

The Moray Licensing Board

Model Publication Scheme 2013

Introduction

The Freedom of Information (Scotland) Act 2002 (the 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.

About this scheme

The Moray Licensing Board has adopted the **Model Publication Scheme 2013** produced by the Scottish Information Commissioner. The scheme has the Commissioner's approval until 31 May 2017.

You can see this scheme on our website at http://www.moray.gov.uk/moray_standard/page_76481.html or by contacting us at the address below.

The purpose of this Guide to Information is to:

- allow you to see what information is available (and what is not available) in relation to each class.
- state what charges may be applied.
- explain how you can find the information easily.
- provide contact details for enquiries and to get help with accessing the information.
- explain how to request information we hold that has not been published.

Availability and formats

The information we publish through the model scheme is, wherever possible, available on our website. We offer alternative arrangements for people who do not want to, or cannot, access the information online or by inspection at our premises.

All our written information can also be made available, on request, in a range of different formats and languages.

Where no website link is present, you can use our website's "Search" facility at www.moray.gov.uk. This has an A-Z index and a key word search facility. This may be the quickest and most useful way of searching for information which you are interested in. If you still cannot find what you are looking for, or if you do not have access to the Internet you may use PCs located at the Council's Access Points and Libraries.

If you are still having trouble finding any document listed under our scheme, then please use the contact details under the Advice and Assistance heading below.

Paper copies of any document listed are available to be inspected or posted on request. We can also provide information on CD where the electronic format would take too long for you to download or this would involve excessive copying.

By email:

If the information you seek is listed in our publication scheme but is not published on our website, we can send it to you by email, wherever possible. When requesting information from us, please provide a telephone number so that we can telephone you to clarify details, if necessary.

By phone:

Information can also be requested from us over the telephone. Please use the contact number below to request information available under this scheme.

By post:

All information under the scheme will normally be available in paper copy form. Please send your request to the address below. When writing to us to request information, please include your name and address, full details of the information or documents you would like to receive, and any fee applicable (see the section on Charges below for further information on fees). Please also include a telephone number so we can telephone you to clarify any details, if necessary.

Advice and assistance:

If you have any difficulty identifying and accessing the information you want to access, then please use the contact details in the section below.

Exempt information

We will publish the information we hold 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 information or a trade secret), we may remove or redact the information before publication but we will explain why.

Copyright

The Moray Licensing Board or the Moray Council holds the copyright for the vast majority of information in this publication scheme. All of this 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 provided that the source of the material is identified.

The publication scheme may, however, contain information where the copyright holder is not the Moray Council. In most cases the copyright holder will be obvious from the documents. In cases where the copyright is unclear, however, 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. Wherever possible, this scheme will indicate where we do not own the copyright on document.

Charges

Unless otherwise stated all information contained within our 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 or where it is made available for inspection at a Council Access Point or Library.

We reserve the right to impose 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 and a reasonable charge may be made to cover staff time in writing this information to disc. Staff time will be calculated at actual cost per staff member hourly salary rate to a maximum of £15 per person per hour. Any charge will be for actual time spent and not a flat rate for any hour or part thereof and the first 30 minutes of time will be free. As an example for 1 member of staff for 45 minutes the first 30 minutes would be free and the charge would be based on 15 minutes at £15 per hour i.e. £3.75.

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.

There may be a charge in relation to information not published under this scheme. If you wish to make a request for information under either the Freedom of Information (Scotland) Act 2002 or the Data Protection Act 1998 then please see the following

http://www.moray.gov.uk/moray_standard/page_53728.html (Freedom of Information)

http://www.moray.gov.uk/moray_standard/page_41179.html (Data Protection)

Contact details

You can contact us for assistance with any aspect of **this** publication scheme.

Tracey Thorrowgood

Council Office, High Street, Elgin, IV30 1BX

Telephone: 01343 563030 Fax: 01343 540183

Email: licensing@moray.gov.uk

We will also be pleased to advise you how to ask for information that we do not publish, or how to complain if you are dissatisfied with any aspect of this publication scheme.

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 may make a request to us for that information.

CLASS 1: ABOUT THE MORAY LICENSING BOARD

The Moray Licensing Board is a Scottish public authority as defined in Part 3 of Schedule 1 of the Freedom of Information (Scotland) Act 2002. It is constituted under the Licensing (Scotland) Act 2005.

The Moray Licensing Board administers and enforces matters regulated by both the Licensing (Scotland) Act 2005 and the Gambling Act 2005 throughout the Moray area. These include:

- premises, personal, occasional and other licences under the Licensing (Scotland) Act 2005 for the sale of alcohol to the public and members of private clubs (not wholesale / trade);
- premises licences, permits, temporary use notices and other requirements under the Gambling Act 2005 to licence the provision of gambling facilities including casinos, bookmakers and betting (except spread betting), bingo clubs, arcades, fairs, lotteries (except the National Lottery) and the use of gaming machines in alcohol licensed premises.

The Moray Licensing Board is elected by the Moray Council from its elected Members. Nevertheless the Board is a completely separate legal entity from the Council and is a body that makes legally enforceable decisions about licensing within Moray. The Clerk to the Moray Licensing Board is the Council's Head of Legal and Democratic Services and the Clerk is assisted by Depute Clerks and administrative support staff.

The Moray Licensing Board holds regular meetings to consider and decide upon applications. The Board Meetings are held in the Council Chamber, Council Office, High Street, Elgin IV30 1BX, Telephone 01343 563030 Fax 01343 540183. All administration for the Moray Licensing Board also takes place at the above address.

More information about the Moray Licensing Board's role and responsibilities is included within the Board's Statements of Policy, details of which can be found in

http://www.moray.gov.uk/moray_standard/page_54055.html (alcohol)

http://www.moray.gov.uk/moray_standard/page_51234.html (gambling)

CLASS 2: HOW WE DELIVER OUR FUNCTIONS AND SERVICES

Class description:

Information about our work, our strategy and policies for delivering functions and services and information for our service users.

The Board is responsible for administering the alcohol licensing system under the Licensing (Scotland) Act 2005 within the Moray area. Our Alcohol Licensing Policy is published at

http://www.moray.gov.uk/moray_standard/page_54055.html (alcohol)

The Board also deals with applications for premises licences and permissions under the Gambling Act 2005. Our Gambling Policy is also published at

http://www.moray.gov.uk/moray_standard/page_51234.html (gambling)

Certain non-contentious applications can be delegated to a Committee of the Board, the Clerk or any person appointed to assist the Clerk in discharging functions. Certain business can only be decided by the Board. For details please refer to the separate Schemes of Delegation published by the Board in respect of each of the Licensing (Scotland) Act 2005 and the Gambling Act 2005. Copies of the Moray Licensing Board's Schemes of Delegation are included in the classes of information to be made available at

http://www.moray.gov.uk/moray_standard/page_54055.html (alcohol)

http://www.moray.gov.uk/moray_standard/page_51234.html (gambling).

We are also required to publish a policy on how we are complying with the equality requirements under the Equality Act 2010. The Board has joined with the Moray Council in publishing equalities outcomes. Those are available at

http://www.moray.gov.uk/moray_standard/page_76481.html

Information about the types of alcohol licence applications we deal with, application forms, criteria, fees and guidelines are published at

http://www.moray.gov.uk/moray_index/index_53861.html (alcohol forms to download)

http://www.moray.gov.uk/moray_standard/page_67620.html (alcohol guidance notes)

http://www.moray.gov.uk/selfservice/index_48217.html (alcohol online forms and guidance through Business Gateway)

Information about the types of gambling applications we deal with, application forms, criteria and fees and guidance are published at

http://www.moray.gov.uk/moray_index/index_57596.html (forms to download)

http://www.moray.gov.uk/moray_standard/page_51234.html (gambling guidance)

Any concerns regarding the Board's work can be directed to the postal, email or telephone contact details shown in the Contact details section above.

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 Board takes decisions in accordance with the Licensing (Scotland) Act 2005 and the Gambling Act 2005.

Decisions are recorded in public registers published at <http://license.moray.gov.uk/> (alcohol licensing a fully searchable online register)

Contact the licensing section for gambling.

Meeting dates, agendas, reports and minutes of the Board's meetings are also published at http://www.moray.gov.uk/moray_standard/page_39922.html

The Board is required to advertise some types of application to enable public comment. This is done at http://www.moray.gov.uk/moray_standard/page_55066.html

The Board also carries out, from time to time, public consultations on matters such as its policies. Consultations if any are published on the Board's pages of the Council's website at http://www.moray.gov.uk/moray_standard/page_67620.html

In addition consultations may be advertise don the council's home page at <http://www.moray.gov.uk/>

The Moray Licensing Board is sometimes required to produce statistics for the Scottish Government regarding the numbers of liquor licences within Moray. The Board also produces quarterly statistics for the Gambling Commission in respect of licences and permits issued. Copies of any relevant statistics for Moray are included in the classes of information to be made available at http://www.moray.gov.uk/moray_standard/page_52432.html

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 Board does not hold information within this class.

The Board is a separate legal entity from the Council. However it does not own any assets and no separate accounts are produced for the Board.

The Board is wholly resourced by the Council. The Council provides accommodation for the meetings of the Board, all administrative and staff support as well as all 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.

Information regarding the council's finances is within the Council's Model Scheme of Publication and Guide to Information, published at http://www.moray.gov.uk/moray_standard/page_84996.html

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.

As above. The Board does not hold information within this class. The Board does not own any assets or resources of its own. The Board is wholly resourced by the Council.

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.

As above. The Board does not hold information within this class. The Board does not procure goods or services nor enter into contracts of its own. The Board is wholly resourced by the 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.

The Board processes applications in accordance with timescales provided under alcohol and gambling licensing legislation. All timescales are adhered to.

The Board produces policies in accordance with timescales provided under legislation dealing with alcohol and gambling licensing, the equality duty and the publication of a scheme explaining how to access information which it holds.

Timescales are set in both Primary legislation and secondary Regulations. These are published at <http://www.legislation.gov.uk/>. We can help you to locate specific information – use the contact details shown in the Contact Us section above.

Information about timescales for any particular application is also available with all online applications at http://www.moray.gov.uk/selfservice/index_48217.html (alcohol online forms and guidance through Business Gateway)

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.

The Board does not hold information within this class.