

Executive Note

The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 SSI/2007/336

The above instrument was made in exercise of the powers conferred by sections 27(3) and 146(2) of the Licensing (Scotland) Act 2005. Section 27 will be brought fully into force by the date on which this instrument comes into force. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to put in place conditions to help create a safer environment in late-opening premises. The instrument requires that a person trained in administering first aid must be on the premises from 1am until the time the premises next close, or 5am, whichever is earlier. This condition applies to all licensed premises where the operating plan for the premises specifies that the premises will, on any occasion, be open for a continuous period beginning on one day and ending after 1am on the following day. .

The instrument further puts in place conditions to help create a safer environment in premises which fall within regulation 3(2). In policy terms we envisage certain nightclub and 'superpub' premises falling within this definition. The conditions are intended to create safeguards that will help protect the safety of customers and staff. It will be for the Licensing Board to determine whether premises fall within the terms of regulation 3(2) and therefore whether the conditions should be applied to a licence granted in respect of those premises. The Scottish Executive is further proposing that there should be set out in guidance other conditions which a Board may apply at its discretion.

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

There are no financial effects on the Scottish Executive or other public bodies.

Scottish Executive Criminal Justice Directorate
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