

# Licensing (Scotland) Act 2005

## Guidance on Applying for a Personal Licence



Please ensure you have read the following guidance before applying for a Personal Licence under section 71 of the Licensing (Scotland) Act 2005

### 1. WHO SHOULD APPLY?

A Personal Licence allows an individual to supervise and authorises the sale and supply of alcohol in Licensed Premises.

Individuals named as the designated Premises Manager on a Premises Licence need to hold a current Personal Licence.

In addition, a Personal Licence holder can apply for Occasional Licences and provide certain forms of training to staff in Licensed Premises.

### 2. WHAT ARE THE MINIMUM REQUIREMENTS FOR APPLYING?

Before you can apply for a Personal Licence you must meet these minimum requirements:

- Be at least 18 years of age;
- Hold a Scottish Certificate for Personal Licence Holder Qualification
- Not hold another current Personal Licence
- Not had a Personal Licence revoked within the last 5 years (*unless the licence was revoked under section 87(3) of the Licensing (Scotland) Act 2005 for failure to undertake refresher training within the prescribed timescale*)

### 3. ARE THERE DIFFERENT TYPES OF APPLICATION?

Depending on your circumstances you can apply for one of two types of application.

If you do not currently hold a Personal Licence with this Council you can apply for the following:

**New** If you do not currently hold a Personal Licence with a Scottish Licensing Board you can apply for a new Licence. You will **not be licensed** until the licence is granted.

**Renewal** If you currently hold a Personal Licence issued by the City of Glasgow Licensing Board you can apply to renew the Licence before it expires.

### 4. HOW DO YOU APPLY?

To apply for a Licence you should complete the attached application form and submit it to the Licensing Board with the relevant fee and supporting documents. **Only the applicant can sign the application form.**

#### AT OUR CITY CENTRE SERVICE DESK

Your application can be submitted in person at our:

City Centre Service Desk  
45 John Street  
Glasgow G1 1JE

**From 5 February 2018 you can book an appointment online to submit your application at the Service Desk.** Please be aware you will no longer be able to book your appointment via telephone. An appointment can be made using the following link. Please select 'Licensing' from the list of available options and choose 'Apply for a Licence' to schedule a suitable appointment.

<http://www.glasgow.gov.uk/booking>

Appointments are available Monday to Friday excluding Public Holidays. More information on making an appointment is available on our website:

<http://www.glasgow.gov.uk/licences/appointments>

We recommend that applications are lodged in person in order to ensure they are correct. Our staff will check your application and help you correct any mistakes. Please note our staff cannot complete the form for you.

You can ask someone to lodge the form on your behalf at the Service Desk; however, if the form requires to be amended, you must initial any changes before the form is accepted.

### BY POST

You can submit your application by post to the following address:

City of Glasgow Licensing Board  
City Chambers  
George Square  
Glasgow G2 1DU

You must provide your original documents with the application – photocopies will not be accepted. We recommend that you send the application by Recorded Delivery/Special Delivery to ensure that it is received.

We do not recommend that you send a renewal application to us by post. If you do, you must ensure that it is lodged with us before the expiry date of your current licence.

## 5. WHAT NEEDS TO ACCOMPANY THE APPLICATION?

The following documentation needs to be submitted alongside the form. All original documentation will be photocopied by the Council on receipt of your application and returned to you. Your application will not be accepted without these documents.

### TWO PASSPORT TYPE PHOTOGRAPHS (ALL APPLICATIONS)

Two **identical** passport type photographs must be provided with the application form.

One of the photographs should be endorsed on the back with the words “I certify that this is a true likeness of (name of applicant)”, followed by the full name of the person endorsing the photograph.

The photographs must meet the following criteria to be accepted:

- be taken within the last month;
- be in colour, not black and white;
- be a close-up of your head and shoulders with you facing forward and looking straight at the camera;
- show your full head, without any face or head covering, unless worn for religious beliefs or medical reasons;
- show you on your own (there shouldn't be other people in the photo);
- be clear and in sharp focus, with a clear difference between your face and the background
- be taken against a plain cream or plain light grey background
- not show you with red-eye
- not be torn, creased, or marked
- be printed on plain white photographic paper
- be free from shadows
- be taken with your eyes open and clearly visible (no sunglasses or tinted glasses and no hair across your eyes)
- be free from reflection or glare on your glasses, and the frames must not cover your eyes - if possible, you should remove your glasses
- not have any writing on the front or back (trademarks or photographic printing on the back must not show through)
- be 45 millimetres high x 35 millimetres wide - this is the standard size when you have a passport photo taken in a photo booth or studio (you should not trim a larger photograph)
- be professionally printed (photographs printed at home are not acceptable)

### SCOTTISH CERTIFICATE FOR PERSONAL LICENCE HOLDER QUALIFICATION

The certificate should be in your name and issued by an accredited training provider.

## 6. HOW MUCH IS THE APPLICATION FEE?

The application fee is set by legislation; the current application fees for Personal Licence are detailed below. The fee is payable when the application is lodged and is non-refundable.

	10 Years
Grant of Licence	£50
Renewal of Licence	£50

Applications lodged in person can be made by Cash, Cheque, Postal Order or Credit/Debit Card. Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).

Cheque and Card payments will only be accepted from the applicant. Cheques should be made payable to 'City of Glasgow Licensing Board'. Debit/Credit cards can only be accepted if the card allows authorisation by signature (i.e. we do not have Chip 'n' Pin facilities).

## **7. HOW WILL THE APPLICATION BE PROCESSED?**

Once your application has been lodged a copy will be sent to Police Scotland. As part of the application process, the Police may contact you to arrange an interview. Please note that the Police can charge you with an offence if you have made a false statement on your application form or failed to declare convictions.

The Police have 21 days to advise the Licensing Board if

- (a) you have been convicted of any relevant offences; and/or
- (b) they recommend refusal of your application for the purposes of any of the Licensing Objectives.

Once a report has been received from Police Scotland your application will be reviewed.

Your application will be granted if

- (a) the Police do not make an adverse comment;
- (b) you meet all the criteria set out in section 2 of this Guidance; and
- (c) you have not held a Personal Licence that expired or was surrendered in the last 3 years

Your application will be referred to a meeting of the Licensing Board if the Police advise that

- (a) you have been convicted of a relevant offence; and/or
- (b) they recommend refusal of your application.

If this happens you will receive a Recorded Delivery letter requesting your attendance at the meeting and explaining the reason you are being called. Although you are not legally required to attend it is recommended that you do so. We will contact you, in writing, after the meeting to advise you of the Licensing Board's decision.

## **8. HOW LONG WILL IT TAKE?**

There is no legal timescale for processing this type of application but we aim to deal with all applications as soon as possible. It normally takes about 2 to 3 months to deal with most applications.

Applications which are not straightforward (e.g. Police Scotland make a comment to the application) have to be referred to a meeting of the Licensing Board and normally take 3 to 4 months to process. This is due to the volume of applications that the Licensing Board can consider at each meeting.

## **9. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?**

You will receive a letter advising that your application has been granted; the letter will include your licence.

## **10. WHAT HAPPENS IF MY APPLICATION IS REFUSED?**

You will receive a letter advising that your application has been refused. You have the right to appeal the decision at Glasgow Sheriff Court.

An applicant wishing to appeal normally requires to first obtain a written Statement of Reasons for the decision. This can be obtained on written request to the Licensing Board within 28 days of the decision.

The Licensing Board cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

## **11. ARE THERE CONDITIONS ATTACHED TO THE LICENCE?**

There are no conditions attached to a Personal Licence; however there is a duty on a Personal Licence holder to undertake refresher training every five years.

## **OTHER FREQUENTLY ASKED QUESTIONS (FAQs)**

### **HOW LONG DOES IT TAKE TO SUBMIT A FORM AT THE LICENSING SERVICE DESK?**

The Service Desk is often very busy and you should expect to have to queue. It normally takes about 10 to 15 minutes to submit the application form and pay; this includes waiting times.

The peak times for the Service Desk are 10am to 11am and the lunch period of 12 Noon to 2pm. If you visit the Service Desk during these hours it may take longer to deal with your application.

As licences expire at the end of each month, the last few working days of the month can be very busy and lengthy queues are likely.

### **WILL I BE REFUSED BECAUSE I HAVE CERTAIN CONVICTIONS OR DRIVING OFFENCES?**

The fact that you have certain convictions does not prevent you applying nor does it guarantee that you will be refused. Every application is considered on its own merit.

### **MY PERSONAL LICENCE WAS REVOKED, HOW LONG BEFORE I CAN APPLY FOR A NEW LICENCE?**

You can apply at any time for a new Personal Licence if your previous licence was revoked under section 87(3) of the Licensing (Scotland) Act 2005 because you failed to undertake the required refresher training within the prescribed period. If your licence was revoked for any other reason, you must wait a minimum period of 5 years before reapplying for a Personal Licence.

### **CAN I GET FURTHER INFORMATION?**

If you have any further questions about the application process the Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice.

You can contact us in person or by phone or email.

City Centre Service Desk  
45 John Street  
Glasgow G1 1JE

**Phone:** 0141 287 5354  
**Email:** [LicensingBoard@glasgow.gov.uk](mailto:LicensingBoard@glasgow.gov.uk)

# Privacy Statement:

## Licensing schemes administered by the City of Glasgow Licensing Board

### WHO WE ARE

The City of Glasgow Licensing Board is a public body established under the Licensing (Scotland) Act 2005. Its head office is located at City Chambers, George Square, Glasgow G2 1DU, United Kingdom, and you can contact our Data Protection Officer by post at this address, by email at: [dataprotection@glasgow.gov.uk](mailto:dataprotection@glasgow.gov.uk), and by telephone on 0141 287 1055.

### WHY DO WE NEED YOUR PERSONAL INFORMATION AND WHAT DO WE DO WITH IT?

You are giving us your personal information to allow us to carry out our statutory functions in relation to licensed activities regulated by the City of Glasgow Licensing Board. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

### LEGAL BASIS FOR USING YOUR INFORMATION

We provide these services to you as part of our statutory function as a public body. You can find more details of our role on our website at [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy) and [www.glasgow.gov.uk/licensingboard](http://www.glasgow.gov.uk/licensingboard). Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you.

We may also need to process more sensitive personal information about you for reasons of substantial public interest as set out in the Data Protection Act 2018. It is necessary for us to process it to carry out key functions as set out in law. In addition, we may also process data about any criminal convictions you may have. This is because we are required to ascertain the suitability of individuals to hold licences and, to do this, we may need to process information on an individual's criminal convictions.

### WHO DO WE SHARE YOUR INFORMATION WITH?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes.

We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help us improve our services.

This data sharing is in accordance with our Information Use and Privacy Policy and covered in our full privacy statement on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

We are required by law to enter personal information about applicants and other relevant persons on a public register of applications for licences. This register can be accessed by any member of the public. We may publish this register or extracts of the register online. We may also provide the register to other public bodies to support a national register of licences.

In processing an application for a licence or a complaint, we may need to refer you to a meeting of the Licensing and Regulatory Committee. Your personal information will be included in the agenda, reports and minutes for the Committee. Some of this information will be published on our website. You can find out more on our website at [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy)

Licensing Board meetings are held in public. At a meeting your personal information may be disclosed to those in attendance. This may happen even if you do not attend a meeting that you are invited to.

We will also share your personal data with other public bodies and statutory consultees as required by law.

## HOW LONG DO WE KEEP YOUR INFORMATION FOR?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at [www.glasgow.gov.uk/rrds](http://www.glasgow.gov.uk/rrds) or you can request a hard copy from the contact address stated above.

## Your rights under data protection law

- **access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
  - I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
  - II. you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
  - III. our use of your personal information is contrary to law or our other legal obligations.

**Objecting to how we may use your information** – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

**Restricting how we may use your information** – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us as stated above if you wish to exercise any of these rights.

## INFORMATION YOU HAVE GIVEN US ABOUT OTHER PEOPLE

If you have provided anyone else's details on this form, please make sure that you have told them that you have given their information to Glasgow City Council. We will only use this information to carry out our statutory functions in relation to licensed activities regulated by the Council's Licensing & Regulatory Committee. If they want any more information on how we will use their information they can visit our web site at [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy) or email [dataprotection@glasgow.gov.uk](mailto:dataprotection@glasgow.gov.uk).

## COMPLAINTS

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at [dataprotection@glasgow.gov.uk](mailto:dataprotection@glasgow.gov.uk) or by telephone on 0141 287 1055.

However, you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>

If your complaint is not about a data protection matter you can find details on how to make a complaint on our website at [www.glasgow.gov.uk/complaints](http://www.glasgow.gov.uk/complaints).

## MORE INFORMATION

For more details on how we process your personal information visit [www.glasgow.gov.uk/privacy](http://www.glasgow.gov.uk/privacy)  
If you do not have access to the internet you can contact us via telephone to request hard copies of our documents.