



Moray Licensing Board  
Council Office, High Street, Elgin IV30 1BX

Tel: (01343) 543451  
Fax: (01343) 563221  
DX No 520666 Elgin

Clerk to the Board: Rhona Gunn

## **The Licensing (Scotland) Act 2005**

### **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](http://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](http://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](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.