?	YES – give details	NO
	(b) Has any party named on 1 or 2 above ever applied for and been refused a market operator licence?	YES – give details	NO
4.	Address of site or premises for which a licence is required		
5.	(a) Specify the kind of market to be carried on	YES – give full details	NO
	(b) Will food stalls or catering facilities be provided?		
6.	Proposed days and hours when premises/site will be open		
7.	Period for which licence required (maximum 3 years)		
8.	Give details of any toilet facilities to be made available		
9.	Give details of the layout of the market including the number of stalls		
10.	Give details of safety measures, eg number of Stewards to be provided		
11.	When applying for renewal for an indoor market, specify all structural alterations carried out to premises since licence last renewed/granted		
12. 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

13. Declaration

A. * I declare that I/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/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.

Or

C. * I/We declare that the application is for a temporary licence and therefore there is no requirement to display a site notice.

D. I/We declare that the particulars given by me/us on this form are correct to the best of my/our knowledge and belief.

***Delete A, B or C as appropriate**

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 and liable, on summary conviction, to a fine of up to £2,500.

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

MARKET OPERATOR LICENCE

NOTES FOR APPLICANTS

1. Please complete the form in typescript or black ink for ease of photocopying.
2. Each application should be accompanied by the fee payable of £360 or £111 for a temporary licence application.
3. Section 40 of the Civic Government (Scotland) Act 1982 states as follows:
 - (1) Subject to subsection (2) below, a licence, to be known as a “market operator’s licence”, shall be required for carrying on a private market.
 - (2) A market operator licence shall not be required for carrying on either of the following:
 - (a) functions held by charitable, religious, youth, recreational, community, political or similar organisations;
 - (b) markets held only for the sale of livestock, fodder or grain.
 - (3) In addition to any other condition which may be included, a licence in respect of a private market shall include conditions as to:
 - (a) the regulation of days and hours of opening;
 - (b) the provision of adequate toilet facilities;
 - (c) the layout of the site or premises on which the market is to be held;
 - (d) the maintenance of order and public safety.
 - (4) In this section, “private market” means a market, whether covered or not, carried on by any person other than a local or public authority at which goods are offered by more than one seller for sale by retail to the public.
4. Unless the application is for a temporary licence for up to 6 weeks, you must display a site notice, at or near the premises which you propose to use, in a place where this can be conveniently read by the public, for a period of 21 days beginning with the date when you submit this application to the Council. Please use the attached style of notice.

At the end of the 21 day period, the attached Certificate must be completed and returned to the Council.
5. If the application for market operator licence includes the provision of food stalls, full details of the type of food together with contact details must be provided.
6. If it is intended to use a public park or open space, consent will be required from the local authority (PLACEBookings@scotborders.gov.uk), as well as compliance with the terms and conditions of use
7. Please send the completed form, application fee and other documents to

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

not less than 3 months before the proposed commencement date of the licence.



CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SITE NOTICE

NOTICE IS HEREBY GIVEN that application has been made on:*
to SCOTTISH BORDERS COUNCIL for a MARKET OPERATOR LICENCE

in respect of premises at:*

Name and address of applicant:*

Proposed type of business:*

Proposed 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.

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 SCOTTISH BORDERS COUNCIL 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*

*MUST BE COMPLETED IN FULL

Civic Government Licensing

PRIVACY NOTICE – MARKET OPERATOR 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
Market Operator	Police Scotland, Environmental Health, Trading Standards and Scottish Fire and Rescue Service

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 maybe 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)