

LICENSING (SCOTLAND) ACT 2005

GUIDANCE ON APPLYING FOR AN OCCASIONAL LICENCE

Before lodging your application for Occasional Licence please ensure that you have read the following guidance and the Board's [Licensing Policy Statement Paragraph 11](#)

1. What is an Occasional Licence?

An Occasional Licence allows alcohol to be sold on unlicensed premises for a specified period of no more than 14 days.

A licensed Private Members Club can also apply for an Occasional Licence if they intend to provide a function or event that is open to non-members.

2. Who can apply?

An application can only be made by:

- The holder of a premises Licence
- The holder of a personal licence or
- A representative of a voluntary organisation – where the application relates to an event taking place in connection with the voluntary organisation's activities.

3. Are there Restrictions on how often you can apply for an Occasional Licence?

Voluntary Organisation

During any period of 12 Months a voluntary organisation can be issued:

- (a) No more than 4 occasional licences each having effect for a period of 4 days or more; and
- (b) No more than 12 occasional licences each having effect for a period of less than 4 days.

provided that, in any period of 12 months, the total number of days on which Occasional licences are issued does not exceed 56.

Licensed Private Members Club

During any period of 12 months a Private Members Club can be issued:

- (a) No more than 4 occasional licences each having effect of 4 days or more; and
- (b) No more than 12 occasional licences each having effect for a period of less than 4 days,

provided that, in any period of 12 months, the total number of days on which occasional licences are issued does not exceed 56.

There are no restrictions on the number of occasional licences which can be applied for by the holder of a premises licence or the holder of a personal licence. Applicants should however, be aware that Paragraph 11.4 of the Board's

Licensing Policy Statement sets out that Occasional Licences cannot be used as a way to circumvent the full licence process.

4. What needs to Accompany the Application?

1. The Board expects any licensee or organisation holding an event to have written policies in place which show how the licensing objectives will be met. These policies should relate to and be appropriate to the particular event as follows:
 - a. Adequate and appropriate stewarding to be in place;
 - b. The use of toughened glass and plastic drinking vessels, where appropriate;
 - c. How the challenge 25 mandatory conditions will be met;
 - d. An undertaking that there will be full compliance with any guidance or advice from the Licensing Standards Officer, the Police, The Fire and Rescue Service and other appropriate authority;
 - e. Details of measures put in place to lessen the chance of noise nuisance from any entertainment;
 - f. Any further policies relating to the event should be shown under the appropriate licensing objective heading. If children are to be present in licensed areas then particular attention and detail should be given to show how they will be protected from harm; and
 - g. Declaration that a section 110 notice will be displayed at each place on the premises where sales of alcohol are made

The above information should be provided in the form of an event plan or other suitable document and submitted along with the application. **Any application lodged without this information will be returned to the applicant without being processed.**

2. Applications lodged in connection with outdoor events must be accompanied by a layout plan of the event space clearly showing the area to be licensed.
3. If applicable, a copy of your personal licence (You need not enclose a copy of your licence if it is issued by Aberdeen City Licensing Board)
4. The application must be accompanied by the application fee.

In addition to the above, the Board may request such information as considered necessary in order to assist it to determine the application.

5. How do I apply?

By Email

You can submit your application by email to licensing@aberdeencity.gov.uk

Online

www.aberdeencity.gov.uk

6. How much is the Application Fee?

The fee for an Occasional licence is £10.00.

Applications lodged by post can be paid on our online portal [Civica Payments Portal - Pay Here \(civicaepay.co.uk\)](https://civicaepay.co.uk)

7. How far in advance of my event should I make my application?

Applications should be made no later than 28 days in advance of the event.

We cannot guarantee that applications received outwith this timescale time will be processed in time. For events taking place at short notice (such as a funeral) the Board may determine these where the Board is satisfied that the application requires to be dealt with quickly. In these circumstances the Board would expect the applicant to explain the circumstances and each individual application would be considered on its own merits.

8. How will the Application be processed?

Once the application has been received copies are sent to Police Scotland and to the Council's Licensing Standards Officer (LSO). The Police have 7 days in which they may respond to the Licensing Board and the LSO has 21 days.

Details of the application are also published online for a period of 7 days. Any person can submit an objection or representation to the Board during the 7 day objection period.

Once reports have been received and the objection period has ended, if there have been no objections or representations received the application can be granted by Officers using delegated powers.

If an objection or representation is received, a copy of the objection/representation will be sent to the applicant for his information and response.

The application, supporting documentation, objection/representation and the applicant's response will then be considered by a sub-group of the Licensing Board.

9. What happens after my application is granted?

If you have provided an email address you will receive an email advising that your application has been granted and attaching the Occasional Licence, a hard copy of the Licence will also be issued in the post. If you have not provided an email address we will issued the licence to you by post.

10. What happens if my application is refused?

If you have provided an email address you will receive an email advising you of the decision, a hard copy letter will also be issued in the post. If you have not provided an email address you will receive a letter advising you of the decision. If you wish, you have the right to appeal the decision to the Sheriff Court.

The Licensing Board cannot provide guidance on making an appeal; you should consider seeking your own independent legal advice.

11. Are there conditions attached to the Licence?

Yes. There are standard conditions attached to all occasional licences. A copy of these conditions is provided at appendix 1 of this guidance. You will be expected to comply with these conditions; failure to do so may constitute a criminal offence. The Board may also attach further conditions if it considers it necessary to do so.

OCCASIONAL LICENCE
MANDATORY CONDITIONS

Interpretation

1. In this schedule, “the premises” means, in relation to any occasional licence, the premises specified in the licence.

Compliance with licence

2. (1) Alcohol may be sold on the premises only in accordance with the terms of the licence.

(2) Nothing in sub-paragraph (1) is to be read as preventing or restricting the doing of anything referred to in section 63(2).
3. Any other activity to be carried on in the premises may be carried on only in accordance with the description of the activity contained in the licence.

Authorisation of sales of alcohol

4. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to the holder of a premises licence or personal licence.

(2) Every sale of alcohol made on the premises to which the licence relates must be authorised (whether generally or specifically) by the holder of a personal licence.

Voluntary organisations

5. (1) The condition specified in sub-paragraph (2) applies only to an occasional licence issued to a representative of a voluntary organisation.

(2) Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation’s activities.

Pricing of Alcohol

- 5B (1) A package containing two or more alcoholic products (whether of the same or different kinds) may only be sold on the premises at a price equal to or greater than the sum of the prices at which each alcoholic product is for sale.

(2) Sub-paragraph (1) applies –
(a) only where each of the alcoholic products is for sale on the premises separately, and

(b) regardless of whether or not the package also contains any item which is not an alcoholic product.

(3) In this paragraph “alcoholic product” means a product containing alcohol and includes the container in which alcohol is for sale.

6. Where the price at which any alcohol sold on the premises for consumption on the premises is varied—

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation of the price at which that or any other alcohol is sold on the premises for consumption on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation. Irresponsible drinks promotions

6A Where the price at which any alcohol sold on the premises for consumption off the premises is varied –

(a) the variation (referred to in this paragraph as “the earlier price variation”) may be brought into effect only at the beginning of a period of licensed hours, and

(b) no further variation in the price at which that alcohol is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation.

Irresponsible drinks promotions

7. (1) An irresponsible drinks promotion must not be carried on in or in connection with the premises.

(2) Subject to sub-paragraph (3), a drinks promotion is irresponsible if it—

(a) relates specifically to an alcoholic drink likely to appeal largely to persons under the age of 18,

(b) involves the supply of an alcoholic drink free of charge or at a reduced price on the purchase of one or more drinks (whether or not alcoholic drinks),

(c) involves the supply free of charge or at a reduced price of one or more extra measures of an alcoholic drink on the purchase of one or more measures of the drink,

(d) involves the supply of unlimited amounts of alcohol for a fixed charge (including any charge for entry to the premises),

(e) encourages, or seeks to encourage, a person to buy or consume a larger measure of alcohol than the person had otherwise intended to buy or consume,

(f) is based on the strength of any alcohol,

(g) rewards or encourages, or seeks to reward or encourage, drinking alcohol quickly, or

(h) offers alcohol as a reward or prize, unless the alcohol is in a sealed container and consumed off the premises.

(3) Paragraphs (c) to (e) of sub-paragraph (2) apply only to a drinks promotion carried on in relation to alcohol sold for consumption on the premises.

(4) The Scottish Ministers may by regulations modify sub-paragraph (2) or (3) so as to—

(a) add further descriptions of drinks promotions,

(b) modify any of the descriptions of drinks promotions for the time being listed in it,

or

(c) extend or restrict the application of any of those descriptions of drinks promotions.

(5) In this paragraph, “drinks promotion” means, in relation to any premises, any activity which promotes, or seeks to promote, the buying or consumption of any alcohol on the premises.

Provision of non-alcoholic drinks

8. (1) The conditions specified in this paragraph apply only to the extent that the occasional licence authorises the sale of alcohol for consumption on the premises.

(2) Tap water fit for drinking must be provided free of charge on request.

(3) Other non-alcoholic drinks must be available for purchase at a reasonable price.

Age Verification Policy

9 (1) There must be an age verification policy in relation to the sale of alcohol on the premises.

(2) An “age verification policy” is a policy that steps are to be taken to establish the age of a person attempting to buy alcohol on the premises (“the customer”) if it appears to the person selling the alcohol that the customer may be less than 25 years of age (or such older age as may be specified in the policy).

(3) The condition specified in this paragraph does not apply in relation to any sale of alcohol which takes place on the premises merely by virtue of being treated, by section 139, as taking place on the premises.

Aberdeen City Licensing Board

Application for Occasional Licence

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary.

You may wish to keep a copy of the completed form for your records.

1. LICENCE DETAILS (see note 1)				
Premises licence number (if applicable)				
Personal licence number (if applicable)				
Name & address of voluntary organisation (if applicable)				
2. PERSONAL DETAILS				
TITLE (delete as appropriate):		Mr Mrs Miss Ms Other (please state)		
Surname				
Forenames				
Date of Birth		Day	Month	Year
Address where ordinarily resident to be used for correspondence purposes:				
Post town:				Post code:
TELEPHONE NUMBERS				
Daytime				
Evening				
Mobile				
Fax Number				
E-mail Address (if you would prefer us to correspond with you by e-mail)				

3. THE PREMISES

Description of premises:

Description of activities to be carried on in the premises;

Full postal address of premises to which this application refers:

4. DURATION OF LICENCE

From:

To:

5. Is alcohol to be sold on & off the premises YES/NO* delete as appropriate

Provide relevant details as to hours requested when alcohol will be sold on/off the premises-

Times for sale of alcohol for consumption on premises:

Times for sale of alcohol for consumption off premises;

Statement of the times at which any activities other than the sale of alcohol will be carried on in the premises:

6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for **consumption on the premises**

Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry:

Times at which children or young persons permitted entry:

Parts of premises to which children or young persons permitted entry:

7. CHECKLIST

I have made or enclosed payment of the fee for the application Please tick

8. Signature and declaration by applicant (see note 3)**DECLARATION**

The contents of this Application are true to the best of my knowledge and belief.

SIGNATURE

DATE

NOTES

1. Section 56 of the Licensing (Scotland) Act provides that only:–
 - The holder of a premises licence;
 - The holder of a personal licence; or
 - A representative of any voluntary organisationis eligible to apply for an occasional licence
2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry
3. Information on the Licensing (Scotland) Act 2005 is available on the website of OPSI (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

How we use your information

Aberdeen City Licensing Board, collects and records the personal information you provide in this form, along with supporting documentation, in order to process your licence application.

In processing and determining your application, the Licensing Board will share the information you have provided with (1) the Chief Constable, Police Scotland (2) the local Licensing Standards Officer and (3) the members of the Licensing Board when they require to determine your application.

The Licensing Board will keep a licensing register, which is available for public inspection, this will include a record of your application. The record will show your name, and details of the final decision and / or licence granted.

The Licensing Board doesn't share the information you've provided with any other third parties, unless we're authorised or required to do so by law.

How long we keep your information for

If your application for an occasional licence is granted, the application and related documents will be retained by the Licensing Board for a period of 5 years, from the date the licence expires.

If your application is withdrawn or refused the application form and related documents will be retained for a period of 5 years from the date of withdrawal or refusal.

Your rights

You have rights in relation to your data, including the right to ask for a copy. [See more information about all the rights you have](#), as well as contact details for the Council's Data Protection Officer. You also have the right to make a complaint to

the [Information Commissioner's Office](#) if you think we haven't handled your data properly.

Our legal basis

Wherever the Licensing Board processes personal data, we need to make sure we have a legal basis for doing so in data protection law. The Licensing Board understands our basis for processing personal data in relation to your application for a licence is Article 6(e), Article 9(g) and Article 10 of the General Data Protection Regulation (GDPR) in that the Licensing Board is exercising its official authority and function under Sections 56 to 61 of the Licensing (Scotland) Act 2005 and as such requires to process some information which is classified as special category under GPDR for reasons of substantial public interest.



ABERDEEN LICENSING BOARD

Why are we asking these questions?

The Licensing Board wishes to ensure that its services are available to everyone who lives in Aberdeen, including persons who have protected characteristics in terms of the Equality Act 2010. Relevant protected characteristics may be in relation to Age, Disability, Gender reassignment, Marriage and civil partnership, Race, Religion or belief, Sex or Sexual orientation.

This questionnaire helps us to see who is using the Board's services and where we may be required to act to ensure a wider range of people can access our services.

How will this information be used?

The information on this form will be confidential and anonymous. It will be stored and analysed separately from any other personal information you may give. Any information you provide on this form will be used by Aberdeen City Council for statistical reporting in connection with analysing service use, and will only be processed in accordance with the Data Protection Act 1998. The results will be published in such a way that individuals who have contributed to the survey cannot be identified.

The information will have no bearing whatsoever in respect of applications or other processes under the Licensing (Scotland) Act 2005 and shall be processed completely separately.

Do I have to give this information?

You do not have to fill this form in, but doing so will help us monitor and improve our services.

Questionnaire

1. What is your date of birth

2. Are you male or female? Please tick.

Male

Female

3. What is your ethnic group?

Choose ONE section from A to F, and then tick ONE box which best describes your ethnic group or background.

A: WHITE

Scottish

Other British

Irish

Gypsy/Traveller

Polish

Other White ethnic group, please write in the box below

B: MIXED or MULTIPLE ETHNIC GROUPS

Any mixed or multiple ethnic groups, please write in the box below

C: ASIAN, ASIAN SCOTTISH or ASIAN BRITISH

Pakistani, Pakistani Scottish or Pakistani British

Indian, Indian Scottish or Indian British

Bangladeshi, Bangladeshi Scottish or Bangladeshi British

Chinese, Chinese Scottish or Chinese British

Other, please write in box below

D: AFRICAN

- African, African Scottish or African British
- Other, please write in the box below

E: CARRIBEAN OR BLACK

- Caribbean, Caribbean Scottish or Caribbean British
- Black, Black Scottish or Black British
- Other, please write in the box below

F: OTHER ETHNIC GROUP

- Arab, Arab Scottish or Arab British
- Other, please write in the box below

4. Do you have a physical or mental health condition or illness lasting, or expected to last, 12 months or more

- Yes
- No

5. If the answer to question 4 is yes, does this condition or illness affect you in any of the following areas? Tick all that apply

- Vision (for example blindness or partial sight)
- Hearing (for example deafness or partial hearing)
- Mobility (for example walking short distances or climbing stairs)
- Dexterity (for example listing or carrying objects, using a keyboard)
- Learning or understanding or concentrating
- Memory
- Stamina or breathing fatigue
- Socially or behaviourally (for example associated with autism, attention deficit disorder or Asperger's Syndrome)
- Other, please specify below

6. What religion, religious denomination or body do you belong to?

- None
- Church of Scotland
- Roman Catholic
- Other Christian
- Muslim
- Buddhist
- Sikh
- Jewish
- Hindu
- Pagan
- Another religion, please write in the box below

7. Which of the following best describes how you think of yourself?

- Heterosexual/straight
- Gay/Lesbian
- Bisexual
- Transgender
- Other

Completed forms can be returned anonymously along with application forms (in a separate envelope if you wish) or separately to the address or email address below.

Aberdeen Licensing Board
Equalities and Human Rights
Corporate Governance
Aberdeen City Council
Business Hub 6
L1S Marischal College
Aberdeen
AB10 1AB

Email:
licensing@aberdeencity.gov.uk