Appendix 2

HIGHLAND LICENSING BOARD

GUIDE TO INFORMATION AVAILABLE THROUGH THE BOARD'S MODEL PUBLICATION SCHEME 2016

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** produced by the Scottish Information Commissioner in March 2016.

You can see this scheme on our website at
http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/8
or by contacting us at one of 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.

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 and re-use
The Board holds the copyright for the vast majority of information in this publication scheme. The copyright in other information may be owned by another person or organisation, as indicated on the information itself.

You are free to use any information supplied for your own non-commercial research or private study purposes. The information may also be used for any other purpose allowed by a limitation or exception in copyright law, such as news reporting. However, any other type of re-use, for example by publishing the information in analogue or digital form, including on the internet, will require the permission of the copyright owner.

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 its published information, you must apply to the copyright owner to obtain their permission for any form of re-use for which permission is required.

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 paper copies of information, or information in alternative formats, 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 Board 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. These charges are as follows.

General information requests -

- 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 costs, staff time will be calculated at actual cost per staff member at their hourly salary rate up 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.
- 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.

Requests 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 -
  1. be 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: susan.blease@highland.gov.uk

Telephone: 01349 868538

Write To: The Clerk to the Licensing Board
Council Offices
High Street
Dingwall
Ross-shire
IV15 9QN

We can also 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 Highland Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 of the Act.

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

Highland Licensing Board - Clerk's Office

Susan Blease, Clerk to the Licensing Board
Council Offices
High Street
DINGWALL
Ross-shire IV15 9QN
Tel: 01349 868 538
E-mail: susan.blease@highland.gov.uk

Area Offices

Caithness, Sutherland and Ross:

Highland Licensing Board
Caithness House
Market Place
WICK
Caithness
KW1 4AB
Tel: 01955 609508

Highland Licensing Board
Council Offices
Drummuie
GOLSPIE
Sutherland
KW10 6TA
Tel: 01408 635205

Skye and Lochaber

Highland Licensing Board
Council Offices
Tigh na Sgire
Park Lane
PORTREE
Isle of Skye
IV51 9GP

Highland Licensing Board
Council Offices
Lochaber House
High Street
FORT WILLIAM
PH33 6EL
Tel: 01397 707233

Tel: 01478 613824

Inverness, Nairn and Badenoch and Strathspey:

Highland Licensing Board
Council Offices
Town House
INVERNESS
IV1 1JJ
Tel: 01463 785088

The email address for all of the Board's area offices is licensing@highland.gov.uk

Licensing Standards Officers (LSO)

Ian Cox, LSO – South
Council Offices
Town House
INVERNESS
IV1 1JJ
Tel: 01463 785089
Email: ian.cox@highland.gov.uk

Dave Inglis, LSO - North
Council Offices
High Street
DINGWALL
IV15 9QN
Tel: 01349 868644
Email: david.inglis@highland.gov.uk

The Board comprises ten elected members of The Highland Council. Details of the current membership are available at http://www.highland.gov.uk/info/20003/committee_information/488/highland_licensing_board/4

As Councillors, the Board members are required to adhere to the Councillors' Code of Conduct set by the Standards Commission for Scotland and available at http://www.highland.gov.uk/councillorsconduct

The Board is a separate legal entity from the Council. It is the licensing authority for all alcohol licensing in Highland and for the licensing of certain types of gambling activities. The Board 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. For alcohol licensing, the Board determines its own fees (where these are not prescribed by legislation) 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. For licensing under the Gambling Act 2005, the fees are all prescribed by legislation.

The Board makes decisions on licensing policies and on licence applications. It is assisted and advised in its work by its Clerk, who is a Principal Solicitor within the Council. The Clerk is assisted by a Depute and other officers of the licensing team, which forms part of the Council's Legal Service.

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/info/1125/licences_permits_and_permissions/339/liquor_licence/8

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 required to publish a statement of its licencing policy, both for alcohol licensing and gambling licensing, setting out the policies the Board will generally take into account when determining licence applications. The current policy statements are published at
Alcohol licensing:
http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/8
Gambling Act licensing:
http://www.highland.gov.uk/downloads/file/3665/policy_statement_2013-16

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 and is also the licensing authority for certain types of licences, notifications and registrations under the Gambling Act 2005 in Highland.

The Board carries out these functions having regard to its published statements of policy.
Alcohol licensing:
http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/8
Gambling Act licensing:
http://www.highland.gov.uk/downloads/file/3665/policy_statement_2013-16

The Board has also 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.
Alcohol licensing Scheme of Delegation:
http://www.highland.gov.uk/downloads/file/3749/highland_licensing_board_-_scheme_of_delegation
Gambling Act licensing Scheme of Delegation:
http://www.highland.gov.uk/downloads/file/3671/scheme_of_delegation

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/info/1125/licences_permits_and_permissions/339/liquor_licence/8

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/info/1125/licences_permits_and_permissions/339/liquor_licence

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/info/1125/licences_permits_and_permissions/298/entertainment_licences/3

Any concerns or queries 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. All Board meetings are open to the public and decisions are taken publicly, unless taken by officers under delegated powers.

All decisions are recorded in public registers available for inspection at Board Offices. For alcohol licensing, an on-line register is also available at http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/2

Agendas, reports and minutes of the Board's meetings are also published at http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/7

The Board is required to advertise some types of application to allow 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/info/1125/licences_permits_and_permissions/339/liquor_licence/2

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.

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 Principal Solicitor 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 Board's Model Publication Scheme and this Guide to Information are available at http://www.highland.gov.uk/info/1125/licences_permits_and_permissions/339/liquor_licence/8

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.

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.

The primary and secondary legislation setting these timescales are published at www.legislation.gov.uk
If you would like help to locate specific information on this please contact us using the contact details shown in the Contact Us section above.

CLASS 8: OUR COMMERCIAL PUBLICATIONS

The Board does not hold information within this class.

CLASS 9: OPEN DATA

The Board does not hold any additional data which is not already publicly available either on The Highland Council website at the links given above or on request.