

Freedom of Information

East Ayrshire Licensing Board Model Publication Scheme 2017 & Guide to Information

EAST AYRSHIRE
LICENSING BOARD

Version Control

Version	Changes	Authoriser	Date
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The Freedom of Information (Scotland) Act 2002 (the Act) requires Scottish public authorities to adopt and maintain a Publication Scheme. Authorities are under a legal obligation to:

- (i) publish the classes of information that they make routinely available;
- (ii) tell the public how to access the information they publish and whether information is available free of charge or on payment.

The Act also allows for the development of a Model Publication Scheme by the Scottish Information Commissioner which can be adopted by more than one Public Authority. The Commissioner's Model Publication Scheme, was approved on 31 May 2017. East Ayrshire Licensing Board has adopted the Model Publication Scheme in its entirety.

The updated Model Publication Scheme can be viewed by clicking on the following link:

<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/TheModelPublicationScheme.aspx>

or by contacting us at the address below if you prefer a copy to be provided to you in another format.

Guide to Information

In adopting the Model Publication Scheme, East Ayrshire Licensing Board has produced the following 'Guide to Information' which:

- Allows you to see what information is available (and what is not available) in relation to each class of information that we publish;
- States what charges may be applied;
- Explains how to find the information easily;
- Provides contact details for enquiries and to get help with accessing the information;
- Explains how to request information that has not been published.

This Guide is split into the following six sections or 'principles':

- Principle 1 - Availability and formats;
- Principle 2 - Exempt information;
- Principle 3 - Copyright and Re-use;
- Principle 4 - Charges;
- Principle 5 - Contact us;
- Principle 6 - Duration.

It also lists the classes of information that we publish under 'Classes of Information'.

Model Publication Scheme Principles ***Principle 1 - Availability and Formats***

The information we publish through our Publication Scheme will normally be available to download from our website. In all cases a link within *the Classes of Information* will direct you to the relevant page or document.

Alternative arrangements can be made for people who do not want to, or cannot, access the information online or by inspections at our premises. For example, we can usually arrange to provide information to you in a paper copy (although there may be a charge for this – see charges below). Information can also be provided by email, phone or post using the contact details below.

When contacting us to request information, please include your name and address and full details of the information you would like to receive. Please also include a telephone number so we can telephone you to clarify any details, if necessary.

If you are still having trouble finding any document listed under our scheme, or if you are having difficulty identifying the information you want to access, then please contact us using the contact details listed below for further assistance.

Please note that information published through Class 9 (Open Data) is exempt from Principle 1 as, by its nature, Open Data is generally only available in electronic format and cannot easily be provided in other formats.

Contact details:

Clerk to the Licensing Board
East Ayrshire Council
Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576005
Email: licensing@east-ayrshire.gov.uk

Principle 2 - Exempt information

We will publish the information we hold that falls within the classes of information below. We will remove or redact any information which is exempt information in terms of the Freedom of Information (Scotland) Act 2002 (for example sensitive personal data or a trade secret) and we will provide an explanation as to why this information is exempt.

Principle 3 - Copyright and Re-Use

Principle 3 – Copyright and Re-Use

Access to information does not mean that copyright has been waived, nor does it give automatic rights to the recipient to re-use the information. The following information sets out East Ayrshire Licensing Board's position on copyright and the re-use of the information detailed within this Publication Scheme and Guide to Information.

Copyright Statement:

Where East Ayrshire Licensing Board holds the copyright in its published information, the information may be copied or reproduced (but not re-used –see below) 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 and the copyright status acknowledged.

The reproduction of the information for commercial purposes is prohibited without prior written consent being obtained from East Ayrshire Licensing Board.

The information published may contain information where the copyright holder is not East Ayrshire Licensing Board. When this is the case it will be made clear that the Board are not the copyright holder. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear it is the responsibility of the person accessing the information to locate and seek the permission of the copyright holder before reproducing the material or in any other way breaching the rights of the copyright holder.

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

Re-Use of Public Sector Information

Re-use is not the same as copying or reproducing. Re-use means using public sector information, for a purpose other than the initial public task for which it was produced. For example, an individual or a company taking the public sector information and republishing it or using it to produce a new product or resource, often by combining it with other information, often for commercial purposes.

If you intend to re-use the information obtained from this Publication Scheme and you are not sure if you have the right to do so, you are advised to make a request to East Ayrshire Licensing Board to re-use the information. Your request should be in writing, should state your name and an address for correspondence and should specify the document requested and the purpose for which the document is to be re-used. Your request will be considered under the Re-use of Public Sector Information Regulations 2015 for which a charge may be imposed. In the event that a charge is payable, you will be advised of this charge and how it has been calculated.

Re-use cannot be permitted by East Ayrshire Licensing Board if someone else holds the intellectual property rights (such as copyright) in the information.

If you have a complaint about East Ayrshire Licensing Board's compliance with the 2015 Regulations or if you would like more information on the re-use of information then please direct your complaint to the Clerk to the Licencing Board at the address below in the first instance:

Clerk to the Licensing Board
East Ayrshire Council
Council Headquarters
London Road
Kilmarnock
KA3 7BU

Telephone: 01563 576005
Email: licensing@east-ayrshire.gov.uk

The information within this Publication Scheme and Guide to Information also constitute East Ayrshire Licensing Boards' Information Asset List which details the main information the Board holds within its' public task as required by the 2015 Regulations.

Principle 4 - Charges

This section explains when we may make a charge for our publications and how any charge will be calculated.

Charges for information which is available through this publication scheme

Unless otherwise specified in our Classes of Information, the information contained within this Publication Scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email. You can also view information free of charge at our premises.

We may make charges for providing information in paper copy or on computer disc. Charges will reflect the actual costs of reproduction and postage to the authority as set out below.

In the event that a charge is to be levied, you will be advised of the charge and how it has been calculated. Information will not be provided to you until payment has been received.

Reproduction costs:

Where charges are applied, photocopied information will be charged at a standard rate of 10p per A4 side of paper (black and white copy) and 30p per A4 side of paper (colour copy).

Computer discs will be charged at the rate of £1.00 per CD-Rom.

Postage cost:

We will pass on postage charges to the requester at the cost to the authority of sending the information by first class post.

Costs for Re-Use of Information

Any request for re-use of public sector information may incur a charge. This will be a marginal charge determined at the time of the request.

Charges for information which is not available under the scheme

If you submit a request to us for information which **is not** available under the scheme the charges will be based on the following calculations:

Requests under the Freedom of Information (Scotland) Act 2002 (FOISA): There may be a charge for requests which involve a large amount of work. This is in accordance with the Fees Regulations under Section 9 of FOISA.

- There will be no charge for information requests which cost us £100 or less to process.
- Where information costs between £100 and £600 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, 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 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.
- 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. Reproduction and postage charges will be charged as per the costs detailed above.
- 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. We will inform you if upfront payment is required. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. If you decide not to proceed with the request there will be no charge to you.

Requests under the Environmental Information (Scotland) Regulations 2004 (EIRs): Regulation 8 of the EIRs allows public authorities to charge a "reasonable amount" for making environmental information available. This means that there is no lower or upper charging limit for requests for environmental information although any fee charged must not exceed the costs to the authority of making that information available.

We will calculate the fee for an environmental request under the EIRs as follows:

- We do not charge for the time taken 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 calculating any fee staff time will be calculated at actual cost per staff member.
- Reproduction and postage costs will be charged as per the costs detailed above.
- In the event that we decide to impose a charge we will issue you with notification of the charge and how it has been calculated. We will inform you if upfront payment is required. You will have three months from the date of issue of the fees notice in which to decide whether to pay the charge. If you decide not to proceed with the request there will be no charge to you.

Principle 5 - Contact details

You can contact us for assistance with any aspect of this Publication Scheme at the contact details below.

You can also use these contact details to ask for information that we do not publish or how to complain if you are dissatisfied with any aspect of the Publication Scheme.

Clerk to the Licensing Board
East Ayrshire Council
Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576005
Email: licensing@east-ayrshire.gov.uk

The following link will give you advice on requesting information not contained in the Publication Scheme:

<https://www.east-ayrshire.gov.uk/CouncilAndGovernment/About-the-Council/Information-and-statistics/DataProtectionAndFreedomOfInformation/How-to-make-a-Freedom-of-Information-Request.aspx>

Alternatively, please email the Freedom of Information mailbox at freedomofinformation@east-ayrshire.gov.uk or write to us at the address below:

Freedom of Information
Council Headquarters
London Road
Kilmarnock
KA3 7BU

Principle 6 – Duration

Information published through the Guide to Information is available for at least the current and previous two financial years. Where previous versions are no longer published, these can be requested from the Licencing Board under Section 1 (1) of FOISA.

The Classes of Information

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 make a request to us for that information.

The classes are:

- Class 1 – About the Licensing Board
- Class 2 – How we deliver our functions and services
- Class 3 – How the Licensing Board takes decisions and what it has decided
- Class 4 – What the Licensing Board spends and how it spends it
- Class 5 – How the Licensing Board manages its human, physical and information resources
- Class 6 – How the Licensing Board procures goods and services from external providers
- Class 7 – How the Licensing Board is performing
- Class 8 – Our commercial publications
- Class 9 – Our open data

CLASS 1: ABOUT EAST AYRSHIRE LICENSING BOARD

Class description: Information about the authority, who we are, where to find us, how to contact us, how we are managed and our external relations:

East Ayrshire Licensing Board is elected by East Ayrshire Council from its Elected Members. The Licensing Board is a completely separate legal entity from the Council, hence its inclusion as a Scottish Public Authority under the Freedom of Information (Scotland) Act 2002.

The Headquarters for the Licensing Board are as follows:

East Ayrshire Council
Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576005
Email: licensing@east-ayrshire.gov.uk

The Clerk to the Licensing Board is the Council's Chief Governance Officer.

Business Hours are as follows:

Monday – Thursday 9am – 5pm
Friday 9am – 4pm

East Ayrshire Council employs two Licensing Standards Officers who can be contacted in respect of concerns in relation to the operation of licensed premises and their contact information is:-

Telephone: 01563 554624 / 576174

Email: LicensingStandardsOfficers@east-ayrshire.gov.uk

Customer care or complaints can be directed to the Clerk to the Licensing Board in the first instance.

Details of the information we publish, our charging schedule and how to request information which we do not publish can be found within this document (above).

Details of the members of East Ayrshire Licensing Board can be found here:

[East Ayrshire Licensing Board Members](#)

CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES

Class description: Information about our work, our strategies and policies for delivering functions and services and information for our service users

The Licensing Board deals with the administration of applications submitted under the Licensing (Scotland) Act 2005. The Licensing Board also deals with applications made under the Gambling Act 2005. In terms of section 9 of the Licensing (Scotland) Act 2005, East Ayrshire Licensing Board is under a duty to keep and maintain a licensing register containing information in relation to decisions made in respect of premises licences, personal licences and occasional licences.

The following documents can be found of our website:-

Licensing Board Policies

[Licensing Policy Statement](#)

[Byelaw Prohibiting the Consumption of Alcoholic Liquor in Designated Places](#)

Information / Applications : Alcohol

[Overview](#)

[Online Register of Current Licences](#)

[Online Applications](#)

[Advert – Current Applications for Consideration](#)

[Personal licence](#)

[Premises licence](#)

[Training requirements](#)

[Occasional licenses and extended hours](#)

[Advert – Current Occasional Licence Applications for Consideration](#)

[Applications and other forms](#)

[Objection Process](#)

[Grounds for Refusal of a Licence](#)

[Information / Applications : Gambling](#)

[Gambling Act 2005 – Statement of principles](#)

[Applications, Permits and Registrations](#)

[Online Applications](#)

CLASS 3: HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED

Class description: Information about the decisions we take, how we make decisions and how we involve others

The Licensing Board determines licensing applications at Board meetings which are held on a regular basis, the dates of which will be advertised in advance on the East Ayrshire Council website. Certain routine or non-contentious decisions are delegated to the Clerk to the Licensing Board. The Licensing Board is also required to determine various fees payable by applicants in respect of licensing applications – principally in respect of applications for premises licences and levels of annual fees, subject to maximum amounts which are set by statute. These may vary from time to time with full details being available on the licensing pages of the East Ayrshire Council website.

The dates of Board meetings, minutes of the Licensing Board meetings and fees can be found here:

[Dates of Meetings](#)

[Minutes](#)

[Fees](#)

[Gambling Premises Licence : Fees](#)

Under the Licensing (Scotland) Act 2005 every local authority must establish a Local Licensing Forum for their area. The forum's role is to keep under review the operation of the new Licensing

Act and to give advice and make recommendations to the Licensing Board in relation to any matters that the forum considers appropriate. Although the forum is independent from the Licensing Board they will share the common goal of having the local community's best interest at the heart of the decision making.

The forum consists of between 5 and 21 members as the Council may determine, with members being representative of the key interest areas which are:

- holders of premises and personal licences
- persons having functions relating to health, education or social work
- young people
- persons living within the forum's area

Please note that the East Ayrshire Local Licensing Forum is managed by East Ayrshire Council, not the Licensing Board

[East Ayrshire Local Licensing Forum](#)

CLASS 4: WHAT WE SPEND AND HOW WE SPEND IT

Class description: 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)

The Licensing Board is a separate legal entity from East Ayrshire Council. The Board 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.

The Air Weapons and Licensing (Scotland) Act 2015 introduced a requirement for Licensing Boards to prepare and publish an Annual Financial Report, not later than three months after the end of each financial year. East Ayrshire Licensing Board's Annual Financial Report can be found:

[Annual Financial Report](#)

Financial information can be made available on request to:-

Clerk to the Licensing Board
East Ayrshire Council
Council Headquarters
London Road
Kilmarnock
KA3 7BU
Telephone: 01563 576005
Email: licensing@east-ayrshire.gov.uk

CLASS 5: HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES

Class description: Information about how we manage the human, physical and information resources of the authority.

East Ayrshire Licensing Board is supported by staff from East Ayrshire Council, which also provides accommodation and other facilities to the Licensing Board. Staff adhere to the Council's policies on all matters, including Records Management.

CLASS 6: HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS

Class description: Information about how we procure goods and services and our contracts with external providers

East Ayrshire Licensing Board holds no information within this class. All goods and services are procured by East Ayrshire Council.

CLASS 7: HOW WE ARE PERFORMING

Class description: Information about how we perform as an organisation and how well we deliver our functions and services

East Ayrshire Licensing Board processes applications in accordance with statutory timescales set out in the Licensing (Scotland) Act 2005, Gambling Act 2005 and related Acts and Statutory Instruments.

Policies and procedures are produced in accordance with the statutory timescales.

The Board produces a financial report in accordance with the statutory timescales.

The Air Weapons and Licensing (Scotland) Act 2015 introduced a requirement for Licensing Boards to prepare and publish an Annual Functions Report, not later than three months after the end of each financial year. East Ayrshire Licensing Board's Annual Functions Report can be found:

[Annual Function Report](#)

The Equality Act 2010 requires Licensing Boards to publish Equality Outcomes and a Equality Mainstreaming Report, which can be found:

[Equality Outcomes and Mainstreaming Report](#)

CLASS 8: OUR COMMERCIAL PUBLICATIONS

Class description: Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

East Ayrshire Licensing Board holds no information within this class.

CLASS 9 : OPEN DATA

Class description: Open data made available by the authority as described by the Scottish Government's Open Data Strategy and Resource Pack, available under an open licence.

The Licensing Board will be subject to East Ayrshire Council's Open Data Policy.