

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

Before lodging your application for an Occasional Licence please ensure that you have read the following guidance.

1. What is an Occasional Licence?
2. Who can apply?
3. Are there restrictions on how often you can apply for an Occasional Licence?
4. How do you apply?
5. What needs to accompany the application?
6. How much is the application fee?
7. How will the application be processed?
8. How long will it take to process the application?
9. What happens after my application is granted?
10. What happens if my application is refused?
11. Are there conditions attached to the Licence?
12. Other FAQs

1. What is an Occasional Licence?

An Occasional Licence allows alcohol to be sold on unlicensed premises for a specified period of no more than 14 days.

2. Who can apply?

An application can only be made by:

- the holder of a Premises Licence issued under the 2005 Act; or
- the holder of a Personal Licence issued under the 2005 Act; or
- a representative of a voluntary organisation but only where the application relates to an event taking place in connection with the voluntary organisation's activities.

A licensed Private Members Club can also apply for an Occasional Licence if they intend to provide a function or event that is open to non-members.

3. Are there restrictions on how often you can apply for an Occasional Licence?

There are certain restrictions set out in legislation:

Voluntary organisation

During any period of 12 months a voluntary organisation 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.

Please note that these totals apply to the voluntary organisation – not to the representative of the organisation or to the premises that is covered by the Occasional Licence.

The East Lothian Licensing Board Statement of Licensing Policy defines what is considered a voluntary organisation as:

“A group of people who have decided to work together to accomplish a common agreed non-commercial purpose. Voluntary organisations are formally constituted, non-profit making bodies which consist of a group of volunteers who do not get paid or employ staff. The main aim of a voluntary organisation is to deliver social benefit in a variety of forms, rather than to generate profit for distribution to its members”

Please note that whilst there is no requirement in the 2005 Act that applications can only be made for particular events arising from or related to the activities of the voluntary organisation your attention is drawn to mandatory condition 5 of an Occasional Licence (Occasional Licences: Schedule 4) which must be attached to the Occasional Licence. Condition 5 states:

Alcohol may be sold on the premises only at an event taking place on the premises in connection with the voluntary organisation’s activities.

Breach of the above condition is a criminal offence.

Representatives of voluntary organisations may wish to give consideration to making an application for a Personal Licence. Where personal licence holders apply for an occasional licence they will not have to comply with condition 5 detailed above, which is specifically related to voluntary organisations. In addition, personal licence holders are at present not limited to the number of occasional licences they can apply for.

Voluntary organisation must supply a copy of the organisation’s constitution and a list of office bearers with the application. Application should be made by an office bearer.

Licensed Private Members Club

During any period of 12 months a Private Members 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.

Under the Licensing (Clubs) (Scotland) Regulations 2007 if an Occasional Licence has been granted to the holder of a Premises Licence for a Private Members Club there is no requirement for alcohol sales to be authorised by a Personal Licence Holder.

There are no restrictions on the number of Occasional Licences which can be applied for by the holder of a Premises Licence or the holder of a Personal Licence.

4. How do you apply?

By Email:

To licensing@eastlothian.gov.uk. You must also email any supporting documents and proof of the relevant fee being paid.

To apply for a licence you should complete the appropriate application form and submit it to the Licensing Authority with the relevant fee and, if necessary, supporting documents.

By Post:

Licensing
East Lothian Council
John Muir House
HADDINGTON
EH41 3HA

In Person:

Your application can be submitted at any of our local offices:

Bleachingfield Centre
Countess Crescent
DUNBAR
EH42 1DX

Brunton Hall
Ladywell Way
MUSSELBURGH
EH21 6AF

George Johnstone Centre
35 Winton Place
TRANENT
EH33 1AE

Please note, staff cannot complete the form for you.

5. What needs to accompany the application?

In order that Licensing Board members and all relevant interested parties can appreciate and properly assess the merits of each occasional licence application, applicants must complete the Supplementary Information form.

Personal licence holders who hold a personal licence outwith East Lothian must supply a copy of their personal licence including all annexes.

For marquee or outdoor events, a copy of a detailed plan showing the area and grounds which are required to be licensed.

For events over 500 people an Alcohol Management Plan must be submitted.

Voluntary organisation must supply a copy of the organisation's constitution and a list of office bearers with the application. Application should be made by an office bearer.

6. How much is the application fee?

The application fee for each licence is £10.

Applications lodged in person can be paid by Cash, Cheque, Postal Order or Credit/Debit Card.

Applications lodged by post can be paid by Cheque or Postal Order only (**Do not send cash by post**).

Payments can be made online at [Pay for it | East Lothian Council](#)

Cheque and Card payments will only be accepted from the applicant or their registered agent.

Cheques should be made payable to East Lothian Council

APPLICATION FEES WILL NOT BE REFUNDED IF AN APPLICATION IS WITHDRAWN OR REFUSED

7. How will the application be processed?

Once an application has been received copies are sent to Police Scotland and the Council's Licensing Standards Officer. Both have 21 days in which they may respond to the Licensing Authority.

Details of the application are also published online for a period of 7 days. Any person can submit an objection or representation to the Authority during the 7 day objection period. There is a form to be completed to make an objection or representation to an Occasional Licence which can be found here [Search results | East Lothian Council](#)

Once reports have been received and the objection period has ended, the application will be reviewed by the Clerk to the Licensing Board. The Clerk will consider the terms of the application and any policy issues highlighted by the reports before deciding whether or not to grant, amend or refuse the application.

Please be aware that if an objection or representation is received then your application may not be reviewed by the Clerk. Instead it will be referred directly to a meeting of the Licensing Board for consideration. If this happens you will receive an email requesting your attendance at the meeting and explaining the reason you are being called. Although you are not legally required to attend it is recommended that you do so. We will contact you, by email, after the meeting to advise you of the Licensing Board's decision.

It is the policy of the Board that events that are predominantly organised for children should not necessarily attract the need for an alcohol licence to be granted in relation to it. Therefore, applications for events mainly focussed towards children and families, where the majority of attendees will be children, young persons and families, will be required to justify why an alcohol licence is required and may be required to attend a Licensing Board hearing for a determination.

8. How long will it take to process the application?

The Licensing Board requires an Occasional Licence application to be submitted no later than 6 weeks prior to the date, or starting date of the event.

9. What happens after my application is granted?

You will receive a notification advising that your application has been granted and attaching the Occasional Licence and conditions.

10. What happens if my application is refused?

You will receive a notification advising that your application has been refused. If you wish, may request a statement of reasons from the Board as to how it reached the decision. The request must be lodged within 14 days of the date the notice is received and thereafter the Board has a further 14 days to issue the statement.

11. Are there conditions attached to the licence?

There are standard conditions attached to all Occasional Licences. You will be expected to comply with every condition; failure to do so may constitute a criminal offence. The Licensing Board may also attach further conditions if it considers it necessary.

12. Other FAQs

What are Licensed and Unlicensed Premises? – “Licensed Premises” hold a Premises Licence issued under the 2005 Act that allows them sell alcohol on a daily basis – traditional public houses, nightclubs or dedicated off sales are examples of “Licensed Premises”.

“Unlicensed Premises” simply refers to any premises other than those that are “Licensed” to sell alcohol on a continual basis.

Can I get further information? – Yes. If you have any further questions about the application process, the Licensing team will be happy to assist you. Please note that the Licensing Team cannot offer you legal advice.

You can contact the Licensing Team by phone or email:

Phone: 01620 827664

Email: licensing@eastlothian.gov.uk