

ABERDEENSHIRE LICENSING BOARD

Division

Licensing (Scotland) Act 2005

Guidance on Applying for an Occasional Extension

This Guidance Note is designed to assist you in determining what an occasional extension is, who should apply, how to apply, what the procedure is and what other licences or permissions may be required.

The Licensing (Scotland) Act 2005 provides for two types of occasional extension –

- General occasional extensions; and
- Applications for occasional extensions.

General Occasional Extensions

The Licensing Board may, if they consider it appropriate to do so **in connection with an event of local or national significance**, extend licensed hours by such times as the Board considers to be appropriate.

Such a general extension granted by the Licensing Board may apply to:-

- (a) The whole of the Board's area or only to specified parts of the area;
- (b) Licensed hours generally or only to specified descriptions of licensed hours; and
- (c) All licensed premises in the Board's area or only to specified descriptions of such premises.

A general extension granted by the Licensing Board will have effect for such a period as the Board specifies in the extension.

Where the Licensing Board grants such a general extension, the Board must –

- (a) give notice of the extension to:-
 - i. the appropriate chief constable; and
 - ii. the holders of premises licences and occasional licences in respect of premises to which the extension applies; and
- (b) publicise the extension in such a manner as the Board sees fit.

The Board will publicise such extensions on its website at www.aberdeenshire.gov.uk

No licence holder is required to remain open for the sale of alcohol during the period of any general extension granted by the Licensing Board.

Applications for Occasional Extensions

What is an Occasional Extension?

If a Licensing Board **considers it appropriate** to do so in connection with –

- (a) a **special event or occasion** to be catered for on the premises; or
- (b) a special event of **local or national significance**

extend the hours in respect of the premises by such period as is specified in the application or such other period as the Board considers appropriate.

Note: Where the Board sees a pattern of occasional extension applications being lodged by a premises licence holder for a specific type of event or for specific hours, the Board may request that the licence holder considers applying for a major variation of the premises licence rather than making applications for occasional extensions.

Unlike a general extension granted by the Board, an occasional extension cannot be used to extend the hours granted on an occasional licence.

Who Can Apply for An Occasional Extension?

Only the holder of a premises licence¹, or an agent acting on behalf of the holder of a premises licence, can apply for an occasional extension.

How do I Apply?

The Board has adopted an application form for an occasional extension.

The information to be included on application form includes the following:-

- (a) The name and address of the Premises licence holder;
- (b) The premises licence number and the name and address of the premises;
- (c) A description of the activities to be carried on in the premises;
- (d) An indication of whether the event is a special event or occasion to be catered for on the premises or is an event of local or national significance and an indication as to why the event is special;
- (e) A statement of the period during which the extension is to have effect;
- (f) A statement of the times during which alcohol is to be sold on the premises;
- (g) An indication as to whether the hours are within the policy hours set by the Board and, if not, why the event cannot take place within the on sales hours set by the Board's policy
- (h) A statement as to whether alcohol is to be sold for consumption on the premises, off the premises, or both;
- (i) A statement of the activities taking place and the times at which each activity is taking place;

¹ Note, the Designated Premises Manager is not the holder of the premises licence.

- (j) Detailed arrangements for children (0-15 years) and/or young persons (16 & 17 years) as the provisions within the operating plan may not cater for extended events.**
- (k) How the request complies with the 5 licensing objectives.

** applicants require to distinguish between children and young persons

An application form is attached to these Guidance Notes for your information.

Application forms and copies of these Guidance Notes can also be downloaded from the Board's website at www.aberdeenshire.gov.uk

How Long Does an Occasional Extension Last?

An occasional extension cannot exceed the period of one month.

Once granted, an occasional extension cannot be further extended.

There are no limits on the number of applications that can be lodged.

Applicants should carefully consider the days and dates that they require to apply for. For example, if seeking an extension for a wedding reception, which is taking place on a Saturday, but where the extension sought is say 1.00am. – 1.30a.m., the application should actually be for the Sunday morning (the next day) between 1.00a.m. and 1.30a.m.

What hours Can I apply for?

The Board, in its policy statement, considers the commencement of the sale of alcohol shall not be earlier than 9.00a.m. For the terminal hour beyond which alcohol must not be sold on the premises, the Board considers the following to be appropriate –

Where there is no specific entertainment

1.00a.m. daily

Where there is specific Entertainment

1.30a.m. daily

When making an application, the hours sought should be from the end of the hours currently provided for in the operating plan attached to the premises licence, until the terminal hour sought. For example, where the core hours currently terminate at 1.00a.m., and an extension is sought until 1.30a.m., the hours sought would be 1.00a.m. – 1.30a.m.

An occasional extension application does not allow a premises to sell alcohol for consumption off the premises if the relevant Premises Licence only allows the sale of alcohol on the premises and vice versa.

An extension of hours for the sale of alcohol for consumption off the premises cannot extend outwith the hours of 10.00a.m. - 10.00p.m.

Applicants seeking licensed hours for times outwith the Board's Policy require to demonstrate to the Board that the additional requested hours are appropriate in the circumstances. All such applications will be determined by the Convenor in the first instance.

What Type of Event Needs an Occasional Extension?

The Board will consider each application on its own merits.

The Board will take into account the statutory requirements that the hours are sought in connection with a special event or occasional to be catered for on the premises, or an event of local or national significance in determining whether the application should be granted. The Board will also take into account the terms of their policy statement, particularly Supplementary Policy 4 on operating hours, which can be found at www.aberdeenshire.gov.uk

The Board may reject any application as incompetent where the application cannot comply with one or more of the licence conditions.

When Should I apply for an Occasional Extension?

Applications must be lodged **no later than six weeks before the event**, and earlier than that if possible, particularly if it is anticipated that the application will attract objections or representations.

Where there are no objections and/or adverse representations, it is anticipated that applications will be processed and issued within 28 days.

Where there are objections and/or adverse representations, the application may be considered at a hearing of the Licensing Board. This can take several weeks to organise, hence the requirement for applications to be lodged no later than six weeks before the event.

Late applications will be processed where the applicant insists, however, no guarantees will be given that an occasional extension will be granted in time for the event in those circumstances.

Provision will be made for the urgent processing of applications for unforeseeable events, such as a funeral tea, to ensure that licences are granted in time for such events.

How Much Does it Cost?

The application fee for an occasional extension is £10. Cheques or postal orders should be made payable to 'Aberdeenshire Council'. Please do not send cash through the post.

The Board does not currently have facilities to accept payment by means of a credit or debit card.

Applicants should note that the application fee is not refundable if the application is refused, cannot be processed in time, or if the event is subsequently cancelled after a licence has been issued.

Will I need to submit anything else with my application?

Applicants are asked on the application form what additional steps are being taken to comply with the licensing objectives during the additional hours sought.

No other additional information will require to be lodged with the application form.

What Happens Once I have lodged my application?

Processing

The Board must give a copy of your application to the Chief Constable and the Licensing Standards Officer. The Board will also give notice of the application to Building Standards, Environmental Health and the Fire Service if appropriate.

The Chief Constable and the Licensing Standards Officer must submit their views to the Board within 10 days.

The Licensing Standards officer can submit comments which include recommendations for additional conditions to be attached to the licence by the Board.

The Chief Constable may, if he considers it necessary for the purposes of the crime prevention objective, make a recommendation to the Board that the application be refused.

Any person may object to the application on any ground relevant to one of the grounds of refusal.

Any person may make representation to the Board concerning the application including representations in support of the application and in respect of conditions which the person considers should be imposed.

There are no time limits set down in the Act for any person to make objections or representations. The Board has therefore adopted the time limit set down in the Act for Occasional Licences, which is 7 days.

Publicity

It is up to the Board to determine how it will publicise applications.

The Board has adopted the same procedures as is in place within the Act for Occasional Licences. Therefore, at the same time as the Board gives notice of an application to the Chief Constable and the Licensing Standards Officer the Board will publish details of the application for occasional licence on its website at www.aberdeenshire.gov.uk . Any person may object or lodge a representation within 7 days of the application being published on the website. After the seven day period, the Board has a discretion as to whether or not to consider any comments received.

How Will the Application be Determined?

Where no objections, representations, or notices are received from the police, the licensing standards officer or other objectors, and the application is for hours that are within the Board's policy the application will be granted by the Clerk under delegated authority and the licence will be issued.

Where no objections, representations, or notices are received from the police, the licensing standards officer or other objectors, but the application is for hours that are outwith the Board's policy, the application will be determined by the Convenor of the Board. The Convenor may grant the application, refuse the application or decline to deal with the application under his delegated powers and refer the application to a hearing of the Board for consideration.

All late applications will be considered by the Convenor of the Board who may grant the application, refuse the application or decline to deal with the application under his delegated powers and refer the application to a hearing of the Board for consideration.

If, however, there are objections and/or representations made in respect of the application, the Board will, within seven days of receiving the objection/representations provide the applicant with any information relevant to their application raised in such objections/representations or made in any notice lodged by the Chief Constable or the Licensing Standards Officer. The applicant must be allowed to comment on the objections or representations before the application is determined. The Board will do this by asking for a written response from the applicant in the first instance.

If it is possible to reach agreement on the application between all parties at this stage, leading to any objections/representations being withdrawn, the application will be granted by the Clerk under delegated authority and the licence will be issued.

If agreement cannot be reached, the Board must consider if any of the grounds of refusal apply and will hold a hearing to consider the application. All relevant parties will be asked to attend the hearing. The hearing will be held within 42 days of the date of receipt of the application. At the hearing, the Board will determine whether the application should be granted or refused. If the Board decides that none of the grounds of refusal apply the Board must grant the application. If the Board decides that one or more of the grounds of refusal apply the Board must refuse the application.

The Board is required to give written notice of its decision to all relevant parties within 7 days of the date of the decision.

What are the Grounds of Refusal?

The grounds of refusal are –

- (a) that the event is not a special event or occasion to be catered for on the premises;
- (b) the event is not a special event of local or national significance;
- (c) That the Board considers the granting of the application would be inconsistent with one or more of the licensing objectives. The objectives are –
 - Prevention of crime and disorder
 - Securing public safety
 - Prevention of public nuisance
 - Protection and improvement of public health
 - Protection of children from harm
- (d) that the hours are outwith the hours considered acceptable by the Board in their Policy Statement.

What Conditions Will Attach to the Occasional Extension?

The conditions attached to the premises licence will apply and applicants will be expected to operate as per the terms of the operating plans attached to their premises licence for the duration of the event.

Applicants should note, however, that the mandatory conditions for late night opening of premises may apply in some circumstances where an occasional extension is granted and should take the appropriate steps to comply with those conditions. The mandatory conditions are attached as Appendix 1 to the premises licence issued to all premises.

Local conditions may be added to the licence as circumstances dictate.

Note on Stewarding

Organisers of events should note that from 1st November 2007, when the relevant provisions of the Private Security Industry Act 2001 came into force, there is mandatory licensing of the private security industry. This means that it is an offence to employ unlicensed door stewards or “bouncers” at events. Volunteers who carry out these roles are exempt from the requirements of the Act but organisers may wish to take independent advice on the legality of their security arrangements at events. For further information consult the following website –

<http://www.the-sia.org.uk/home>

Where Can I Get Further Information?

Further information is available from the Clerk at –

Aberdeenshire Council
St. Leonards
Sandyhill Road
Banff
AB45 1BH

Legal Post LP6, Banff

Telephone 01261 813320

Fax 01261 815664

E-mail licensing@aberdeenshire.gov.uk

Application forms, Guidance and copies of the Board's Policy Statement can be found on the licensing page by clicking on the appropriate link. Applications for occasional extensions will also be advertised on this page.

Application Checklist

Completed Application Form	
Fee of £10	

Have I completed all sections of the application form?

Am I lodging the application no later than six weeks prior to the event?