

ABERDEEN CITY LICENSING BOARD GUIDE TO INFORMATION AVAILABLE THROUGH THE MODEL PUBLICATION SCHEME 2017

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.

Aberdeen City Licensing Board has adopted the **Model Publication Scheme 29 March 2016** produced by the Scottish Information Commissioner.

You can see this scheme on our website at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

or by contacting us at the Contact Us address 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 will confirm whether we hold this information and 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 except where there is a statutory fee

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.

For photocopying, we will charge a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Information provided on CD-Rom will be charged at £1.00 per computer disc.

Postage costs will be recharged at the rate we pay to send the information to you.

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. Although, 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.

Unpublished Information/Research and Information Services:

The guide only provides access to published information. Other unpublished information may be available on request provided this is possible in terms of the Board's statutory obligations. If you wish to enquire about unpublished information or research and information services please contact us.

Contact us

You can contact us to make requests for information (including requests for paper copies) and for assistance in relation to any aspect of this publication scheme:

Email: licensing@aberdeencity.gov.uk

Telephone: 01224 523411/522985

Write To: The Clerk to the Licensing Board
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Broad Street
Aberdeen
AB10 1AB

We will also be pleased to advise you how to complain if you are dissatisfied with any aspect of this publication scheme.

Accessing information under the publication scheme

Information available under our scheme will normally be available via the following routes:

Online – Where possible, all information available under this scheme will be downloadable using the links provided to pages on the Board's website:
http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

Email – It may be possible on request to send information electronically by email to licensing@aberdeencity.gov.uk headed up as a "Freedom of Information Request"

Otherwise – Please contact us to arrange the provision of information by telephone, by post or in person by appointment.

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 ABERDEEN CITY LICENSING BOARD

Class description:

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

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

Aberdeen City Licensing Board can be contacted at:

Legal and Democratic Services
Corporate Governance
Aberdeen City Council
Business Hub 6 L1S
Marischal College
Broad Street
Aberdeen
AB10 1AB

We can also be contacted by email at licensing@aberdeencity.gov.uk or by telephone to 01224 523411/522985.

The Board comprises nine elected members of Aberdeen City Council one of whom is elected as Convener, currently Councillor Marie Boulton.

Details of the current Board membership are available at:

<http://committees.aberdeencity.gov.uk/mgCommitteeDetails.aspx?ID=151>

Councillor profiles can be found at:

<http://committees.aberdeencity.gov.uk/mgMemberIndex.aspx>.

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 Council's Model Scheme of Publication and Guide to Information are published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

The Board makes decisions on applications and policies. Some of its powers are delegated to officers as per the scheme of delegation in its Statement of Licensing Policy:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

It is assisted and advised in its work by its Clerk, who is the Head of Legal and Democratic Services within the Council.

Fraser Bell

Head of Legal and Democratic Services
Corporate Governance
Aberdeen City Council

The Clerk is assisted by officials of the Licensing Team within Legal Services.

Senior officials from the Licensing Team responsible for the Licensing Board are:

Jackie Buchanan (Legal Manager) and **Jennifer Wilson** (Team Leader of Licensing)

These officials can be contacted using the above Contact Us details.

Normal working hours for the Board and its staff are 08.30am to 5pm Mondays to Fridays inclusive. The office is closed on Saturdays and Sundays.

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

The Board's Model Publication Scheme and this Guide to Information are available at

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

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 Statement of Licensing Policy explaining our function under the legislation and this is published at:

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=56156&sID=1146>

The Licensing Board has a statutory relationship under The Licensing (Scotland) Act 2005 with the Local Licensing Forum, the local Health Board and the Police Service of Scotland (Police Scotland).

The Board also has statutory functions under The Gambling Act 2005. Its Gambling Policy, Statement of Principles is published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_gamblingact.asp

The Board's Equality Outcomes and Mainstreaming Report under the Equality Act 2010 is published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

The Board adopted the Aberdeen City Council Records Retention Schedule at:

<https://committees.aberdeencity.gov.uk/documents/s42672/Appendix%203.pdf>

The Board's Records Management Plan under the Public Records (Scotland) Act 2011 shall be published at:

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=76343&sID=25754>

The Keeper's Assessment Report of the records management plan submitted by Aberdeen City Licensing Board can be found at:

<https://www.nrscotland.gov.uk/files//record-keeping/public-records-act/keepers-assessment-report-aberdeen-city-licensing-board.pdf>

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

Class description:

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

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

Its Licensing Policy Statement in relation to alcohol is published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/Lic_2005Act.asp

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

Its Gambling Policy, Statement of Principles is published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_gamblingact.asp

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

We are also required to publish a policy on how we are complying with the equality requirement under the Equality Act 2010. Our Equality Outcomes and Mainstreaming Report is published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

Information about the types of alcohol licence applications we deal with, application forms, criteria, fees, meeting dates and guidelines are published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_Licensing_Home.asp

Information about the types of gambling applications we deal with, application forms, criteria, fees, meeting dates and guidance are published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_gamblingact.asp

The Board's Regulations, Guidelines and Policies are published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

Initial contact regarding complaints or concerns in respect of the Board or its officials work can be directed to the postal, email or telephone contact details shown in the Contact Us section above.

The Board's officials, as employees of Aberdeen City Council, are subject to the Council's Corporate Complaints Procedure:

http://www.aberdeencity.gov.uk/council_government/feedback_complaints/crc_complaints.asp

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

Decision Making

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

A statutory public register of premises licences is published at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/Lic_2005Act.asp for alcohol licensing.

Gambling decisions can be accessed in the minutes at the link directly below or by contacting us (see Contact Us section). Gambling registers of premises can be accessed by contacting us (see Contact Us section).

Agendas, reports, consultations and minutes of the Board's meetings (including hearings) are also published at:

<http://committees.aberdeencity.gov.uk/mgCommitteeDetails.aspx?ID=151>

Board consultations shall also be published on Aberdeen City Council's website at:

http://www.aberdeencity.gov.uk/council_government/consultations/cst_ConsultationsHome.asp

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 in the Public Notices section of the Council's website at:

http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_agenda.asp

Please note that the above noted information can be made available in paper copies by post by contacting the authority using the above Contact Us details. Paper copies may be charged for in pursuance of the above noted charging schedule.

Where information is also available as part of a public register it can also be viewed by making an appointment with the authority using the above details in the Contact Us section.

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)

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 administers the necessary expenses for the work of the Board.

All revenue received by the Board from annual fees and licence application fees must be transferred to the Council and the Board's budget is held by the Council.

The Board, as of 15 May 2017, is required under Section 9B of the Licensing (Scotland) Act 2005 to prepare and publish an Annual Financial Report not later than 3 months after the end of each financial year. This annual financial report must include the amount of relevant income received by the Board during the year, the amount of relevant expenditure incurred in respect of the Board's area during the year and an explanation of how the amounts in the statement were calculated. Relevant income would include licence application fees. Relevant expenditure would include the costs of administering the alcohol licensing regime or the salary costs of Licensing Standards Officers. At the request of the Board the relevant Council must provide the Board with such information as the Board may reasonably require for the purpose of preparing their annual report.

The Board's Annual Financial Report is published at:

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=76340&sID=1146>

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 Aberdeen City Licensing Board

Human Resources

The Board is a separate legal entity from the Council.

It comprises nine elected members of Aberdeen City Council.

It does not employ any staff.

It is assisted and advised in its work by its Clerk, who is the Head of Legal and Democratic Services within the Council.

The Clerk is assisted by officials of the Licensing Team within Legal Services.

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

Physical Resources

The Council provides accommodation for the meetings of the Board. The Board does not own any assets.

The Council's Model Scheme of Publication and Guide to Information is published at: http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

Information Resources

The Board's information governance is managed in pursuance of freedom of information and data protection principles.

Published information on the Board can be found on its web pages at: http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LicensingBoard.asp

The Board's Model Publication Scheme and this Guide to Information are available at: http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

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

The Board does not hold information within this class. Goods and services are procured by the Aberdeen City Council on behalf of the Board rather than by the Board itself.

The Council's Model Scheme of Publication and Guide to Information is published at:
http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

If you require information on procurement of goods and services by the Council it can be accessed at
http://www.aberdeencity.gov.uk/council_government/about_us/tnd_cpu.asp and by contacting the Central Procurement Unit:

Central Procurement Unit

Central Procurement Unit
Aberdeen City Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB
Phone: 01224 665650
Fax: 01224 665656
Email: CPUCityShire@aberdeencity.gov.uk

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

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.

Further information on timescales for procedures can be found in the Board's Statement of Licensing Policy at:
http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/Lic_2005Act.asp
and its Gambling Policy, Statement of Principles is published at:
http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_gamblingact.asp

Primary legislation and secondary regulations are published at:
<http://www.legislation.gov.uk/>.

Board Equality Monitoring Reports produced under the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, as amended, can be found at:
http://www.aberdeencity.gov.uk/law_licensing/licences/licensing/lic_LiquorInfo.asp

We can help you to locate specific information on procedures and timescales – use the contact details shown in the Contact Us section above.

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.

The Board does not hold information within this class.

CLASS 9: OUR OPEN DATA
Class description: Open data made available by us as described by the Scottish Government's Open Data Strategy & Resource Pack, available under an open licence.

Aberdeen City Council is working on creating a new city-wide Open Data portal which we aim to have in place in 2017. The link to this can be found at:

http://www.aberdeencity.gov.uk/open_data/open_data_home.asp