

**2007 No. 33**

**LICENSING (LIQUOR)**

**The Licensing Register (Scotland) Regulations 2007**

*Made* - - - - - *31st January 2007*

*Laid before the Scottish Parliament* *2nd February 2007*

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

The Scottish Ministers, in exercise of the powers conferred by sections 9(2) and 146(2) of the Licensing (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Licensing Register (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

“Board” means a Licensing Board continued in existence or established under section 5 of the Act.

**Form of register**

2. A licensing register is to be in documentary or electronic form, or partly in one form and partly in the other.

**Premises licence information**

3.—(1) A Board’s licensing register is to contain a copy of any application made to the Board under subsection (1) of section 20 of the Act for the issue of a premises licence, together with a copy of the operating plan and the layout plan which accompanied the application in terms of subsection (2)(b) of that section.

(2) A Board’s licensing register is to contain the following information in respect of each premises licence issued by the Board under section 26 of the Act—

- (a) a copy of the operating plan and layout plan contained within the licence in terms of subsection (2)(e) of that section;
- (b) details of any conditions imposed under section 27(6) of the Act;
- (c) a copy of any application under section 29(1) or 35(1) of the Act to vary the licence together with details of the decision on the application;
- (d) details of the decision on any application under section 33(1) or 34(1) of the Act to transfer the licence;

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(a) 2005 asp 16.

- (e) where a review hearing has been held under section 38(1) of the Act, details of the grounds for the review and of the decision at the hearing;
- (f) a copy of any application under section 47(2)(a) of the Act for the issue of a temporary premises licence and details of the decision on the application; and
- (g) a copy of any application under section 68(1) of the Act for an extension of licensed hours and details of the decision on the application.

(3) A copy of an operating plan held on a register by virtue of subsection (1) or (2)(a) need not show the address of the individual who is to be the premises manager.

### **Summary of premises licence information**

**4.**—(1) A licensing register is to contain a summary of the information held on the register by virtue of regulation 3.

(2) The summary is to be arranged by reference to the postcodes of the premises in respect of which applications under section 20(1) of the Act have been made.

(3) The summary is to list the following information in respect of each application under section 20(1) of the Act—

- (a) the name of the premises; and
- (b) the address of the premises.

(4) The summary is to list the following information in respect of each premises licence issued (so far as that information is applicable in the case in question)—

- (a) the name of the licence holder;
- (b) the name of the premises manager;
- (c) the licensed hours of the premises;
- (d) a note of any decision on a variation application under section 29(1) of the Act; and
- (e) a note of any decision taken on an extended hours application under section 68(1) of the Act.

### **Occasional licence information**

**5.**—(1) A Board's licensing register is to contain the following information in respect of each application made to the Board under section 56(1) of the Act for the issue of an occasional licence—

- (a) a copy of the application; and
- (b) details of the decision on the application, including (where the application is granted), details of any conditions imposed under section 60(4) of the Act.

(2) Information held on a register by virtue of paragraph (1) is to be placed on the register in chronological order by reference to the date on which the application to which the information relates was made.

### **Summary of occasional licence information**

**6.**—(1) A licensing register is to contain a summary of the information held on the register by virtue of regulation 5.

(2) The summary is to list the following information in respect of each occasional licence issued—

- (a) the address of the premises;
- (b) the name of the licence holder;
- (c) the period during which the licence has effect;
- (d) the times during which alcohol may be sold; and

- (e) the nature of the event in respect of which the licence was issued.

#### **Personal licence information**

7.—(1) A Board's licensing register is to contain the following information in respect of each personal licence issued by the Board under section 76 of the Act—

- (a) the name of the licence holder;
- (b) details of any change of that person's name;
- (c) the number allocated to the licence;
- (d) the expiry date of the licence;
- (e) details of the decision taken at any hearing under section 83(7) of the Act; and
- (f) details of the decision taken at any hearing under section 86(1) of the Act.

(2) Information held on a register by virtue of sub-paragraph (e) or (f) of paragraph (1) is not to include details of the nature of any criminal offence which may have been committed by the licence holder.

(3) Information held on a register by virtue of paragraph (1) is to be placed on the register in chronological order by reference to the date on which the licence to which the information relates was issued.

#### **Information about closure orders**

8. A Board's licensing register is to contain the following information in respect of each closure order made by the Board under section 97(1) of the Act—

- (a) details of the period of closure specified in the order;
- (b) details of the grounds for making the order; and
- (c) details of any subsequent decision by the Board under section 98(3) of the Act to terminate the order.

#### **Periods for which information to remain on the register**

9.—(1) Where information in respect of an application is held on a Board's licensing register by virtue of regulation 3(1) or 5(1) and that application was refused by the Board, the information must remain on the register for a period of five years from the date of the refusal.

(2) In any other case of information held on a register by virtue of regulation 3(1) or 5(1), the information must remain on the register for a period of five years from the date on which the premises licence, or as the case may be the occasional licence, in question ceased to have effect.

(3) Information held on a register by virtue of regulation 3(2) or 7(1) must remain on the register for a period of five years from the date on which the premises licence, or as the case may be the personal licence, in question ceased to have effect.

*GEORGE LYON*

Authorised to sign by the Scottish Ministers

St Andrew's House,  
Edinburgh  
31st January 2007

## **EXPLANATORY NOTE**

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

Section 9 of the Licensing (Scotland) Act 2005 (“the Act”) requires every Licensing Board to keep a licensing register containing information relating to licences issued by the Board and decisions taken by it. These Regulations make provision as to the form of the licensing register (regulation 2) and the detailed information to be held on it.

There is provision made as to premises licence information (regulations 3 and 4), occasional licence information (regulations 5 and 6) and personal licence information (regulation 7). Regulation 8 requires the licensing register to contain information in relation to closure orders under section 97(1) of the Act. Regulation 9 specifies the periods for which information is to remain on the register.

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