

# THE CITY OF EDINBURGH LICENSING BOARD

## INFORMATION PUBLICATION SCHEME

(Guide to Licensing Board information available, in terms of the Freedom of Information (Scotland) Act 2002 – “the 2002 Act”)

### Introduction

The 2002 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 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 City of Edinburgh Licensing Board (“the Board”) has agreed to adopt the model publication scheme <http://www.itspublicknowledge.info/mps> approved by the Scottish Information Commissioner.

### About this scheme

The Scottish Information Commissioner has produced and approved a single Model Publication Scheme, first approved in 2013 and updated in 2017.

That scheme is suitable for adoption by any of the authorities listed in Parts 3, 5 and 6 of Schedule 1 of the 2002 Act <http://www.legislation.gov.uk/asp/2002/13/contents>. The Board is one of the listed authorities.

In adopting the scheme, the Board is required to apply to the Commissioner for approval to do so.

### Adopting the single Model Publication Scheme

The Model Publication Scheme can be adopted only in its entirety, without amendment. It commits an authority to:

- **publishing the information**, including environmental information that it holds and which falls within the classes of information below.
- **producing a guide** for the public to that information.

The Commissioner has issued Guidance to accompany the model scheme, located at [www.itspublicknowledge.info/MPS](http://www.itspublicknowledge.info/MPS). This is essential reading for authorities adopting the model scheme: it explains the above requirements in further detail and lists the types of information the Commissioner expects authorities will publish under each class of information.

The Board agreed at its meeting on 11 March 2013 that it would adopt the model scheme. The Board further agreed at its meeting on 26 March 2018 to publish a revised scheme to take account of the requirements of the updated Model Publication Scheme.

### **Guide to Information**

An authority (in this case, the City of Edinburgh Licensing Board) adopting the 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 authority's Guide to Information must:

- 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
- explain how to request information that has not been published.

The Board has adopted the model Guide. The various requirements of the Guide are set out in more detail below.

#### *Availability and formats*

The information published through the scheme should, wherever possible, be available on the authority's website. There must be an alternative arrangement for people who do not wish to, or who cannot, access the information either online or by inspection at the authority's premises. An authority may, for example, arrange to send out information in paper copy on request (although there may be a charge for this). The Board publishes online, and information can also be made available in paper copy.

#### *Exempt information*

The authority is required to publish the information it holds 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 data or a trade secret), the authority should remove or redact the information before publication and explain why it has done so.

#### *Copyright*

The authority is required to publish a copyright statement which explains what can, and what cannot, be done with information accessed through the publication scheme. The statement must be consistent with the fair dealing provisions of the Copyright, Designs and Patents Act 1988 <http://www.legislation.gov.uk/ukpga/1988/48/contents>.

The Commissioner recommended the use of the Open Government Licence. A link to the licence is contained in the Guidance above. Where the authority holds the copyright in its

published information, that 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 authority does not hold the copyright in information published, this requires to be made clear.

### *Charges*

The authority must publish a charging schedule which explains when there is a charge for publications available through the scheme and how any charge will be calculated. There should be no charge to view information on the authority's website or at its premises, except where there is a statutory fee, for example for access to registers.

The authority may charge for computer discs, photocopying, postage and packing and other costs associated with supplying the information, but the charge must be no more than these elements actually cost the authority. The authority may not pass on any other costs for information in Classes 1-7 below. An exception is made for commercial publications (see Class 8 below) where pricing is on a retail basis.

The authority must give the recipient advance notice of any charges to be applied.

The Board's administration charges are as 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	£1 per CD-Rom / DVD
Postage costs	Recharged as at the rate under which items are sent
General information request costs	Recharged proportionately, according to administration costs – details below

### *Contact details*

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

The authority is under a duty to provide advice and assistance to anyone who wants to request information which is not published and the authority's Guide to Information must provide contact details for this purpose.

You can contact us for assistance at the following:

Records and Information Compliance Unit City of Edinburgh Council Waverley Court – Business Centre 2.1 4 East Market Street Edinburgh EH8 8BG  Tel: 0131 469 6200 Email: <a href="mailto:foi@edinburgh.gov.uk">foi@edinburgh.gov.uk</a>	Clerk of the Licensing Board City of Edinburgh Licensing Board Waverley Court – Business Centre 1.9 4 East Market Street Edinburgh EH8 8BG  Tel: 0131 529 4424 Email: <a href="mailto:morag.leck@edinburgh.gov.uk">morag.leck@edinburgh.gov.uk</a> <a href="mailto:nicholas.fraser@edinburgh.gov.uk">nicholas.fraser@edinburgh.gov.uk</a>
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### The Classes of Information

The authority must publish information that it holds which falls within the following classes. Once published, 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).

The Commissioner's Guidance accompanying the scheme provides lists of the types of information authorities are expected to publish under each class. The authority's Guide to Information should make clear what is available under each class.

The Board's Guide sets out the information as detailed below.

<b>CLASS 1: ABOUT THE CITY OF EDINBURGH LICENSING BOARD</b>
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Information about the City of Edinburgh Licensing Board - who we are, where to find us, how to contact us, how we are managed and our external relations.
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<b>CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES</b>
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Information about the Board's work, strategy and policies for delivering functions and services and information for service users.
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<b>CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED</b>
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Information about the decisions we take, how we make decisions and how we involve others.
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<b>CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT</b>
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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).
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<b>CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES</b>
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Information about how we manage our human, physical and information resources.
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<b>CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS</b>
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Information about how we procure goods and services, and our contracts with external providers.

**CLASS 7: HOW WE ARE PERFORMING**

Information about how we perform as an organisation, and how well we deliver our functions and services.

**CLASS 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. a bookshop, museum or research journal.

<b>CLASS 1: ABOUT THE CITY OF EDINBURGH LICENSING BOARD</b>
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Information about the City of Edinburgh Licensing Board - who we are, where to find us, how to contact us, how we are managed and our external relations.
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The City of Edinburgh Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 to the 2002 Act.

The Board's administrative offices are at the Council Chambers, High Street, Edinburgh and Waverley Court, 4 East Market Street, Edinburgh.

The Board can be contacted on [licensing@edinburgh.gov.uk](mailto:licensing@edinburgh.gov.uk) or 0131 529 4208 (telephone).

The Board consists of ten elected members of the City of Edinburgh Council. Current membership details can be found on the Board's section of the Council website:

[http://www.edinburgh.gov.uk/info/20023/licences\\_and\\_permits/960/licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board)

Individual councillor details may be found at the Council website. Board members are required to comply with the requirements of the Councillors' Code of Conduct as set out by the Standards Commission for Scotland:

[http://www.standardscommissionscotland.org.uk/webfm\\_send/279](http://www.standardscommissionscotland.org.uk/webfm_send/279), as well as the requirements of the Licensing (Scotland) Act 2005 ("the 2005 Act"):

<http://www.legislation.gov.uk/asp/2005/16/contents>.

The Board makes decisions on applications and agrees the terms of its Statement of Licensing Policy. It is advised and assisted by the Clerk who is the Council's Head of Legal, Risk and Compliance and by her deputies. The Board's administrative functions are supported by the Council's Licensing Team, Services for Communities.

The Council employs eight Licensing Standards Officers (LSOs), who carry out advisory, mediatory and enforcement work in liquor licensed premises within the Board's area. Further details are provided in Class 2 below. The LSOs may be contacted on [licensing.standards@edinburgh.gov.uk](mailto:licensing.standards@edinburgh.gov.uk) or 0131 469 3871.

Normal working hours for the Board and supporting staff are 8.30am to 5.00pm Mondays to Thursdays and 8.30am to 3.45pm Fridays.

The Board was established in terms of the 2005 Act and is required to publish its three-yearly Statement of Licensing Policy setting out how it carries out its functions. The statement of policy is located at:

[http://www.edinburgh.gov.uk/downloads/download/760/licensing\\_board\\_policy\\_november\\_2013](http://www.edinburgh.gov.uk/downloads/download/760/licensing_board_policy_november_2013) .

Charging details for information requests and environmental information are as detailed in the Charges section and in more detail at the appendix to this Guide.

<b>CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES</b>
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Information about the Board's work, strategy and policies for delivering functions and services and information for service users.
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The Board is responsible for administering the alcohol licensing system in terms of the 2005 Act and in accordance with the terms of its statement of licensing policy, for the Board's area. The Board also has responsibility for administering the gambling licensing function for

its area. Details of the various application types upon which the Board is required to make decisions can be found at the following location:

[http://www.edinburgh.gov.uk/info/1126/alcohol\\_licences](http://www.edinburgh.gov.uk/info/1126/alcohol_licences).

The Board's liquor Statement of Licensing Policy is available online:

[http://www.edinburgh.gov.uk/downloads/download/760/licensing\\_board\\_policy\\_november\\_2013](http://www.edinburgh.gov.uk/downloads/download/760/licensing_board_policy_november_2013) and may be made available in paper and other formats.

The Board's Gambling Statement of Principles is also available online:

[http://www.edinburgh.gov.uk/downloads/download/1708/licensing\\_board\\_-\\_gambling\\_policy\\_2016-2019](http://www.edinburgh.gov.uk/downloads/download/1708/licensing_board_-_gambling_policy_2016-2019) and may be made available in paper and other formats.

Both policies set out the basis upon which the Board exercises its functions, including details about the delegation of some of the Board's decision-making, with some decisions made at Board level and other by the Clerk or his deputies.

The Board is required to publish details as to how it complies with the Public Sector Equality Duty, in terms of the Equality Act 2010. Details are contained on the Board's website:

[http://www.edinburgh.gov.uk/info/20023/licences\\_and\\_permits/960/licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/licensing_board).

Reports, complaints or comments should be addressed to the Clerk of the Licensing Board. Contact details are as provided in the relevant section above.

<b>CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED</b>
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Information about the decisions we take, how we make decisions and how we involve others.
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The Board's decision-making is carried out in accordance with the Licensing (Scotland) Act 2005, the Gambling Act 2005 and the Board's policies as stated above. Details of all applications, and the decisions made on those applications, are recorded in the Board's registers located at:

[http://www.edinburgh.gov.uk/downloads/download/825/alcohol\\_licence\\_registers](http://www.edinburgh.gov.uk/downloads/download/825/alcohol_licence_registers) and [http://www.edinburgh.gov.uk/meetings/committee/1029/licensing\\_board](http://www.edinburgh.gov.uk/meetings/committee/1029/licensing_board). The Board also maintains a paper register of applications, which is available for inspection during normal office hours.

The agendas of forthcoming meetings and minutes of previous meetings of the Board are also available online:

[http://www.edinburgh.gov.uk/meetings/committee/1029/licensing\\_board](http://www.edinburgh.gov.uk/meetings/committee/1029/licensing_board)

<b>CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT</b>
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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).
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The Board is a separate legal entity from the Council. It does not employ any staff, nor own any assets. All staff carrying out work for the Board are recruited and employed by the Council. Accommodation for meetings and all connected Board expenses are provided by the Council. All revenue which the Board receives from licence application fees is transferred to the Council. The Board's budgetary requirements are met by the Council. The Board is required under the Licensing (Scotland) Act 2005 to publish an annual Financial Statement which is published at:

[http://www.edinburgh.gov.uk/info/20023/licences\\_and\\_permits/960/edinburghs\\_licensing\\_board](http://www.edinburgh.gov.uk/info/20023/licences_and_permits/960/edinburghs_licensing_board)

The Council's own Scheme of Publication and Guide to Information is published at:  
[http://www.edinburgh.gov.uk/info/20032/access\\_to\\_information/898/make\\_a\\_freedom\\_of\\_information\\_foi\\_request](http://www.edinburgh.gov.uk/info/20032/access_to_information/898/make_a_freedom_of_information_foi_request).

<b>CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES</b>
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Information about how we manage our human, physical and information resources.
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As confirmed above, the Board is a separate legal entity from the Council, comprising of ten elected members of the City of Edinburgh Council. It does not employ any staff, nor own any assets.

The Clerk, his deputies, the Licensing Team and the Licensing Standards Officers are all recruited and employed by the Council.

The Council provides accommodation and administrative support for the Board's meetings.

The Board has adopted the Council's Records Management Plan and further information is available at

[http://www.edinburgh.gov.uk/directory\\_record/835233/records\\_management\\_policy](http://www.edinburgh.gov.uk/directory_record/835233/records_management_policy)

Further details of the Board's records retention are as provided at the end of this Guide.

<b>CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS</b>
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Information about how we procure goods and services, and our contracts with external providers.
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The Board does not hold any information within this class. Any goods and services required by the Board are procured by the Council.

<b>CLASS 7: HOW WE ARE PERFORMING</b>
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Information about how we perform as an organisation, and how well we deliver our functions and services.
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Details of the applications processed by the Board are provided on the Board's website as detailed under Class 3 above. Applications require to be determined within statutory timescales.

The Board is also required to publish Mainstreaming Equality Reports produced under the Equality Act 2010 ( Specific Duties) (Scotland) Regulations 2012,as amended. These are published at:

[http://www.edinburgh.gov.uk/downloads/download/1302/licensing\\_board\\_equality\\_and\\_rights\\_policy\\_and\\_outcomes](http://www.edinburgh.gov.uk/downloads/download/1302/licensing_board_equality_and_rights_policy_and_outcomes)



**CLASS 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. a bookshop, museum or research journal.

The Board does not hold any information within this class.

**Information requests - costs**

General information requests

- Information requests which cost us £100 or less to produce – no charge.
- Information requests which cost us between £100 and £600 – you may be required to pay us 10% of the cost. For example – for information which costs us £600 to provide, you would be asked to pay £50 (calculated on the basis of a waiver for the first £100 and 10% for the remaining £500).
- We are not obliged to respond to requests which will cost us over £600 to process, although we will advise you of this.
- When calculating any fee due by you, staff time will be calculated at actual cost per staff member's hourly salary rate to a maximum of £15 per person per hour.
- We do not charge for the time take to determine whether we hold the information requested, nor for any time taken to decide whether it 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 a notification of that charge and how it has been calculated. You will have three months from the date of issue of that calculation to decide whether you wish to pay it. The information is released upon payment of the charge. If you decide not to proceed with your request, there will be no charge.

Requests for personal data

- There will be no charge levied for requests for personal data.

**Records retention**

<b>Type of document</b>	<b>Retention period</b>
Licensing Board agendas, minutes, decision lists	Ten years
Premises licence files, including applications, plans, etc	Indefinitely
Licensing Board appeals papers	Five years
Other Licensing Board files	Five years
Licensing Board registers	Indefinitely