

CRIMINAL JUSTICE AND LICENSING (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 - Alcohol Licensing

Section 197 - Powers of Licensing Standards Officers

781. This section amends section 15 of the Licensing (Scotland) Act 2005 Act to widen the powers available to Licensing Standards Officers (“LSOs”) when investigating the activities being carried out on licensed premises.
782. Section 15(2) of the 2005 Act provides LSOs with powers to enter and carry out an inspection of the premises. Section 197(3) amends section 15(2) of the 2005 Act to allow LSOs to take copies of documents and to seize and remove any substances, articles or documents found on the premises.
783. Where LSOs exercise any of their powers under section 15 of the 2005 Act then section 15(3), as amended by section 197(4), amends section 15(3) to allow the LSOs to require an explanation from the licence holder, the premises manager or any member of staff working on the premises at the time the powers are exercised.
784. **Section 197(5)** makes further amendments to section 15 of the 2005 Act. It provides that the LSOs’ power to take copies of documents includes the power to request certain documents stored in electronic form. It provides that a person may refuse to produce a document required by an LSO on the grounds of confidentiality of communications. It also allows a person to refuse to provide information or explanation or produce any documents to an LSO if this would incriminate that person or their spouse or civil partner.
785. **Section 197(6)** inserts new subsections into section 15 of the 2005 Act. These allow Ministers to make regulations on the procedure to be followed in the exercise of an LSO’s powers and on the treatment of items seized by an LSO. Such regulations may include provision on the treatment of items seized and about compensation for anything seized. Section 197(8) provides that where an LSO seizes any item from the premises then the LSO must leave a notice on the premises specifying what was seized and why those items were seized.