

Extract from The Personal Licence (Scotland) Regulations 2007 (SSI 2007/77)

Application for a personal licence

1.—(1) A personal licence application or a personal licence renewal application is to be—

- (a) in the form set out in Schedule 2; and
- (b) accompanied by—
 - (i) evidence that the applicant possesses a licensing qualification; and
 - (ii) two photographs of the applicant which comply with paragraph (2) and one of which has a statement on it in accordance with paragraph (3).

(2) The two photographs of the applicant must—

- (a) measure 45 millimetres by 35 millimetres;
- (b) be on photographic paper;
- (c) be taken against a light background; and
- (d) show the full face of the applicant, without the applicant wearing sunglasses or any head covering (unless the applicant wears such a covering on account of a religious belief).

(3) One photograph of the applicant must have on the back of it a statement by a person appearing to the Licensing Board to be a person of standing in the community, 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.

2. A personal licence application or a personal licence renewal application must be made in writing or, if the Licensing Board to which the application is made so agrees, by electronic transmission.



SCOTTISH BORDERS LICENSING BOARD

Application for a personal licence

FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

| | |
|--|------------------|
| 1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1 | |
| TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state) | |
| Surname | |
| Forenames | |
| Date and Place of Birth | |
| NI Number | |
| ADDRESS WHERE ORDINARILY RESIDENT (We will use this address to correspond with you unless you complete the separate correspondence box below) | |
| | |
| Post town | Post code |
| TELEPHONE NUMBERS | |
| Daytime | |
| Evening | |
| Mobile | |
| FAX NUMBER | |
| E-mail address (if you would prefer us to correspond with you by e-mail) | |
| | |
| Address for correspondence associated with this application (if different to the address above) | |
| | |
| Post town | Post code |

| 2. Your licensing qualification | | |
|---|--------------------|-----------|
| Read note 2 | Please tick | |
| I hold an accredited qualification | Yes | No |
| If you have ticked yes please provide a copy of your qualification with your application. | | |

| 3. FIRST APPLICATIONS ONLY | | |
|---|--------------------|-----------|
| This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below. | | |
| Note: You may only hold one personal licence at a time | Please tick | |
| Do you currently hold a personal licence? | Yes | No |
| Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board? | Yes | No |
| Has any personal licence held by you been forfeited in the last 5 years? | Yes | No |
| Licensing Board | | |
| Licence number | | |
| Date of issue | | |
| Date of expiry | | |
| Any further details | | |

| 4. RENEWAL ONLY | | |
|---|--------------------|-----------|
| This section should be completed only if you are applying for a renewal of your existing licence | | |
| Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below | | |
| Details of current personal licence | | |
| Licensing Board | | |
| Licence number | | |
| Date of issue | | |
| Date of expiry | | |
| Any further details | | |
| If you cannot provide your personal licence, provide a statement explaining why | | |
| | | |
| Other personal licence | | |
| Note: You may only hold one personal licence at a time | Please tick | |
| I confirm that I do not hold any other personal licences other than the one submitted for renewal | Yes | No |

| 5. CHECKLIST | |
|--|-------------|
| I have yes | Please tick |
| <ul style="list-style-type: none"> Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3. | |
| <ul style="list-style-type: none"> Enclosed a copy of any licensing qualification I hold | |
| <ul style="list-style-type: none"> Enclosed my current personal licence (renewal only) | |
| <ul style="list-style-type: none"> Made or enclosed payment of the fee for the application | |

| 6. Previous Convictions |
|---|
| You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4 |

| Offence | Court | Date | Penalty |
|---------|-------|------|---------|
| | | | |

| 7. Declaration | |
|--|------|
| The contents of this application are true to the best of my knowledge and belief | |
| SIGNATURE – read note 5 | Date |

NOTES

Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

1. Change of name or address - Section 88 of the Licensing (Scotland) Act 2005 requires that a personal licence holder must, no later than one month after any change in the licence holder's name or address, give the Licensing Board which issued the licence notice of the change. It is an offence not to do so.

2. Licensing qualifications - Licensing qualifications are dealt with in section 91 of the Licensing (Scotland) Act 2005. In summary, to be eligible for a personal licence, an applicant must be aged 18 or over and possess a licensing qualification, and no personal licence previously held by the applicant must have been revoked within the period of 5 years ending with the day on which the application was received by the Licensing Board.

3. Photographs - One of the photographs submitted with your application should be endorsed on the back. This endorsement should, contain 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.

4. Convictions - Section 75 of the Act places a duty on an applicant for a personal licence to notify the Licensing Board if he or she has been convicted of any relevant or foreign offence during the time between making the application and the application being determined by the Licensing Board. Furthermore, section 82 of the Act requires personal licence holders to notify their Licensing Board of any convictions for relevant or foreign offences within one month of the licence holder being convicted.

5. Data Protection Act 1988 - The information on this form may be held on an electronic public register which may be available to members of the public on request.

Scottish Borders Licensing Board

PRIVACY NOTICE – LIQUOR LICENCES

What information do we need?

The Scottish Borders Licensing Board will act as the 'Data Controller' for the personal data you provide to us. The information held by the Licensing Board is managed by employees of Scottish Borders Council, and contained within Scottish Borders Council systems. 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 of birth, and (if applicable) national insurance number, details of any previous criminal convictions and previous licence information.

Why do we need this information?

Your information is being collected to allow the Scottish Borders Licensing Board to administer the process of applying for licences under the Licensing (Scotland) Act 2005.

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 Licensing Board is required to collect your information in order to carry out the function of providing licences in relation to the Licensing (Scotland) Act 2005.

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 |
|--|--|
| Premises Licence (including Provisional) | Police Scotland, Licensing Standards Officer, Environmental Health, Planning Regulatory Services, Building Standards, NHS Borders, Scottish Fire and Rescue Service, The Local Community Council and neighbouring properties. Notification of the application will also appear on the Council's Website. |
| Occasional Licence | Police Scotland, Licensing Standards Officer. Notification of the application will also appear on the Council's Website |
| Extension of Hours | Police Scotland, Licensing Standards Officer |
| Variation of Premises (Major) | Police Scotland, Licensing Standards Officer, Environmental Health, Planning Regulatory Services, Building Standards, NHS Borders, Scottish Fire and Rescue Service, The Local Community Council and neighbouring properties. Notification of the application will also appear on the Council's Website. |
| Variation of Premises (Minor) | Police Scotland, Licensing Standards Officer, and Environmental Health |
| Substitution of DPM | Police Scotland, Licensing Standards Officer |
| Personal Licence | Police Scotland, Licensing Standards Officer |
| Transfer of Premises | Police Scotland, Licensing Standards Officer |

Applications for Premises Licence (including Provisionals) and Major Variation of Premises Licence will be considered at meetings of the Scottish Borders Licensing Board along with other applications where valid objections or representations are made. These meetings are open to the public, however some business may require to be held in private. We are also required to publish information in licensing registers, which will include the licence holder and premises manager's name, and details about the premises.

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 (contact details can be found above).

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.

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

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