

ANGUS LICENSING BOARD

GUIDANCE ON APPLYING FOR AN OCCASIONAL LICENCE

The purpose of this information note is to provide guidance only.

Who can apply for an Occasional Licence?

Occasional Licences authorise the sale of alcohol for a limited time on premises which do not have a premises licence. Applicants must be:-

- the holder of a premises licence (for other premises) or
- the holder of a personal licence or
- a representative of a voluntary organisation

Qualifying Clubs which have a Premises Licence are an exception to this. These Clubs may apply for an Occasional Licence permitting general entry although they already have a Premises Licence. Qualifying Clubs are subject to restrictions on the number of Occasional Licences which may be granted to them in any 12 month period.

Occasional licences granted to **voluntary organisations** only authorise the sale of alcohol where this is in connection with the voluntary organisation's activities.

When to apply

Occasional Licence applications must be determined by the Board within 42 days and **applications should therefore be submitted at least 49 days** (seven weeks) **prior to the event.**

Applying for an Occasional Licence

Applications should be applied for online by visiting Angus Council Website or, alternatively, by downloading the application form and sending your cheque/postal order to the address below. Cheques/postal orders should be made payable to Angus Council.

Processing an Application

When a valid application has been received by the Board it will notify the Chief Constable, Police Scotland and Licensing Standards Officer within seven days and send each a copy of the application form. The Chief Constable, Police Scotland has 21 days from receiving the notification to make a recommendation to the Board. The Licensing Standards Officer also has 21 days from receipt of the notification in which to submit a report to the Board.

The application will be posted on the Board's website for at least 7 days so that members of the public may make their views known to the Board. Anyone with a view which they wish the Board to consider in relation to the application must notify the Board in writing while the application is publicised on the website.

Objections/Representations

Where the Chief Constable, Police Scotland recommends refusal of the application and where the Licensing Standards Officer chooses to submit a report to the Board the applicant will be sent a copy within 7 days. The applicant will also be advised if anyone has notified the Board of their objections or representations, unless these are frivolous, vexatious or will not be considered because they were received late.

The Board's Decision

Where the Board does not receive any recommendation from the Chief Constable, Police Scotland, report from the Licensing Standards Officer or representation from a member of the public, it will grant the application subject to the Mandatory Occasional Licence Conditions.

Where a response as referred to in the paragraph above is received within the relevant time by the Board this must be taken into consideration by the Board when reaching its decision. The Board must also take into account objections or representations received from others which are properly submitted and which are not frivolous or vexatious. The Board will decide whether there are grounds for refusing the application and if these exist it will refuse the application.

The Board may hold a hearing at which it will decide whether to grant the application. Any Occasional Licence granted will be subject to the Mandatory Occasional Licence Conditions. The Board may also impose additional conditions. Applicants will be given an opportunity to comment on any objection and/or report.

Duration of an Occasional Licence

No occasional licence can be granted to last for more than 14 days.

Voluntary organisations and Qualifying Clubs may not have more than 4 occasional licences which are each for 4 days or more AND not more than 12 occasional licences which are for less than 4 days. In total in any 12 month period voluntary organisations may have occasional licences in effect for not more than 56 days.

Appeal

Where the Licensing Board refuses an application, within 14 days the applicant, the Chief Constable, Police Scotland and Licensing Standards Officer and anyone who lodged representations with the Board in the correct way may request a statement from the Board of its reasons for refusal. The Board will issue the statement of reasons within 14 days.

The applicant may appeal to the Sheriff Principal against the Board's decision.

Where an application is granted anyone who lodged objections with the Board in the correct way, may appeal against that decision to the Sheriff Principal.

Address: Angus Council, Legal & Democratic Services, Angus House, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AN,