

**EXECUTIVE NOTE TO
THE PREMISES LICENCE (SCOTLAND) REGULATIONS 2007**

S.S.I. 2007/452

The above instrument was made 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. Sections 20 and 26 will be brought fully into force by the commencement date of these Regulations. The instrument is subject to negative resolution procedure.

Policy Objectives

The purpose of the instrument is to prescribe the form and content of the premises licence, the summary premises licence, the application form for a premises and provisional premises licence, the layout plan and operating plan. The premises licence is a single form of licence for premises which sell alcohol, each licence being tailored to the type of premises in question by reference to a compulsory “**operating plan**”. The operating plan must be lodged by the applicant at the same time as their application for the premises licence. The operating plan should set out clearly the applicant’s proposals including the activities that would be undertaken on the premises, proposed opening hours and their policy in relation to access for children.

Section 26 of the Act requires that when a Board issues a premises licence it must also issue a summary of the premises licence, a copy of which must be prominently displayed on the premises at all times.

Consultation

The forms were developed by members of the National Licensing Forum which included representatives from the licensed trade, licensing boards and other interests. The Scottish Government undertook a consultation on a draft of these Regulations 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 Government 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 Inn keeping;
- 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 implications for the Scottish Government. Costs will fall on Licensing Boards in respect of administering the applications for licences but these will be offset by fees received from applicants. Parliament will be invited to consider regulations in due course which would set the level of fees payable under the Licensing (Scotland) Act 2005. There may also be a cost placed on business where professional advice may be sought on the completion of the forms and in preparing operating or layout plans. This was addressed in the RIA which accompanied the Licensing (Scotland) Bill on introduction.

Criminal Justice Directorate
2007