

## THE HIGHLAND LICENSING BOARD

Agenda Item	6
Report No	HLB/045/13

Meeting – 14 May 2013

### Highland Licensing Board Publication Scheme

#### Report by the Clerk of the Licensing Board

##### Summary

This Report recommends the adoption of a Publication Scheme under the Freedom of Information (Scotland) Act 2002.

## 1 BACKGROUND

- 1.1 The Freedom of Information (Scotland) Act 2002 (FOISA) requires Scottish public authorities (the definition of which includes Licensing Boards) to produce and maintain a publication scheme. The Board is under a legal obligation to:
- publish the classes of information that it makes routinely available;
  - tell the public how to access the information and what it might cost;

Everyone has this right and information can only be withheld where FOISA expressly permits it.

- 1.2 The existing Publication Scheme will expire at the end of May this year and the new scheme must be submitted to the Scottish Information Commissioner by then.

## 2.0 THE HIGHLAND LICENSING BOARD PUBLICATION SCHEME

- 2.1 I attach for approval a draft scheme based on the Model Publication Scheme produced and approved by the Scottish Information Commissioner.
- 2.2 The Scheme will only be approved until 31 May 2017 and may require to be reviewed and updated from time to time.

## RECOMMENDATION

The Board is recommended to approve the Highland Licensing Board Publication Scheme.

Author: Alasdair Mackenzie  
Designation: Clerk to the Licensing Board  
Date: 18 April 2013

Appendix 1: Model Publication Scheme  
Appendix 2: Guide to Information

## HIGHLAND LICENSING BOARD MODEL PUBLICATION SCHEME 2013

### Introduction

The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to produce and maintain a publication scheme. Authorities are under a legal obligation to:

- publish the classes of information that they make routinely available
- tell the public how to access the information and whether information is available free of charge or on payment.

The Act also allows for the development of model publication schemes which can be adopted by more than one authority.

### About this scheme

This single Model Publication Scheme has been produced and approved by the Scottish Information Commissioner. It is approved until 31 May 2017.

It is suitable for adoption by any authority listed in Parts 3, 5, and 6 of Schedule 1 of the Freedom of Information (Scotland) Act 2002 (councils and other local authority bodies, educational institutions, police authorities).

The scheme may also be suitable for adoption by other Scottish public authorities. Any other authority who wishes to adopt the scheme should apply to the Commissioner for approval to do so. (The Commissioner will usually restrict the approval period for adoptions by other authorities until the date on which they are due to adopt a new scheme e.g, central government bodies are due to adopt a new scheme in 2016.)

### Adopting the single Model Publication Scheme 2013

This single Model Publication Scheme can be adopted only in its entirety, **without amendment**. It commits an authority to:

- **publishing the information**, including environmental information, that it holds and which falls within the classes of information below.
- **producing a guide** for the public to that information.

The Commissioner has issued Guidance to accompany this model scheme [www.itspublicknowledge.info/MPS](http://www.itspublicknowledge.info/MPS). This is essential reading for authorities adopting the model scheme: it explains the above requirements in further detail and lists the types of information the Commissioner expects authorities will publish under each class of information.

### Guide to Information

An authority adopting this model scheme must produce a guide to the information it publishes through the scheme. The authority can decide the format of its Guide to Information.

The authority's Guide to Information must:

- allow the public to see what information is available (and what is not available) in relation to each class
- state what charges may be applied
- explain how to find the information easily
- provide contact details for enquiries and to get help with access to the information
- explain how to request information that has not been published.

These requirements are set out in more detail below.

### *Availability and formats*

The information published through this model scheme should, wherever possible, be available on the authority's website. There must be an alternative arrangement for people who do not wish to, or who cannot, access the information either online or by inspection at the authority's premises. An authority may, for example, arrange to send out information in paper copy on request (although there may be a charge for this).

### *Exempt information*

The authority must publish the information it holds that falls within the classes of information below. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal data or a trade secret), the authority should remove or redact the information before publication and explain why it has done so.

### *Copyright*

The authority must publish a copyright statement which explains what can, and what cannot, be done with information accessed through this model publication scheme. The statement must be consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988.

The Commissioner recommends the use of the Open Government Licence. A link to the licence and an alternative sample copyright statement are available in the accompanying Guidance.

Where the authority does not hold the copyright in information it publishes, this should be made clear.

### *Charges*

The authority must publish a charging schedule which explains when there is a charge for publications available through the scheme and how any charge will be calculated. There should be no charge to view information on the authority's website or at its premises, except where there is a statutory fee, for example, for access to registers.

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying the information, but the charge must be no more than these elements actually cost the authority. The authority may not pass on any other costs for information in Classes 1 – 7 below. An exception is made for commercial publications (see Class 8 below) where pricing is on a retail basis.

The authority must give the recipient advance notice of any charges to be applied.

## Contact details

The authority must provide contact details for enquiries about any aspect of the adoption of the model scheme, the authority's Guide to Information and for requests for copies of the authority's published information.

The authority is under a duty to provide advice and assistance to anyone who wants to request information which is not published and the authority's Guide to Information must provide contact details for this purpose.

## The Classes of Information

The authority must publish information that it holds which falls within the following classes. Once published, information should be available for the current and previous two financial years. Where information has been updated or superseded, only the current version need be available (previous versions may be requested from the authority).

The Commissioner's Guidance accompanying this scheme provides lists of the types of information authorities are expected to publish under each class. The authority's Guide to Information should make clear what is available under each class.

### **CLASS 1: ABOUT HIGHLAND LICENSING BOARD**

**Class description:**

Information about Highland Licensing Board, who we are, where to find us, how to contact us, how we are managed and our external relations.

### **CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES**

**Class description:**

Information about our work, our strategy and policies for delivering functions and services and information for our service users.

### **CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED**

**Class description:**

Information about the decisions we take, how we make decisions and how we involve others.

### **CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT**

**Class description:**

Information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

**CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES**

Class description:

Information about how we manage the human, physical and information resources of the authority.

**CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS**

Class description:

Information about how we procure goods and services, and our contracts with external providers.

**CLASS 7: HOW WE ARE PERFORMING**

Class description:

Information about how we perform as an organisation, and how well we deliver our functions and services.

**CLASS 8: OUR COMMERCIAL PUBLICATIONS**

Class description:

Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g, bookshop, museum or research journal.

**HIGHLAND LICENSING BOARD**  
**GUIDE TO INFORMATION AVAILABLE THROUGH THE**  
**MODEL PUBLICATION SCHEME 2013**

The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to produce and maintain a publication scheme. Authorities are under a legal obligation to:

- publish the classes of information that they make routinely available
- tell the public how to access the information and what it might cost.

Highland Licensing Board has adopted the **Model Publication Scheme 2013** produced by the Scottish Information Commissioner. The scheme has the Commissioner's approval until 31 May 2017.

You can see this scheme on our website at <http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/> or by contacting us at the addresses below.

The purpose of this Guide to Information is to:

- allow you to see what information is available (and what is not available) in relation to each class.
- state what charges may be applied.
- explain how you can find the information easily.
- provide contact details for enquiries and to get help with accessing the information.
- explain how to request information we hold that has not been published.

*Availability and formats*

The information we publish through the model scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises. For example, we can usually arrange to send information to you in paper copy (although there may be a charge for this).

All our written information can also be made available, on request, in a range of different formats and languages.

*Exempt information*

We will publish the information we hold that falls within the classes of information below. If a document contains information that is exempt under Scotland's freedom of information laws (for example sensitive personal information or a trade secret), we may remove or redact the information before publication but we will explain why.

*Copyright*

The Board holds the copyright for the vast majority of information in this publication scheme.

Where the Board holds the copyright in its published information, the information may be copied or reproduced without formal permission, provided that:

- it is copied or reproduced accurately;
- it is not used in a misleading context; and
- the source of the material is identified.

Where the Board does not hold the copyright in information we publish, we will make this clear.

## **Charges**

This section explains when we may make a charge for our publications and how any charge will be calculated.

There is no charge to view information on our website or at our premises or where it can be sent to you electronically by email.

We may charge for providing information to you e.g. photocopying and postage, but we will charge you no more than it actually costs us to do so. We will always tell you what the cost is before providing the information to you.

### Reproduction costs

Black and white copy

10p per A4 sheet; 20p per A3 sheet

Colour copy

30p per A4 sheet; 60p per A3 sheet

Alternative formats

Computer discs

£1 per CD-Rom / DVD

Postage

Charged at the cost to the Council of sending the information by first class post

If providing copies of any pre-printed publications, we will charge no more than the cost per copy of the total print run.

We do not pass any other costs on to you in relation to our published information.

We do charge in relation to information not published under this scheme:

### 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 for non-environmental information which will cost us over £600 to process;
- where environmental information costs over £600 to provide to you, we may ask you to pay the additional cost over that amount in full. For example, if you were to ask us for information that costs us £800 to provide, you may be

asked to pay £250. This fee would be calculated on the basis of a waiver for the first £100 costs of providing the information, 10% of the next £500 costs, and full cost recovery for cost over £600 (in this example, £200);

- 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; and
- 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.

Request for your own personal data:

The Act does not give a person the right to obtain copies of information which the Board may hold about them personally. You are however entitled to request your personal data from the Board under the Subject Access provisions contained in Section 7 of the Data Protection Act 1998.

The Board may charge a maximum fee of £10 for providing your own personal data.

Requests for information in terms of Section 7 of the Data Protection Act must be –

1. made in writing;
2. give your name and address;
3. include proof of your identity;
4. specify the information or documents sought; and
5. include any fee applicable.

Such requests should be addressed to the Clerk to the Licensing Board at the address shown below.

### **Contact us**

You can contact us for assistance with any aspect of this publication scheme:

Email: [alaisdair.mackenzie@highland.gov.uk](mailto:alaisdair.mackenzie@highland.gov.uk)

Telephone: 01478 613826

Write To: The Clerk to the Licensing Board  
Tigh na Sgìre  
Park Lane  
Portree  
Isle of Skye  
IV51 9GP

We will also be pleased to advise you how to ask for information that we do not publish, or how to complain if you are dissatisfied with any aspect of this publication scheme.



## **The classes of information that we publish**

We publish information that we hold within the following classes. Once information is published under a class we will continue to make it available for the current and previous two financial years.

Where information has been updated or superseded, only the current version will be available. If you would like to see previous versions, you may make a request to us for that information.

### **CLASS 1: ABOUT HIGHLAND LICENSING BOARD**

The Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 of the Act.

Highland Licensing Board has a number of offices throughout the Highland Council area, contact details for which are:

#### **Highland Licensing Board - Clerk's Offices**

Clerk to the Licensing Board :

Alasdair Mackenzie

Tigh na Sgìre

Park Lane

Portree

Isle of Skye

IV51 9GP

Tel:(01478) 613826

E-mail: [alasdair.mackenzie@highland.gov.uk](mailto:alasdair.mackenzie@highland.gov.uk)

#### **Local Area Offices**

Caithness, Sutherland and Easter Ross

Council Offices

Government Buildings

Girnigoe Street

WICK

Caithness

KW1 4HW

Tel: (01955) 609508

Council Offices

Drummuie

GOLSPIE

Sutherland

KW10 6TA

Tel: (01408) 635205

Licensing Standards Officer (LSO)

David Inglis, Council Offices, Girnigoe Street, Wick, KW1 4AB

Tel: (01955) 609507

Fax: (01955) 609527

Email: [david.inglis@highland.gov.uk](mailto:david.inglis@highland.gov.uk)

Ross, Skye and Lochaber

Ross:

Council Offices

High Street

Dingwall

IV15 9QN

Tel: (01349) 868541

Skye:

Council Offices

Tigh na Sgire

Park Lane

PORTREE

Isle of Skye

IV51 9GP

Tel: (01478) 613826

Lochaber:

Council Offices

Lochaber House

High Street

Fort William

PH33 6EL

Tel: (01397) 707233

Licensing Standards Officer (LSO)

Elizabeth Treasurer

Lochaber House, Fort William, PH33 6EL

Tel: (01397) 707200

Fax: (01397) 704016

Email: [elizabeth.treasurer@highland.gov.uk](mailto:elizabeth.treasurer@highland.gov.uk)

Inverness, Nairn and Badenoch and Strathspey

Council Offices

Town House

INVERNESS

IV1 1JJ

Tel: (01463) 724265

Licensing Standards Officer (LSO)

Ian Cox, Town House, Inverness, IV1 1JJ

Tel: (01463) 724385

Fax: (01463) 724302

Email: [ian.cox@highland.gov.uk](mailto:ian.cox@highland.gov.uk)

The Board comprises ten elected members of Orkney Islands Council. Details of the current membership and profiles are available at

<http://www.highland.gov.uk/yourcouncil/committees/highlandlicbrd/>.

Councillors are required to adhere to the Councillors' Code of Conduct set out by the Standards Commission for Scotland and published at

<http://www.scotland.gov.uk/Publications/2010/12/10145144/0>.

The Board is a separate legal entity from the Council. It does not employ any staff or own any assets. All staff carrying out the Board's responsibilities are recruited and employed by the Council. The Council provides accommodation for the meetings of the Board and necessary expenses for the work of the Board. All revenue received by the Board from licence application fees must be transferred to the Council and the Board's budget is held by the Council. The Board determines its own fees and in doing so has regard to the desirability of ensuring that the total fees payable in respect of any period are likely to be broadly equivalent to the expenses incurred by the Board, and Highland Council, in administering the Licensing (Scotland) Act 2005 generally during that period.

The Council's Model Scheme of Publication and Guide to Information is published at [\[web address to be inserted\]](#).

The Board makes decisions on policies and applications. It is assisted and advised in its work by its Clerk, who is a Legal Manager within the Council. The Clerk is assisted by a Depute and other officials of the Licensing Team within the Council's Legal Services.

Normal working hours for the Board and its staff are 9am to 1pm and 2pm to 5pm Mondays to Fridays inclusive.

Any enquiries or complaints regarding the Board's work can be directed to the postal, email or telephone contact details shown above.

The Board's Model Publication Scheme and this Guide to Information are available at <http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>

The Board's charging schedule for published information and environmental information is shown in the Charges section above.

To contact the Board or ask for advice about how to request information from us, please use the contact details shown in the Contact Us section above.

The Board is established under the Licensing (Scotland) Act 2005. We are required to publish a Policy explaining our function under the legislation and this is published at <http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>.

We also carry out other functions and further information is provided on this in Class 2 below.

## **CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES**

The Board is responsible for administering the alcohol licensing system under the Licensing (Scotland) Act 2005 within the Highland Council Area.

Our Alcohol Licensing Policy is published at <http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>

The Board also deals with applications for premises licences and permissions under the Gambling Act 2005.

Our Gambling Policy is also published at  
<http://www.highland.gov.uk/businessinformation/licensing/gambling/>

The Board has made Schemes of Delegation which provide that some decisions are delegated to the Clerk to the Board, whilst others must be made by the Board.

<http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>

<http://www.highland.gov.uk/businessinformation/licensing/gambling/>

We are also required to publish a policy on how we are complying with the equality requirement under the Equality Act 2010. Our Equality Strategy is published at  
<http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>

Information about the types of alcohol licence applications we deal with, application forms, criteria, fees and guidelines are published at  
<http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>

Information about the types of gambling applications we deal with, application forms, criteria and fees and guidance are published at  
<http://www.highland.gov.uk/businessinformation/licensing/gambling/>

Any concerns regarding the Board's work can be directed to the postal, email or telephone contact details shown in the Contact Us section above.

### **CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED**

The Board takes decisions in accordance with the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

Decisions are recorded in public registers available for inspection at Board Offices.

Agendas, reports and minutes of the Board's meetings are also published at  
<http://www.highland.gov.uk/yourcouncil/committees/highlandlicbrd/>

The Board is required to advertise some types of application to enable public comment. The Board also carries out, from time to time, public consultations on matters such as its policies. Applications and consultations are published at  
<http://www.highland.gov.uk/businessinformation/licensing/>

### **CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT**

The Board is a separate legal entity from the Council. It does not own any assets. The Council provides accommodation for the meetings of the Board and necessary expenses for the work of the Board. All revenue received by the Board from licence application fees must be transferred to the Council and the Board's budget is held by the Council.

The Council's Model Scheme of Publication and Guide to Information is published at  
[\[web address to be inserted\]](#).

## **CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES**

The Board is a separate legal entity from Highland Council.

It comprises ten elected members of the Council.

It does not employ any staff or own any assets.

It is assisted and advised in its work by its Clerk, who is a Legal Manager within the Council. The Clerk is assisted by a Depute and officials of the Licensing Team within Legal Services.

All staff carrying out the Board's responsibilities are recruited and employed by the Council.

The Council provides accommodation for the meetings of the Board.

The Council's Model Scheme of Publication and Guide to Information is published at [\[web address to be inserted\]](#).

The Board's Model Publication Scheme and this Guide to Information are available at <http://www.highland.gov.uk/businessinformation/licensing/liquorlicensing/>

## **CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS**

The Board does not hold information within this class. Goods and services are procured by the Council rather than the Board.

The Council's Model Scheme of Publication and Guide to Information is published at [\[web address to be inserted\]](#).

## **CLASS 7: HOW WE ARE PERFORMING**

The Board processes applications in accordance with timescales provided under alcohol and gambling licensing legislation.

The Board produces policies in accordance with timescales provided under legislation dealing with alcohol and gambling licensing, the equality duty and the publication of a scheme explaining how to access information which it holds.

Primary legislation and secondary regulations are published at <http://www.legislation.gov.uk/>. We can help you to locate specific information – use the contact details shown in the Contact Us section above.

## **CLASS 8: OUR COMMERCIAL PUBLICATIONS**

The Board does not hold information within this class.