



## Licensing (Scot) Act 2005

### Complaints Process

The Licensing (Scotland) Act 2005 goes “live” on the 1 September 2009. This act establishes a national policy framework aimed at tackling **all** aspects of licensing policy in Scotland. It is governed by five basic “principles”, known as the “licensing objectives”. These are:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

(LSA 2005 Sec.4)

The 2005 act has also introduced the role of the Licensing Standards Officer (LSO). Along with providing general information, advice and awareness of this act, the LSO is responsible for;

*Providing mediation services for the purpose of avoiding or resolving disputes or disagreements between-*

- i) the holders of premises licences or occasional licences*
- ii) any other persons concerning any matter relating to compliance as referred to in the act.*

It should also be noted that section 22 4) states ‘ A licensing Board may reject a notice of objection or representation received by the Board under subsection 1, if the Board considers the objection or representation is frivolous or vexatious.

In most cases it is hoped that matters can be satisfactorily resolved and mediation achieved, however, should this prove not to be the case the LSO can issue a Notice to a licensee holder requiring particular action to be taken. In the event that this is not successful an LSO can make an application to the Licensing Board for a review of the premises licence.

***Should any person wish to make a complaint regarding any licensed premises or the running of such premises they should contact the LSO for Moray. This can be done by contacting him at***

***The Moray Council  
232 High Street  
ELGIN  
Moray  
IV30 1BA  
01343 554646  
andrew.walker@moray.gov.uk***