

LICENSING (SCOTLAND) ACT 2005

EXPLANATORY NOTES

COMMENTARY ON PARTS

Part 4 – Occasional Licences

Section 56 – Occasional licence

119. Subsection (1) provides a power for Licensing Boards to grant an occasional licence for premises other than licensed premises to those persons specified in subsection (2). For a premises licence holder this would be to authorise the sale of alcohol in the course of catering for an event taking place outwith their licensed premises. A typical example of where this might arise would be the provision of catering, including the sale of alcohol, at a wedding reception or other social event held on private property. Voluntary organisations may also apply for an occasional licence authorising the sale of alcohol at an event connected with the organisation's activities.
120. Subsection (5) sets out a maximum duration of 14 days for each occasional licence. Subsection (6) confirms the limits on the number of occasional licences that Licensing Boards can issue within a year to a voluntary organisation.
121. Subsection (7) provides a power for the Scottish Ministers to set out in regulations the form of occasional licences and subsection (8) sets out the mandatory content of occasional licences in paragraphs (a) to (j).
122. Subsection (9) clarifies that premises for which an occasional licence has been granted may sell alcohol at different times for consumption both on and off the premises.

Section 57 – Notification of application to chief constable

123. This section places a duty on Licensing Boards to notify the chief constable and the Licensing Standards Officer of all applications for occasional licences under section 56 and for the Chief Constable, within 21 days, to notify the Board of whether, in the interests of the crime prevention licensing objective, the application should be refused. The LSO may, within the same period, submit comments on the application.

Section 58 – Objections and representations

124. This section allows any person to make objections and representations to Licensing Boards in connection with any application made to the Board for an occasional licence under section 56.
125. Subsection (2) places a duty on Licensing Boards to give the applicant notice of any objections or representations received and to take account of them in determining the application.
126. Subsection (3) permits Licensing Boards to reject any frivolous or vexatious objection or representation made to them. Subsection (4) permits Licensing Boards to recover costs from the person in question. Subsection (5) establishes the matters that would be

considered acceptable evidence in any proceedings by a Licensing Board for recovery of costs under subsection (4).

Section 59 – Determination of application

127. This section sets out the procedure that Licensing Boards must adopt to determine an application under section 56 for an occasional licence. It provides both for the circumstances where a Licensing Board proposes to grant a licence and where it proposes to refuse such a licence.
128. Subsection (3) provides that the Board's decision must be based on the statutory grounds for refusal. These are set out in subsection (6). They are similar to the grounds for refusal of a premises licence application except that there is no "overprovision" ground. Subsection (7) provides that, when considering refusal on the ground that the application is inconsistent with the crime prevention objective, Licensing Boards must take into account and any recommendation for refusal made by the chief constable. The Board must also take account of any comments submitted by the Licensing Standards Officer.

Section 60 – Conditions of occasional licence

129. This section makes provision as to the conditions to which occasional licences may be subject. It replicates section 27 in relation to premises licences.

Section 61 – Notification of determinations

130. This section places a duty on the Licensing Board to notify its decisions on applications for occasional licences. Subsection (3) requires the Board, on request, to provide reasons for its decisions.