



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.

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,

Status: This is the original version (as it was originally enacted).

- (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,
 - (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.

15 Powers of entry and inspection

- (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—
- (a) power to enter the premises at any time for the purpose of exercising the power specified in paragraph (b), and
 - (b) power to carry out such inspection of the premises and of any substances, articles or documents found there as the Officer thinks necessary.
- (3) Where a Licensing Standards Officer exercises either 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, 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.
- (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.

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.