

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

Shetland Islands Area Licensing Board

Please read this guidance document before applying for your Occasional Licence

What is an Occasional Licence?

An Occasional Licence allows alcohol to be sold on unlicensed premises for a period of not more than 14 days.

Registered Clubs who hold a Premises Licence need to apply for an Occasional Licence if they intended to hold an event or function that is open to non-members.

Lerwick Byelaw - Consumption of Alcohol in Designated Public Places - Please note that it is an offence to consume alcohol in designated public places within the Lerwick area. If you are holding an event outdoors anywhere within the Lerwick area and alcohol is being **consumed**, you will still need to apply for an Occasional Licence even if no physical sale of alcohol is to take place. The Lerwick Byelaw and plan showing the designated public places can be found [here](#). If you are unsure as to whether you require an Occasional Licence for your event please seek guidance from the Licensing Standards Officer.

Who can apply for an Occasional Licence?

An Occasional Licence application can only be made by:

- (a) the holder of a Premises Licence;
- (b) the holder of a current Personal Licence;
- (c) a representative of a voluntary organisation but **only** where the application relates to an event relating to that voluntary organisation's activities.

What hours can I apply for?

Generally, applications for the hours between 11am and 1am can be processed under delegated authority. Applications outwith this criteria will be heard at a meeting of the Board.

Our [Licensing Policy Statement](#) gives full information on how the Board deals with Occasional Licence applications. This information can be found under Section 12 and Appendix 1 of the Licensing Policy Statement.

Do I need to submit a location plan?

If your application relates to an area outside, ie, country show, regatta, open day, outside drinking area, street café or tables & chairs outside an already licensed establishment etc, and the area cannot be readily described in the application, you will need to submit a location or layout plan clearly showing the area to be licensed. If the premises is a marquee or shed please also give the dimensions of the marquee/shed and show its location on the plan.

How far in advance do I need to apply?

The minimum period of notice for an Occasional Licence application is 28 days, to allow for the statutory consultation with the Police Scotland and Licensing Standards Officer (both have 21 days to provide a report). Applications received with less than 28 days notice may be rejected by the Board or may not be fully processed by the required date. It is advisable to apply as soon as you are aware that you need a Licence - especially if the hours requested are outside the criteria mentioned above and a Board hearing is required. There is provision whereby the Board can

foreshorten the 21 day notice period to a period of not less than 24 hours where the Board is satisfied that the application requires to be dealt with quickly, ie, a funeral wake. In general, however, applicants should work on the basis of lodging an application at least 28 days in advance of the event.

How many Occasional Licences can I apply for in a 12 month period?

The number of Occasional Licences you apply for is set by the Licensing (Scotland) Act 2005, not the Licensing Board.

There are no restrictions on the amount of applications that can be applied for by the holder of a Premises Licence or a Personal Licence. However, the Board shall give careful consideration to ensuring the licensing objectives are being met, when dealing with repeat occasional applications for the same premises, which have the effect that the premises are operating as if they held a premises licence.

However, there are restrictions for Occasional Licences applied for by Voluntary Organisations and Registered Clubs. These restrictions are:

During any period of 12 months a voluntary organisation or Registered 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.

How do I apply/pay for an Occasional Licence?

You will need to download and complete the application form available [here](#) and submit it to the Licensing Board with the relevant fee. Paper copies of the application can also be obtained from the address below or posted to you.

Applications can be submitted to the following address either by post or in person:-

Shetland Islands Area Licensing Board
Governance & Law
8 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Alternatively, once completed and signed, applications can be scanned and sent via email to licensing@shetland.gov.uk.

The current fee can be found on our website or by contacting licensing@shetland.gov.uk. Applications cannot be accepted unless they are accompanied by the correct fee.

The fee can be paid by credit/debit card by calling our office 9am-5pm Monday to Friday on 01595 744550. Alternatively, you can pay online [here](#) selecting 'Legal Fees' and 'Licence Fees'. Please note that cheques are to be made payable to 'Shetland Islands Council'.

What happens to my application once it is submitted?

Your application will be copied to Police Scotland and the Licensing Standards Officer for their consideration. Both have 21 days to report on your application.

Details of your application are also published online for a period of seven days. Anyone can submit an objection or observation during this seven day period.

Once reports have been received and the observation period has expired your application will be considered by the Clerk and granted under delegated authority if your application meets the relevant criteria.

If your application does not meet the relevant criteria to be granted under delegated authority, or if observations/objections have been received, it will be put to a Licensing Board meeting. You will be notified of the date and time of the meeting by letter and will also receive a copy of any observations/objections that have been made. It is advisable that you attend this meeting to answer any questions that the Licensing Board Members may have.

How will I know if my application has been granted?

If your application can be granted under delegated authority it will be sent to you as soon as possible after the 21 day consultation period has expired. If your application requires to be heard by the Licensing Board you will be advised of this by letter. The outcome of the meeting will also be advised by letter.

What happens if my application is refused?

We will advise you if your application is refused by the Licensing Board. If you are unhappy with the refusal you can appeal the decision at Lerwick Sheriff Court. The Licensing Board are unable to give you advice or guidance if you decide to appeal. If you decide to take this course of action you will need to obtain your own independent legal advice or contact the Sheriff Clerk at Lerwick Sheriff Court.