

East Dunbartonshire Licensing Board - Guide to Information -

Further copies of this Guide may be obtained from the undernoted address
or East Dunbartonshire Council's website:-

www.eastdunbarton.gov.uk/licensingboard

East Dunbartonshire Licensing Board
12 Strathkelvin Place
Kirkintilloch
Glasgow G66 1TJ

Tel No: 0141 578 8000

Any questions regarding this Guide should be sent to the above address

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1.0 INTRODUCTION

- 1.1 The Freedom of Information (Scotland) Act 2002 (“FOISA”) provides individuals with a right of access to all recorded information held by Scotland’s public authorities. Anyone can use this right and information can only be withheld where FOISA expressly permits it.
- 1.2 Section 23(1) of FOISA also requires all Scottish public authorities to maintain a guide to information. A guide sets out the types of information which a public authority routinely makes available.
- 1.3 This is the guide (“the Guide”) which East Dunbartonshire Licensing Board (“the Board”) must adopt and maintain under section 23(1) of FOISA. The Board is obliged to review the Guide from time to time.
- 1.4 The purpose of the Guide is to provide a concise, self contained statement of the classes of information the Board will make publicly available automatically without the need to make a formal request under section 1 of FOISA. This will ensure that such information is provided speedily to any person requesting it. The Guide also specifies how members of the public may access this information and indicates if it is available free of charge or if there is a charge.
- 1.5 As required by section 23(2) of FOISA, the Guide specifies:-
- the classes of information which the Board publishes, or intends to publish;
 - the manner in which information of each class is, or is intended to be, published; and
 - whether the published information is, or is intended to be, available to the public free of charge.
- 1.6 Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (“the EIRS”) provides a separate right of access to the environmental information we hold. The Board does not routinely publish environmental information.
- 1.7 In the case of information held by the Board which is not published under the Guide and is not therefore made publicly available automatically, the public have the right to request such information from the Board under section 1 of FOISA or, in the case of environmental information, the EIRS. Further information on accessing information not published under the Guide is contained in section 10.0 below.
- 1.8 The Board has regard to the public interest in the information it holds. In meeting its obligations under FOISA, including the drawing up of the Guide, the Board has been mindful of the value of openness and transparency. By adopting the Guide the Board hopes to demonstrate, by the information it will publish under the Guide, that it performs its statutory functions in the public interest and in an open and transparent manner.

2.0 ABOUT THE BOARD

2.1 The Board is constituted under the Licensing (Scotland) Act 2005 and is a Scottish public authority as defined in Part 3 of Schedule 1 to FOISA. The Board is elected by East Dunbartonshire Council from its elected members. The Clerk of the Licensing Board is the Council's Director of Governance and Regulation. Nevertheless, the Board is a completely separate legal entity from the Council.

2.2 The Board is responsible for the following functions within the local government area of East Dunbartonshire:-

- licensing premises for the sale of alcohol;
- licensing gambling premises; and
- issuing permits for certain gambling activities.

2.3 The Board holds meetings as required and all Board meetings are held at-

12 Strathkelvin Place
Kirkintilloch
G66 1TJ

2.4 Dates of Board meetings are published on East Dunbartonshire Council's website (www.eastdunbarton.gov.uk) and can be obtained from the address specified in section 2.6 below.

2.5 All major decisions relating to the Board's functions are made at Board meetings. However, certain non-contentious decisions are delegated to the Clerk under the Board's Scheme of delegation. The Scheme of Delegation is published on East Dunbartonshire Council's website (www.eastdunbarton.gov.uk/licensingboard) Information about decisions is contained within minutes of Board meetings and statements of reasons. It should, however, be noted that statements of reasons are issued in only a limited number of cases where specifically requested by a party to a licence application.

2.6 The contact details for the Board are as follows:-

East Dunbartonshire Licensing Board
12 Strathkelvin Place
Kirkintilloch
G66 1TJ

Tel: 0141 578 8000
Fax: 0141 578 8209

3.0 PREPARING THE GUIDE

3.1 When preparing or reviewing the Guide, we are obliged by FOISA to have due regard to the public interest in providing access to the information we hold which relates to:-

- the services we provide;
- the cost of those services;
- the standard of those services;
- the facts which inform the important decisions we make; and
- the reasoning which informs our decisions..

3.2 In preparing the Guide, we have taken account of the patterns of requests for information directed to us and the previous scheme of publication.

4.0 CLASSES OF INFORMATION AVAILABLE UNDER THE GUIDE

4.1 The classes of information available under the Guide are set out in the attached Schedule (“the Schedule”). The Schedule also sets out the manner in which this information is published and any charge for providing the information.

5.0 EXEMPTIONS

5.1 All information covered by the Guide can be accessed through the website (www.eastdunbarton.gov.uk) or will be provided promptly following receipt of your request. Where possible we will try to accommodate any special needs you may have which require that the information is provided in a particular format. Our aim in maintaining the Guide is to be as open as possible. You should, however, note that there may be limited circumstances where information will be withheld from one of the classes of information listed in the Schedule. Information will only be withheld where FOISA or, in the case of environmental information, the EIRS expressly permits it.

5.2 Information may be withheld, for example, where its disclosure would breach the law of confidentiality, harm an organisation’s commercial interests or seriously prejudice law enforcement. Information may also be withheld if it is another person’s personal information and its release would breach data protection legislation.

5.3 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 in many cases be possible to provide copies with the withheld information edited out.

5.4 If you wish to complain about any information which has been withheld from you, please refer to section 12.0 below.

6.0 ACCESSING INFORMATION UNDER THE GUIDE

- 6.1 Information available under the Guide will normally be available through the routes described in sections 6.2 to 6.6 below. The Schedule sets out the classes of information available under the Guide along with additional guidance on how the information falling within each class may be accessed.
- 6.2 **Online:** a substantial amount of the information listed in the Guide is available to download from East Dunbartonshire Council's website - www.eastdunbarton.gov.uk. To access such information, go to the website home page, click on the A-Z and look for entries under "Licences, permits and permissions", then "Licences –alcohol". If you have trouble finding any document listed under the Guide, please contact Board staff (per the contact details in section 2.6 above) for further assistance.
- 6.3 **By e-mail:** if the information you seek is listed in the Guide but is not published on the website, it can be sent to you by e-mail, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details if necessary.
- 6.4 **By telephone:** information can also be requested from us over the telephone. Please call the number set out in section 2.6 above to request information available under the Guide.
- 6.5 **By post:** information under the Guide will normally be available in paper copy form. Please send your request to the Clerk of the Board at the address set out in section 2.6 above. 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, and any fee applicable (see section 7.0 below for further information on fees). Please also include a telephone number so we can telephone you to clarify any details if necessary.
- 6.6 **Advice and assistance:** if you have any difficulty identifying the information you want to access, then please contact Board staff (per the contact details in section 2.6 above) who will be happy to help.

7.0 CHARGING POLICY

- 7.1 Unless otherwise stated in the Schedule, all information maintained within the Guide is available from us free of charge where it can be downloaded from the website or sent to you electronically by e-mail.
- 7.2 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 as set out in sections 7.3 and 7.4 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 of the charge has been received.

7.3 **Reproduction costs:** where charges are applied, photocopied information will be charged at a standard rate of 10 pence per A4/A3 side of paper (black and white copy) and 30 pence per A4/A3 side of paper (colour copy). Computer discs will be charged at the rate of £1 per cd-rom.

7.4 **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.

8.0 RECORDS MANAGEMENT AND ARCHIVING POLICY

8.1 The Board's records management and archiving policy is as follows:

Type of Document	Retention Period
Licensing Board minutes	Permanently
Premises files, including applications and plans	6 years
Files re licensing appeals	6 years
Other licensing files	6 years
Registers	Permanently

8.2 Lists of current licensed premises and licence holders are held electronically and are updated after each Board meeting.

9.0 COPYRIGHT

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

- 9.2 The Guide may, however, contain information where the copyright holder is not the Board. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, 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, the Guide will indicate where we do not own the copyright on documents listed in the Schedule.
- 9.3 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.

10.0 ACCESSING INFORMATION NOT AVAILABLE UNDER THE GUIDE

- 10.1 If the information you are seeking is not available under the Guide, then you may wish to request it from us. FOISA provides you with a right of access to the information we hold, subject to certain exemptions. The EIRS separately provide a right of access to the environmental information we hold, while the Data Protection Act 1998 provides a right of access to any personal information we hold about you. Again, these rights are subject to certain exceptions or exemptions.
- 10.2 Should you wish to request a copy of any information we hold which is not available under the Guide, please write to the Clerk of the Board at the address set out in section 2.6 above.
- 10.3 **Charges for information which is not available under the Guide:** the charges for information which **is** available under the Guide are set out under Section 7.0 above. If you submit a request to us for information which is **not** available under the Guide the charges will be based on the following calculations:

10.3.1 General Information Request:

There will be no charge for information requests which cost us £100 or less to produce.

Where information costs between £100 and £600 to provide to you, 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, that 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.

10.3.2 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 10 pence per A4 sheet for black and white copying or 30 pence per A4 sheet for colour copying;
- postage is charged at actual rate for first class mail; and
- 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, that 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, we will ask you to pay the full cost of providing the information with no waiver for any portion of the cost.

10.3.3 Request for your own Personal Data

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

11.0 FEEDBACK

11.1 FOISA requires us to review the Guide from time to time. Accordingly, we welcome feedback on how we can develop the Guide further. If you would like to comment on any aspect of the Guide, then please contact us. You may, for example, wish to tell us about:-

- other information you would like to see included in the Guide;
- whether you found the Guide easy to use;
- whether you found the Guide useful;
- whether our staff were helpful; and
- other ways in which the Guide could be improved.

11.2 Please send any comments or suggestions to The Clerk of the Board at the address set out in section 2.6 above.

12.0 COMPLAINTS

12.1 Our aim is to make the Guide as user friendly as possible and we hope that you can access with ease all the information we publish. If, however, you do wish to complain about any aspect of the Guide, please contact us and we will try and resolve your complaint as quickly as possible. You should contact the Clerk of the Board at the address set out in section 2.6 above.

12.2 Any complaint will be acknowledged within 5 working days of receipt and we will respond in full within 20 working days.

12.3 You have legal rights to access information under the Guide and a right of appeal to the Scottish Information Commissioner if you are dissatisfied with our response. These rights apply only to information requests made in writing (or verbal if environmental information), or another recordable format. If you are unhappy with our response 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.

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

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
FYFE
KY16 9DS
Tel: 01334 464610
E-mail: enquiries@itspublicknowledge.info
Website: www.itspublicknowledge.info

SCHEDULE

CLASSES OF INFORMATION AVAILABLE UNDER THE GUIDE Class 1 - Application Processes

		Charges
Application forms	<ul style="list-style-type: none"> ▪ Available from Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Downloadable from:- www.eastdunbarton.gov.uk 	No charge for the application form; statutory fees for licensing applications apply.
List of fees payable	<ul style="list-style-type: none"> ▪ Available from Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Downloadable from:- www.eastdunbarton.gov.uk 	No charge
Agendas of Board meetings (including lists of applications)	<ul style="list-style-type: none"> ▪ Photocopies available by arrangement from Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Downloadable from:- www.eastdunbarton.gov.uk 	No charge

Class 2 - Licensing Board Decisions

Information		Charges
Minutes of Board meetings	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Photocopies available as per Section 6 ▪ Electronic copies for period from 2002 onwards available as per Section 6 <p>The following are excepted:</p> <ul style="list-style-type: none"> ▪ In camera items relating to complaints and objections ▪ In camera items containing confidential information and/or personal information protected by the Data Protection Act 1998 <p>NB Minutes which have not been approved by the Board at the date of the request will be made available (subject to the above exceptions) on the basis that they are subject to Board approval.</p>	No charge for inspection and electronic copies; photocopies charged @ 10p per A4 side
Court decisions on appeals against Board decisions on licensing applications	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and 	No charge for inspection and electronic copies; photocopies charged @ 10p per A4 side

Information		Charges
	<p>Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX</p> <ul style="list-style-type: none"> ▪ Photocopies available as per Section 6 ▪ Electronic copies available as per Section 6 	
<p>Statements of the Board's reasons for its decisions on licensing applications</p> <p><u>NOTE:</u> The Board does not issue a statement of reasons for every decision it makes. It only issues such a statement where requested to do so by a party to a licence application.</p>	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Photocopies available as per Section 6 ▪ Electronic copies for period from 2002 onwards available as per Section 6 <p>The following are excepted:</p> <ul style="list-style-type: none"> ▪ Any statement of reasons for a decision which is still within the statutory time limit for being appealed - this could involve <u>sub judice</u> issues ▪ Any statement of reasons for a decision which has been appealed – again, this will involve <u>sub judice</u> issues. 	<p>No charge for inspection and electronic copies; photocopies charged @ 10p per A4 side</p>
<p>Reports to the Board (i.e. written reports relating to any matter on which the Board is making, or has made, a decision)</p>	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and 	<p>No charge for inspection and electronic copies; photocopies charged @ 10p per A4 side</p>

Information		Charges
<p>Such reports cover a wide variety of matters and it is not possible to give a comprehensive definition of the reports. Examples of such reports are reports on policy issues, appeals against Board decisions and consultations on changes to the law</p>	<p>Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX</p> <ul style="list-style-type: none"> ▪ Photocopies available as per Section 6 ▪ Electronic copies for period from 2003 onwards available as per Section 6 <p>Reports containing confidential information and/or personal information protected by the Data Protection Act 1998 will be either excepted or, where possible, made available with appropriate redactions</p>	
<p>Policy Statements:</p> <p>Licensing Policy Statement (Alcohol Licensing)</p> <p>Statement of Licensing Principles (Gambling Licensing)</p> <p>Freedom of Information Guide</p> <p>Disability Equality Guide</p> <p>Race Equality Guide</p> <p>Gender Equality Guide</p>	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Photocopies available as per Section 6 ▪ Electronic copies available as per Section 6 ▪ Downloadable from:- www.eastdunbarton.gov.uk 	<p>No charge</p>

Class 3 - Public Registers

		Charges
<p>Statutory Register</p> <p>The register contains details of applications for licences</p>	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Photocopies available as per Section 6 ▪ Electronic copies available as per Section 6 	<p>No charge for inspection and electronic copy; photocopies charged @ 10p per A4 side</p>
<p>Lists of licensed premises</p>	<ul style="list-style-type: none"> ▪ Available for inspection by arrangement at Kirkintilloch Hub, 2/4 West High Street, Kirkintilloch G66 4AD, Bearsden Hub, Brookwood Villa, 166 Drymen Road, Bearsden G61 3RJ and Bishopbriggs Hub, Bishopbriggs Library, 170 Kirkintilloch Road, Bishopbriggs G64 2LX ▪ Photocopies available as per Section 6 ▪ Electronic copies available as per Section 6 	<p>No charge for inspection and electronic copy; photocopies charged @ 10p per A4 side</p>