

## Licensing (Scotland) Act 2005

### Applications for Occasional Licences - Lerwick Town Hall

#### General Guidance

- For authorising sale of alcohol at events such as weddings in the Town Hall (or any other premises which are similarly not otherwise licensed), it would be necessary for application to be made (and obtained) for an Occasional Licence under the Licensing (Scotland) Act 2005.
- There are 3 categories of persons who can apply for an Occasional Licence, i.e:- (a) the holder of a premises licence (b) the holder of a personal licence or (c) a representative of a voluntary organisation (but in this last category only for catering for an event relating to the organisation's activities and, so, that would not normally apply in relation to wedding events). Accordingly, those planning a wedding would need to liaise with an existing licence holder (either a premises or a personal licence-holder) for the latter to take forward the making of an application.
- An application for Occasional Licence requires to be made using the prescribed form, obtainable from our office, and which can also be downloaded from our website at [www.shetland.gov.uk/licensing](http://www.shetland.gov.uk/licensing)
- The completed application form should be submitted to our office at 8 North Ness Business Park, along with the prescribed application fee (currently £10).
- Applications should be lodged with us at least 28 days in advance of the event. This is to allow for the requirement in the Licensing (Scotland) Act 2005 for the police and LSO to be notified by us of the application and to allow for the statutory 21 days for response. There is provision in amendments to be introduced under the Criminal Justice and Licensing (Scotland) Act 2010 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. In general, however, applicants should work on the basis of lodging an application at least the 28 days in advance of the event.
- The Board's policy is that applications for hours within 11am to 1am are delegated to the Clerk, and can be dealt with under the delegated powers if no adverse comments are received from police/LSO. Any applications for hours outwith that period would be contrary to the Board's policy and would require to be referred to a meeting of the Board for consideration. The Board's current policy under the 2005 Act can be seen at the website mentioned (and copies are also available from our office).
- It should be noted that this is a general guidance note only and should not be relied on for legal advice. If in doubt, intending applicants should seek their own legal advice.

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