



Licensing (Scotland) Act 2005 The Moray Licensing Board Guidance Notes for Completion of Occasional Licence Application

This is designed to be some general guidance on completion of the application form for an occasional licence under Part 4 of the Licensing (Scotland) Act 2005.

The application form can also be downloaded from www.moray.gov.uk/licensing or is available on request.

Further information on occasional licences can be found in the Moray Licensing Board's leaflet entitled "Licensing (Scotland) Act 2005 Occasional Licences and Extension Applications" available from the website at www.moray.gov.uk/licensing or on request.

Applicants should also refer to the standards notes included as part of the standard application form. Those standard notes include notice under the Data Protection Act 1998 that the information on the form may be held on an electronic register which may be available to the public.

Box	Question	Notes
1	Licence Details	<p>One of the choices in this box should be completed to confirm the applicant's ability to apply for an occasional licence. The applicant should one of the following:</p> <ol style="list-style-type: none"> 1. A premises licence holder – in which case applicants should detail the premises licence number 2. A personal licence holder – in which case detail the personal licence number. It would be helpful for applicants to include a copy of their personal licence so as to make checks easier. In the absence of this checking personal licence details may delay the processing of application 3. A representative of a voluntary organisation – in which case the detail required here is the organisation itself. <p>There is no definition of what constitutes a voluntary organisation within the Act itself. The National Council for Voluntary Organisations defines a voluntary organisation as "An independent, self-governing body of people who have joined together voluntarily to take action for the benefit of the community. A voluntary organisation may employ paid staff or volunteers, but must be established otherwise than for financial gain."</p>
2	Personal Details	These are the details of the person applying being the premises licence holder, personal licence holder or the representative of the voluntary organisation.
3	The Premises	<p>Description of Premises</p> <p>The premises should be described in detail. A "premises" can be defined as any space from a building with several floors to the corner</p>

		<p>of a field. Applicants should refer to a layout plan where necessary to define the precise extent of the premises. This will be particularly true where:</p> <ul style="list-style-type: none"> - the premises is not a permanent structure e.g. a marquee / barn; - only part of a building is to be licensed; - an outside drinking area is involved, particularly for areas where a byelaw is in force. <p>Description of Activities</p> <p>All activities that will take place on the premises must be detailed here. The primary activity will be the event for which the licence is sought but <u>all</u> connected activities must be detailed. It may be helpful to refer to the list of activities contained in a standard operating plan, which include: accommodation / conferences / restaurant or catering / receptions / group meetings / recorded music / live performances / dancing / theatre / films / gaming / sports / television / outdoor drinking / adult entertainment.</p> <p>It will be a mandatory condition of the licence that 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. Therefore the description should be as complete as possible. Any activity outside of those described will be in breach of the licence.</p> <p>Note that in the case of a voluntary organisation it will be a mandatory condition that alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation's activities.</p> <p>Full Postal Address</p> <p>This includes the postcode. Where the premises does not have a postal address a plan is vital to identify the premises (see above).</p>
4	Duration of Licence	<p>The duration of the licence refers to the inclusive dates when licence will be in force. This is a maximum period of 14 days in connection with any one event.</p> <p>Note that clubs and voluntary organisations are restricted in both the number of occasional licences and the overall number of days covered by the same.</p>
5	Sale of Alcohol	<p>Times for Alcohol Sales</p> <p>In this section applicants will confirm whether alcohol will be sold for consumption ON the premises, OFF the premises or both ON & OFF the premises. The details of the hours during which alcohol will be sold must be given for ON sales or OFF sales or both ON & OFF sales as appropriate. ON sale hours and OFF sale hours may differ. OFF sale hours must be between 10am and 10pm.</p> <p>24 hours licences can only ever be justified in exceptional circumstances of national or international importance. The Board may issue further guidance if and when such an event is anticipated.</p> <p>The effects of the start and end of British Summer Time are ignored for licensing purposes.</p> <p>Applicants should refer to the Moray Licensing Board's statement of licensing policy.</p> <p>Times for Activities</p> <p>The times for the activities listed in box 3 above should be detailed here. Particular note should be made of any activity that will take place outside of the hours when alcohol will be sold.</p>
6	Children	<p>This section is for completion in any case where alcohol is to be sold for consumption ON the premises.</p> <p>Boxes here require details of whether children and/or young persons will be permitted access to the premises and, if so, the ages, times and</p>

		<p>parts for access.</p> <p>Consideration should be given to the licensing objective of protecting children from harm and reference should be made to the Moray Licensing Board's statement of licensing policy.</p> <p>Ages – applicants should be clear of the distinction in the Act. Unless ages are specified “children” will be all those under 16 and “young persons” are those aged 16 and 17. Applicants are free to specify other ages e.g. only over 12's allowed but then all references should be to ages and not the word “children”.</p> <p>Times – the times for access for children and young persons should be defined by reference to the defined terms “children” and “young persons” or by reference to ages.</p> <p>Parts – again the parts for access (or exclusion) need to be detailed and this is especially important where areas for particular access or exclusion are not easily defined, in which case a plan may be required. It will ultimately be the duty of the licence holder to ensure that persons attending the event are aware of the provisions for access for children and young persons and to monitor compliance with the same. Breaches would be breaches of the licence.</p>
7	Checklist	This is a reminder for payment of the relevant fee – currently £10 per application.
8	Declaration	The applicant (or where the applicant is a voluntary organisation the authorised representative of the applicant) should sign and date the form.