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SCOTTISH STATUTORY INSTRUMENTS

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**2007 No. 336**

**LICENSING (LIQUOR)**

**The Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007**

<i>Made</i>	- - - -	<i>21st June 2007</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>25th June 2007</i>
<i>Coming into force</i>	- -	<i>1st February 2008</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 27(3) and 146(2) of the Licensing (Scotland) Act 2005<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 and shall come into force on 1st February 2008.

(2) In these Regulations—

“the Act” means the Licensing (Scotland) Act 2005; and

“adult entertainment” means any form of entertainment which—

- (a) involves a person performing an act of an erotic or sexually explicit nature; and
- (b) is provided wholly or mainly for the sexual gratification or titillation of the audience.

**Mandatory condition – all premises**

2. The condition specified in paragraph 1 of the Schedule must be imposed by a Licensing Board on the granting by it of a premises licence falling within section 27(4) of the Act.

**Mandatory conditions – certain premises**

3.—(1) The conditions specified in paragraphs 2 to 6 of the Schedule must be imposed by a Licensing Board on the granting by it of a premises licence falling within section 27(4) of the Act if it appears to the Board from the operating plan for the premises that they fall within the description in paragraph (2).

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(1) 2005 asp 16.

(2) That description is premises (other than premises to which paragraph (3) applies) the capacity of which is at least 250 people and which—

(a) will regularly provide at any time in the period between 1:00 am and 5:00 am—

(i) live or recorded music with a decibel level exceeding 85dB;

(ii) facilities for dancing; or

(iii) adult entertainment; or

(b) when fully occupied, are likely to have more customers standing than seated.

(3) This paragraph applies to premises—

(a) the primary function of which is the service of food;

(b) which include, or are part of larger premises which include, at least 6 letting bedrooms;

(c) in respect of which a licence under section 12 of the Theatres Act 1968(2) or section 1 of the Cinemas Act 1985(3) is in force; or

(d) which are, or are part of, an art gallery.

St Andrew's House, Edinburgh  
21st June 2007

*KENNY MACASKILL*  
A member of the Scottish Executive

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(2) 1968 c. 54; section 12 was amended by S.S.I. 2006/475.

(3) 1985 c. 13; section 1 was amended by S.S.I. 2006/475.

## SCHEDULE

Regulations 2 and 3(1)

### LICENCE CONDITIONS

1. A person trained to the satisfaction of the Licensing Board in administering first aid must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am.
2. A designated person who is the holder of a personal licence must be present on the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am or such other time as the Licensing Board may specify.
3. There must be written policies in existence concerning—
  - (a) the evacuation of the premises; and
  - (b) the prevention of the misuse of drugs on the premises.
4. A CCTV system must be installed on the premises to the satisfaction of the appropriate chief constable and must be kept in good working order.
5. There must be persons responsible for checking on the safety and wellbeing of persons using any toilet facilities on the premises.
6. A person who holds a licence granted under section 8 of the Private Security Industry Act 2001<sup>(4)</sup> must be positioned at every entrance to the premises from 1:00 am (on any day when the premises are open at that time) until whichever is the earlier of—
  - (a) the time at which the premises next close; and
  - (b) 5:00 am or such other time as the Licensing Board may specify.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations specify conditions which must be imposed by a Licensing Board on the granting of a premises licence where the operating plan 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 condition in paragraph 1 of the Schedule must be imposed in all such cases and those in paragraphs 2 to 6 in all such cases which fall within regulation 3.

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(4) 2001 c. 12.