

2007 No. 452

LICENSING (LIQUOR)

The Premises Licence (Scotland) Regulations 2007

Made - - - - - *9th October 2007*

Laid before the Scottish Parliament *11th October 2007*

Coming into force - - - *1st February 2008*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 20(2)(b)(ii) and (4), 26(1) and (2)(f), 134(1), 146(2) and 147(1) of the Licensing (Scotland) Act 2005(a) and all other powers enabling them to do so.

Citation and commencement

1. These Regulations may be cited as the Premises Licence (Scotland) Regulations 2007 and come into force on 1st February 2008.

Premises licence

2. A premises licence—
- (a) is to be in the form set out in Schedule 1; and
 - (b) is also to contain the operating plan and layout plan in respect of the premises to which the licence relates.

Summary of premises licence

3. A summary of any premises licence required to be issued under section 26(1)(b) of the Licensing (Scotland) Act 2005 is to be in the form set out in Schedule 2.

Application for a premises licence

4.—(1) Subject to paragraph (2), an application for a premises licence is to be in the form set out in Schedule 3.

(2) An application for a premises licence lodged no later than 16th January 2009 may also include the additional material set out in Schedule 4.

Layout plan

- 5.—(1) A layout plan is to be drawn—
- (a) in a scale where 1 millimetre represents 100 millimetres; or
 - (b) in such other scale as may be agreed between the person submitting the plan and the Licensing Board to which it is to be submitted.

(a) 2005 asp 16; see the definition of “prescribed” in section 147(1).

- (2) A layout plan–
- (a) is to show the matters specified in paragraph (3);
 - (b) is to show the matters specified in paragraph (4) in the case of premises to be licensed for the sale of alcohol for consumption on the premises;
 - (c) is to show the matters specified in paragraph (5) in the case of premises to be licensed for the sale of alcohol for consumption off the premises; and
 - (d) may include a legend through which the matters mentioned or referred to in those paragraphs are sufficiently illustrated by the use of symbols on the plan.
- (3) The matters specified in this paragraph are–
- (a) the extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter and dimensions of the premises to be licensed (including outside drinking areas);
 - (b) the location and names of any streets surrounding the premises from which members of the public have access to the premises;
 - (c) the location and width of each point of access to and egress from the premises;
 - (d) the location and width of any other escape routes from the premises;
 - (e) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;
 - (f) the location of any steps, stairs, elevators or lifts on the premises;
 - (g) the location of any toilets on the premises (identified as male, female or disabled as appropriate);
 - (h) any area on the premises set aside specifically for the use of children and young persons; and
 - (i) any area on the premises to which children and young persons will have access.
- (4) The matters specified in this paragraph are the use or uses to which each part of the premises will be put (under reference to the activities identified in the operating plan).
- (5) The matters specified in this paragraph are–
- (a) the location of the area or areas to be used for the display of alcohol;
 - (b) the maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas; and
 - (c) the maximum linear measurement (in metres) of any displays of alcohol outside the frontage referred to in head (b).

Operating plan

6. An operating plan is to be in the form set out in Schedule 5.

KENNY MACASKILL
A member of the Scottish Executive

St Andrew's House,
Edinburgh
9th October 2007

SCHEDULE 1

Regulation 2

PREMISES LICENCE/PROVISIONAL PREMISES LICENCE*

*Delete as appropriate

Issued by – *insert name of Licensing Board* – under the terms and conditions of the Licensing (Scotland) Act 2005

Premises licence number

Date of commencement of licence
--

Postal address of premises

Postcode

Telephone number

Description of premises

Licensed hours

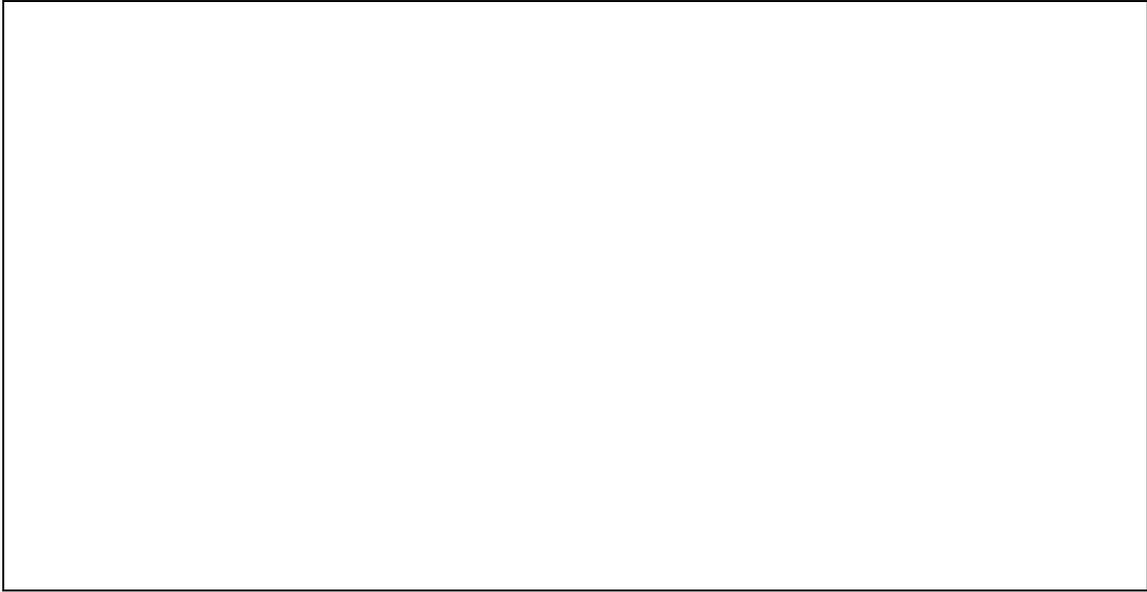
Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence

Registered number of premises licence holder, e.g. company number, charity number (where applicable)

Name, postal address and telephone number of premises manager named in the operating plan

Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board

Licence Conditions



SCHEDULE 2

Regulation 3

SUMMARY OF PREMISES LICENCE/PROVISIONAL PREMISES
LICENCE*

*Delete as appropriate

Issued by – insert name of Licensing Board – under the terms and conditions of the Licensing
(Scotland) Act 2005

Premises licence number

Postal address of premises

Postcode

Telephone number

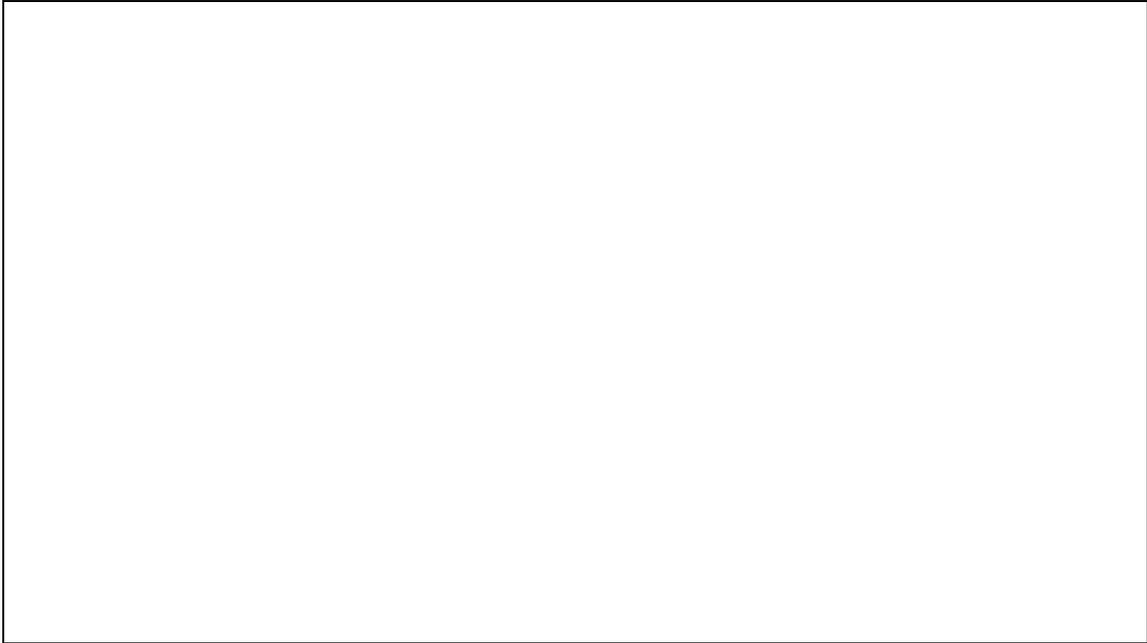
Description of premises

Name and postal address (or registered address if a company) of premises licence holder
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Registered number of premises licence holder, e.g. company number, charity number (where applicable)

Name of premises manager named in the operating plan

Licence Conditions



SCHEDULE 3

Regulation 4(1)

APPLICATION FOR PREMISES LICENCE/PROVISIONAL
PREMISES LICENCE*

*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

APPLICANT INFORMATION *Licensing (Scotland) Act 2005, section 20(1)*

Question 1

Name, address and postcode of premises to be licensed.

Question 2

Particulars of applicant

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.*

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.**

*** Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005.**

Question 3

Previous applications

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? YES/NO**

If YES – provide full details

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Question 4

Previous convictions

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (a)</i>	YES/NO*
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**If YES – provide full details*

For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974

<i>Name & position (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

(a) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

DESCRIPTION OF PREMISES *Licensing (Scotland) Act 2005, section 20(2)(a)*

Question 5

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

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Question 6

6 *To be completed by members' clubs only*

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	<i>YES/NO*</i>
<i>* Delete as appropriate</i>	

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this Application are true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	
<i>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

<u>For use by the Licensing Board only</u>	
Application checklist	
Date received	
Fee amount	
Receipt number	
Received by (<i>INITIALS</i>)	
Consideration date	
Last date for consideration	
Date of initial hearing	
Date of any modification hearing	
Date granted/refused (delete as appropriate)	

<u>For use by the Licensing Board only</u>	
If application is for a premises licence	
Documents required	
Operating plan	
Layout plan	
Planning certificate	
Building standards certificate	
Food hygiene certificate	

<u>For use by the Licensing Board only</u>	
If application is for a provisional premises licence	
Documents required	
Provisional planning certificate	
Operating plan	
Layout plan	

SCHEDULE 4

Regulation 4(2)

ADDITIONAL MATERIAL – PREMISES LICENCE APPLICATION LODGED NO LATER THAN 16TH JANUARY 2009

Is there a licence under the Licensing (Scotland) Act 1976 held in respect of the premises?

YES/NO* (*Delete as appropriate)

If so, do you consider the application to be a “Grandfather Rights” application (i.e. one falling within article 18 or 19 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007)?

YES/NO* (*Delete as appropriate)

SCHEDULE 5

Regulation 6

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/NO*</i>
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**If YES – provide details*

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1	COL. 2	COL. 3	COL. 4
5(a) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Accommodation</i>		N/A	N/A
<i>Conference facilities</i>			
<i>Restaurant facilities</i>			
<i>Bar meals</i>			
5(b) Activity <i>Social functions including:</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>			
<i>Club or other group meetings etc.</i>			
5(c) Activity <i>Entertainment including:</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Recorded music – see 5(g)</i>			
<i>Live performances – see 5(g)</i>			
<i>Dance facilities</i>			
<i>Theatre</i>			

<i>Films</i>			
<i>Gaming</i>			
<i>Indoor/outdoor sports</i>			
<i>Televised sport</i>			
5(d) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>			
5(e) Activity	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>			

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

5(g) Late night premises opening after 1.00am

<i>Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?</i>	YES/NO*
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<i>When fully occupied, are there likely to be more customers standing than seated?</i>	YES/NO*
<i>*Delete as appropriate</i>	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	<i>When alcohol is being sold for consumption on the premises will children or young persons be allowed entry</i>	YES/NO*
	<i>*Delete as appropriate</i>	

6(b) *Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry*

6(c) *Provide statement regarding the **AGES** of children or young persons to be allowed entry*

6(d) *Provide statement regarding the **TIMES** during which children and young persons will be allowed entry*

6(e) *Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry*

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

8(d) Email address

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature * (see note below)

Date

Capacity APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision in connection with premises licences under Part 3 of the Licensing (Scotland) Act 2005 (“the Act”). The form of a premises licence and of a summary of such a licence are set by regulations 2 and 3 and Schedules 1 and 2. Regulation 4 and Schedules 3 and 4 set down the form of an application for a premises licence. In terms of section 20(2) of the Act, any application for a premises licence requires to be accompanied by a layout plan and an operating plan. Regulation 5 makes provision as to the layout plan and regulation 6 and Schedule 5 prescribe the form of an operating plan.

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