

PERTH AND KINROSS LICENSING BOARD
GUIDANCE ON APPLYING FOR AN OCCASIONAL LICENCE

INTRODUCTION

Perth and Kinross Licensing Board regularly receives queries on applying for an Occasional Licence. The purpose of this note is to provide general guidance. It is, however, not an exhaustive statement of all rules, policies and procedures.

WHAT IS AN OCCASIONAL LICENCE?

An Occasional Licence relates to any premise which is not already a licensed premise by virtue of a Premises Licence. One exception to this relates to Qualifying Clubs which have a Premises Licence. Such a club may apply for an Occasional Licence although it already has a Premises Licence.

An Occasional Licence authorises the sale of alcohol on the premises and may, depending on the terms of the Occasional Licence, permit consumption of alcohol on and/or off those premises. "Premises" means any place and includes a vehicle, vessel or moveable structure. Premises are not limited to a building only.

Events for which an occasional licence is commonly sought include weddings, dinner dances, birthday parties, community events etc.

Premises licence holders looking to extend the hours of their premises licence should apply by way of an Application for Extended Hours which is separate from an Occasional Licence Application.

WHO MAY APPLY?

The following persons may apply for an Occasional Licence:-

- (a) the holder of a Premises Licence,
- (b) the holder of a Personal Licence, and
- (c) a representative of any Voluntary Organisation. **HOW**

LONG CAN AN OCCASIONAL LICENCE BE FOR?

An occasional licence can be for up to 14 days. The most common application received is for one day only.

WHEN SHOULD YOU APPLY?

A hearing may have to take place where the Board receives an objection or representation in relation to the application or a notice from the Chief Constable recommending refusal. Therefore, if an application is made less than seven weeks prior to the date or dates for which an Occasional Licence is sought, no guarantee can be given that your application will be determined and the outcome notified to you. However, if no such objections, representations or notice from the Chief Constable are received the application may be processed more quickly.

We would encourage applicants to provide as much advance notice as possible but not less than 7 weeks before the date or date(s) for which the Occasional Licence is sought.

Perth and Kinross Licensing Board will accept Occasional Licence Applications prior to 1 September 2009, the date on which the Licensing (Scotland) Act 2005 comes into full force and effect.

HOW DO I APPLY?

The Occasional Licence Application is prescribed by law. It is available on line at www.pkc.gov.uk. Alternatively, please contact us to request a form on 01738 475180; or email us by using_liquorlicensing@pkc.gov.uk.

The application form requests significant amounts of information. Please read and complete that form carefully. If you do not complete the form according to the requirements it may either delay the application or it may be rejected.

WHAT IS THE COST?

The fee for an Occasional Licence Application is set by the Scottish Government. Presently, the fee is £10.00. That must be paid at the same time as you submit your Occasional Licence Application form. If it is not, the application may be delayed or rejected.

Payment may be made by various methods including cash; cheque; credit/debit card payment. Any cheque should be made payable to "Perth and Kinross Council".

ARE THERE ANY RESTRICTIONS ON HOW OFTEN YOU CAN APPLY FOR AN OCCASIONAL LICENCE?

Yes, if you are a Voluntary Organisation or a Qualifying Club with a Premises Licence the following restrictions apply:-

In any period of 12 months –

- (a) not more than 4 Occasional Licences each having effect for a period of 4 days or more; and

- (b) not 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. Please note that the Licensing Board approved its Policy Statement which sets out a limit to the number of occasional licences for a single premises. When more than 30 days are sought, the Board expects a premises licence application to be submitted. Failure to do so may result in all further occasional licence applications being submitted to the Board for consideration rather than being dealt with under delegated powers.

Please note that this does not apply to places such as village halls where different organisations use the premises.

HOW IS THE APPLICATION PROCESSED?

It is not possible to explain all procedure in this Guidance Note, however, once an Occasional Licence Application is received both the Chief Constable and the Licensing Standards Officer are notified and given a copy of the application. Both have 21 days in which they may respond to the Board. Details of the application are also published on the Board's website at www.pkc.gov.uk for a period of 7 days. Any person may submit to the Board an objection or representation in relation to the application within that 7 days.

WILL YOU HAVE TO ATTEND A HEARING?

A hearing may take place where the Board receives an objection or representation in relation to the application or a notice from the Chief Constable recommending refusal. If not, the application can be delegated to the Clerk to Perth and Kinross Licensing Board. Any notice from the Chief Constable, report from the Licensing Standards Officer, or objection or representation will be copied to you.

WHAT DECISION MAKING POWERS DOES THE BOARD HAVE?

The Board may grant or refuse the application. In granting an application the Board must impose certain mandatory conditions. We would recommend that you read those mandatory conditions before applying for an Occasional Licence. Those mandatory conditions are available on line at www.pkc.gov.uk. Alternatively, please contact us to request a copy on 01738 475167 or email us by using liquorlicensing@pkc.gov.uk. The Board also has the power to impose further conditions (local conditions) as they consider necessary or expedient for the purposes of any of the licensing objectives.

It is the responsibility of the person who is granted the Occasional Licence to comply with the terms of the Licence, the mandatory conditions and any local conditions imposed.

The outcome of the Board's decision on an Occasional Licence Application is notified to the applicant, the Chief Constable, the Licensing Standards Officer and any person submitting an objection or representation within 7 days of the decision being taken. That decision can be appealed.

DOES THE BOARD HAVE ANY POLICY IN RELATION TO OCCASIONAL LICENCES?

Yes. The Board has a Policy Statement which, amongst other matters, sets out its policy on Occasional Licences. That includes what hours and activities may be considered acceptable for consumption of alcohol on the premises. For the sale of alcohol for consumption off the premises the maximum hours permissible in law are 10.00 am to 10.00 pm, 7 days per week.

Please note that the reference in the Policy Statement to submitting an application no later than 28 days before the event is due to take place has now been superseded. As above, you should provide at least 7 weeks advance notice.

The Policy Statement is published on the Board's website at www.pkc.gov.uk. Alternatively, please contact us to request a copy on 01738 475167 or email us by using_liquorlicensing@pkc.gov.uk.

QUALIFYING CLUBS

Although Qualifying Clubs have a Premises Licence, an Occasional Licence can still be applied for to permit general public entry subject to the restrictions mentioned earlier on the number of Occasional Licences which may be granted in any 12 month period.

In addition, during the period when an Occasional Licence has effect in respect of a club premises, the conditions of the Club's Premises Licence do not apply.

WILL THE RULES AND REGULATIONS FOR OCCASIONAL LICENCES REMAIN THE SAME?

No. It is expected that there will be changes to Occasional Licences once the Criminal Justice and Licensing (Scotland) Bill becomes an Act (Statute). This Guidance Note will be updated.

