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

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,
   [(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


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.

(1A) Subsections (1B) and (1C) apply if a Licensing Standards Officer is, for a reason relating to coronavirus, unable to comply with a requirement prescribed by regulations under subsection (1) to undertake a course of training within a particular period.

(1B) The period within which the course is to be undertaken—
(a) may be extended, on one or more than one occasion, by the (or each) council which appointed the Officer, but
(b) must not be extended beyond the date that is 12 months after the date by which the course would have had to be undertaken were it not for this subsection.

(1C) If a council extends the period—
(a) during the period of the extension, the Officer is not to be treated by that council as failing to comply with subsection (1) on the basis of having failed to undertake a course within a particular period, but
(b) at the end of the period of the extension, the Officer is to be treated by that council as failing to comply with subsection (1) if the Officer has not undertaken the course.
(2) [F3 Subject to subsection (1C),] 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.

Textual Amendments

F2 S. 16(1A)-(1C) inserted (temp.) (7.4.2020) by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 17(1), sch. 5 para. 5(2)(a) (with ss. 11-13)

F3 Words in s. 16(2) inserted (temp.) (7.4.2020) by virtue of Coronavirus (Scotland) Act 2020 (asp 7), s. 17(1), sch. 5 para. 5(2)(b) (with ss. 11-13)

Commencement Information

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 22 April 2020. 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.
View outstanding changes

Changes and effects yet to be applied to:
- specified provision(s) Appointed Day(s) by S.S.I. 2006/239 art. 2 (This S.S.I. is revoked on 25.5.2006 by S.S.I. 2006/286, art. 6)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- s. 15(2)(c)(d) inserted by 2010 asp 13 s. 197(3)(b)
- s. 15(4A)-(4C) inserted by 2010 asp 13 s. 197(5)
- s. 15(7)-(10) inserted by 2010 asp 13 s. 197(6)
- s. 33(1)(1A) substituted for s. 33(1)-(3) by 2015 asp 10 s. 49(2)(a)
- s. 33(8)(za) inserted by 2015 asp 10 s. 49(2)(c)
- s. 33(8A) inserted by 2015 asp 10 s. 49(2)(d)
- s. 33A inserted by 2015 asp 10 s. 49(4)
- s. 102(4)(aa) inserted by S.S.I. 2019/6 reg. 5(2)
- s. 108(7)(aa) inserted by S.S.I. 2019/6 reg. 5(3)
- s. 134ZA-134ZC inserted by 2015 asp 10 s. 61(2)
- s. 147(5) inserted by 2010 asp 13 s. 184(4)
- s. 147(5) words repealed by 2015 asp 10 s. 59(5)