

PERTH AND KINROSS LICENSING BOARD PUBLICATION SCHEME

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

1 INTRODUCTION

This is the Publication Scheme for Perth and Kinross Licensing Board in terms of Section 23 of the Freedom of Information (Scotland) Act 2002 ("the 2002 Act"). The 2002 Act 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 the 2002 Act expressly permits it. In meeting its obligations under the 2002 Act the Board has been mindful of the value of openness and transparency.

Alongside the 2002 Act, the Environmental Information (Scotland) Regulations 2004 (the EIRs) provide a separate right of access to the environmental information we may hold. Perth and Kinross Licensing Board does not routinely hold such information.

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.

Where information is not published under this Scheme, you can request it under the 2002 Act.

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 PERTH AND KINROSS LICENSING BOARD

Perth and Kinross Licensing Board is constituted under the Licensing (Scotland) Act 1976 and the Licensing (Scotland) Act 2005. During the period of effect of this Publication Scheme the Licensing Board will administer the alcohol licensing system under the Licensing (Scotland) Act 1976 until 1 September 2009 and will administer the new alcohol licensing system under the Licensing (Scotland) Act 2005 from 1 September 2009. Alcohol licensing relates to the sale and consumption of alcohol. The Licensing Board also has responsibility under the Gambling Act 2005 in respect of premises licences, permits and other gambling activities.

The Board is made up of 10 elected Councillors of Perth and Kinross Council. The Clerk to the Licensing Board is the Council's Head of Legal Services. The Board is a separate legal entity to the Council.

Perth and Kinross Council has a separate publication scheme. For a copy of the Council's Scheme please contact:

Freedom of Information Team,
Perth & Kinross Council,
Carpenter House,
Carpenter Street,
Perth,
PH1 5LZ
Tel: 01738 477933
Fax: 01739 477939
Email: foi@pkc.gov.uk

The Licensing Board determines applications at its hearings. Hearings will initially be every three weeks, however, from July 2009 they will take place as and when required. All hearings are held in 2 High Street, Perth unless otherwise stated. Schemes of delegation apply whereby certain decisions are delegated to the Clerk or officials or to specified members of the Board.

All administration takes place at:-

Licensing Section,
Perth and Kinross Council,
2 High Street,
PERTH
PH1 5PH
Tel: 01738 475167
Fax: 01738 475189
Email: liquorlicensing@pkc.gov.uk

A list of Licensing Board members, Convenor and Vice Convenor is available on request from the Licensing Section.

All members are contactable through Perth and Kinross Council:

Tel: 01738 475000
 Fax: 01738 475710
 Email: enquiries@pkc.gov.uk

It should be noted that it is a criminal offence under Section 19 of the Licensing (Scotland) Act 1976 for applicants to attempt to influence a member of the Licensing Board to support an application. That applies until 1 September 2009. From that date the same offence arises 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.

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.

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

- The pattern of requests for information directed to the Clerk to the Board.
- The approach adopted by other Scottish public authorities.

4 RESPONSIBILITY FOR THE PUBLICATION SCHEME

The person responsible for the overall operation of this Publication Scheme is:

Ian Innes,
 Clerk to the Licensing Board,
 2 High Street,
 PERTH,
 PH1 5PH
 Tel: 01738 475503
 Fax: 01738 475189
 Email: iinnes@pkc.gov.uk
 (Please include "Freedom of Information" in the subject line)

The Depute Clerk with day-to-day responsibility is:

Colin Elliott,
 Depute Clerk,
 Legal Services,

Perth and Kinross Council,
2 High Street,
PERTH,
PH1 5PH

Tel: 01738 475131
Fax: 01738 475189
Email: cdelliott@pkc.gov.uk
(Please include "Freedom of Information" in the subject line)

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: As far as possible, most information available under this publication scheme will be downloadable online at www.pkc.gov.uk. Follow the tabs for Licensing on the left hand side starting from the home page or enter "Licensing" on the search facility.

Email: It may be possible to send electronic copies by email, on request to liquorlicensing@pkc.gov.uk (please remember to include "Freedom of Information" in the subject line).

Telephone: Information can be requested by telephone. The contact number is 01738 475167.

Post: Most information is available in paper copy form. Any postal request should be sent to:

Licensing Section,
Perth and Kinross Council,
2 High Street,
PERTH,
PH1 5PH

Personal Visit: Please make contact prior to any visit. An appointment may be necessary depending on the information requested. Administration of licensing takes place at:

2 High Street,
PERTH,
PH1 5PH

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

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 2002 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, information may be withheld from any of the classes of information listed below where it considers that an exemption from the 2002 Act applies e.g. where disclosure 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. Even where an exemption exists, it may nevertheless be possible to provide edited versions with the exempted information taken 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 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.

8 COPYRIGHT

The Board holds copyright for the majority of 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, whether the Board or any 3rd party, should always be sought from the Board or relevant 3rd party.

9 RECORDS MANAGEMENT AND DISPOSAL POLICY

The Board's archiving policy is as follows:-

| Type of Document | Retention Period |
|--|---|
| Licensing Board (General) | Maximum of end of current calendar year plus five years |
| Licensing Board (Premises files, including applications and plans) | End of current calendar year plus five years |

10 COMPLAINTS AND FEEDBACK

Feedback, including complaints about this Publication Scheme, should be directed to:-

Ian Innes,
Clerk to the Licensing Board,
2 High Street,
Perth,
PH1 5PH

Tel: 01738 475503

Fax: 01738 475189

Email: iinnes@pkc.gov.uk

(Please include "Freedom of Information" in the subject line)

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 (verbal requests for environmental information carry similar rights) or other 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.

You may contact the Scottish Information Commissioner at:-

Kinburn Castle,
Doubledykes Road,
ST ANDREWS,
Fife,
KY16 9DS

Tel: 01334 464610

Fax: 01334 464511

Email: enquiries@itspublicknowledge.info

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. The 2002 Act provides you with a right of access to the information the Board holds, subject to certain exemptions (see Section 6). The Environmental Information (Scotland) Regulations 2004 (EIRs) separately provide a right of access to the environmental information we may hold while the Data Protection Act 1998 also provides a right of access to any personal information the Board holds about you (known as a 'subject access request'), subject to certain exceptions or exemptions. A subject access request, with a fee of £10, under the 1998 Act is only available to the person to whom the personal information relates.

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

Freedom of Information Team,
Perth & Kinross Council,
Carpenter House,
Carpenter Street,
Perth,
PH1 5LZ
Tel: 01738 477933
Fax: 01738 477939
Email: foi@pkc.gov.uk

If you submit a request for information which **is not** available under the Scheme there will be no charge for requests which cost us £600 or less to process. We are not obliged to respond to requests which will cost us over £600 to process. 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. Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying. Postage is charged at actual rate for first class mail. We do not charge for the time to determine whether we hold information requested nor the time it takes to decide whether the information can be released. Charges may be made for locating, retrieving and providing information to you.

Charges for environmental information:

There will be no charge for requests which cost us £600 or less to process. Where it would cost more than £600 to provide information to you, however, we will ask you to pay the full cost of providing the information, with no waiver for any portion of the cost. 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. Photocopying is charged at 10p per A4 sheet for black and white copying, 30p per A4 sheet for colour copying. Postage is charged at actual rate for first class mail. We do not charge for the time to determine whether we hold information requested nor the time it takes to decide whether

the information can be released. Charges may be made for locating, retrieving and providing information to you.

12 CLASSES OF INFORMATION

Class 1 Licensing Board decisions

| Information | Manner in which the information is published | Charges |
|---|---|-----------|
| Minutes of Board Meetings from October 1998 to date | <ul style="list-style-type: none"> Available by attending at 2 High Street, Perth Available by telephone request Available by postal request | No charge |
| Appeal Decisions within the past five years | <ul style="list-style-type: none"> Available by attending at 2 High Street, Perth Available by telephone request Available by postal request | No charge |
| Statement of Reasons or Stated Cases <u>EXCEPT those which are or may become the subject of an appeal or other court proceedings</u> | <ul style="list-style-type: none"> Available by attending at 2 High Street, Perth Available by telephone request Available by postal request | No charge |
| Reports to the Board including policy and strategic reports <u>EXCEPT any reports to the current quarterly meeting</u> | <ul style="list-style-type: none"> Available by attending at for inspection from 2 High Street, Perth Available by telephone request Available by postal request <p>Excepted items are confidential under the 2002 Act and/or contain personal information protected by the Data Protection Act.</p> | No charge |
| Schemes of Delegation | <ul style="list-style-type: none"> Available by attending at 2 High Street, Perth Available by telephone request Available by postal request Downloadable from:- www.pkc.gov.uk | No charge |

| | | |
|--|---|-----------|
| List of Licensing Board Members and Convenor/Vice Convenor | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request | No charge |
|--|---|-----------|

Class 2 Application Processes

| Information | Manner in which the information is published | Charges |
|---|---|--|
| Application forms | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request • Downloadable from:- www.pkc.gov.uk | No charge for application form. Statutory fees for licensing applications apply. |
| Application Fees | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal requests • Downloadable form www.pkc.gov.uk | No charge |
| Application Criteria and Guidelines | <ul style="list-style-type: none"> • Normally included with application forms • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request • Downloadable from:- www.pkc.gov.uk | No charge |
| Agendas of Board Meeting; from January 1996 to date | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request • Available by email request for January 1999 onwards | No charge |

Class 3 Public Registers

| Information | Manner in which the information is published | Charges |
|--|---|----------------|
| Statutory Registers- incorporating list of current licence holders | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request | No charge |

Class 4 Statements of Policy

| Information | Manner in which the information is published | Charges |
|---|---|----------------|
| Statements of Policy/ Principal or Supplementary Statements issued under or in connection with relevant legislation affecting the Board | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request • Download from www.pkc.gov.uk | No charge |
| Equalities Schemes | <ul style="list-style-type: none"> • Available by attending at 2 High Street, Perth • Available by telephone request • Available by postal request • Downloadable from www.pkc.gov.uk | No charge |