

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 8

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 Post

You can submit your application by post to the following address:

Licensing
Legal Services
Corporate Governance
Aberdeen City Council
Business Hub 6
Level 1 South
Marischal College
Aberdeen, AB10 1AB

At Our Customer Service Centre

Marischal College Customer Service Centre
Ground Floor
Marischal College
Broad Street
Aberdeen
AB10 1AB

Opening Hours: Monday to Friday 08:30 to 17:00

Online

www.aberdeencity.gov.uk (please note you would need to send any supporting documentation by post)

6. How much is the Application Fee?

The fee for an Occasional licence is £10.00.

Applications lodged by post can be paid by cheque or postal order only. Applications lodged in person can be made by Cash, Cheque, Postal Order, or Credit/Debit Card.

Cheques should be made payable to Aberdeen City Council

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

Applications should be made no later than 4 weeks 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 LSO has 21 days to respond to the application.

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.