

Fee £10

Moray Licensing Board
 Council Office, High Street, Elgin IV30 1BX
 Tel: (01343) 543451
 Fax: (01343) 540183DX No 520666 Elgin

Clerk to the Board: Roderick D Burns
 LLB, Dip. LP, N.P.

Licensing (Scotland) Act 2005

Application for Occasional Licence

Before completing this form please read the guidance notes at the end of the form.
 If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy for your records.

ACKNOWLEDGEMENT—on submitting an application you do not receive an acknowledgement. Instead please check the Licensing Board's website at www.moray.gov.uk/licensing to make sure your applications appears in the advertising section. Applications are processed quickly and advertised for 7 days. If your application has not appeared on the website within 7 days of submission then please contact us to make sure it has been received and processed.

1. LICENCE DETAILS (see note 1)			
Premises licence number (if applicable)			
Personal licence number (if applicable)			
Name of voluntary organisation (if applicable)			
2. PERSONAL DETAILS			
TITLE (delete as appropriate): Mr Mrs Miss Ms Other (please state)			
Surname			
Forenames			
DATE OF BIRTH	Day	Month	Year
ADDRESS WHERE ORDINARILY RESIDENT TO BE USED FOR CORRESPONDENCE PURPOSES			
Post Town		Post code	
TELEPHONE NUMBERS			
Daytime			
Evening			
Mobile			
FAX NUMBER			
EMAIL ADDRESS (if you would prefer us to correspond you by e-mail)			

3. THE PREMISES

Description of Premises

Description of activities to be carried on the premises

Full postal address of premises which this application refers to

4. DURATION OF LICENCE

From:

To:

5. Is alcohol to be sold on & off the premises YES/NO* - Provide relevant details as to hours requested when alcohol will be sold on/off the premises-* delete as appropriate

Times for sale of alcohol for consumption on premises

Times for sale of alcohol for consumption off premises

Statement of the times at which any activities other than the sale of alcohol will be carried on the premises

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6. CHILDREN (see note 2)

This section must be completed where alcohol is for sale for consumption on the premises

Are children or young persons permitted entry? YES/NO (if answered yes the remainder of this section must be completed)

Ages of children or young persons permitted entry	Times at which children or young persons permitted entry

Parts of premises to which children or young persons permitted entry

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7. CHECKLIST

I have

Please tick yes

<ul style="list-style-type: none">• Made or enclosed payment of the fee for the application	

8. Signature and declaration by applicant (see note 3)

DECLARATION

IT IS AN OFFENCE TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(Criminal Law (Consolidation) (Scotland) Act 1995 Section 44(2)(b))

The contents of this Application are true to the best of my knowledge and belief.

SIGNATURE		DATE	

NOTES

1. Section 56 of the Licensing (Scotland) Act 2005 Provides that only :-

- The holder of a premises licence;**
- The holder of a personal licence; or**
- A representative of any voluntary organisation**

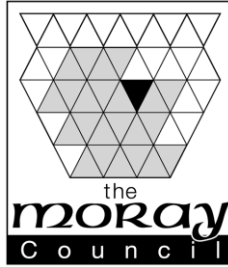
is eligible to apply for an occasional licence.

2. Where alcohol is to be sold for consumption on the premises, the Act requires that a clear statement be made as to whether children or young persons are to be allowed entry and, if they are, a statement of the terms on which they are allowed entry

3. Data Protection Act 1998

The information on this form may be held on an electronic register which may be available to members of the public on request.

4. Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)



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.

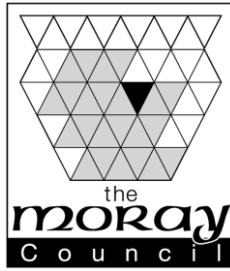
Further information on occasional licences can be found in the Moray Licensing Board’s leaflet entitled “Licensing (Scotland) Act 2005 Occasional Licences and Extension Applications” available from the website at www.moray.gov.uk/licensing or on request.

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</p>

		staff or volunteers, but must be established otherwise than for financial gain.”
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 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</p>

		<p>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 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.</p> <p>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	<p>This is a reminder for payment of the relevant fee – currently £10 per application.</p>
8	Declaration	<p>The applicant (or where the applicant is a voluntary organisation the authorised representative of the applicant) should sign and date the form.</p>



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Occasional Licence Applications – Additional Information

This document is designed to provide advice and assistance to licence holders with regard to addressing their responsibilities as prospective occasional licence holders.

It is the responsibility of the occasional licence applicant/holder to ensure a safe and responsible event.

To assist applicants in identifying matters to be addressed, the Board has compiled the list of questions set out below. This is not an exhaustive list and should be viewed as a general guide, to be read in conjunction with the additional “guidance notes” issued with the occasional licence application form.

Applicants will be expected to demonstrate that they are suitable to hold a licence, that the premises proposed is suitable for the sale of alcohol (as well as all other activities proposed) and that policies, procedures, checks and appropriate training will all be in place to promote the licensing objectives. Applicants should demonstrate all these matters through the information provided in the application form and, where appropriate, additional information.

The Board will give significant weight to the protection of children and young persons.

Where the Board is not satisfied that issues have been sufficiently addressed by applicants then the Board may request further information, proceed to a hearing, place conditions upon the licence to address concerns or even refuse the application.

1. Are you fully conversant with, the five licensing objectives?

- Prevent crime and disorder
- Secure public safety
- Prevent public nuisance
- Protect and improve public health
- Protect children from harm

Applicants should attach to the application information on policies and procedures designed to promote the licensing objectives including

details of proposed training and monitoring of staff that will ensure such policies and procedures are followed.

2. **Have you attached a plan including a detailed premises plan and a site layout plan?**

Applicants should note that a scale plan is always a good idea and one should be attached whenever possible. Where a particular premises may host regular events then applicants could assist the Board in building a database of plans to avoid duplication. Where application is made in respect of club premises for which a premises licence exist then applicants should identify this fact and can rely on the premises licence plan.

Plans should include details such as: (a) the extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter and dimensions of the premises to be licensed (including outside drinking areas); (b) the location and names of any streets surrounding the premises from which members of the public have access to the premises; (c) the location and width of each point of access to and egress from the premises; (d) the location and width of any other escape routes from the premises; (e) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires; (f) the location of any steps, stairs, elevators or lifts on the premises; (g) the location of any toilets on the premises (identified as male, female or disabled as appropriate); (h) any area on the premises set aside specifically for the use of children and young persons; and (i) any area on the premises to which children and young persons will have access.

3. **Is the premises outdoors or a temporary structure?**

If so a scale plan is essential (for which see number 2 above). Applicants should provide specific information on the means of escape (location and width of exits), the public address system, site access for visitors and in case of emergencies, special requirements, emergency lighting (locations) and back up generators.

4. **Are you aware of responsibilities under Part 3 of the Fire (Scotland) Act 2005 (As Amended) regarding fire safety?**

For most premises (temporary or otherwise) a Fire Safety Risk Assessment should have been carried out and should be available for inspection on request of the Fire Service. Applicants should attach a copy of the risk assessment. Even where applicants for the licence have not organised the event they should be aware of this document and must still produce a copy.

From the Risk Assessment "significant findings" may be identified and these need to be addressed to manage the risk.

Guidance on the above is available at: www.infoscotland.com/firelaw

5. **Do you have a clear plan regarding accessibility of children and young persons to this event?**

As stated above the Board will give significant weight to the protection of children and young persons. Where children and/or young persons are to be admitted to the premises applicants should set out in clear

terms the provisions for their admission and policies and procedures in place to protect them from harm (see 1 above).

6. **Do you have a clear Action Plan regarding potential drug abuse?**
Applicants should attach details of policies and procedures in this regard that further the licensing objectives.
7. **Have you prepared a general risk assessment to cover all activities taking place on the premises during the event?**
Applicants should attach full details of plans and action taken to address the licensing objectives.
8. **Do you have adequate stewarding and will they be fully briefed on all their responsibilities?**
It is for organisers to assess the risk and decide whether to use stewards. Organisers must satisfy themselves as to whether stewards must be SIA registered by visiting the SIA website at www.the-sia.org.uk
The policy on the use of stewards should be attached and where the Board considers that the policy does not adequately address concerns, the Board may consider appropriate conditions.
9. **Is there an evacuation plan with muster points?**
Applicants should attach the same.
10. **Will the organiser or representative be readily available throughout the event?**
Applicants should consider the nomination of a primary point of contact, for licensing purposes, who will have primary responsibility for monitoring and ensuring compliance with the policies, procedures and the licence. In the absence of such a designation this will be taken to be the applicant. Where an event proves to be the source of problems or behaviour contrary to the licensing objectives then this may have consequences for any other licence held by the applicant.
11. **Do the premises comply with Food Safety legislation and Health & Safety?**
Applicants can seek assistance from the Moray Council's Environmental Health Department on these issues.
Applicants need not provide relevant certificates with the application but are reminded that in the absence of adequate provision, the application may face adverse representations from Environmental.
Where applicants for a licence are to use outside caterers to cater for a particular function then applicants should detail the caterer to be used so that Environmental can ensure compliance with food and health requirements.
12. **Are hand washing facilities available?**
See 11 above.
13. **Are alternative/disposable "glasses" to be used?**
The policy on the use of plastic or polycarbonate "glasses" should be attached. It is not compulsory to use alternative "glassware" but where

the Board considers that the policy does not adequately address concerns, the Board may consider appropriate conditions. Applicants should note that if “glasses” are not disposable then adequate washing up facilities will be required.

12. **Have you considered noise levels and proximity of neighbours?**
Where noise levels will be high, particularly with live or recorded amplified music
13. **Are your hours of operating suitable?**
Applicants should describe and demonstrate the suitability of the hours proposed in terms of the premises location, planned activities and neighbouring properties.
14. **Is there a policy in place to ensure “no smoking” in enclosed premises and what are the arrangements for smokers?**
Applicants should attach details of policies and procedures, which may also refer back to question 12 above in terms of outdoor noise from smokers.
15. **Is there appropriate signage in place including signs for licensing purposes and “no smoking” signs?**
For guidance applicants should speak to the Moray Council’s Licensing Standards Officer (LSO).
16. **Have you considered how the size of the event may affect policies and procedures**
For smaller events then organisers should take account of literature and guidance (including this list) issued by the Board, the LSO, Grampian Police and Grampian Fire & Rescue Service. For larger events whether or not the sale of alcohol is ancillary to the main activity then organisers should demonstrate that they have also taken note of information contained within the “Purple Guide”:
The Guide to health, safety and welfare at pop concerts and similar events
Health and Safety Commission / Home Office / Scottish Office HMSO 1993 ISBN 0 11 341072 7
For larger events organisers should particular take account of question 10 above and nominate a person to be in charge of the bar who holds a valid personal licence. Where the Board considers this has not been adequately addressed, the Board may take advice from the LSO and partner organisations and where it is proportionate and in line with the licensing objectives then such a condition may be placed on the licence.
17. **Have you considered whether there are any other licensing requirements?**
This may include public entertainment licences or firework display licences (for both of these see the Moray Council Civic Government Licensing Dept) or Performing Rights Society licence (<http://www.prsformusic.com>) or Phonographic Performance Limited licence (<http://www.ppluk.com>).

It is the organiser's responsibility to ensure that all licences that may be required are in place.

18. **For applicants who are representatives of voluntary organisations or members' clubs**

These applicants are limited in the number of occasional licences that can be applied for and applicants should indicate in a separate covering sheet the number and dates of occasional licences obtained within the 12 month period immediately preceding the application.

19. **Challenge 25**

It is a mandatory condition on every premises and occasional licence to sell alcohol that a policy is in place requiring steps to be taken to verify the age of anyone attempting to purchase alcohol who appears to the seller to be under 25.

Full information on the requirements as well as an outline draft policy can be accessed from the council's website at http://www.moray.gov.uk/moray_standard/page_54055.html#Challenge25

The Moray Licensing Board encourages all licence holders to have a written policy and the Licensing Standards Officer will be checking for the same.

The correct forms of ID are going to be crucial to this process. Young people should be prepared to be asked for ID more often and both young people and licence holders should know what forms of ID to carry and look for. The **only** acceptable forms of ID are:

- (a) a passport,
- (b) a European Union photocard driving licence, or
- (c) a photo ID bearing the PASS hologram e.g. Young Scot card

It is emphasised that this is only general guidance and that the organiser is fully responsible for the safe and legal operation of the event. Further advice can be obtained from The Moray Council.