

occasional licences

the law and advice for applicants on safe and sensible drinking

September 2013



free

the law and advice
for applicants
on safe and
sensible drinking

Contents

Introduction	3
Occasional Licence	4
Responsibilities of the applicant	5
Occasional Licences	5
Required information	6
Effect of alcohol	7
Consequences of drunkenness for organiser & staff	8
Strength of alcohol	9
Selling/Supplying Alcohol: The Law	9
Drunkenness - Offences	9
Protection of young people - Offences	9
Disorder - Offences	9
Your permitted hours	9
Customer Offences	11
Drunkenness - Offences	11
Protection of young people - offences	11
Disorder - Offences	11
General Points	11
Proof of age	11

Introduction

The aim of this leaflet is to provide information to applicants who wish to sell/supply alcohol at events or functions at a location other than licensed premises.

Under the terms of the Licensing (Scotland) Act 2005 it is lawful to sell/supply alcohol in unlicensed premises through the granting of an Occasional Licence by the Licensing Board.

The unlicensed premises could be a village/town hall or a marquee in the grounds of a hotel or private house.

Occasional Licence

An occasional licence may be granted by the relevant Licensing Board to a premises or personal licence holder or representative of a voluntary organisation authorising them to sell/supply alcoholic liquor in those unlicensed premises between specified times on a particular date(s) for a period of not more than 14 days.

For a voluntary organisation there are limits to the number of such licences that may be granted - 4 occasional licences can be granted for an event of four days or more, 12 can be granted for events of less than 4 days but the total number of days issued to the organisation cannot exceed 56 days in any calendar year. The event must arise from or be related to the activities of the organisation.



Responsibilities of the Applicant

Occasional Licences

The management of the sale and consumption of alcohol will be the applicant's responsibility, which is no different to the running of any other licensed premises.

When applying to the Licensing Board for a specific event the application form (which is available from the Board's pages on the Scottish Borders Council website along with information about the process) is copied by the Board staff to Police Scotland and the Council's Licensing Standards Officer to allow them to make objections, representations or comments to the Board. If there are relevant objections the application will require to be decided by the Board at a hearing, and not under delegated powers by the Clerk.

You should lodge your application form 6 weeks before your event, although a shorter period may be accommodated if you give reasons. The application will appear on the Board's website to allow any person to lodge an objection or representations in support of the application or as to conditions that should be imposed if granted.

http://www.scotborders.gov.uk/info/1125/licences_permits_and_permissions/110/liquor_licensing

It is mandatory for persons selling or supplying alcohol on licensed premises to participate in relevant training. However, representatives from voluntary organisations are exempt from this requirement. You will be expected to show how you meet the five licensing objectives. More information on this can be obtained from the Board's Statement of Licensing Policy (Licensing Policy)

Licensing Objectives

- Preventing Crime and Disorder
- Securing Public Safety
- Protecting and Improving Public Health
- Preventing Public Nuisance
- Protecting Children from Harm

Required information

The application form requires the following information:

- the name and address of applicant and voluntary organisation (if applicable)
- address with post code and description of the premises where the event is to take place
- the activities to be carried out during the event (and if any of these activities will take place out with the requested hours)
- hours when alcohol will be sold
- whether children (a child is defined under the act as person under 16 years of age) and young persons (persons aged 16 and 17) will be allowed access to the event, times, ages and areas of the premises accessible
- if alcohol is to be sold for on and off sales

Effect of alcohol

Alcohol is a depressant drug, which means that it affects different parts of the brain and causes changes in people's behaviour. As people drink alcohol you can see the effect it has on their behaviour.

Sober



➤ Voice louder, more confident,
lose inhibition



➤ Slurred speech



➤ Unsteady on feet



➤ Vision impaired



➤ Automatic functions affected,
leading to unconsciousness and
even death

Acute
Alcohol
Poisoning

It is **important** that you do not serve someone who is visibly drunk.

Consequences of drunkenness for organiser & staff

Serving people who are drunk could result in one or more of the following risks to staff/premises:

- It is an offence to sell alcohol to a person who is drunk
- Drunk customers are more difficult to deal with
- More mess to clear up (spillages, breakages, vomit, etc)
- More disorder, issues will escalate into aggression and violence much more quickly
- Staff more at risk from harm
- Events get a reputation which in turn attracts more rowdy people and puts good customers off
- Potentially fatal consequences
- You may be refused future applications

So what is “drunk”?

A number of offences in the Licensing (Scotland) Act 2005 refer to people who are drunk.

As far as the law is concerned a person who is seriously affected by alcohol is likely to be considered “drunk” by the courts

Strength of alcohol

Alcoholic drinks are a lot stronger than many may believe.

Large glass of wine (250ml) = as much as **3.5 units**

Bottle of premium lager = **1.7 units**
Pint of premium lager = **2.8 units**

Bottle Cider (500ml bottle) = **2.25 units**

To put this into perspective one nip (25ml) of whisky = 1 unit,
2 large glasses of wine can be as much as = 7 whiskies

Selling/Supplying Alcohol: The Law

There are many offences under the Licensing (Scotland) Act 2005. Listed below are the more common offences that you need to be aware of as a person selling/supplying alcohol.

Drunkenness - Offences

- Selling or supplying alcohol to a drunken person
- Permitting drunkenness on the premises

Protection of young people - Offences

- Selling alcohol to a person under 18
- Allowing a person under 18 to consume alcohol in the premises

Disorder - Offences

- Allowing disorder to occur in the premises

Your Permitted Hours

The Occasional Licence will specify the period during which you are permitted to sell or supply alcohol. It is an offence to sell alcohol before or after this period.

At the end of this period, patrons are allowed a further 15 minutes in which to finish their drinks. It is unlawful to sell alcohol during these 15 minutes.

E.g. You have been granted a licence between 7.00pm and 12.00 midnight. You cannot sell alcohol before 7.00pm or after midnight. Customers may drink up between midnight and 0.15am

Alcohol can only be sold to be taken off the premises between the hours of 10am and 10pm.

Customer Offences

Drunkenness - Offences

- Obtaining alcohol for a drunk person
- Refusing to leave the premises
- Attempting to enter a premises whilst drunk
- Being incapable of looking after yourself through alcohol

Protection of young people - Offences

- Person under 18 buying or attempting to buy alcohol
- Buying alcohol for a person under 18

Disorder - Offences

- Behaving in a disorderly manner (e.g. racial, or other foul, abusive, offensive and threatening behaviour)
- Using offensive language in the premises
- Refusing to leave when asked to by a member of staff

General Points

Proof of age

If a person appears to be under the age of 25 then identification must be requested before alcohol is sold to them.

A photocard driving licence or passports, any ID bearing the PASS logo and military ID are acceptable forms of identification.

For further information contact:

**Licensing Standards Officer
Legal & Democratic Services
Council Headquarters
Newtown St Boswells
Melrose TD6 OSA
Tel: 01835 825246
Mob: 07827281705**

Email: liquorandlicensing@scotborders.gov.uk

You can get this document on audio CD, in large print, and various other formats by contacting us at the address above. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

**Licensing Unit | Council Headquarters | Newtown St Boswells |
MELROSE | TD6 OSA | Tel: 01835 826662 | Fax: 01835 826693 |
Email: liquorandlicensing@scotborders.gov.uk**