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| Form amended January 2023 | CIVIC GOVERNMENT (SCOTLAND) ACT 1982 SECTION 27A  APPLICATION FOR THE GRANT/ RENEWAL\*  OF A KNIFE DEALER’S LICENCE (INDIVIDUAL)  \*DELETE AS APPROPRIATE |

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| --- |
| IT IS STRONGLY ADVISED THAT YOU READ THE GUIDANCE NOTES BEFORE COMPLETING THIS APPLICATION AS INCOMPLETE APPLICATIONS OR APPLICATIONS SUBMITTED ON THE WRONG FORM WILL NOT BE ACCEPTED AND WILL BE RETURNED BY SECOND CLASS POST DELAYING YOUR APPLICATION. IF YOU PROVIDE AN EMAIL ADDRESS BELOW THIS WILL ALLOW US TO CONTACT YOU QUICKER REGARDING YOUR APPLICATION. |

FOR OFFICIAL USE ONLY

|  |  |  |  |
| --- | --- | --- | --- |
| Date of receipt of application |  | Deadline for initial decision |  |
| Acknowledgement |  | Deadline for final decision |  |
| Fee paid |  | Date to committee |  |
|  |  |  |  |
| Receipt no. |  | Decision |  |
| Date to Police Scotland |  | Date of determination |  |
| Date to Scottish Fire & Rescue Service |  |  |  |

Question 1 – Personal details

|  |  |  |  |
| --- | --- | --- | --- |
| First name | Middle name(s) | | Surname |
|  |  | |  |
|  |  | |  |
| Age | Date of birth | | Place of birth |
|  |  | |  |
|  |  | |  |
| Previous name(s) | | | National Insurance Number |
|  | | |  |
|  | | |  |
| Length of time resident in the UK | | Nationality | |
|  | |  | |
|  | |  | |
| Permanent address | | Previous address | |
|  | |  | |
|  | |  | |
|  | |  | |
|  | |  | |
|  | |  | |
| Post code | | Post code | |
| Time resident at this address | | E-mail address | |
|  | |  | |
| Telephone number | | Mobile number | |

1

Question 2 – Day to day manager information

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Does the person named in Question 1 propose to carry on the day to day management of YES/NO\*  the licence to which this application relates?  If no please give manager’s details below. | | | | |
|  |  | | |  |
| First name | Middle name(s) | | | Surname |
|  |  | | |  |
|  |  | | |  |
| Age | Date of birth | | | Place of birth |
|  |  | | |  |
|  |  | | |  |
| Previous name(s) | | | National Insurance Number | |
|  | | |  | |
|  | | |  | |
| Length of time resident in the UK | | Nationality | | |
|  | |  | | |
| Permanent address | | Previous address | | |
|  | |  | | |
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|  | |  | | |
|  | |  | | |
|  | |  | | |
|  | |  | | |
| Post code | | Post code | | |
|  | |  | | |
| Time resident at current address | | | | |
| Telephone number | | Mobile number | | |
|  | |  | | |
|  | | E-mail address | | |

Question 3 – Premises details

|  |  |
| --- | --- |
| (a) Address of premises to be licensed | Name:  Address:  Postcode:  Telephone no: |
| (b) State days of the week and hours when it is proposed to trade |  |

2

Question 4 – Type of licence

|  |  |
| --- | --- |
| Is this a renewal application? | yes/no |
| If yes, what is the licence number and renewal date? |  |
| Has anyone named in this application ever applied for and been refused a licence by any council? | yes/no |

|  |  |
| --- | --- |
| If yes, which council refused the licence and by whom was the application made? |  |
| When was it refused? |  |

|  |  |
| --- | --- |
| Has anyone named in this application ever held a licence which was suspended or revoked? | yes/no |

|  |  |
| --- | --- |
| If yes, which council suspended or revoked the licence? |  |

Question 5 – Further details

|  |  |  |  |
| --- | --- | --- | --- |
| Has anyone named in this application been convicted of any crime or offence?  If answer is yes please provide details below; continue on separate sheet if necessary. | | | yes/no\* |
| Date | Court | Offence | Sentence |
|  |  |  |  |
|  |  |  |  |
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SUBJECT TO THE REHABILITATION OF OFFENDERS ACT 1974, ALL UNSPENT CRIMES AND OFFENCES MUST BE DECLARED (SEE NOTE 6 OF THE ATTACHED GUIDANCE NOTES).

3

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| --- |
| Site notice |
| Declaration by applicant re site notice (\*\* delete whichever is not applicable)  \*\* (a) I declare that I shall, for a period of 21 days commencing with the date on which a fully completed application is submitted, 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. A form that may be used for this purpose is attached. (See note 12 of the attached guidance notes).  or  \*\* (b) I declare that I am unable to display a notice of this application at or near the premises or site because I have no right of access or other rights enabling me to do so, but that I have taken the following steps to acquire the necessary rights, namely:-  Please detail the steps you have taken in the box below |
| but have been unable to acquire those rights |

Signing this form – Individual applicants or their agents should sign the declaration below

Question 6 - Declaration by applicant

I declare that the information given by me on this form is correct to the best of my knowledge and belief.

|  |  |  |
| --- | --- | --- |
| Date | Signature of applicant |  |
|  | Print name of applicant |  |

If the application is being signed by an agent on behalf of the individual please sign and complete the boxes below

|  |  |  |
| --- | --- | --- |
| Date | Signature of agent |  |
|  | Print name of agent |  |
|  | Address of agent |  |

4

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 Civic Government (Scotland) Act 1982. In terms of the 1982 Act we are required to share this information with the following bodies:-

* Police Scotland; and where the licensed activity takes place within premises,
* the Scottish Fire and Rescue Service or other enforcing authority under Part 3 of the Fire (Scotland) Act 2005

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.

Some of the information provided by you on this form will be held on a register which is 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>. 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.

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GUIDANCE NOTES

KNIFE DEALER’S LICENCE

1. A Knife Dealer’s licence is required for carrying on business as a dealer

* Knives (other than those designed for domestic use)
* Knife blades (other than those designed for domestic use)
* Swords
* Any other article

1. Which has a blade; or
2. Which is sharply pointed

And which is made or adapted for use for causing injury to the person.

The following knives are exempt from the licensing requirements, but only where the blade does not exceed 8.91 centimetres (3.5 inches) in length –

1. Folding pocket knives;
2. Kirpans; and
3. Skean dubhs

Where a person is teaching or training another person in the sport of fencing, the hiring, lending or giving of fencing weapons does not constitute business requiring a licence, but only where the person teaching is a professional who is qualified to teach or train in the sport.

These are the only exceptions to the requirement for a licence.

1. The following conditions will be included in your licensing conditions if your application is granted:-

* A requirement to maintain a register of individuals refused a purchase
* A condition preventing the display of knives within your premises which are visible from outside your premises
* A requirement that all sales of knives within your premises must be supervised by someone over 18

1. Once your application has been submitted it will be sent to the Council’s advisors for their comments. The advisors may visit your premises prior to submitting their comments to the Licensing Team. The advisors may recommend that an additional two conditions be imposed in relation to your premises. These additional conditions are:-

* Requirement to have CCTV cameras on the premises
* Requirement to have secure display cabinets on the premises

If the advisors have any adverse comments or objections to your application or recommend that either of the additional conditions are imposed your application will require to be considered by the Licensing Committee and you will have an opportunity to address the committee before your application is determined.

1. If a licence is granted, the period of the licence will be one year.
2. If the applicant is a business or organisation there requires to be a day to day manager listed on the application form at question 2. If the applicant is an individual it is optional whether a day to day manager is appointed. There are separate forms for individuals and businesses so please check you are completing the correct form.
3. 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. In relation to question 5, if there is doubt as to which offences are spent, applicants should seek legal advice before completing this form. Details of all of your convictions are available on payment of a fee from any police station. In terms of the Civic Government (Scotland) Act 1982, for the purposes of this application the person signing the form is responsible for its contents. If the application is signed by an agent full details of that agent must be provided.
4. Applications may be lodged in two ways -

* **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 Q6. 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 [licensingservices@westlothian.gov.uk](mailto:licensingservices@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 (unless no fee is applicable). Details of fees are available at the bottom of the webpage for each licensing scheme. Once your fee has been paid you will be emailed a site notice for immediate display, if applicable.
* **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 Q6. You should then check the form has been fully completed and post it along with any supporting documentation and a cheque for the fee which is applicable to the Licensing Team, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston EH54 6FF in plenty of time before your licence is due to expire. Details of fees are available at the bottom of on the webpage for each licensing scheme.
* Please also provide copy of the applicant / manager’s photocard driving licence or passport and proof of their current home address i.e. recent utility bill

APPLICATIONS CANNOT BE SUBMITTED AT THE CIVIC CENTRE OR AT ARROCHAR HOUSE

1. Please ensure that this application is fully completed and that all required documents are lodged along with it. Incomplete applications will be returned for amendment and resubmission.
2. Once your application is complete it will be processed. You will receive an acknowledgement once your application is complete. We will then contact you once vetting is complete. Most applications are determined within 60 days but applications which require to be referred to the Licensing Committee for a decision will take longer to be determined. In the event of an application being refused or withdrawn after being processed, no refund of the application fee paid will be made.
3. To contact the Licensing Team please email licensingservices@westlothian.gov.uk or call 01506 281632. Please note that if you are directed to our voicemail, please leave a message and we will phone you back. Please note that the team cannot provide advice as to whether a licence is required. Applicants should seek legal advice from a solicitor or advice centre.

DISPLAY OF SITE NOTICES AND COMPLETION OF CERTIFICATES OF COMPLIANCE

1. 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 or site so that it can conveniently be read by the public, advertising your application. When your application is acknowledged as complete you will be required to send two photographs of the site notice to the Licensing Team. One photo must show the location of the notice and the other must be a close up clearly showing the wording of the notice.

The two notices are attached to these notes:

* Notice No. 1 provides a style of the notice to be displayed on the premises. It is called the Site Notice. This is a legal requirement.
* Notice No. 2 is a Certificate of Compliance and certifies that the applicant (or their agent) have complied with the legal requirements regarding the display of the site notice. This is a legal requirement.

**If your application is for a temporary Licence, this site notice is not required and the declaration (A) and (B) on page 4 of this application form should be deleted. The rest of these notes can be ignored.**

1. The site notice (notice no.1) must be

1. completed with details of the application and objection period (see 16 below)
2. displayed on the premises which are to be licensed for **at least 21 days** beginning with the date on which your fully completed application was lodged.
3. placed where it can be read easily by the public

**If your application is returned to you as it was not complete you will require to post a further site notice giving a further 21 day period for objections to be lodged.**

1. For applications for annual licences or for renewal of annual licences see the declaration section on page 4 of the form. You are required to delete (A) or (B) as appropriate.

Where declaration (A) is made, after the objection period has expired you must complete and send us the 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 (notice no.2).

Your application cannot be progressed until this certificate is received. If you have not displayed your site notice for the required 21 day period contact us and we will send you another one to display for a further period.

1. The Site Notice and Certificate of Compliance must contain the following information: -
2. The type of licence applied for.
3. The full name of the applicant. This may be an individual’s name or that of a company, partnership or organisation.
4. The home address of the applicant. Where a company, partnership or organisation is making the application the registered office of the company, or principal office of the partnership or organisation should be given.
5. The address of the premises to be licensed must be included even though the site notice must be displayed at that same address.
6. The site notice must be signed by the applicant or manager (in the case of a company, partnership or organisation) or an agent acting on the applicant’s behalf.
7. The date on which the site notice was first displayed should be clearly stated. The final date for the submission of objections or representations must be completed. This date is 28 days after the date of lodging of the application with the Council.
8. The Certificate of Compliance should only be signed and dated at the end of the objection period before it is returned to the Council and it 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.

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If you have any difficulties completing either of these notices, please contact Licensing Team staff on 01506 281632 who will be pleased to help.

**THIS NOTICE MUST BE DISPLAYED FROM THE DATE THE APPLICATION WAS SUBMITTED TO THE COUNCIL**

**SITE NOTICE Notice No. 1**

**Civic Government (Scotland) Act, 1982**

**APPLICATION FOR THE GRANT/RENEWAL OF A:**

|  |
| --- |
| **TYPE OF LICENCE**:  See 14(1) |

**NOTICE IS HEREBY GIVEN THAT**

|  |
| --- |
| **NAME of Applicant (Individual, Company or Partnership):**  See 14(2) |

of

|  |
| --- |
| **ADDRESS of the above named applicant:**  See 14(3) |

has applied to the **WEST LOTHIAN COUNCIL** for the grant/renewal of a

..............................................................................................licence. See 15(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:

|  |
| --- |
| **ADDRESS of Site**  See 14(4) |

Members of the public may object to this application or make representations concerning it. Any objection or representation must be made by letter or email and must give reasons for the objection or representation. The name and address of the person objecting or making representations must be stated clearly and any letter must be signed by that person or an agent authorised to act for them. Emails do not require a signature but must include a name and address. Objections or representations should be sent to the Licensing Team, Legal Services, West Lothian Council, West Lothian Civic Centre, Howden South Road, Livingston, West Lothian, EH54 6FF or emailed to [licensingservices@westlothian.gov,uk](mailto:licensingservices@westlothian.gov,uk) by \*....................................................insert date i.e. 28 days after application is submitted. See 15 (6)

Any letters containing objections or representations should be either delivered by hand to the address given above or sent by Recorded Delivery mail to that address.

The Council can entertain late objections or representations provided a final decision has not been taken on the relevant application if it is satisfied there is sufficient reason why it is late. If a late objection or representation is made it must be accompanied by an explanation for that lateness.

|  |
| --- |
| Signed ………………………………… See 14(6) |
| Date notice posted (i.e.date application submitted) ……………….. ………... See 14(6) |

**THIS CERTIFICATE MUST BE COMPLETED AND RETURNED TO THE COUNCIL AFTER THE EXPIRY OF THE OBJECTION PERIO**D

**Certificate of Compliance Notice No. 2**

**Civic Government (Scotland) Act, 1982**

|  |
| --- |
| **NAME:**  See 14(2) |
| **ADDRESS:**  See 14(3) |

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

|  |
| --- |
| **TYPE of LICENCE:**  See 14(1) |

in respect of:

|  |
| --- |
| **SITE ADDRESS**:  See 14(4) |

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 \*........................................insert date application was submitted [See 14(6)]

Signed: ............................................................[See14(7]

Date of signature ......................................................... [See 14(7)]