

Stirling Council

Privacy Notice

Find out how Stirling Council uses personal data by checking the Council's website at the following address: <http://www.stirling.gov.uk/dataprotection>

Our website contains a Register of Data Processing which lists all the different ways in which the Council uses personal data.

This Privacy Notice provides more information about just one of those processes.

Title of Process	Liquor licensing applications
Why does the Council process personal data?	<p>The sale of alcohol to the public in any circumstance must be licenced by a Licensing Board. Locally the Board is the District of Stirling Licensing Board. As such it is worth noting at the outset that the processing of liquor applications (the function covered by this privacy notice) is done on behalf of the Board by Stirling Council officers.</p> <p>Liquor licences are obtained by means of submitting of an application, which then follow a procedure of submitting onto relevant software and then consulting with relevant officers and/or bodies. Applications are then determined by the Licensing Board or, in some cases, officers who are permitted to do so under delegated authority from the Board. Finally, the licences are issued to the applicant. Please note that 'liquor licensing' includes applications made under the Gambling Act 2005 for the purposes of this survey. T</p> <p>he following liquor licences are applied by submitting an application to the Council's licensing department:</p> <ul style="list-style-type: none"> - Personal Licences (Part 6 of the Licensing (Scotland) Act 2005 (the 2005 Act) - Premises Licences and Provisional Premises Licences (Part 3 of the 2005 Act) - Occasional Licences (Part 4 of the 2005 Act) - Extended Hours Licences (Part 5 of the 2005 Act) - Variation of Premises Licence (Part 3 of the 2005 Act)

	<ul style="list-style-type: none"> - Transfer of Premises Licence (Part 3 of the 2005 Act) - Gambling applications (Gambling Act 2005) - Anything which relates to one of the above (e.g. updating records, annual fee etc.) <p>For all liquor licence applications, data is processed for the purpose of the Board assessing the application and determining whether the licence should be granted or refused.</p> <p>Certain supplementary purposes to that core function include:</p> <ul style="list-style-type: none"> • To provide all relevant parties in the licensing process with the information required to fulfil their function and feed into the Board’s determination as to whether the licence should be granted or refused • To allow for ongoing reference which allows for practical uses such as contacting licence holders to advise of upcoming renewals, annual fees and to enable the Licensing Standards Officer to visit and for monitoring of licence compliance (e.g. on receipt of complaints as to licence holders) • Reporting to elected members and Board, as appropriate, as to the determination of licences (e.g. the schedule of licences granted under delegated authority which is submitted to the Board each cycle) • To comply with statutory requirements (Licensing (Scotland) Act 2005).
<p>What personal data is used?</p>	<p>Personal data may be about the applicant (for a personal licence) or the premises manager (for a premises licence) or other relevant individual who is making the application on behalf of a licence holder because of their connection to them, or their role in connection with the liquor licence.</p> <p>Circumstances in which personal data for someone other than the applicant themselves might be received by the licensing team would include:</p> <ul style="list-style-type: none"> • Existing licence holders (whose information is already held by the Board) • Directors of companies/Partners in businesses if the licence applicant is not a natural person • Employees of businesses (e.g. premises manager) • People making objections/representations for any given application • Legal representatives

	<ul style="list-style-type: none"> • Transferees of a licence • In some circumstances members of the public may contact the team to request information on a licence of the licence application process. <p>An application may contain data on more than one data subject</p> <p>The type of personal data that is processed varies depending on the data subject and the type of application.</p> <p><u>Personal Data</u></p> <ul style="list-style-type: none"> • Name (all data subjects, all applications) • Address (all data subjects, all applications) • D.O.B (most data subjects, all applications) • Place of birth (some data subjects, some applications) • National Insurance Number (some data subjects, some applications) • Phone Numbers (most data subjects, all applications) • Email Address (most data subjects, all applications) • Criminal Convictions (licence holders and potential licence holders, all applications) • Training Details (licence holders only, most applications) • Passport-style Photos (personal licence applicants only, personal licence applications only) • Payment details may also be provided but are not included within application forms themselves <p>Personal data relating to criminal convictions and offences is also processed.</p>
<p>What makes it lawful for the Council to process this personal data?</p>	<p>We process personal data to comply with a legal obligation.</p> <p>All licensing applications and the subsequent processes are governed by specific statute. The information required to be submitted by data subjects/data subject controllers are necessary to fulfil statutory obligations.</p> <p>Specifically, District of Stirling Licensing Board is acting under the Licensing (Scotland) Act 2005 in determining liquor licensing applications. The relevant parts of the Act are referred to above and specific reference to the</p>

	<p>sections under which applications are shared for example with Police Scotland can be pointed to if that level of detail is required. (The Board may also on occasion act under the Gambling Act 2005).</p> <p>With regard to personal data about criminal offences, when details are sought either from an applicant directly or obtained from Police Scotland as to whether or not an applicant has any relevant convictions, that is done on the basis of specific legislative provision under the 2005 Act which requires the Board to copy the application to the chief constable. (For personal licence applications see section 73 of the 2005 Act – Notification of Application to chief constable).</p>
<p>Where does the Council obtain personal data from?</p>	<p>The large majority of personal data is submitted by the data subject themselves.</p> <p>Exceptions to this may be:</p> <ul style="list-style-type: none"> • For some applications, information on other data subjects comes from the applicant (e.g. the individual filling out the application form may provide information on a designated premises manager, directors, employees, transferee etc.) • Police Scotland may provide information regarding an individual’s criminal convictions. <p>Licensing regularly receives personal data from Police Scotland. There is not believed to be any formal sharing agreement, although the information is shared under statutory obligations stipulated throughout the Licensing (Scotland) Act 2005.</p> <p>Employers may provide personal data of their employees on their behalf (e.g. a Premises Licence application which names and provides details of their Designated Premises Manager within it). There is no formal sharing agreement that officers are aware of relating to that.</p>
<p>Where does the Council keep personal data?</p>	<p>Electronically, both on specialist software (Northgate GLAMIS) as well as a shared licensing department drive on the Council system.</p> <p>Through email records of licensing team members who issue licences/ arrange for appropriate checks and answer queries</p> <p>Paper copies of all applications and granted licences are kept in archive</p>

	<p>Personal data may also form part of Licensing Board agendas/ papers.</p>
<p>How long does the Council keep personal data?</p>	<p>Premises licences are ongoing and personal licences last for 10 years. As such, the retention policy for liquor is likely to 'kick in' at a later stage as we have interpreted the retention rules as applying from the expiry of the relevant licence</p> <ul style="list-style-type: none"> • Personal licences – 2 years • Premises licences – 2 years • When licences are revoked or surrendered – 5 years • Hard copies of most applications are archived for 3 years. • Occasional and Extended Hours applications, and the data therein, are kept for one year.
<p>Who does the Council share personal data with?</p>	<p>Data may be shared with Police Scotland as part of a wider statutory duty</p> <p>Data may occasionally be requested of, or shared with, other local authorities to assist in specific situations if for example the licence holder has licences with both Boards.</p>
<p>Who do I contact about my personal data?</p>	<p>The Council has a Data Protection Officer to make sure it is complying with data protection laws.</p> <p>The Council's Data Protection Officer is Kevin O'Kane, Audit Manager.</p> <p>He can be contacted at: Data Protection Officer, Stirling Council, Teith House, Kerse Road, Stirling FK7 7QA Email: dataprotection@stirling.gov.uk Telephone: 01786 404040</p>