

## Licensing (Scotland) Act 2005 (“2005 Act”) Guidance on Applying for an Occasional Licence

**Before lodging your application for Occasional Licence please ensure that you have read the following guidance.**

### 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. However in Glasgow there is a separate occasional licence for the use of external areas attached to a licensed premises where the maximum period is 6 months.

### 2. WHO CAN APPLY?

An application can only be made by:

- the holder of a Premises Licence issued under the 2005 Act; or
- the holder of a Personal Licence issued under the 2005 Act; or
- a representative of a voluntary organisation but only where the application relates to an event taking place in connection with the voluntary organisation's activities.
- Only the holder of the Premises Licence issued under the 2005 Act can apply for the external area attached to their licensed premises.

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.

### 3. IS THERE A POLICY ON WHAT HOURS I CAN APPLY FOR?

The Licensing Board is required to publish a Licensing Policy Statement setting out how it will exercise its functions under the 2005 Act. The relevant section of the policy statement for Occasional Licence applications is Part 8 and Part 12. The policy statement can be viewed using the following link:

<https://www.glasgow.gov.uk/index.aspx?articleid=17552>

Please note, under Part 8 of the policy statement Occasional Licence applications require to be submitted to the Licensing Board no later than **7 weeks** prior to the date or starting date of the event.

Please also note that under Part 8 of the policy statement where Occasional Licence applications are being applied for on a **regular basis** prior to a Premises Licence application being lodged or determined, it is likely the initial applications will be referred to the Licensing Board for consideration.

### 4. ARE THERE RESTRICTIONS ON HOW OFTEN YOU CAN APPLY FOR AN OCCASIONAL LICENCE?

There are certain restrictions set out in legislation.

#### **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.

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Please note that these totals apply to the *voluntary organisation* – not to the representative of the organisation or to the premises that is covered by the Occasional Licence.

Please note that whilst there is no requirement in the 2005 Act that applications can only be made for particular events arising from or related to the activities of the voluntary organisation your attention is drawn to mandatory condition 5 of an Occasional Licence (Occasional Licences: Schedule 4) which must be attached to the Occasional Licence. Condition 5 states,

***Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities.***

Breach of the above condition is a criminal offence.

Representatives of voluntary organisations may wish to give consideration to making an application for a Personal Licence. Where personal licence holders apply for an occasional licence they will not have to comply with condition 5 detailed above, which is specifically related to voluntary organisations. In addition, personal licence holders are at present not limited to the number of occasional licences they can apply for.

### 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 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.

Under the Licensing (Clubs) (Scotland) Regulations 2007 if an Occasional Licence has been granted to the holder of a Premises Licence for a Private Members Club there is no requirement for alcohol sales to be authorised by a Personal Licence Holder.

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.

### 5. HOW DO YOU APPLY?

To apply for a Licence you should complete the online application form via <https://glasgow.gov.uk/26305> (or if the application is for an external area attached to the licensed premises via <https://glasgow.gov.uk/29998> with the relevant fee (see section 6 below) and necessary documentation (see section 7 below).

**Please note that payment of the fee, application and necessary documentation must all be received 6 weeks prior to the date or start date of the event.**

### 6. HOW MUCH IS THE APPLICATION FEE?

The application fee is £10 with the exception of an application for an external area attached to a licensed premises which is £10 per 14 day period i.e. £130 for a period of 6 months. Payment for your application must be made by electronic banking (i.e. BACS) to the Licensing Board account detailed in the email acknowledgement following submission of your application.

### 7. WHAT NEEDS TO ACCOMPANY THE APPLICATION?

Please see the table below in relation to what additional information/documentation you require to submit with your Occasional Licence application.

Please note that in addition to the documents detailed in the table below, if your application relates to an outdoor or charitable event, then you must submit an Alcohol Management Plan (AMP) to the Licensing Standards Officer.

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This should be emailed to Licensing Standards Officer using the following email [LicensingStandards@glasgow.gov.uk](mailto:LicensingStandards@glasgow.gov.uk) Please note that your application will not be considered without an AMP being submitted and approved by the LSO.

PROPOSED OCCASIONAL LICENCE AREA	ADDITIONAL DOCUMENTATION/ INFORMATION TO BE SUBMITTED WITH APPLICATION
Outdoor Drinking Area attached to a Premises Licence	<ul style="list-style-type: none"><li>• Plan showing dimensions of area to be licensed (<i>for public pavements this should reflect the same area submitted and approved by the Roads Authority</i>);</li></ul>
	<ul style="list-style-type: none"><li>• Plan should reflect where the outdoor area is in relation to the curtilage of the premises; and</li><li>• Confirmation of Section 59 consent under Roads (Scotland) Act 1984 (<i>only if on a public pavement</i>).</li></ul>
Outdoor Event	<ul style="list-style-type: none"><li>• Plan showing layout plan of the event which clearly has detailed on it the delineated area to be licensed AND the dimensions of area to be licensed;</li><li>• Statement as to how the proposed licensed area will be delineated; and</li><li>• Permission to Use from the Council (<i>only if on public land</i>).</li></ul>
Charitable Event (outdoor)	<ul style="list-style-type: none"><li>• Plan showing layout plan of the event which clearly has detailed on it the delineated area to be licensed AND the dimensions of area to be licensed;</li><li>• Statement as to how the proposed licensed area will be delineated;</li><li>• A letter from the charity stating that they are aware of the event and that the charity are receiving some benefit from the event; and</li><li>• Permission to Use from the Council (<i>only if on public land</i>).</li></ul>
Charitable Event (premises)	<ul style="list-style-type: none"><li>• Plan showing layout plan of the event which clearly has detailed on it the delineated area to be licensed AND the dimensions of area to be licensed; and</li><li>• A letter from the charity stating that they are aware of the event and that the charity are receiving some benefit from the event.</li></ul>

In addition to the above, the Licensing Board may request additional information in respect of any application if such information is considered necessary in order to determine the application.

### 8. HOW WILL THE APPLICATION BE PROCESSED?

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

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. Guidance on how to submit an objection or representation can be viewed at <https://www.glasgow.gov.uk/index.aspx?articleid=17595>

Once reports have been received and the objection period has ended, the application will be reviewed by the Clerk to the Licensing Board. The Clerk will consider the terms of the application and any policy issues highlighted by the reports before deciding whether or not to grant, amend or refuse the application.

Please be aware that if an objection or representation is received then your application may not be reviewed by the Clerk. Instead it will be referred directly to a meeting of the Licensing Board for consideration. If this happens you will receive an email requesting your attendance at the meeting and explaining the reason you are being

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called. Although you are not legally required to attend it is recommended that you do so. We will contact you, by email, after the meeting to advise you of the Licensing Board's decision.

### 9. HOW LONG WILL IT TAKE TO PROCESS THE APPLICATION?

The Licensing Board requires an Occasional Licence application to be submitted no later than 7 weeks prior to the date, or starting date of the event. The Licensing Board receives around 3000 applications for Occasional Licence per year. Given this volume of applications and the complexities involved in processing and considering applications, most applications will be considered around one to two weeks prior to their intended start date.

### 10. WHAT HAPPENS AFTER MY APPLICATION IS GRANTED?

You will receive an email advising that your application has been granted and attaching the Occasional Licence.

### 11. WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You will receive an email advising that your application has been refused. If you wish, you have the right to appeal the decision at Glasgow Sheriff Court.

The Licensing Board cannot provide guidance on making an appeal; if guidance is required you should consider taking your own independent legal advice or, alternatively, you can contact the Sheriff Clerk at Glasgow Sheriff Court, 1 Carlton Place, Glasgow, G5 9DA.

### 12. ARE THERE CONDITIONS ATTACHED TO THE LICENCE?

There are standard conditions attached to all Occasional Licences. A copy of these conditions is provided in Appendix 1 of this guidance. You will be expected to comply with every condition; failure to do so may constitute a criminal offence. The Licensing Board may also attach further conditions if it considers it necessary. A couple of further conditions that will be attached to outdoor drinking areas, in line with Part 12 of the policy statement, are:

*The outdoor licensed area must not be used after 10pm for the consumption of alcohol. If situated on a pavement, all street furniture and barriers must be taken out of use at 10pm and stored safely and securely in a manner which does not cause an obstruction or nuisance to members of the public and prevents the furniture from being utilised.*

*A copy of the approved layout plan showing the dimensions and extent of the outdoor licensed area must be predominantly displayed in either the window of the principal licensed premises or the outdoor area, at a place clearly visible to members of the public and relevant officers, and be of durable material to A4 size or more. Where the outdoor area occupies the pavement, the plan referred to should be in compliance with that approved in terms of Section 59 of the Roads (Scotland) Act 1984.*

### WHAT ARE LICENSED AND UNLICENSED PREMISES?

"*Licensed Premises*" hold a Premises Licence issued under the 2005 Act that allows them sell alcohol on a daily basis – traditional public houses, nightclubs or dedicated off sales are examples of "*Licensed Premises*". "*Unlicensed Premises*" simply refers to any premises other than those that are "*Licensed*" to sell alcohol on a continual basis.

### CAN I GET FURTHER INFORMATION?

If you have any further questions about the application process the Licensing Team will be happy to assist you. Please note that whilst the Licensing Team can provide guidance, the team cannot offer you legal advice. You can contact us by phone or email.

**Phone:** 0141 287 5354 (This is currently a restricted service Monday, Wednesday and Friday from 10.00am to 12 noon)

**Email:** [LicensingBoard@glasgow.gov.uk](mailto:LicensingBoard@glasgow.gov.uk)

## Appendix 1

### Mandatory Conditions attached to an Occasional Licence

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*Interpretation*

1 In these conditions, “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 on the premises.
- (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 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 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.

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- 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 of the price at which that or any other 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 (b) to (d) 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).

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- (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.

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