



Licensing (Scotland) Act 2005

2005 asp 16

PART 2

LICENSING BODIES AND OFFICERS

Licensing Standards Officers

13 Licensing Standards Officers

- (1) Each council must appoint for their area one or more officers to be known as Licensing Standards Officers.
- (2) A person may hold more than one appointment under subsection (1) (so as to be a Licensing Standards Officer for more than one council area).
- (3) A Licensing Standards Officer is to exercise, in relation to the (or each) council area for which the Officer is appointed, the functions conferred on a Licensing Standards Officer by virtue of this Act.
- (4) The number of Licensing Standards Officers for any council area is to be such as the council may determine.
- (5) The Scottish Ministers may by regulations prescribe qualifications and experience required for appointment as a Licensing Standards Officer.
- (6) Where the Scottish Ministers have made regulations under subsection (5), a council must not appoint an individual to be a Licensing Standards Officer unless the individual possesses the qualifications and experience prescribed in the regulations in relation to that appointment.
- (7) Otherwise, the terms and conditions of appointment of a Licensing Standards Officer appointed by a council under this section are to be such as the council may determine.

Commencement Information

- II** S. 13 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, [Sch.](#)

Status: Point in time view as at 29/06/2018.

Changes to legislation: Licensing (Scotland) Act 2005, Cross Heading: Licensing Standards Officers is up to date with all changes known to be in force on or before 03 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

14 General functions of Licensing Standards Officers

- (1) A Licensing Standards Officer for a council area has the following general functions—
- (a) providing to interested persons information and guidance concerning the operation of this Act in the area,
 - (b) supervising the compliance by the holders of—
 - (i) premises licences, or
 - (ii) occasional licences,
 in respect of premises in the area with the conditions of their licences and other requirements of this Act,
 - [^{F1}(ba) providing information to Licensing Boards about any conduct of holders of, or persons applying for, personal licences in the area, which is inconsistent with the licensing objectives,]
 - (c) providing mediation services for the purpose of avoiding or resolving disputes or disagreements between—
 - (i) the holders of the licences referred to in paragraph (b), and
 - (ii) any other persons,
 concerning any matter relating to compliance as referred to in that paragraph.
- (2) The function under subsection (1)(b) includes, in particular, power—
- (a) where a Licensing Standards Officer believes that any condition to which a premises licence or occasional licence is subject has been or is being breached—
 - (i) to issue a notice to the holder of the licence requiring such action to be taken to remedy the breach as may be specified in the notice, and
 - (ii) if, in the case of a premises licence, such a notice is not complied with to the satisfaction of the Officer, to make a premises licence review application in respect of the licence,
 - (b) in relation to a premises licence, to make an application under that section for review of the licence on any other competent ground for review.

Textual Amendments

F1 S. 14(1)(ba) inserted (15.5.2017) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\), ss. 57, 88\(2\); S.S.I. 2017/119, art. 2, sch.](#)

Commencement Information

I2 S. 14 in force at 1.5.2007 by [S.S.I. 2007/129, art. 3, sch.](#)

15 [^{F2}Powers of entry, inspection and seizure]

- (1) A Licensing Standards Officer for a council area may, for the purpose of determining whether the activities being carried on in any licensed premises in the area are being carried on in accordance with—
- (a) the premises licence or, as the case may be, occasional licence in respect of the premises, and
 - (b) any other requirements of this Act,
- exercise the powers specified in subsection (2).
- (2) The powers referred to subsection (1) are—

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- (a) power to enter the premises at any time for the purpose of exercising the power specified in paragraph (b),^{F3} ...
 - (b) power to carry out such inspection of the premises and of any substances, articles or documents found there as the Officer thinks necessary.
 - [^{F4}(c) power to take copies of, or of an entry in, any document found on the premises, and
 - (d) power to seize and remove any substances, articles or documents found on the premises.]
- (3) Where a Licensing Standards Officer exercises [^{F5}any] of those powers in relation to any licensed premises, the persons specified in subsection (4) must—
- (a) give the Officer such assistance,
 - (b) provide the Officer with such information [^{F6}or explanation], and
 - (c) produce to the Officer such documents,
- as the Officer may reasonably require.
- (4) The persons referred to in subsection (3) are—
- (a) the holder of the premises licence or, as the case may be, occasional licence in respect of the premises,
 - (b) in the case of licensed premises in respect of which a premises licence has effect, the premises manager, and
 - (c) in any case, any person working on the premises at the time the Officer is exercising the power.
- [^{F7}(4A) Subsection (3)(c) includes power to require any document which is stored in electronic form and which is accessible from the premises to be produced in a form—
- (a) in which it is legible, and
 - (b) in which it can be removed from the premises.
- (4B) Nothing in subsection (3) requires a person to produce any document if the person would be entitled to refuse to produce that document in any proceedings in any court on the grounds of confidentiality of communications.
- (4C) Nothing in subsection (3) requires a person to provide any information or explanation or produce any document if to do so would incriminate that person or that person's spouse or civil partner.]
- (5) A person who—
- (a) intentionally obstructs a Licensing Standards Officer in the exercise of any power under subsection (2), or
 - (b) refuses or fails, without reasonable excuse, to comply with a requirement made under subsection (3),
- commits an offence.
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- [^{F8}(7) The Scottish Ministers may by regulations make further provision about the procedure to be followed in the exercise of a power under this section.
- (8) Where a Licensing Standards Officer seizes any substance, article or document under subsection (2)(d), the Officer must leave on the premises a notice—
- (a) stating what was seized, and

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- (b) explaining why it was seized.
- (9) The Scottish Ministers may by regulations make provision about the treatment of substances, articles or documents seized under subsection (2)(d).
- (10) Regulations under subsection (9) may, in particular, make provision—
 - (a) about the retention, use, return, disposal or destruction of anything seized,
 - (b) about compensation for anything seized.]

Textual Amendments

- F2** S. 15 heading substituted (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(2), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)
- F3** Word in s. 15(2) repealed (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(3)(a), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)
- F4** S. 15(2)(c)(d) inserted (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(3)(b), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)
- F5** Word in s. 15(3) substituted (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(4)(a), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)
- F6** Words in s. 15(3)(b) inserted (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(4)(b), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)
- F7** S. 15(4A)-(4C) inserted (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(5), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)
- F8** S. 15(7)-(10) inserted (29.6.2018) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), ss. 197(6), 206(1); S.S.I. 2018/102, art. 2(b) (with art. 4)

Commencement Information

- I3** S. 15 in force at 1.9.2009 at 5.00 a.m. by S.S.I. 2007/472, art. 3

16 Training of Licensing Standards Officers

- (1) A Licensing Standards Officer must comply with such requirements as to the training of Licensing Standards Officers as may be prescribed.
- (2) If a Licensing Standards Officer fails to comply with subsection (1), the (or each) council which appointed the Officer must terminate the Officer's appointment.
- (3) Regulations under subsection (1) prescribing training requirements may, in particular—
 - (a) provide for accreditation by the Scottish Ministers of—
 - (i) courses of training, and
 - (ii) persons providing such courses,
 for the purposes of the regulations,
 - (b) prescribe different requirements in relation to different descriptions of Licensing Standards Officers, and
 - (c) require that any person providing training or any particular description of training in accordance with the regulations holds such qualification as may be prescribed in the regulations.

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Commencement Information

I4 S. 16 in force at 1.5.2007 by [S.S.I. 2007/129](#), art. 3, [Sch.](#)

Status:

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