

Western Isles Licensing Board Publication Scheme

**Produced as required by the
Freedom of Information (Scotland) Act 2002**

INDEX

- SECTION 1: INTRODUCTION TO THE PUBLICATION SCHEME
- SECTION 2: ABOUT THE LICENSING BOARD
- SECTION 3: RESPONSIBILITY FOR THE SCHEME
- SECTION 4: PREPARING THE SCHEME
- SECTION 5: ACCESSING INFORMATION UNDER THE SCHEME
- SECTION 6: INFORMATION THAT WE MAY WITHHOLD
- SECTION 7: OUR CHARGING POLICY
- SECTION 8: OUR COPYRIGHT POLICY
- SECTION 9: OUR RECORDS MANAGEMENT AND DISPOSAL POLICY
- SECTION 10: COMPLAINTS AND FEEDBACK
- SECTION 11: HOW TO ACCESS INFORMATION NOT AVAILABLE UNDER THE SCHEME
- SECTION 12: CLASSES OF INFORMATION

1 INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's Public Authority. Anyone can use this right, and information can only be withheld where FOISA expressly permits it.

Section 23 of FOISA also requires that all Scottish public authorities maintain a publication scheme. A publication scheme sets out the types of information that a public authority routinely makes available. This scheme has been approved by the Scottish Information Commissioner, who is responsible for enforcing FOISA. Public authorities are also obliged to review their schemes from time to time.

The purpose of this scheme is to provide you with details of the range of information that we routinely publish. The scheme also provides details of how you can access this information, and tells you whether it is available free, or if there is a charge for the information.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (the EIRS) provides a separate right of access to the Environmental Information that we hold. The Licensing Board does not routinely hold Environmental Information.

Where information is not published under this scheme, you can request it from us under FOISA or, in the case of Environmental Information, the EIRS. For further information on accessing information not covered by this scheme, refer to Section 11 - how to access information not available under the scheme.

2 ABOUT THE LICENSING BOARD

The Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 to the Freedom of Information (Scotland) Act, 2002. Comhairle nan Eilean Siar elects the Board from its Elected Members. The Clerk to the Licensing Board is the Council's Head of the Executive Office. Nevertheless, the Board is a completely separate legal entity.

The Licensing Board administers liquor licensing of public houses, hotels, restaurants, etc. under the Licensing (Scotland) Act 1976 and the licensing of premises and personal licences under the Licensing (Scotland) Act 2005 which will come fully into force on 1 September 2009. It also regulates gambling under the Gambling Act 2005 which deals with the granting of premises licences for premises providing gambling facilities and granting of gambling permits. The Licensing Board determines licensing applications. All administration takes place at:-

Licensing Office
Comhairle Nan Eilean Siar
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW

All major decisions relating to the Licensing Board's functions are made at meetings of the Board but a number of non contentious decisions are delegated to the Clerk to the Board. A scheme of delegation is available explaining this process, in Appendix 1 of the Western Isles Licensing Board Statement of Licensing Policy. See classes in Section 12 for details on how to access. Information about decisions is contained within minutes of meetings of the Board, the register of decisions and statements of reasons (NB statement of reasons are issued only in a limited number of cases where specifically requested by an applicant).

3 RESPONSIBILITY FOR THE PUBLICATION SCHEME

The officer with overall responsibility for the scheme is:

Lesley McDonald
Head of the Executive Office
Comhairle nan Eilean Siar
Sandwick Road
Stornoway
HS1 2BW

Tel: 01851 709263

E-mail: lmcdonald@cne-siar.gov.uk

The officer responsible for the day-to-day maintenance of the scheme is:

Mairi Matheson
Paralegal/Licensing Officer
Comhairle Nan Eilean Siar
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW

Tel: 01851 709211

E-mail: mmatheson@cne-siar.gov.uk

4 PREPARING THE SCHEME

When preparing or reviewing our publication scheme, we are obliged by FOISA to have due regard to the public interest in providing access to the information that we hold which relates to:

- The services we provide;
- The costs of those services;
- The standard of those services;
- The facts that inform the important decisions we make; and
- The reasoning that informs our decisions.

In preparing this publication scheme Western Isles Licensing Board has taken account of the patterns of requests for information directed to the Board and the previous publication scheme.

5 ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME

Information available under our publication scheme will normally be available through the routes described below. Section 12 - Classes of Information provides more details on the information available under the scheme, along with additional guidance on how the information falling within each “class” may be accessed.

Online: Some of the information listed in this publication scheme can be accessed via the Comhairle nan Eilean Siar website at <http://www.cne-siar.gov.uk/licensing/index.asp>

By e-mail: If the information you request is not available on the website, but is listed in the publication scheme, we will send it you by e-mail, if practicable.

By telephone: Information can be requested over the telephone. Please provide full contact details, including a telephone number, so that we can clarify any details if necessary. Contact the Licensing Officer on 01851 709211 for more information.

Personal visits: If you want to view the information at our premises, you will have to make an appointment to do so. In such cases, please contact the Licensing Officer [see Section 3 for full contact details]. If you do not wish, or are unable to attend in person, we can provide you with hard copies of the information on request.

By post: all information under the scheme will normally be available in paper copy form. Please address your request to:

Paralegal/Licensing Officer
Comhairle Nan Eilean Siar
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW

When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, or any fee applicable (see Section 7: Our Charging Policy for further information on fees). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

Paper copies of the publication scheme will be made available at Comhairle nan Eilean Siar offices and libraries, or posted on request.

If you have difficulty determining the information you want to see, please contact the Paralegal/Licensing Officer [see Section 3 for full contact details].

6 INFORMATION THAT WE MAY WITHHOLD

All information covered by our publication scheme can either be accessed through our website, or will be provided promptly following our receipt of your request.

Our aim in maintaining this publication scheme is to be as open as possible. You should note, however, that there may be limited circumstances where information will be withheld from one of the classes of information listed in *Section 12 – Classes of Information*. Information will only be withheld, however, where FOISA (or, in the case of environmental information, the Environmental Information (Scotland) Regulations 2004) expressly permits it.

Information may be withheld, for example, where its disclosure would:

- breach the law of confidentiality,
- harm an organisation's commercial interests,
- endanger the protection of the environment.

Information may also be withheld if it is another person's personal information, and its release would breach the data protection legislation.

Wherever information is withheld we will inform you of this, and will set out why that information cannot be released. Even where information is withheld it may come in many cases, be possible to provide copies with the withheld information edited out.

If you wish to complain about any information which has been withheld from you, please refer to Section 10 - Complaints.

7 CHARGING POLICY

Unless otherwise stated in Section 12 - Classes of Information, all information maintained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by e-mail.

Each class of information described in Section 12 will clearly show if a charge may apply to information within that class. Unless otherwise stated in the 'Charges' column in section 12, the charges which apply will be based on the charging policy set out below.

We reserve the right to impose charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs: where charges are applied, photocopied information will be charged at a standard rate of 10 pence per A4 side of paper. Computer discs will be charged at the rate of £1 per cd-rom.

Postage costs: we will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

8 COPYRIGHT POLICY

Western Isles Licensing Board holds the copyright for the vast majority of information in this publication scheme. All of this information can be copied or reproduced without our formal permission, provided it is copied or reproduced accurately, is not used in a misleading context, and provided that the source of the material is identified.

The publication scheme may, however, contain information where the copyright holder is not the Western Isles Licensing Board. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder. Wherever possible, this scheme will indicate where we do not own the copyright on documents within Section 12 - Classes of Information.

Information about crown copyright material is available on the website of the Queen's Printer for Scotland at www.oqps.gov.uk. We can provide you with a copy of this information if you do not have internet access.

Re-Use of Public Sector Information

Access to the information does not mean that copyright has been waived, nor does it give the recipient the right to re-use the information for a commercial purpose. If you intend to re-use information obtained from the scheme, and you are unsure whether you have the right to do so, you are advised to make a request to the Western Isles Licensing Board to re-use the information. Your request will be considered under the Re-Use of Public Sector Information Regulations 2005 (RPSIs) for which a charge may be imposed. In the event that a charge is payable, you will be advised what this is and how it has been calculated. If you would like more information on the re-use of information, please contact the Western Isles Licensing Board – see Section 3 for full contact details.

Guidance on the RPSI regulations can also be found on the Office of Public Sector Information (OPSI) website at <http://www.opsi.gov.uk/advice/psi-regulations/index.htm> We can provide you with a copy of this information if you do not have internet access.

9 OUR RECORDS MANAGEMENT AND DISPOSAL PROPERTY

The Board's archiving policy is as follows:

<u>Type of Document</u>	<u>Retention Period</u>
Licensing Board Minutes	10 years
Premises files, including applications and plans	5 years
Files for Licensing Appeals	5 years
Other licensing files	5 years
Registers	Permanently

Lists of current licensed premises and licence holders are updated after each Board Meeting at which time previous lists are destroyed.

10 COMPLAINTS AND FEEDBACK

FOISA requires that we review our publications scheme from time to time; as a result, we welcome feedback on how we can develop our scheme further. If you would like to comment on any aspect of this publication scheme, then please contact using the contact details in Section 3. You may, for example, wish to tell us about:

- Other information you would like to see included in the scheme;
- Whether you found the scheme easy to use;
- Whether you found the publication scheme useful;
- Whether our staff were helpful; and
- Other ways in which our publication scheme can be improved.

Our aim is to make our publication scheme as user-friendly as possible, and we hope that you can access all the information we publish with ease. If you do wish to complain about

any aspect of the publication scheme, however, then please contact us, and we will try and resolve your complaint as quickly as possible. You can contact:

Lesley McDonald
Clerk to the Licensing Board
Comhairle nan Eilean Siar
Sandwick Road
Stornoway
Isle of Lewis
HS1 2BW

If you are still unhappy, you may contact the Scottish Information Commissioners' Office, on the details below.

Appealing to the Scottish Information Commissioner

You have legal rights to access information under this scheme and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights will apply only to publication scheme requests made in writing* or another recordable format. If you are unhappy with our responses to your request you can ask us to review it and if you are still unhappy, you can make an appeal to the Scottish Information Commissioner.

This same three-step right of appeal applies if you make written requests for information which is not included in the publication scheme, and are unhappy with the response you receive. Section 11 provides guidance on how to request information which is not available under the scheme.

The Commissioner's website has a guide to this three step process, and he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

Scottish Information Commissioner

Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Tel: 01334 464610
Email: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

* verbal requests for environmental information carry similar rights.

11 HOW TO ACCESS INFORMATION WHICH IS NOT AVAILABLE UNDER THE SCHEME

If the information you are seeking is not available under this publication scheme, then you may wish to request it from us. The Freedom of Information (Scotland) Act 2002 (FOISA) provides you with a right of access to the information we hold, subject to certain exemptions. The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 (DPA) provides a right of access to any personal information about you that we hold. Again, these rights are subject to certain exceptions or exemptions.

Should you wish to request a copy of any information that we hold that is not available under this scheme, please contact the Licensing Officer at the details listed in Section 3.

Charges for information which is not available under the scheme:

The charges for information which is available under this scheme are set out under *Section 7 – Our Charging Policy*. If you submit a request to us for information which is not available under the scheme the charges will be based on the following calculations:

General information requests:

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 to provide you may be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.
- We are not obliged to respond to requests which will cost us over £600 to process.
- In calculating any fee, staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.
- In the event that we decide to impose a charge we will issue you with notification of the charge (a fees notice) and how it has been calculated. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges for environmental information:

We do not charge for the time to determine whether we hold the information requested, nor for the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.

In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. The information will be provided to you on payment of the charge. If you decide not to proceed with the request there will be no charge to you.

Charges are calculated on the basis of the actual cost to the authority of providing the information.

- Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying.
- Postage is charged at actual rate for first class mail.
- Staff time is calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour.

The first £100 worth of information will be provided to you without charge.

Where information costs between £100 and £600 to provide, you will be asked to pay 10% of the cost. That is, if you were to ask for information that cost us £600 to provide, you would be asked to pay £50, calculated on the basis of a waiver for the first £100 and 10% of the remaining £500.

Where it would cost more than £600 to provide the information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost.

Request for your own personal data:

No charge will be made by the Licensing Board for providing your own personal data.

12 CLASSES OF INFORMATION

Class: Licensing Board Decisions and Policies

Description	Manner in which the Information is published	Charges
<p>Reports to the Board including any reports on complaints or objections</p> <p>Written reports relating to any matter on which the Board is making a decision</p>	<p>Email</p> <p>Available for inspection at:</p> <p>Licensing Office Comhairle nan Eilean Siar Sandwick Road Stornoway</p> <p>Hard copies available by post</p> <p>Reports containing confidential information protected by the Data Protection Act 1998 are exempt. Where practicable we will offer copies of reports with the exempt information edited out.</p>	<p>No charge</p> <p>No charge for inspection</p> <p>Photocopies charged @ 10p per A4 side</p>
<p>Minutes of Board Meetings</p>	<p>Email or hard copy</p>	<p>No charge</p>
<p>Appeal Decisions within the past two years (i.e. decisions of the Courts on appeals against decisions of the Board)</p>	<p>Available for inspection at:</p> <p>Licensing Office Comhairle nan Eilean Siar Sandwick Road Stornoway</p> <p>Hard copies available by post.</p>	<p>No charge for inspection</p> <p>Photocopies charged @ 10p per A4 side</p>
<p>Statement of Reasons under Section 18 of the Licensing (Scotland) Act 1976 (ie written statements of the reasons for decisions of the Board) – Except any statements issued during the current quarter or which are the subject of an appeal (because they form or may form part of Court proceedings)</p>	<p>Available for inspection at:</p> <p>Licensing Office Comhairle nan Eilean Siar Sandwick Road Stornoway</p> <p>Hard copies available by post.</p>	<p>No charge for inspection</p> <p>Photocopies charged @ 10p per A4 side</p>

Description	Manner in which the information is published	Charges
Register of Decisions (which records decisions of the Board)	Available for inspection at Licensing Office Comhairle nan Eilean Siar Sandwick Road Stornoway Email or hard copy.	No charge for inspection Photocopies charged @ 10p per A4 side
Policy Statements (i.e. statements of any policy that has been formally adopted by the Board). Including information on the statutory responsibilities of the Board; Statement of Licensing Policy; Constitution of the local licensing forum and equality policies.	Online, email or hard copy http://www.cne-siar.gov.uk/licensing/policy.asp http://www.cne-siar.gov.uk/licensing/documents/Licensing%20Policy.pdf http://www.cne-siar.gov.uk/equalityanddiversity/genderequality/licensingboard/index.asp	No charge
Agendas of Board Meetings	Online, email or hard copy http://www.cne-siar.gov.uk/licensing/agendas.asp	No charge
Details of the membership of the Board.	Email or hard copy	No charge

Class: Application Processes

Description	Manner in which the information is published	Charges
Application Forms	Online, email or hard copy http://www.cne-siar.gov.uk/licensing/liquor.asp	No charge for the application forms
Application Criteria and Guidelines	Online, email or hard copy	No charge
List of license Fees payable	Email or hard copy	No charge
List of applications A list of applications for the Licensing Board to consider	Online, email or hard copy http://www.cne-siar.gov.uk/licensing/applications.asp	No charge

Class: Public Registers

Description	Manner in which the information is published	Charges
Statutory Registers (which contain details of applications for licences)	Available for inspection at: Licensing Office Comhairle nan Eilean Siar Sandwick Road Stornoway Hard copies available by post.	No charge for inspection Photocopies charged @ 10p per A4 side
Lists of current licence holders and licensed premises.	Email or hard copy	No charge