



# Licensing (Scotland) Act 2005

## 2005 asp 16

### PART 6

#### PERSONAL LICENCES

##### *Conduct inconsistent with licensing objectives*

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

- (1) This section applies where, in the course of a review hearing in respect of any premises licence, a Licensing Board makes a finding such as is mentioned in subsection (2) in relation to any personal licence holder who is or was working in the licensed premises in respect of which the premises licence was issued (“the licensed premises concerned”).
- (2) That finding is a finding that the licence holder concerned, while working as mentioned in subsection (1), acted in a manner which was inconsistent with any of the licensing objectives.
- (3) The Licensing Board making the finding must—
  - (a) if the licence holder concerned is, at the time of the finding, working in licensed premises (whether the licensed premises concerned or other licensed premises) in that Board’s area, hold a hearing,
  - (b) in any other case, give notice to the relevant Licensing Board of their finding together with a recommendation as to whether the personal licence held by the licence holder concerned should be revoked, suspended or endorsed.
- (4) In subsection (3)(b), “relevant Licensing Board” means—
  - (a) if the Licensing Board making the finding referred to in subsection (1) has reason to believe that the licence holder concerned is working at licensed premises situated in the area of another Licensing Board, that other Licensing Board,
  - (b) in any other case, the Licensing Board which issued the personal licence held by the licence holder concerned.
- (5) Where a Licensing Board receives a notice and recommendation under subsection (3)(b), the Board must hold a hearing.

- (6) At a hearing under subsection (3)(a) or (5), the Licensing Board may—
- (a) after giving—
    - (i) the licence holder concerned, and
    - (ii) such other persons as they consider appropriate, an opportunity to be heard, and
  - (b) if satisfied that it is necessary to do so for the purposes of any of the licensing objectives,
- make an order under subsection (7).
- (7) That is an order—
- (a) revoking,
  - (b) suspending for such period, not exceeding 6 months, as the Board considers appropriate, or
  - (c) endorsing,
- the personal licence held by the licence holder concerned.
- (8) Where the Licensing Board makes an order under subsection (7), the Board must give—
- (a) the licence holder concerned,
  - (b) where the hearing was held in pursuance of a notice given under subsection (3)(b), the Licensing Board which gave the notice, and
  - (c) if different, the Licensing Board which issued the personal licence,
- notice of the order and of the reasons for making it.