

Shetland Islands Area Licensing Board Publication Scheme

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

SECTION 1: INTRODUCTION TO THE PUBLICATION SCHEME

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.

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. We are also obliged to review this scheme from time to time.

The purpose of the 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) provide a separate right of access to the environmental information that we hold. This publication scheme also contains details of the environmental information that we routinely make available.

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*.

SECTION 2: ABOUT SHETLAND ISLANDS AREA LICENSING BOARD

Shetland Islands Area Licensing Board administers all licensed premises within the Shetland Islands area. It deals with applications for public house, hotel and other alcoholic liquor licences as well as ancillary applications for Regular and Occasional Extensions etc under the Licensing (Scotland) Act 1976. The Licensing (Scotland) Act 2005 will replace the 1976 Act from 1 September 2009 but transitional arrangements have been in place for new licences since 1 February 2008. Shetland Islands Area Licensing Board also deals with applications for premises licences and permissions under the Gambling Act 2005.

Shetland Islands Area Licensing Board consists of 8 members of Shetland Islands Council who are elected to the Board by Shetland Islands Council's elected members. However, Shetland Islands Area Licensing Board is a separate statutory body from Shetland Islands Council. The Board is supported by a Clerk who gives administrative support and professional advice. The Clerk to the Board is Shetland

Islands Council's Head of Legal and Administration. The Board meets at the Town Hall, Lerwick.

All meetings, unless specified, are open to the public and papers are available in advance of meetings.

All administration takes place within Shetland Islands Council, Legal and Administration Service, 4 Market Street, Lerwick, Shetland, ZE1 0JN.

SECTION 3: PREPARING THE PUBLICATION 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 take; and
- the reasoning that informs our decisions.

In preparing this publication scheme, we have tried to ensure that a wide range of information about Shetland Islands Area Licensing Board is made easily accessible to the public. We have undertaken a review of information requests received in order to ensure that information that is in the public interest is included in the scheme.

SECTION 4: ACCESSING INFORMATION UNDER THE 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:

Most information listed in our publication scheme is available to download from our website. In many cases a link within *Section 12: Classes of Information* will direct you to the relevant page or document. Where no such link is present, you can use our website's “Search” facility at <http://www.shetland.gov.uk>

If you are still having trouble finding any document listed under our scheme, then please call the Board's Licensing Section on 01595 744550 for further assistance.

By email:

If the information you seek is listed in our publication scheme but is not published on our website, we can send it to you by email, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary. Our contact email address is legal@sic.shetland.gov.uk

By phone:

Information can also be requested from us over the telephone. Please call the Licensing Section on 01595 744550 to request information available under this scheme.

By post:

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

Clerk to Shetland Islands Area Licensing Board
Legal and Administration Service
Shetland Islands Council
4 Market Street
Lerwick
Shetland
ZE1 0JN

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 6: 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.

Advice and assistance:

If you have any difficulty identifying the information you want to access, then please contact the Licensing Section using the contact details listed above who will be happy to help.

Other languages or formats:

We aim to meet your requests for translated information or alternative formats wherever practicable.

SECTION 5: 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, or 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.

Whenever 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.

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

SECTION 6: OUR CHARGING POLICY

All information contained 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 email.

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 the number of copies requested exceeds 50 sides of paper or the request is for multiple copies of a single document, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Computer discs will be charged at the rate of £1.00 per CD-Rom.

Postage cost:

We may pass on postage charges to the requester at the cost to the Board of sending the information by first class post.

SECTION 7: OUR COPYRIGHT POLICY

Shetland Islands Area 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 Shetland Islands Area 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 Queens 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.

SECTION 8: OUR RECORDS MANAGEMENT AND DISPOSAL POLICY

Shetland Islands Area Licensing Board has adopted the Records Schedule produced by Shetland Islands Council in respect of all documents that it creates and holds. This Schedule sets out the lengths of time for which all types of records must be held. This means that whilst FOISA is retrospective, it is only possible to provide copies of our records that are still in existence. We have also adopted Shetland Islands Council's Records Management Policy. Both documents are available on Shetland Islands Council's website at

<http://www.shetland.gov.uk/foi/RecordsManagementDataProtection.asp>

SECTION 9: FEEDBACK

FOISA requires that we review our publication 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 us. You may, for example wish to tell us about:

- other information that 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;
- other ways in which our publication scheme can be improved.

Please send any comments or suggestions to:

Clerk to Shetland Islands Area Licensing Board
Legal and Administration Service
Shetland Islands Council
4 Market Street
Lerwick
Shetland
ZE1 0JN

Tel: 01595 744550
Fax: 01595 744585
Email: legal@sic.shetland.gov.uk.

SECTION 10: COMPLAINTS

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:

Clerk to Shetland Islands Area Licensing Board
Legal and Administration Service
Shetland Islands Council
4 Market Street
Lerwick
Shetland
ZE1 0JN

Tel: 01595 744550
Fax: 01595 744585
Email: legal@sic.shetland.gov.uk.

Any complaint will be acknowledged within two working days of receipt and we will respond in full within twenty working days.

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 apply only to information 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.

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.

SECTION 11: HOW TO ACCESS INFORMATION WHICH IS NOT AVAILABLE UNDER THIS 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 write to:

Clerk to Shetland Islands Area Licensing Board
Legal and Administration Service
Shetland Islands Council
4 Market Street
Lerwick
Shetland
ZE1 0JN

Email: legal@sic.shetland.gov.uk.

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 6 – 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:

While FOISA does allow us to charge a fee for the provision of information that is not available under the terms of the Publication Scheme, Shetland Islands Area Licensing Board has chosen not to do so. Shetland Islands Area Licensing Board will therefore not levy any charge for information which costs us £600 or less to process. Information requests that cost us more than £600 to process will generally be refused.

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 Shetland Islands Area Licensing Board of providing the information. However, as with requests for information processed under FOISA, requests for environmental information costing us £600 or less to process, based on a maximum hourly rate of £15 will be provided without cost.

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.

Requests for your own personal data:

You are entitled to request your personal data from Shetland Islands Area Licensing Board under the Subject Access provisions contained in Section 7 of the Data Protection Act 1998. Shetland Islands Area Licensing Board does not charge a fee for the processing of subject access requests.

SECTION 12: CLASSES OF INFORMATION

Master Information Class

WHO WE ARE

Section Title	Information Items	Description	Refresh and retention details
Board's current membership	Details of membership	Names and photographs of Board members http://www.shetland.gov.uk/coins/allOutsideBodies.asp	Current information, update when change occurs
Contact details	Shetland Islands Area Licensing Board contact details	Contact address and phone numbers for Shetland Islands Area Licensing Board http://www.shetland.gov.uk/coins/allOutsideBodies.asp	Current information, update when change occurs

Section Title	Information Items	Description	Refresh and retention details
Role and responsibilities	The Board's role and statutory responsibilities	Summary outlining the role of the Board and its statutory responsibilities http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
Application Processes	General information	General information about the licensing process for alcoholic liquor licences and gambling licences and permits, including information about types of licences and fees http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
	Application Forms	Guidance and Application Forms – Liquor Guidance and Application Forms – Gambling http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
	Governing rules	The Board's Regulations - alcoholic liquor licensing The Board's Byelaws - alcoholic liquor licensing The Board's Statement of Licensing Policy - alcoholic liquor licensing The Board's Statement of Principles – gambling licences and permits http://www.shetland.gov.uk/licensing/	Current information, update when change occurs

Application processes (continued)	Public Registers	Statutory Registers for Licensed premises and Gambling premises Current Applications received - Liquor http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
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Section Title	Information Items	Description	Refresh and retention details
Meetings/Board Decisions	Frequency of Board meetings	Timetable of meetings for the Board containing dates, times and locations http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
	Agendas	Copy of the latest agenda setting out the business considered by the Board http://www.shetland.gov.uk/licensing/	An electronic copy of the latest Agenda only will be retained on the publication scheme
	Reports	Copies of reports of business considered by the Board (except for Reports which are exempt under the provisions of the Freedom of Information (Scotland) Act 2002) http://www.shetland.gov.uk/licensing/	Electronic copies of Reports will be retained on the publication scheme for the current and previous years back to October 2008.
	Minutes	Copies of the minutes of the business considered by the Board http://www.shetland.gov.uk/licensing/	Minutes will be posted when approved, normally at the next meeting. Electronic copies of the Minutes will be retained on the publication scheme for the current and previous years back to October 2008.
Rules as to how members carry out their responsibilities	Members' Code of Conduct	Code setting out how members are required to conduct themselves in undertaking their duties in public office	Current information, update when change occurs
	Members' Register of Interests	Details of interests declared by members as being relevant to the business of the Board http://www.shetland.gov.uk/coins/allMembers.asp?sort=0	Current information from date of appointment, update when change occurs

Master Information Class	EQUALITY
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Section Title	Information Items	Description	Refresh and retention details
Equality Schemes	Race Equality Scheme	The Board is required to maintain a Race Equality Scheme in terms of the Equalities legislation http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
	Disability Equality Scheme	The Board is required to maintain a Disability Equality Scheme in terms of the Equalities legislation http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
	Gender Equality Scheme	The Board is required to maintain a Gender Equality Scheme in terms of the Equalities legislation http://www.shetland.gov.uk/licensing/	Current information, update when change occurs
	Equality Scheme Reports	Annual Progress Reports to the Board against the actions set out in the Equality Schemes http://www.shetland.gov.uk/licensing/	Electronic copies will be retained on the publication scheme for the current and previous years back to October 2008.