

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

ANGUS LICENSING BOARD PUBLICATION SCHEME WITH EFFECT FROM 1 JUNE 2004

1. INTRODUCTION

The Freedom of Information (Scotland) Act 2002 (FOI Act) received Royal Assent on 28 May 2002. It gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities. A 'public authority' is defined in the Act, and includes but is not restricted to central and local government, non-departmental public bodies, the police, the health service and schools, colleges and universities. Any person who makes a request to a public authority for information must be informed whether the public authority holds that information and, subject to exemptions, supplied with that information.

Yours rights and our responsibilities from June 2004

Under Section 23 of the FOI Act, Angus Licensing Board must have a publication scheme setting out the information we routinely make publicly available. Our scheme has to be approved by the Scottish Information Commissioner and we have to review the scheme from time to time. In adopting (or reviewing) our publication scheme, we are required to have regard to the public interest in:

- allowing public access to information we hold; and
- the publication of reasons for the decisions we make.

In preparing to meet our obligations under the FOI Act, including the drawing up of this publication scheme, we have been mindful of the value of openness and transparency.

Our publication scheme must:

- set out the classes of information which we publish or intend to publish;
- say how we will publish the information in each class; and
- say if we will provide the information free or charge for it.

In formulating this publication scheme, the Board had regard to guidance issued by the Scottish Information Commissioner under Section 43(2) of the FOI Act, and in particular took the following steps:

- reviewed the information that it is already required to make available;
- reviewed information held, including documents such as plans, policies, leaflets etc (Note- a further information audit will be undertaken in due course by the Board for the purpose of complying with the Code of Practice under Section 61 of the FOI Act);
- considered the most frequently asked questions and most routinely published information; and
- liaised with other Boards and the professional organisations of local authority solicitors and administrators.

This is an initial scheme which will be reviewed on a periodic basis to incorporate feedback, ongoing requests for information, the results of public consultation and the identification of additional classes of information suitable for addition to the scheme.

Your rights and our responsibilities from 1st January 2005

After this date, the FOI Act will give you a right of access to recorded information held by public authorities, in addition to what is included in the publication scheme, subject to certain exemptions. The Act is fully retrospective. You will have to make your request in writing (including e-mail). We will have to respond to requests within 20 working days and can charge a fee in accordance with regulations made under the Act.

We also have a duty to provide advice or assistance to you or anyone seeking information (for example in order to explain what is readily available or to clarify what is wanted).

Full access rights under the FOI Act will come into force on **1 January 2005**.

Further details concerning the FOI Act and the publication schemes made under it can be obtained from the Office of the Scottish Information Commissioner. Contact details for the Commissioner can be found in Section 10 below.

2. RESPONSIBILITY FOR THE PUBLICATION SCHEME

Sheona Hunter, Clerk to Angus Licensing Board has overall responsibility for our Publication Scheme. Her contact details are:

Sheona Hunter
 Head of Law and Administration
 Angus Council
 Angus House
 Orchardbank Business Park
 Forfar DD8 1AN
 Telephone: 01307 476262
 Fax: 01307 476299
 E-mail: HunterS@angus.gov.uk

3. ACCESSING INFORMATION – CONTACTING US

If you wish to obtain a paper copy of our Publication Scheme or any of the publications listed in Section 11 below, you may write to, e-mail or telephone Isabelle Stewart, Licensing and Court Officer at:

Law and Administration Division
 Angus Council
 Angus House
 Orchardbank Business Park
 Forfar
 DD8 1AN
 Telephone: 01307 476251
 Fax: 01307 476299
 E-mail: StewartIM@angus.gov.uk

The publication scheme is also available electronically on Angus Council's website at www.angus.gov.uk

If writing for information, please include the following details: your name and address, a telephone number so we can telephone you to clarify any details, if necessary and the information or documents you want to see.

If telephoning for information, please provide full contact details including a telephone number, so that we can telephone you to clarify any details, if necessary.

Personal visits: if you would like to obtain the information in person at the above address, please contact Isabelle Stewart to arrange an appointment.

At present, the only information available online is the Blank Application Forms and Fee Structure. To access this information, please go to www.angus.gov.uk click and click "**A-Z of services**" in the quick links section on the left hand side of the page. Type "licensing" in the "**search A-Z of services**" section which will be shown on the left hand side of the page. Either press the carriage return key or click "**go**". Various links will then appear in the centre of the page. Click "**Angus Licensing Board**". A variety of information is available from this page. If you wish to download an application form you will require to scroll down to the section headed "**Where do I apply for a licence**". This section contains links to the various forms. "Click either "**liquor**" or "**gaming**" as appropriate and you will then be able to access a variety of forms and guidance notes which are all in .pdf format.

We will be happy to help if you have any difficulty in determining the information you want to see.

Please contact us if you need information to be translated into Chinese, Urdu, Hindi, Punjabi, Gaelic or any other language or made available in large print, audio or Braille.

Please note that there is a separate publication scheme for Angus Council which can be obtained from their website at www.angus.gov.uk , from any of Angus Council's libraries or local ACCESS offices, by writing to ACCESS Line, Angus House, Orchardbank Business Park, Forfar DD8 1AN or by telephoning 08452 777 778.

4. ABOUT THE LICENSING BOARD

The Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 to the FOI Act. The Board is elected by Angus Council from its Elected Members. The Clerk to the Licensing Board is the Council's Director of Law and Administration. Nevertheless, the Board is a completely separate legal entity.

The Board administers liquor licensing of pubs, hotels, restaurants etc. under the Licensing (Scotland) Act 1976, as well gaming licensing for bookmakers and betting offices in the area of Angus.

The Board decides licensing at Quarterly Meetings which are held in Forfar. All administration takes place at:-

Angus House
Orchardbank Business Park
FORFAR DD8 1AN
Tel 01307 461460
FAX 01307 476299

The Clerk has delegated powers to grant some extensions within the Board's Regulations, renewal applications and gaming machine permits where there are no objections.

5. EXEMPTIONS

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) From 1 January 2005, the general entitlement to information under section 1 of the FOI Act will enable any member of the public to make a request for information that is not in this Scheme.

The Board's aim is to be as open as possible. However, information may be withheld from any of the classes of information listed below where it considers that disclosure may seriously prejudice law enforcement, legal proceedings, the Board's regulatory or quasi-judicial functions or where the disclosure is otherwise prohibited by law. Where an exemption exists, it may be possible to provide documents with any exempt information (eg personal information) edited out.

The Board may also withhold information:-

- relating to the commercial interests or confidentiality of any person or organisation; 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 **Complaints and Feedback** at Section 10 below.

6. ARCHIVING POLICY

An archiving policy and document retention periods are currently being reviewed. It is anticipated that these will be finalised by the end of 2004.

7. 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. Such use may infringe copyright, and consent of the copyright holder should always be sought.

8. CHARGING POLICY

Electronic documents available on www.angus.gov.uk can be accessed and downloaded free of charge.

Printed copies will generally be provided free of charge unless a charge is specifically indicated against that information as set out in **Classes of Information** at Section 11 below. Where the number of copies requested exceeds 50 sides of paper or the request is for multiple copies of a single document, a charge of 10p per A4 side of paper (black and white copy) and 30p (colour copy) will be payable. We will notify you of any charge for copies in excess of 50 sides prior to processing your request. There may also be a charge for postage which will be notified to you following receipt of your request.

All charges are subject to review.

9. CURRENCY OF INFORMATION

The Board does not undertake to publish information which is not current or has been superseded unless otherwise stated under **Classes of Information** at Section 11 below. As information ceases to be current or is superseded it will be replaced or removed from the Scheme.

10. COMPLAINTS AND FEEDBACK

Feedback, including complaints about this publication scheme, should be directed to:-

Sheona Hunter
Clerk to the Licensing Board
Angus Council
Angus House
Orchardbank Business Park
Forfar DD8 1AN
Telephone: 01307 476262
Fax: 01307 476299
E-mail: HunterS@angus.gov.uk

If we are unable to resolve any complaint, you can complain to the Scottish Information Commissioner who oversees the Act and whose contact details are below. From 1 January 2005, when the general right of access comes into force, there will be a formal appeal mechanism when information is withheld. Further details of this will be available on the Commissioner's website at www.itspublicknowledge.info before this date.

The Scottish Information Commissioner
 Kinburn Castle,
 Doubledykes Road,
 St Andrews, Fife
 KY16 9DS
 Telephone: 01334 464610
 Fax: 01334 464611
 e-mail: enquiries@itspublicknowledge.info

11. CLASSES OF INFORMATION

Please refer to Section 3 of this scheme for more detail on accessing information. Unless shown otherwise in the right hand column of the Class, the documents are free of charge. Please note that charges for multiple copies and copies in excess of 50 sides of paper are explained in Section 8.

Class 1 Application Processes

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Blank Application forms	<ul style="list-style-type: none"> ▪ Paper copy ▪ Downloadable from:- www.angus.gov.uk ▪ Inspection 	No charge
Fee structure	<ul style="list-style-type: none"> ▪ Paper copy ▪ Downloadable from:- www.angus.gov.uk ▪ Inspection 	No charge
Application Procedure and Guidelines	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge
The Board's Regulations	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge
The Board's 1996 Byelaws.	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge
Agenda for Quarterly meetings for previous 2 years.	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge

Class 2 Licensing Board decisions

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Minutes of Board meetings – from 1996 to the last quarter <u>EXCEPT any reports to the current quarterly meeting or any complaints or objections</u>	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection ▪ Minutes from October 2004 will be downloadable from www.angus.gov.uk from December 2004 	No charge
Appeal decisions within previous 2 years	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge
Reports to the Board including performance and compliance information within the past 2 years <u>EXCEPT any reports to the current quarterly meeting or reports on complaints or objections</u>	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge

Class 3 Public Registers

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Statutory Registers, including lists of applications	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	No charge.
Lists of current licensed premises	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection 	£10 for paper copy.

Class 4 Performance

<i>information</i>	<i>manner in which the information is published</i>	<i>charges</i>
Annual Performance Indicators Report, assessing performance against fixed standards	<ul style="list-style-type: none"> ▪ Paper copy. ▪ Inspection ▪ The 2003 Report will be downloadable from www.angus.gov.uk from December 2004 	No charge.