

**EXECUTIVE NOTE TO
(DRAFT) THE LICENSING (MANDATORY CONDITIONS) (SCOTLAND)
REGULATIONS 2007**

The above instrument is to be made in exercise of the powers conferred by sections 27(2), (8) and (9) and 146(2) of the Licensing (Scotland) Act 2005. Section 27 will be brought fully into force by the date on which the instrument will come into force. The instrument is subject to affirmative resolution procedure.

Policy Objectives

The purpose of the instrument is to require on-sales premises to make clear to prospective customers the arrangements in place with regard to persons under 18 being permitted on the premises. This ensures that customers are aware of the parts of premises (if any) where children may be permitted and thus helps the licence holder comply with the operating plan for the premises and the conditions upon which a licence has been issued.

The instrument further requires that baby changing facilities must be provided in on-sales premises that allow children under 5 years to be admitted. The policy objective is to ensure that premises have in place a reasonable level of facilities where their licence is granted on the basis that children under 5 will be admitted. For practical reasons, this condition does not apply where the premises are a vehicle, vessel, moveable structure.

Consultation

The Scottish Executive undertook a public consultation on draft regulations and guidance between October and December 2006. Those consulted included all local authorities in Scotland, all Licensing Boards, the key licensed trade associations and a range of other stakeholder groups. In addition to this the Scottish Executive had useful discussions with key stakeholders during the consultation period. Those organisations included:

- The Scottish Licensed Trade Association;
- British Entertainment & Dance Association;
- The Scottish Beer & Pub Association;
- British Institute of Innkeeping;
- Scottish Grocers' Federation;
- Scottish Retail Consortium;
- Association of Chief Police Officers in Scotland; and
- The British Hospitality Association.

Financial Effects

The instrument has no financial effects on the Scottish Executive or any other public bodies.

Scottish Executive Criminal Justice Directorate
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