

# **Publication Scheme for the South Aberdeenshire Divisional Licensing Board**

Produced as required by Freedom of Information (Scotland) Act 2002

If you require a copy of this Publication Scheme in large print or audio please contact us.

*If you need a copy of this Publication Scheme, or your response to a request, in a language other than English please contact us.*

Contact: Depute Clerk,  
Viewmount,  
Arduthie Road,  
Stonehaven AB39 2DQ;

Tel 01569 768255

FAX 01569 768259

E-mail: [licensing@aberdeenshire.gov.uk](mailto:licensing@aberdeenshire.gov.uk) (please include  
"Freedom of Information" in the subject line)

## CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>4</b>
<b>2.</b>	<b>ABOUT THE LICENSING BOARD .....</b>	<b>5</b>
<b>3.</b>	<b>FORMULATING THE SCHEME .....</b>	<b>7</b>
<b>4.</b>	<b>RESPONSIBILITY FOR THE PUBLICATION SCHEME.....</b>	<b>7</b>
<b>5.</b>	<b>ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME .....</b>	<b>8</b>
<b>6.</b>	<b>INFORMATION THAT WE MAY WITHOLD .....</b>	<b>9</b>
<b>7.</b>	<b>RECORDS MANAGEMENT .....</b>	<b>9</b>
<b>8.</b>	<b>COPYRIGHT.....</b>	<b>10</b>
<b>9.</b>	<b>CHARGING POLICY .....</b>	<b>10</b>
<b>10.</b>	<b>COMPLAINTS AND FEEDBACK.....</b>	<b>10</b>
<b>12.</b>	<b>CLASSES OF INFORMATION .....</b>	<b>13</b>
CLASS 1	LICENSING BOARD DECISIONS.....	13
CLASS 2	APPLICATION PROCESSES.....	14
CLASS 3	PUBLIC REGISTERS.....	15

## 1 INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (FOISA) provides individuals with a right of access to all recorded information held by Scotland's public authorities. Anyone can use this right and information can only be withheld where FOISA expressly permits it.

This is the Publication Scheme for the Aberdeenshire Central Divisional Licensing Board (the Board) under Section 23 of the FOISA. In meeting its obligations under the 2002 Act the Board has been mindful of the value of openness and transparency.

The Scheme relates to the publication of information by the Board and specifies:-

- (a) classes of information which the Board 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 of charge or on payment.

Alongside FOISA, the Environmental Information (Scotland) Regulations 2004 (EIRs) provide a separate right of access to any environmental information that we hold. However, at present the Board does not routinely publish environmental information.

Where information is not published under this scheme, you can request it under FOISA. The Board does not currently hold any environmental information – but in the event that it did, this could be requested under the EIRs.

In adopting or reviewing its publication scheme the Board has regard to the public interest in-

- (a) allowing public access to information held by it and in particular to information which-
  - (i) relates to the provision of services by it, the cost to it of providing them or the standards attained by services so provided; or
  - (ii) consists of facts, or analyses, on the basis of which decisions of importance to the public have been made by it;
- (b) the publication of reasons for decisions made by it.

## 2. ABOUT THE LICENSING BOARD

The Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 to the Freedom of Information (Scotland) Act. The Board is constituted under the Licensing (Scotland) Act 2005. The Board also has responsibility under the Gambling Act 2005 in respect of premises licences, permits and other gambling activities.

The Board is elected by Aberdeenshire Council from its Elected Members. The Board is made up of six elected Councillors of Aberdeenshire Council. The Clerk to the Licensing Board is the Council's Head of Legal and Governance, Corporate Services, Aberdeenshire Council. Nevertheless, the Board is a completely separate legal entity to Aberdeenshire Council.

Aberdeenshire Council has a separate Publication Scheme. For a copy of the Council's Scheme, please contact:

Freedom of Information Enquiries  
Aberdeenshire Council  
St. Leonards  
Sandyhill Road  
Banff  
AB45 1BH

Telephone: 01261 813311

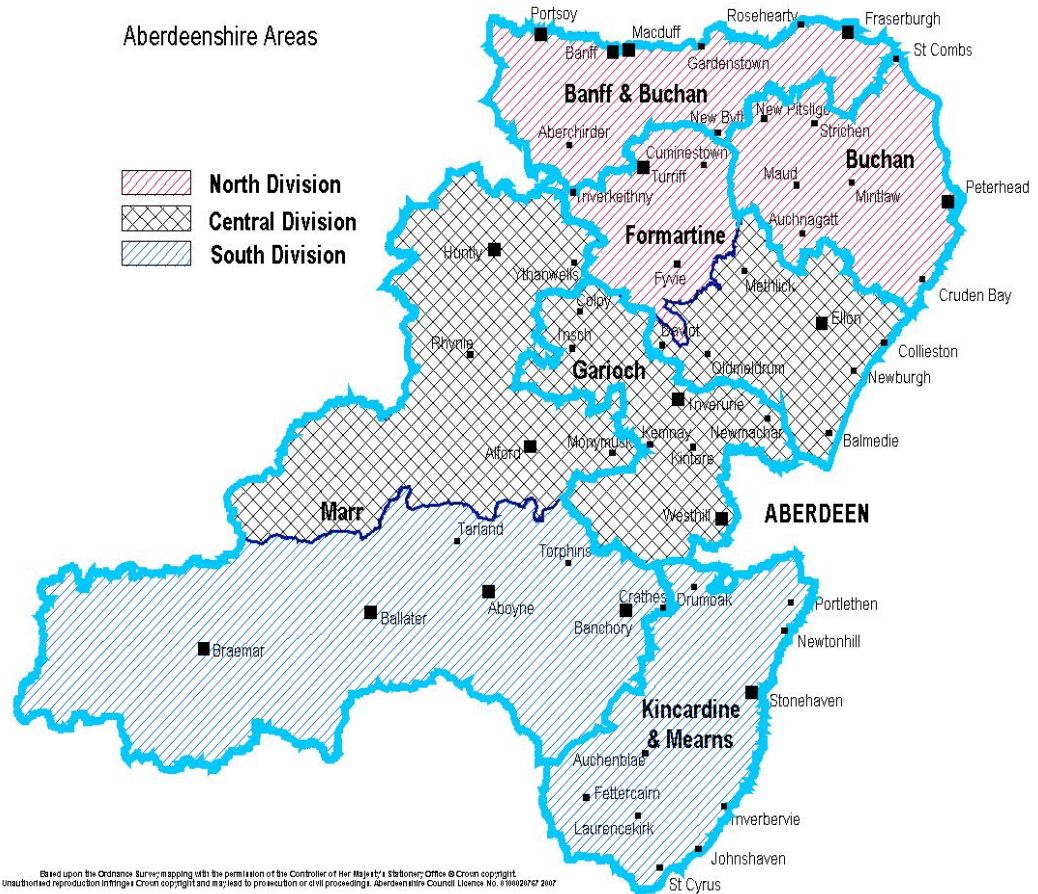
Fax: 01261 815664

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

The Board administers licences for premises and persons within the geographic division of Aberdeenshire comprising the following Areas/Electoral Wards of Aberdeenshire:

- the Kincardine & Mearns Area and,
- the Marr Area, excepting the Huntly East and West wards.

The Board areas are reflected in the map shown below.



The Board decides licensing applications at its hearings. Hearings take place monthly in Inverurie.

Certain non-contentious decisions are delegated to the Clerk under the Licensing Board's regulations.

The Board is completely supported by Aberdeenshire Council. All administration takes place at:

The Licensing Section  
 Viewmount,  
 Arduathie Road,  
 Stonehaven AB39 2DQ

Telephone: 01569 768255

Fax: 01569 768259

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

A list of Licensing Board Members is available on request from the Licensing Section. All members are contactable through Aberdeenshire Council.

It should be noted that it is a criminal offence under Section 8 of the Licensing (Scotland) Act 2005. Additionally, such an approach would put a member at risk of contravening the Code of Conduct for Councillors under the Ethical Standards in Public Life (Scotland) Act 2000.

The Board works to deadlines set by 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.

### **3. FORMULATING THE SCHEME**

This publication scheme plays a part in meeting the Board's obligations under the Freedom of Information (Scotland) Act 2002.

In preparing this Scheme, the Board had due regard to the public interest in providing access to the information it holds which relates to:

- the services we provide
- the costs of those services
- the standard of those services
- the facts that inform the important decisions we take; and
- the reasoning that informs our decisions

In considering what information should be included in this publication scheme, the Board took account of:-

- the pattern of request for information directed to the Clerk to the Board;
- Networking with other Scottish public authorities.

### **4. RESPONSIBILITY FOR THE PUBLICATION SCHEME**

The person responsible for the overall operation of this publication scheme is:-

The Licensing Section  
Viewmount,  
Arduthie Road,  
Stonehaven AB39 2DQ

Telephone: 01569 768255

Fax: 01569 768259

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

The Depute Clerk has day-to-day responsibility and contact details are given on the front page of this Scheme, and all contact should be with the Depute Clerk in the first instance.

## **5. ACCESSING INFORMATION UNDER THE PUBLICATION SCHEME**

Information available under the Board's Publication Scheme will normally be accessible through the routes described below.

Online: Most information available under this publication scheme will be downloadable online at [www.aberdeenshire.gov.uk](http://www.aberdeenshire.gov.uk) Click on the tab for law and administration and then click on the licensing tab. Click on the Publication Scheme tab in the left hand column.

E-mail: Some information can be provided by e-mail, on request to [licensing@aberdeenshire.gov.uk](mailto:licensing@aberdeenshire.gov.uk) (please remember to include "Freedom of Information" in the subject line).

Telephone: Information can be requested by telephone. The contact number is 01467 628208.

Post: Most information is available in paper copy form. Any postal request should be sent to:  
The Licensing Section  
Aberdeenshire Council  
Viewmount,  
Arduthie Road,  
Stonehaven AB39 2DQ

Personal Visit: Please make contact prior to any visit, on the contact details above. An appointment may be necessary depending on the information requested. Administration of licensing takes place at the address and phone number given above.

Please note that not all information is available by website or email for technical reasons.

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

## 6. INFORMATION THAT WE MAY WITHHOLD

The public's right to information is twofold:

- (a) Access to information under this Scheme 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 enables any member of the public to make a request for information that is not in this Scheme.

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 its release may seriously prejudice law enforcement, legal proceedings or where the 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 at Section 12 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 is permitted under FOISA. Even where an exemption exists, it may nevertheless be possible to provide copies with the exempted information edited out.

The Board may also withhold information:-

- which is confidential – see Section 36 of the Freedom of Information (Scotland) Act; or
- 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.

## 7. RECORDS MANAGEMENT

The Board's records management policy is as follows:

Type of Document	Retention Period
Licensing Board (General)	10 Years
Licensing Board (Premises files, including applications and plans)	20 Years

Lists of current licence holders are updated monthly, at which time the previous lists are destroyed.

## **8. COPYRIGHT**

Unless otherwise stated, the Board reserves copyright in all information available under this 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 Scheme 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. If in doubt contact us to obtain permission for re-use.

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

## **9. CHARGING POLICY**

Unless otherwise stated in the Classes in Section 12 below, we will not charge for providing copies of information under this Scheme.

However, we do charge statutory fees for licensing applications, which are set primarily by Government.

## **10. 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  
Aberdeenshire Council  
Viewmount,  
Arduthie Road,  
Stonehaven AB39 2DQ

Telephone: 01569 768255  
Fax: 01569 768259  
E-mail: [licensing@aberdeenshire.gov.uk](mailto:licensing@aberdeenshire.gov.uk)

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\* 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 he operates an enquiry service on Monday to Friday from 9:00am to 5:00pm. His office can be contacted as follows:

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

Tel: 01334 464610  
Email: [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)  
Website: [www.itspublicknowledge.info](http://www.itspublicknowledge.info)

\*verbal requests for environmental information carry similar rights. Currently the Board does not hold environmental information.

## **11. 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 a certain exemptions (See Section 6 above). The Data Protection Act 1998 (DPA) also provides a right of access to any personal information about you, subject to certain exceptions or exemptions. A subject access request with a fee of £10 under the DPA is only available to the person to whom the personal information relates.

The Environmental Information (Scotland) Regulations 2004, separately provide a right to any environmental information. Although the Board is subject to the EIRs, we do not currently hold any environmental information.

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

The Depute Clerk  
Aberdeenshire Council

Viewmount,  
Arduthie Road,  
Stonehaven AB39 2DQ

Telephone: 01569 768255

Fax: 01569 768259

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

## 12. CLASSES OF INFORMATION

### Class 1 Licensing Board decisions

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Minutes of Board meetings – from 1977 to date	<ul style="list-style-type: none"> <li>▪ Available at Viewmount, Stonehaven</li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge
Appeal Decisions within the past two years	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge
Statements of Reasons or Stated Cases  <u>EXCEPT any statements issued during the current quarter or which are the subject of a current appeal</u>	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available 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>	No charge
Reports by the Clerk to the Board on Board policy, training etc.  <u>EXCEPT:-</u> reports to the current Board meeting	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available 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>	No charge

## Class 2      Application Processes

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Application forms	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Downloadable from website:- <a href="http://www.aberdeenshire.gov.uk">www.aberdeenshire.gov.uk</a></li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge for the application form; statutory fees for licensing applications apply, as set by the Board (details as listed below)
Application fees	<ul style="list-style-type: none"> <li>▪ Included with application forms</li> <li>▪ Available at Viewmount</li> <li>▪ Downloadable from website:- <a href="http://www.aberdeenshire.gov.uk">www.aberdeenshire.gov.uk</a></li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge
Policy Statements	<ul style="list-style-type: none"> <li>▪ Normally included with application forms</li> <li>▪ Available at Viewmount</li> <li>▪ Downloadable from website:- <a href="http://www.aberdeenshire.gov.uk">www.aberdeenshire.gov.uk</a></li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge
Application Criteria and Guidelines	<ul style="list-style-type: none"> <li>▪ Normally included with application forms.</li> <li>▪ Available at Viewmount</li> <li>▪ Downloadable from website:- <a href="http://www.aberdeenshire.gov.uk">www.aberdeenshire.gov.uk</a></li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
The Board's Regulations	<ul style="list-style-type: none"> <li>▪ Included with application forms.</li> <li>▪ Available at Viewmount</li> <li>▪ Downloadable from website:- <a href="http://www.aberdeenshire.gov.uk">www.aberdeenshire.gov.uk</a></li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge
Board Agendas from 1996 to date	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge

### **Class 3      Public Registers**

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Statutory Registers	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge
Lists of current licence-holders	<ul style="list-style-type: none"> <li>▪ Available at Viewmount</li> <li>▪ Downloadable from website:- <a href="http://www.aberdeenshire.gov.uk">www.aberdeenshire.gov.uk</a></li> <li>▪ Available by telephone request</li> <li>▪ Available by postal request</li> <li>▪ Available by e-mail request</li> <li>▪ Available by personal visit</li> </ul>	No charge