

# LICENSING (SCOTLAND) ACT 2005

---

## EXPLANATORY NOTES

### COMMENTARY ON PARTS

#### **Part 6 – Personal Licences**

##### *Section 84 – Conduct inconsistent with the licensing objectives*

174. This section provides the procedure that Licensing Boards must adopt when, in the course of reviewing a premises licence under section 38 of the Act, the Board finds that a personal licence holder was acting on the premises in question in a manner that was not consistent with the licensing objectives established by this Act.
175. Subsections (3) to (5) provide that if the situation in subsection (1) applies then a hearing must be held by the Licensing Board for the area in which the personal licence holder is working or, if the licence holder is not working, by the Licensing Board which issued the personal licence. There is provision requiring the Licensing Board making the finding to notify the Licensing Board which is to hold the hearing, where they are not the same.
176. Subsections (6) and (7) provides a power for the Licensing Board holding the hearing to revoke, suspend or endorse the personal licence holder's licence if satisfied that it is necessary to do so for the purposes of any of the licensing objectives.
177. Subsection (8) places a duty on the Licensing Board to give notice of the making of an order to those persons listed in paragraphs (a) to (c).