

7(ii) Revised Licensing Board Publication Schemes - For approval

**ABERDEENSHIRE LICENSING BOARD**  
***North, Central and South Divisions***

REPORT TO CENTRAL, SOUTH AND NORTH LICENSING BOARDS – 15<sup>th</sup> August, 22<sup>nd</sup> August and 29<sup>th</sup> August 2016

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 – STATUTORY PUBLICATION SCHEME – REVISED MODEL PUBLICATION SCHEMES – REVISED LICENSING BOARD PUBLICATION SCHEMES

**1. Recommendations**

1.1. It is recommended that the Boards:-

- (a) Approve the revised Publication Schemes and Revised Guides to Information to show compliance with the Model Scheme approved by the Scottish Information Commissioner;
- (b) Note that the revised Schemes and Guides to Information, if approved by the Boards, will continue in force until such time as the Boards are notified of any changes by the Scottish Information Commissioner;
- (c) Authorise the Depute Clerk to publish the revised Schemes and Guides to Information on the Board's website.

**2. Background**

2.1. The Freedom of Information (Scotland) Act 2002 (the "2002 Act") requires all public authorities to adopt a publication scheme, approved by the Scottish Information Commissioner, specifying:-

- (a) Classes of information which the authority publishes or intends to publish;
- (b) The manner in which information of each class is, or is intended to be, published; and
- (c) Whether the published information is, or is intended to be, available to the public free or charge or on payment.

- 2.2. Licensing Boards are public authorities for the purposes of the 2002 Act. The Scottish Information Commissioner requires each of the Aberdeenshire Divisional Licensing Boards to publish a Model Publication Scheme and Guide to Information for their Board area. One Scheme and Guide for all three Boards is not acceptable.
- 2.3. The Boards adopted their Publication Schemes in 2013 which were approved by the Scottish Information Commissioner; last updated these Publication Schemes and introduced Guides to Information in May 2016, which Schemes and Guides were based on the Scottish Information Commissioner’s revised Model Publication Scheme and Guidance published at that time.
- 2.4. It has recently been drawn to the report author’s attention that the Scottish Information Commissioner again revised its Model Publication Scheme and Guidance in April 2017 and that the Boards’ Model Publication Schemes and Guides to Information therefore need to be revised in light of this information. The Key changes required are as follows:

**Model Publication Scheme (MPS)**

- (a) The addition of a “Terms Used” glossary
- (b) Revisions to the terminology used throughout the document to ensure consistency across the MPS and Guidance
- (c) Clarification that the Commissioner requires to be notified if the legal status of an authority changes
- (d) The addition of relevant footnote references

**MPS Guidance**

- (a) The addition of the following new types of information which must be published (if held):

CLASS	ADDITION
<b>Class 3: How we take decisions and what we have decided</b>	<ul style="list-style-type: none"> <li>• Environmental Impact Assessment Reports undertaken in compliance with the Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017</li> </ul>
<b>Class 6: How we procure goods and</b>	Various additional information, including: <ul style="list-style-type: none"> <li>• Any information published in accordance with the</li> </ul>

<b>services from external providers</b>	<p>Procurement Reform (Scotland) Act 2014, the Procurement (Scotland) Regulations 2016 and the Public Contracts (Scotland) Regulations 2015.</p> <ul style="list-style-type: none"> <li>• Register of contracts awarded, which have gone through formal tendering, including name of supplier, period of contract and value</li> <li>• Links to procurement information the authority publishes on the Public Contracts Scotland website</li> </ul>
<b>Class 7: How we are performing</b>	<ul style="list-style-type: none"> <li>• Mainstreaming Equality Reports produced under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as amended</li> <li>• Employee and board equality monitoring reports produced under the Equality Act 2010 (Specific Duties)(Scotland) Regulations 2012, as amended</li> </ul>

.

- (b) The addition of references to publication and charging duties under the Environmental Information (Scotland) Regulations (2004)
- (c) Clarification that further notification to the Commissioner will be required if the Commissioner revokes adoption of the MPS by an authority,
- (d) The addition of information and advice to support the effective review of authorities' Guides to Information
- (e) A reminder that authorities must also consider their duties under the Equality Act 2010 when responding to requests for information in alternative formats.

2.5 The Depute Clerk has therefore revised the Licensing Boards' Publication Schemes and Guides to Information to comply with the revised requirements of the Scottish Information Commissioner as published in April 2017 and is asking the Boards to approve these documents and authorise their publication on the Boards' website. The Publication Scheme and Guide to Information for your Board Area is attached as Appendix 1 to this report and is referred to for its terms.

### 3. Governance

3.1 The Board has a statutory duty to publish a Publication Scheme and Guide to Information under the Freedom of Information (Scotland) Act 2002 and previously agreed to keep these documents revised in line with the Model Scheme and Guide to

Information approved by the Scottish Information Commissioner. The Board therefore has authority to approve the revisals made to the Publication Scheme and Guide.

#### **4. Implications and Risk**

4.1 An Equality Impact Assessment is not needed in this case because the revising of the Boards' Publication Schemes and Guides to Information will not have a differential impact on the protected characteristics of the applicants or any third parties. Board Members should note that the documents will be available in alternative languages, as per Aberdeenshire Council's templates for translation which have been included on the front page of each document, and in alternative formats where appropriate.

4.2 The Town Centre First Principle does not apply to the revision of the Boards' Publication Schemes and Guides to Information.

**Geraldine Fraser**

**Clerk to the Board**

**Report Prepared by Fiona M. Stewart, Senior Solicitor (Democratic Services), Depute Clerk to the Board**

**Date: 31<sup>st</sup> July 2018**

**File Reference: FMS/Freedom of Information/Licensing Board Publication Schemes**

**DRAFT REVISED PUBLICATION SCHEME AND GUIDE TO INFORMATION FOR YOUR  
LICENSING BOARD AREA**

# **ABERDEENSHIRE DIVISIONAL LICENSING BOARDS**

## **CENTRAL DIVISIONAL LICENSING BOARDS**

### **MODEL PUBLICATION SCHEME 2018**



**If you need a copy of this document in an alternative language or in large print or in Braille please telephone 01224 664658.**

<b>Polish</b>	Jeśli chcesz otrzymać kopię tego dokumentu w innym języku, napisanego dużą czcionką lub w języku Braille'a, proszę zadzwonić pod numer 01224 664658.
<b>Latvian</b>	Ja Jums ir nepieciešama šī dokumenta kopija citā valodā, lielformāta drukā vai braila rakstā, lūdzu, zvaniet pa tālruni: 01224 664658.
<b>Russian</b>	Если Вы нуждаетесь в копии этого документа на другом языке, укрупненным шрифтом или шрифтом Брайля, просим Вас позвонить по телефону 01224 664658.
<b>Lithuanian</b>	Prašau skambinkite tel. 01224 664658, jei jums reikalinga į jūsų kalbą išversto dokumento kopija ar pageidaujate didelėmis raidėmis ar Brailiu.

**Contact:** The Depute Clerk  
Gordon House,  
Blackhall Road,  
Inverurie,  
AB51 3WA;

**Tel:** 01467 539903

**E-mail:** [licensing@aberdeenshire.gov.uk](mailto:licensing@aberdeenshire.gov.uk)

(please include Freedom of Information "Publication Scheme" in the subject line)

## Contents

<b>INTRODUCTION</b> .....	<b>54</b>
<b>ADOPTING THE MODEL PUBLICATION SCHEME</b> .....	<b>56</b>
<u>Guide to Information</u> .....	56
<u>Notifying the Commissioner</u> .....	56
<u>Model Publication Scheme Principles</u> .....	57
<u>Principle 1: Availability and formats</u> .....	57
<u>Principle 2: Exempt information</u> .....	57
<u>Principle 3: Copyright and re-use</u> .....	57
<u>Principle 4: Charges</u> .....	57
<u>Principle 5: Contact details</u> .....	58
<u>Principle 6: Duration</u> .....	58
<b>THE CLASSES OF INFORMATION</b> .....	<b>59</b>



## INTRODUCTION

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

- (i) Publish the classes of information that they make routinely available
- (ii) Tell the public how to access the information they publish 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. The Commissioner's Model Publication Scheme was approved on 29<sup>th</sup> March 2016.

**The Commissioner has issued Guidance to accompany this Model Publication Scheme<sup>1</sup> to accompany the Model Publication Scheme. This is essential reading for authorities adopting the Model Publication Scheme as explains the requirements of the Scheme in detail and provides lists the type of information the Commissioner expects authorities to publish.**

---

<sup>1</sup> [www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/GuidesToInformation.aspx](http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/GuidesToInformation.aspx)

## ADOPTING THE MODEL PUBLICATION SCHEME

**It is expected that the Model Publication Scheme will be adopted by any authority which is subject to FOISA. For more information about which bodies this applies to, please visit: <http://www.itspublicknowledge.info/YourRights/Whocanask.aspx>**

Adoption of the Model Publication Scheme commits an authority to:

- Using the Model Publication Scheme as its publication scheme, and accepting any updated to the MPS, without amendment
- Publishing the information, including environmental information, it holds which falls within the classes of information (see below).
- Ensuring that the way it publishes its information meets the Model Publication Scheme Principles (see below)
- Producing a Guide to Information which sets out the information the authority publishes through the Model Publication Scheme, how to access it, whether there is a charge for it and how to get help to access information
- Notifying the Scottish Information Commissioner that it has adopted the model scheme.

### 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 purpose of this guide to information is to:

- 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; and
- Explain how to request information that has not been published.

### Notifying the Commissioner

Authorities adopting the Model Publication Scheme for the first time must notify the Commissioner that they have done so. Thereafter no further notification is required unless either:

- (i) The Commissioner has revoked approval (because the authority is not complying with the Model Publication Scheme) or
- (ii) The authority's legal status has changes (e.g. through a merger with another authority or a legal change of name).

The Commissioner will regularly review the Model Publication Scheme and update it from time to time, notifying authorities of any changes. The Commissioner will consult authorities before making any substantive changes.

The Commissioner will continue to monitor authorities' compliance with the Model Publication Scheme. As required, the Commissioner may contact individual authorities about practice issues (see the Comm Central Licensing Board 15 August 2018 Page 56 of 84

## Model Publication Scheme Principles

The following principles apply to all information published through the Model Publication Scheme by any authority.

### Principle 1: Availability and formats

Information published through the Model Publication Scheme, should, wherever possible, be made available on the Authority's website.

There must be an alternative arrangement for people who cannot reasonably access the information either online or by inspection at the authority's premises. An authority may, for example, send out information in paper copy on request (although there may be a charge for doing so).

### Principle 2: Exempt information

If information described by the classes of information (see below) cannot be published and is exempt under Scotland's Freedom of Information laws e.g. sensitive personal data or a trade secret, the authority may withhold the information or provide a redacted version for publication, but it must explain why it has done so.

### Principle 3: Copyright and re-use

The authority's Guide to Information must include a copyright statement which is consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988<sup>3</sup>. Where the authority does not hold the copyright information it publishes, this should be made clear.

Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2015<sup>4</sup>.

The Commissioner recommends that authorities adopt the Open Government Licence and/or the non-commercial Government Licence, produced by the National Archives<sup>5</sup> for their published information.

### Principle 4: Charges

The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.

<sup>2</sup> [www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx#procedures](http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/Briefings.aspx#procedures)

<sup>3</sup> [www.legislation.gov.uk/ikga/1988/48/contents](http://www.legislation.gov.uk/ikga/1988/48/contents)

<sup>4</sup> [www.legislation.gov.uk/ukso/2015/1415/contents/made](http://www.legislation.gov.uk/ukso/2015/1415/contents/made)

<sup>5</sup> [www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/uk-government-licensing-framework/](http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/uk-government-licensing-framework/)

No charge may be made to view information on the authority's website or at its premises except where there is a fee set by other legislation, for example for access to some registers.

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying information. The charge must be no more than these elements actually cost the authority. There may be no further charges for information in Classes 1-7 below. An exception is made for commercial publications (see Class 8 below) where pricing may be made on market value.

### **Principle 5: Contact details**

The authority must provide contact details for enquiries about any aspect of the Model Publication Scheme or Guide to Information.

The Act requires authorities to provide reasonable advice and assistance to anyone who wants to request information. This includes information which is not published through the Model Publication Scheme<sup>6</sup>. The authority's Guide to Information must provide contact details to access this help.

### **Principle 6: Duration**

Once published through the Guide to Information, the 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 under Section 1(1) of FOISA).

---

<sup>6</sup> Section 15 of the Freedom of Information (Scotland) Act 2002 and Regulation 9 of the Environmental Information (Scotland)(Regulations) 2004

## THE CLASSES OF INFORMATION

	Class	Description
1.	About the authority	Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations
2.	How we deliver our functions and services	Information about our work, our strategies and policies for delivering functions and services and information for our service users.
3.	How we take decisions and what we have decided	<a href="#">Information about the decisions we take, how we make decisions and how we involve others.</a>
4.	What we spend and how we spend it	Information about or 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)
5.	How we manage our human, physical and information resources	Information about how we manage the human, physical and information resources of the authority
6.	How we procure goods and services from external providers	Information about how we procure goods and services and our contracts with external providers
7.	How we are performing	Information about how we perform as an organisation and how well we deliver our functions and services
8.	Our commercial publications	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
9.	Our open data	Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.



# **ABERDEENSHIRE DIVISIONAL LICENSING BOARDS**

## **CENTRAL DIVISIONAL LICENSING BOARDS**

### **GUIDE TO INFORMATION AVAILABLE THROUGH THE MODEL PUBLICATION SCHEME 2018**



**If you need a copy of this document in an alternative language or in large print or in Braille please telephone 01224 664658.**

<b>Polish</b>	Jeśli chcesz otrzymać kopię tego dokumentu w innym języku, napisanego dużą czcionką lub w języku Braille'a, proszę zadzwonić pod numer 01224 664658.
<b>Latvian</b>	Ja Jums ir nepieciešama šī dokumenta kopija citā valodā, lielformāta drukā vai braila rakstā, lūdzu, zvaniet pa tālruni: 01224 664658.
<b>Russian</b>	Если Вы нуждаетесь в копии этого документа на другом языке, укрупненным шрифтом или шрифтом Брайля, просим Вас позвонить по телефону 01224 664658.
<b>Lithuanian</b>	Prašau skambinkite tel. 01224 664658, jei jums reikalinga į jūsų kalbą išversto dokumento kopija ar pageidaujate didelėmis raidėmis ar Brailiu.

**Contact:** The Depute Clerk  
Gordon House,  
Blackhall Road,  
Inverurie,  
AB51 3WA;

**Tel:** 01467 539903

**E-mail:** [licensing@aberdeenshire.gov.uk](mailto:licensing@aberdeenshire.gov.uk)

(please include Freedom of Information "Publication Scheme" in the subject line)



## Contents

<b>SECTION 1: OVERVIEW</b>	<b>64</b>
<b>Introduction</b>	65
<b>About the Model Publication Scheme (MPS)</b>	65
What is the MPS?	65
Who Can adopt the MPS?	65
What are the benefits of the MPS to an authority?	65
How does an authority adopt the MPS?	66
When Does and Authority have to adopt the MPS?	66
<b>The MPS Principles</b>	67
<b>SECTION 2: GUIDES TO INFORMATION</b>	<b>68</b>
<b>What is a Guide to Information?</b>	68
<b>Meeting the MPS Principles</b>	68
Principle 1: Availability and formats	68
Principle 2: Availability and formats	69
Principle 3: Copyright and re-use	70
Principle 4: Charges	70
Principle 5: Advice and Assistance	71
Principle 6: Duration	72
<b>Complaints and Feedback</b>	74
<b>APPENDIX 1: TYPES OF INFORMATION UNDER THE MODEL PUBLICATION SCHEME CLASSES</b>	<b>75</b>
<b>The Classes of Information</b>	75
<b>Types of Information under the Model Publication Scheme Classes</b>	75
Class 1: About the Board	75
Class 2: How we deliver our functions and services	77
Class 3: How we take decisions and what we have decided	78
Class 4: What we spend and how we spend it	80
Class 5: How we manage our human, physical and information resources	80
Class 6: How we procure goods and services from external providers	80
Class 7: How we are performing	80
Class 8: Our commercial publications	81
Class 9: Open Data	81

## TERMS USED

<b>Term</b>	<b>Explanation</b>
<b>FOISA</b>	The Freedom of Information (Scotland) Act 2002
<b>EIRs</b>	The Environmental Information (Scotland) Regulations 2004
<b>Model Publication Scheme</b>	A standard framework for authorities to publish information under FOISA, approved by the Scottish Information Commissioner
<b>MPS</b>	The Model Publication Scheme
<b>Guide to Information</b>	A guide that every public authority adopting the MPS must produce to help people access the information it makes available
<b>MPS Principles</b>	The six key principles with which all information published under the MPS must comply
<b>Classes of Information</b>	Nine broad categories describing the types of information authorities just publish (if they hold it)
<b>Notification Form</b>	The form an authority must submit to notify the Commissioner of its adoption of the MPS
<b>Re-use Regulations</b>	The Re-use of Public Section Information Regulations 2015
<b>Copyright law</b>	The Copyright, Designs and Patents Act 1988
<b>TNA</b>	The National Archives

## SECTION 1: OVERVIEW

## Introduction

The Freedom of Information (Scotland) Act 2002 (FOISA) places a duty<sup>7</sup> on Scottish public authorities to publish information proactively. Authorities must have regard to the public interest in the information they hold and make information available so it can be accessed without having to make a request for it under Section 1 of FOISA. The duty to publish is in addition to the obligation to respond to requests for information (See Appendix 2: Publication Scheme: the legal requirements for more information).

In addition, the Environmental Information (Scotland) Regulations (2004) (the EIRs) require authorities to publish environmental information proactively<sup>8</sup>, particularly information they hold in electronic formats.

Even if it were not a specific duty, there are benefits to authorities from publishing information, including:

- Reducing the work and resources associated with information requests. If the public can access information themselves, they do not need to ask an authority to provide it.
- Developing better relationships with stakeholders by providing access to information that helps their understanding and supports them to engage meaningfully with the authority.
- Demonstrating the authority is open and transparent in its practice as well as intentions.

## About the Model Publication Scheme (MPS)

### What is the MPS?

The MPS is a standard framework for Scottish public authorities to publish the information they hold.

By adopting the MPS, authorities commit to:

- (i) Publishing, as a minimum, specified types of information, through this Guide to Information. This sets out how people can access the information the authority publishes under the MPS
- (ii) Ensuring all our published information meets the six MPS principles (see below)

An authority which formally adopts the MPS and then publishes information in accordance with the MPS will meet its publication scheme duties.

### Who Can adopt the MPS?

The MPS can be adopted by any Scottish public authority subject to FOISA. The Licensing Board is one such body.

### What are the benefits of the MPS to an authority?

The MPS:

- (i) Provides the most efficient and effective way to secure the Commissioner's approval for a publication scheme

---

<sup>7</sup> Section 23 of FOISA

<sup>8</sup> Regulation 4 of the EIRs

- (ii) Focuses authorities' resources on making as much information available as possible
- (iii) Improves accessibility of information for the public and increases consistency across the public sector in the range of information available.
- (iv) Gives access to specific guidance and advice.

### How does an authority adopt the MPS?

There are five steps to adopting the MPS for the first time (each is explained in more detail in later sections):

- (i) Make a corporate decision to adopt the MPS without amendment
- (ii) Identify the information held by the authority that is covered by the MPS classes of information and any additional information in which there is a public interest in publication.
- (iii) Produce and publish a Guide to Information, ensuring that the arrangements for publication meet the six MPS Principles.
- (iv) Notify the Scottish Information Commissioner that you have adopted the MPS. You need only do this only once.
- (v) Make arrangements to maintain and update the Guide to Information. This includes adjusting the Guide to Information in respect to any future changes to the MPS.

**The Commissioner's approval depends on authorities complying with all the above steps. If an authority does not satisfy all the requirements, it can neither claim to have adopted a publication scheme nor to be maintaining one. The authority will not therefore be compliance with the publication scheme duty under Section 23 of FOISA. The Commissioner has enforcement powers to ensure compliance.**

### When Does and Authority have to adopt the MPS?

The Central Aberdeenshire Divisional Licensing Board ("The Board") adopted a Publication Scheme based on the Model Publication Scheme 2013 produced by the Scottish Information Commissioner. This Scheme was then approved by the Scottish Information Commissioner.

The Board then revised its Publication Scheme as a result of the publication of the Model Publication Scheme 2016.

The Board has now revised the Publication Scheme again as a result of an update of the Model Publication Scheme in April 2018

You can access the Model Publication Scheme on the Commissioner's website at [www.itspublicknowledge.info/MPS](http://www.itspublicknowledge.info/MPS).

The Board approved this Revised Scheme on XXXX.

You can access our Publication Scheme, together with this Guide to Information on our website at: <http://www.aberdeenshire.gov.uk/licensing/policies/licensing-board-publication-schemes/>

Alternatively, you can contact us for a copy at the details listed on the front page of this document.

The person responsible for the overall operation of the Board's Publication Scheme is the Depute Clerk to the Board.

The Depute Clerk has day-to-day responsibility for the administration of the Board. Contact details are listed on the front page of this document. All contact should be with the Depute Clerk in the first instance.

### **The MPS Principles**

The MPS imposes six principles which govern the way authorities must make their information available through this Guide to Information:

- Principle 1: Availability and formats
- Principle 2: Exempt Information
- Principle 3: Copyright and re-use
- Principle 4: Charges
- Principle 5: Advice and Assistance
- Principle 6: Duration

Each principle is explained in detail in the MPS Principles

## SECTION 2: GUIDES TO INFORMATION

### What is a Guide to Information?

This Guide to Information is effectively an “index” of the information the Board publishes and a “how to” guide to access it. It is a practical, user-friendly resource for the public, helping them to access the information the Board publishes.

This Guide must set out:

- (1) What information the Board publishes under each class
- (2) How to access the information
- (3) Whether the Board charges for the information (we must, if we do, say both what the charges are and when they apply)
- (4) Contact details for advice and assistance to access information

The Board must maintain a record of what information is published and when it becomes available so that there is a record in the event of a dispute.

This Guide must be published on the Board’s website and it must be possible to find it through a simple search of the website.

This Guide will be linked to the freedom of information page on the Board’s website.

### Meeting the MPS Principles

The 6 MPS Principles	
1	Availability and formats
2	Exempt Information
3	Copyright and re-use
4	Charges
5	Advice and assistance
6	Duration

**The access arrangements for all of the information contained within this Guide must meet the MPS Principles.**

The Principles are explained in more detail below:

#### Principle 1: Availability and formats

##### Definition

Information published through the MPS should, wherever possible, be made available on the authority’s website.

There must be an alternative arrangement for people who cannot reasonably access the information either online or by inspection at the authority’ premises. An authority may e.g., arrange to send out information in paper copy on request (although there may be a charge for doing so).

The information we publish through the model scheme is, wherever possible, available on our website at [www.aberdeenshire.gov.uk/licensing](http://www.aberdeenshire.gov.uk/licensing)

We offer alternative arrangements for people who do not wish to, or who cannot, access the information either online or by inspection at our premises. For example, we can usually arrange to send out information in paper copy (although there may be a charge for this).

Please make contact with us in advance, prior to any visit to our premises. An appointment may be necessary depending on the information requested. Contact details are as shown on the front page of this document

All of our written information can also be made available, on request, in a range of different formats should you require this.

Please note that the Depute Clerk is unable to provide you with legal advice.

## Principle 2: Availability and formats

### Definition

If information described by the classes cannot be published and is exempt under Scotland's freedom of information laws e.g. sensitive personal data or a trade secret, the authority may withhold the information or provide a redacted version for publication, but it must explain why it has done so.

The public's right to information is twofold:

- (a) Access to Information under this Guide is automatic (subject to the exemptions discussed in this section).
- (b) The general entitlement to information under Section 1 of the Freedom of Information (Scotland) Act 2002 enables any member of the public to make a request for information that is not in this Guide.

The Board aims to be as open as possible. However, it may withhold information from any of the classes of information listed below where it considers that disclosure is exempt under FOISA, for example, if it may seriously prejudice law enforcement, legal proceedings or where disclosure is otherwise prohibited by law. Where possible, specific instances of how this is to operate in practice are included in the Classes of Information below, but in general it should be noted that even if a document is in a Class of Information, it, or parts of it, may be held back because exemptions apply, but only in so far as it is permitted under FOISA. Even where an exemption exists, it may nevertheless be possible to provide copies with the exempted information edited out (Redacted Information).

The Board may also withhold information:

- Which is subject to any of the exemptions under FOISA (See Sections 25-41 of FOISA)
- Which is personal information under the Data Protection Act 1998.

If you wish to complain about information which is being withheld from you, please see the "complaints" section below.

## Principle 3: Copyright and re-use

### Definition

The Authority's Guide to information must include a copyright statement which is consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988. Where the authority does not hold the copyright in information it publishes, this should be made clear.

Any conditions applied to the re-use of published information must be consistent with the Re-Use of Public Sector Information Regulations 2015.

Unless otherwise stated, the Board reserves copyright in all information available under its Publication Scheme, whether that information is in electronic or hard-copy format, text or graphics, and regardless of whether the copyright (©) symbol appears. The right to information under this Guide does not include permission to reproduce that information. Most 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
- The source of the material is identified.
- Subject to your acceptance of the [Open Government Licence \(version 1\)](#) for public sector information.

If in doubt, please contact us to obtain permission for re-use.

By using and/or re-using information in which the Board holds the copyright, you accept the terms and conditions of the Open Government Licence. Where the Board does not hold the copyright in information we publish, we will make this clear. Where there is any third-party copyright information, you will need to obtain permission from the copyright holders to use and/or re-use the information.

Information about Crown copyright material is available on the website of the Queens Printer for Scotland at [www.oqps.gov.uk](http://www.oqps.gov.uk) . We can provide you with a copy of this information if you do not have internet access.

## Principle 4: Charges

### Definition

The Guide to Information must contain a charging schedule, explaining any charges and how they will be calculated.

No charge may be made to view information on the authority's website or at its premises except where there is a statutory fee e.g. for access to some registers.

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying information. The charge must be no more than these elements actually cost the authority e.g. cost per photocopy or postage. There may be no further charges for information in Classes 1-7. An exception is made for commercial publications (see Class 8: our commercial publications) where pricing may be based on market value.



Unless a charge is otherwise indicated, all information contained in the 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.

If payment is required for the information you want, 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.

We do not charge for the inspection of any of the information which is made available via the classes in this Scheme.

We may charge for providing information in paper copy or computer disc/alternative formats. The Board is mindful of its obligations under equalities legislation when setting charges for alternative formats. Charges will reflect the actual costs of reproduction and postage to the authority, as set out below.

<b>Reproduction Costs</b>	
Black and White Copy	10p per A4 sheet
Colour Copy	30p per A4 sheet
<b>Alternative Formats</b>	
Computer Discs/other formats	£1 per disc
<b>Postage</b>	
Charged at the cost to the Board of sending the information by First Class Post.	

Please note that, if you are interested in a large printed document, we can provide you with photocopies of selected relevant pages rather than charge you for a full printed copy of the document required. The photocopying charges that would apply are as set out in the table above. Our staff can advise you.

## **Principle 5: Advice and Assistance**

### **Definition**

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

The Authority's Guide to Information must provide contact details to access advice and assistant to request unpublished information.

### **Contact details**

You can contact the Depute Clerk for assistance with any aspect of this information guide at the contact details shown on the front page of this document.

### **How to Access Information Not Available Under This Scheme**

If the information you are seeking is not available under this Publication Scheme, then you may wish to request that information from us. Please note that FOISA provides you with a right of access to the information the Board holds, subject to certain exemptions.

Should you wish to request a copy of any information held by the Board that is not available under this Scheme, please contact:

Freedom of Information  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen  
AB16 5GB

E-mail: [foi@aberdeenshire.gov.uk](mailto:foi@aberdeenshire.gov.uk)

FOISA 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 2018.

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

- Be made in writing
- Give your name and address
- Include proof of your identity
- Specify the information or documents sought; and
- Include any fee applicable.

Such requests should be addressed to the Address or E-mail shown above for Freedom of Information Requests.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (EIRS) provide a separate right of access to any environmental information that we hold. The Board currently does not hold any environmental information – but in the event that it did, this could be requested under the EIRS.

## Principle 6: Duration

### Definition

Once published through the Guide to Information, the 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 under Section 1(1) of FOISA).

**The Legal and Governance Service, Licensing Document Retention Policy is as follows:**

### Licensing Register (Scotland) Regulations 2007

Applications for the grant of a premises licence, personal licence, variation of premises licence, transfer of premises licence or an occasional licence that is refused by the Licensing Board.	Information will be retained for a period of 5 years from the date of refusal and will thereafter be destroyed
In any other case, where information	Information will be retained for a period of 5 years from the date the premises licence

relates to a premises licence	ceases to have effect and will thereafter be destroyed
Information relating to occasional licences/extensions	Information will be retained for a period of 5 years from the date the occasional ceases to have effect and will thereafter be destroyed
Information relating to personal Licences	Information will be retained for a period of 5 years from the date the personal licence ceases to have effect and will thereafter be destroyed

#### **Gambling Act 2005**

Applications for the grant of a licence, permit or registration which is refused by the Board	Information relating to the application will be retained for a period of 5 years and will thereafter be destroyed
In any other case, information relating to a licence, permit or registration	Information will be retained for a period of 5 years from the date the licence, permit or registration ceases to have effect and will thereafter be destroyed

#### **Civic Government (Scotland) Act 1982 (& HMO Licences)\*\***

Where an application for the grant of a licence, permit or permission is refused by the Licensing Sub-Committee (or relevant Area Committee)	Information will be retained for a period of 3 years from the date of refusal and will thereafter be destroyed
In any other case, information relating to a licence, permit or permission	Information will be retained for a period of 3 years from the date the licence, permit or permission ceases to have effect and will thereafter be destroyed

#### **Miscellaneous licences\*\***

Information relating to an application for the grant of a licence, permit or permission which is refused by the Licensing Sub-Committee (or relevant Area Committee)	Information will be held for a period of 3 years from the date of refusal of the licence, permit or permission and will thereafter be destroyed
--	---

In any other case information relating to a licence, permit or permission	Information will be held for a period of 3 years from the date the licence, permit or permission ceases to have effect and will thereafter be destroyed
---	---

\*\* This function is carried out by Aberdeenshire Council, as Licensing Authority and therefore does not relate to the Board.

## Complaints and Feedback

FOISA requires that we review our publication scheme from time to time. However, feedback, including complaints about this Publication Scheme should be directed to the Depute Clerk. Contact details are listed on the front page of this document.

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<sup>9</sup> 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 operates an enquiry Service Monday to Friday from 9.00a.m. – 5.00p.m. The office can be contacted as follows:

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St. Andrews  
Fife KY16 9 DS

Telephone: 01334 464610

E-Mail: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

Website: <http://www.itspublicknowledge.info/ContactSIC/Contact.aspx>

---

<sup>9</sup> Verbal requests for environmental information carry similar rights. Currently the Board does not hold environmental information

## APPENDIX 1: TYPES OF INFORMATION UNDER THE MODEL PUBLICATION SCHEME CLASSES.

### The Classes of Information

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.

The classes are:

Class	Description
1	About the Board
2	How we deliver our functions and services
3	How the Board takes decisions and what it has decided
4	What the Board spends and how it spends it
5	How the Board manages its human, physical and information services
6	How the board procures goods and services from external providers
7	How the board is performing
8	Our commercial publications *
9	Open Data

\* We do not hold or publish any information under this Class.

### Types of Information under the Model Publication Scheme Classes.

#### Class 1: About the 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.

The Board is constituted under the Licensing (Scotland) Act 2005. The Board also has responsibility for licences and permits issued under the Gambling Act 2005.

The Board is elected by Aberdeenshire Council from its Elected Members. The Board is made up of eight Councillors of Aberdeenshire Council.

The Board makes decisions on policies and applications in relation to liquor and gambling licences.

Details of our current Board Members are available at:-

<http://www.aberdeenshire.gov.uk/media/7436/supplementarypolicy1-contextandprofile.pdf>

Councillor profiles can be found at:-

<http://www.aberdeenshire.gov.uk/councillors/index.asp>

Councillors require to adhere to the Councillors' Code of Conduct set out by the Standards Commission for Scotland. The Code is public and can be found at:-

<http://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct>

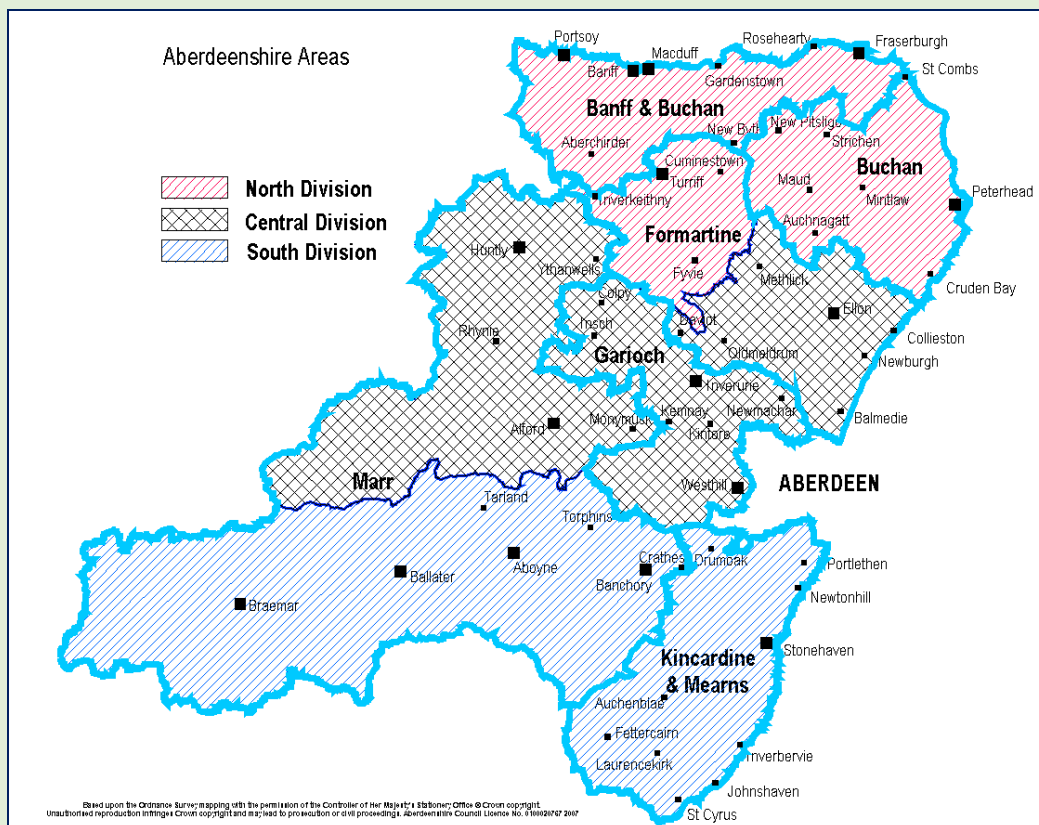
The Code applies to Councillors when they sit as Licensing Board Members in the same way it does when they sit as Aberdeenshire Councillors.

The Board is a separate legal entity to Aberdeenshire Council.

The Board administers licences for premises and persons within the geographic division of Aberdeenshire comprising the following areas/electoral wards of Aberdeenshire:

- The Formartine Area (except the Turriff & District Ward which falls within the North Divisional Board Area)
- The Garioch Area, and
- In the Marr Area – the Huntly East and West Wards only.

The Board area is reflected in the map shown below.



The Board decides licensing applications at its hearings.

Hearings take place bi-monthly in Inverurie.

It should be noted that it is a criminal offence under section 8 of the Licensing (Scotland) Act 2005 to canvass Board members in relation to applications that are being considered by the Board. Additionally, such an approach would put a Member at risk of contravening

the Councillors' Code of Conduct.

The Board works to deadlines set out under the Licensing (Scotland) Act 2005 and the Gambling Act 2005. Performance indicators are produced by Aberdeenshire Council, inclusive of the Board's performance indicators. These performance indicators are not included in this Scheme but are available on request.

Certain non-contentious decisions are delegated to the Clerk and the Depute Clerk under the Board's Scheme of Delegation.

## **Class 2: How we deliver our functions and services**

The Board is advised and assisted by its Clerk who is the Council's Head of Legal and Governance, Business Services, Aberdeenshire Council. The Clerk is assisted by several Depute Clerks who sit within the Governance Team of Legal and Governance.

The Depute Clerk can be contacted at the location shown on the front page of this Scheme.

Members of the Public can access the Licensing Office between 10.00a.m. and 4.00p.m. Mondays to Fridays.

The following documents can be found on our website:

The Board's Statement of Licensing Policy in terms of the Licensing (Scotland) Act 2005:  
<http://www.aberdeenshire.gov.uk/licensing/alcohol/current-boards-policy-statements-2013-2016>

The Board's Scheme of Delegation in terms of the Licensing (Scotland) Act 2005:  
<http://www.aberdeenshire.gov.uk/licensing/alcohol/current-boards-policy-statements-2013-2016>

The Board's Annual Financial Statement in terms of the Licensing (Scotland) Act 2005:  
<http://publications.aberdeenshire.gov.uk/dataset/9fc87cad-5c27-4f6c-8c43-27762c341c9d/resource/61add841-8944-4bef-9526-0ea47496b450/download/appendix-1-misc-licensing---liquor-2017.18-website.pdf>

The Board's Annual Functions Report in terms of the Licensing (Scotland) Act 2005:  
<https://www.aberdeenshire.gov.uk/media/22827/aberdeenshire-licensing-boards-function-report-2017-2018.pdf>

The Board's Statement of Licensing Principles in terms of the Gambling Act 2005:  
<http://www.aberdeenshire.gov.uk/licensing/gambling/gambling-gaming-and-lotteries/>

The Board's Scheme of Delegation in terms of the Gambling Act 2005:  
<http://www.aberdeenshire.gov.uk/licensing/gambling/gambling-gaming-and-lotteries/>

The Board's policy in terms of the Equality Act 2010:  
<http://www.aberdeenshire.gov.uk/licensing/policies/licensing-equalities/>

**Other information is available as follows:**



Information	Manner in which the information is published
<p><b>Application forms</b></p> <p><b>Application fees</b></p> <p><b>Application Criteria and Guidelines</b></p>	<ul style="list-style-type: none"> <li>• online at: <a href="http://www.aberdeenshire.gov.uk/licensing/">http://www.aberdeenshire.gov.uk/licensing/</a></li> <li>• Downloadable from: <a href="http://www.aberdeenshire.gov.uk/licensing/">http://www.aberdeenshire.gov.uk/licensing/</a></li> </ul> <p><i>Available at:</i></p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• e-mailrequest: <a href="mailto:licapps@aberdeenshire.gov.uk">licapps@aberdeenshire.gov.uk</a></li> <li>• by personal visit</li> </ul>

### Class 3: How we take decisions and what we have decided

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

Information is available as follows:

Information	Manner in which the Information is published
<p><b>Board Dates</b></p>	<p>These are published at: <a href="http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489">http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489</a></p> <p>They are also available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul>
<p><b>Board Agendas</b></p>	<p>These are published at: <a href="http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489">http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489</a></p> <p>They are also available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul>



<p><b>Board Minutes</b></p> <p><i>Minutes are only available after they have been approved by the Board</i></p>	<p>These are published at:</p> <p><a href="http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489">http://committees.aberdeenshire.gov.uk/committees.aspx?commid=489</a></p> <p>They are also available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul>
<p><b>Appeal decisions</b></p> <p><i>These are available within the past 2 years</i></p>	<p>These are available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul>
<p><b>Statements of Reasons/Statement Cases</b></p> <p><i>EXCEPT: any statements issued during the current quarter or which are the subject of a current appeal</i></p>	<p>These are available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul> <p><i>Excepted items are confidential and/or contain personal information protected by the Data Protection Act, or have the potential to be produced in Court</i></p>
<p><b>Board Reports</b></p> <p><i>Except Reports that are for Members only</i></p>	<p>These are available online as part of the Board agenda (see above).</p> <p>They are also available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul> <p><i>Excepted reports are confidential and/or contain personal information protected by the Data Protection Act, or have the potential to be produced in any subsequent court appeal. However, any decision to except a report from this category will be made on a case-by-case basis.</i></p>
<p><b>Statutory Registers</b></p>	<p>These are available at:</p> <ul style="list-style-type: none"> <li>• Gordon House, Inverurie</li> <li>• By telephone request</li> <li>• By e-mail request</li> <li>• By personal visit</li> </ul> <p>The Board hopes to have these published on their website shortly</p>

#### **Class 4: What we spend and how we spend it**

The Board is a separate legal entity to Aberdeenshire Council. It does not employ any staff or own any assets.

All staff carrying out the Board's responsibilities are recruited and employed by Aberdeenshire 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 by way of licence application fees must be transferred to the Council and the Board's budget is held by the Council. The Council has a separate Publication Scheme. This can be found at: <http://www.aberdeenshire.gov.uk/council-and-democracy/foi/> .

Alternatively, you can get further information from the following source:

Freedom of Information  
Aberdeenshire Council  
Woodhill House  
Westburn Road  
Aberdeen AB16 5GB

E-mail: [foi@aberdeenshire.gov.uk](mailto:foi@aberdeenshire.gov.uk)

#### **Class 5: How we manage our human, physical and information resources**

All human, physical and information resources for the Board are carried out and managed by Aberdeenshire Council.

The Council's Publication Scheme can be accessed at:  
<http://www.aberdeenshire.gov.uk/council-and-democracy/foi/> .

#### **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 Aberdeenshire Council.

The Council's Publication Scheme can be accessed at:  
<http://www.aberdeenshire.gov.uk/council-and-democracy/foi/> .

#### **Class 7: How we are performing**

The Board processes applications in accordance with statutory timescales set out in the Licensing (Scotland) Act 2005, Gambling Act 2005 and related Acts and Statutory Instruments.

Policies and procedures are also produced in accordance with the relevant statutory timescales.

Primary and secondary legislation relating to the Board's function are published at: <http://www.legislation.gov.uk>

The Board produces an annual report in relation to compliance with policy.

This can be found at: <http://www.aberdeenshire.gov.uk/licensing/alcohol/current-boards-policy-statements-2013-2016>

The Board's Annual financial statement and Functions Report are published online as outlined at the beginning of this table

It is also available at:

- Gordon House, Inverurie
- By telephone request
- By e-mail request
- By personal visit

#### **Class 8: Our commercial publications**

The Board does not hold any information falling within this class

#### **Class 9: Open Data**

The Board will be subject to Aberdeenshire Council's Open Data Policy.

The Council's Open Data Strategy can be accessed at: <http://publications.aberdeenshire.gov.uk/dataset/open-data-strategy>

The Open Government Licence can be accessed here: <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

