



Department of Home Affairs

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**SUMMARY OF RESPONSES  
TO THE POLICY CONSULTATION  
ON 'GENERAL ATTENDANCE'  
REQUIREMENTS UNDER THE LIQUOR  
LICENSING AND PUBLIC  
ENTERTAINMENTS ACT 2021**

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**June 2024**

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## Executive Summary

### 1. Background

The Liquor Licensing and Public Entertainments Regulations 2022 (“the main Regulations”) (as amended) came into operation on 12 December 2022. These regulations introduced a new licensing regime that broadly reflected the existing regime, with a few key changes designed to either improve processes, or to generally facilitate the smooth transition of a licence from the old legislation (the Licensing Act 1995 and statutory instruments issued under that Act) to the new licensing framework. This framework comprised the Liquor Licensing and Public Entertainments Act 2021 (“the Act”), the main Regulations, and other statutory instruments issued under the Act.

The Department consulted extensively on the proposals for the new licensing framework, and also put in place the Liquor Licensing and Public Entertainments Act 2021 Implementation Plan<sup>1</sup> to act as a repository for planned actions and deliverables associated with wider implementation of that Act. Since the licensing framework took effect on 12 December 2022, officers of the Department have continued to meet regularly with the Isle of Man Licensing Forum.

Following the commencement of the new licensing framework, concerns have been flagged to officers of the Department in connection with the formalising of “general attendance” requirements. The formalising of this requirement formed part of the matters consulted on in preparation for the new licensing framework, and practically meant it was made clear that for liquor licensed premises, a licensee or Responsible Person was required to be present on that premises when they are open. This is set out at section 24 *Licensee or responsible person to be on licensed premises at all times* of the Act, and the requirements of that section are supplemented by regulation 40 *Presence on premises: exceptions* of the main Regulations.

Officers of the Department have sought to engage with the Licensing Forum to understand the issues thoroughly, and meetings with representatives of both on and off-licences have occurred via the auspices of that Forum. Additionally, officers have met with representatives of the General Registry and the Isle of Man Constabulary over the months prior to this consultation taking place to seek to properly understand what flexibility or mitigation could be considered to modify the present general attendance requirements, whilst upholding the licensing objectives.

The Department, in considering how the above raised concerns might be addressed, undertook a targeted policy consultation on “general attendance” which ran for a period of 4 weeks, from 10 November 2023 – 08 December 2023. That consultation set out a range of proposed options that were themselves intended to address the issues which had been raised.

Separately, further consultation will need to be brought in future on any matters planned for wider consideration that sit outside this one targeted area of consideration and reference to these other matters might be made within the Department’s Liquor Licensing and Public Entertainments Act 2021 Implementation Plan<sup>2</sup>.

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<sup>1</sup> <https://www.gov.im/about-the-government/departments/home-affairs/legislation/>

<sup>2</sup> <https://www.gov.im/about-the-government/departments/home-affairs/legislation/>

## 2. The consultation

Fundamentally, the expectation under both the previous regime (the Licensing Act 1995 and related statutory instruments) and that established under the new licensing framework, has been built around the requirement that a licensee or Responsible Person will be on the licenced premises when it is operating. However, it is recognised that in transitioning to a new licensing framework where licensees maintain their own Site Management Plans and understand the risk profile of their premises thoroughly, this expectation will not always be practical or indeed necessary for safe running of a premises when other trained staff as in place. And so, as noted above, the consultation on general attendance was undertaken in order that views could be received on both the proposed options that might be considered to address the issues that had been raised, and also to provide an opportunity for interested parties who might wish to share views on the proposals.

In accordance with section 59 *Consultation* of the Act, the Department has a statutory requirement placed upon it to consult with certain parties before exercising any power to make regulations or an order under the Act. These parties include the Licensing Forum, the Deemsters and the High Bailiff, the licensing authority (if established) and any person to whom the regulations or order relate, or person appearing to the Department to represent such person, and any other person that the Department considers appropriate. As such, public consultation on this policy matter and the publication of this summary of responses, seeks to comply with that obligation.

The proposed changes that were set out within the [consultation document](#), to update the licensing framework currently in place on the Island, aimed to provide greater flexibility for those most affected by the “general attendance” requirements whilst being mindful of the importance of the Licensing Objectives found at section 57 of the Act.

The adjustments to the licensing framework resulting from the consultation will be set out within a proposed amendment to the main Regulations, itself titled the Liquor Licensing and Public Entertainments (Amendment) Regulations 2024 (“the Amendment Regulations”). If such Amendment Regulations receive the approval of Tynwald, it will be proposed that they take effect at the earliest opportunity. The coming into operation of the Amendment Regulations will be intended to coincide with a proposed update to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing (“the Code of Practice”) that would itself include fresh guidance (“the Guidance”) on what the “real-world” impact of the amendment to Regulation 40 of the Amendment Regulations will be for those within the licensed hospitality industry<sup>3</sup>.

The responses received to the policy consultation showed support for the proposals outlined in the consultation, which demonstrated to the Department that the broad approach was in line with the demands of the Isle of Man licensed hospitality industry. In seeking to formally translate that policy position into a legal position underpinned by Regulations and further supported by codified Guidance that itself forms a mandatory condition of liquor licences, the Department has set out in this document the manner in which the proposals have been implemented where possible, and the way in which the feedback to the consultation has been considered elsewhere.

A detailed summary of the views received and the way in which these have shaped the finalisation of the proposed Regulations is contained within the following pages. In summarising the responses received to the consultation, we took the “We Asked, You Said, We Did” approach and we have set out how the feedback provided has been considered.

We are grateful for all comments and correspondence received. In summarising responses, it has not been possible to reproduce all commentary, and what is produced is a faithful record of the content of any such comments, paraphrased as needed to maintain anonymity of the consultation respondent.

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<sup>3</sup> Both the Amendment Regulations and any adjustment to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing [GC2024/0006] are subject to Tynwald approval in accordance with the Act.

## 3. The Main Issues



### Accountability

Feedback received to the consultation showed that respondents were keen to understand, as part of any new approach to “general attendance” set out in any new amending legislation, the lines of accountability as well as what the additional flexibility provided actually means for those in the industry. The Department will set out in guidance (as part of the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing), a clear process that supplements the existing approach in line with the licensing objectives and the wider licensing framework where premises own site management and risk assessment form a key part of ongoing maintenance of licences. The Code of Practice is issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

Additionally, the importance of seeing the lines of accountability clearly defined in order that there is an understanding of who is doing what and how they are responsible under the licensing framework (within the law) has meant that clear terminology has been needed to defined individuals in a specific role. Therefore, the term “Authorised Person” has been formally introduced within the proposed Amendment Regulations (i.e. the option 1 approach was adopted by necessity; see section 2.1 within the main summary of responses).

Separately, the main practical change to the role of the Temporary Manager is to suggested that the proposed Amendment Regulations adjust the terminology by which that person is known to a “Responsible Person on a Temporary Basis for a Limited Duration” and relevant provisions associated with this role are ported to Part 7 of the main Regulations, as this practically sits more appropriately within the Licensed Staff Register processes. The present “unavoidable absence” restriction for their appointment will also be removed with no reference made to the circumstances of their appointment, however for the full detail of this proposed change – please make reference to [section 3.2](#).



### Training

The level of required training has been a key engagement point throughout both background discussions leading up to the consultation on “general attendance”, and within that consultation itself.

As set out as a proposal within the consultation, the Department consulted on what is felt to be an appropriate minimum training requirement for a person who was to be left “in charge” of a licensed premises during the absence of the licensee or Responsible Person. Much feedback was received in this area, most notably including concern around cost of training, time taken away from the business to complete training, ensuring accreditation of the relevant courses is protected and more. Explained at the relevant questions below is the decision the Department has taken with regards to the minimum training requirement, following much consideration of not only the aggregate responses to the consultation, but other factors as well.

The requirement set for each person who wishes to become an Authorised Person is that they will have completed Parts 1 and 2 of the Manx Licensing Law Training connected to their relevant designated premises type as it applies to a Responsible Person i.e. the Responsible Person (on licence) course, Responsible Person (off-licence) course, or Responsible Person (club licence) course.

The Department has been working (via the auspices of the Licensing Forum) with the Department for Enterprise to secure blanket (i.e. automatic) partial funding for the training required for Responsible Persons (and by extension, for Authorised Persons). The intention was to mitigate the impact on businesses of initially putting in place such individuals who, while generally might otherwise be eligible for Vocational Training Assistance Scheme ("VTAS") funding support on application, would instead be able to negate this administrative process. As announced recently<sup>4</sup>, the Department for Enterprise will contribute 50% off the costs in relation to training for "Responsible Persons", "Doorstaff" and, should the proposed Amendment Regulations be approved, the proposed "Authorised Persons". This is an increase on the 30% historically available through the VTAS scheme and will be provided directly with a much simplified process.

Ultimately, for the pilot period below, in which the general attendance requirements are proposed to be adjusted, completion of parts 1 and 2 of the Manx Licensing Law training will be a requirement and more detail surrounding this approach can be found within the detailed summary of responses at section 2.6.



### **Pilot period for proposed changes made by the Amendment Regulations**

For ease of reference, it is noted that, following the consideration of responses to the consultation and the identification of changes proposed to be made by the Amendment Regulations, the Department has committed to a review within or at 6 months of the changes, the overall impact of them and, in particular, any additional issues, safety concerns or other matters identified during this phase.

The overarching trend that can be seen from responses to this consultation is the view of an extensive number of those respondents (regardless of cohort, as set out below at 1.2 within the main summary of responses) that the approach to general attendance should be one of greater flexibility. The views would, in essence, see licensees able to make a considered choice about how to determine when they can be absent, and risk assess those circumstances themselves using their own experience and good judgement to make such a decision. However, this enhanced flexibility does of course come with its own potential risks.

Therefore, the Department has proposed a package of measures that would, if approved by Tynwald, see this flexibility and risk managed approach to absence come into effect in July 2024<sup>5</sup>. However, this change comes with a duty, of the Department, with its core responsibility for legislation in respect of the Island's licensing framework, to ensure that this approach works and continues to maintain the Island's high standards with respect to the licensed hospitality industry.

The vast majority of licensed hospitality premises are well run by conscientious licensees and Responsible Persons who are ordinarily on the premises and, therefore, enforcement action required to be taken by the Central Alcohol Unit of the Isle of Man Constabulary is relatively rare.

To maintain this status quo, it is proposed that, if the Amendment Regulations and associated Code of Practice should be approved by Tynwald, a pilot phase will follow between July 2024 and the end of the year, in which oversight of issues within that approach and information about any incidents (whether requiring formal enforcement or not) that might take place in that period will be actively gathered by the Department. Additionally, feedback from members of the licensed hospitality industry

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<sup>4</sup> <https://www.iomdfenterprise.im/news-events/government-support-for-local-economy/>

<sup>5</sup> the precise date of coming into operation would depend on the approval of Tynwald being given for the Amendment Regulations themselves, and the associated Code of Practice amendment etc.

is welcomed during this period and can be directed to the Department via the Isle of Man Licensing Forum or using the contact details found on page 12 of the policy consultation document<sup>6</sup>.

If the proposed changes take effect and the pilot phase shows no deterioration of standards and no uptick in behaviours that risk undermining the licensing objectives, then the changes would remain in place. If issues arise, careful consideration will be needed about whether the changes should be reversed or adjusted.

Finally, while the planned changes are less than some respondents would have wished to see, they do represent an extensive increase in periods of time during which a licensee or Responsible Person might reasonably be absent from their premises and, as outlined above, they will be reviewed.

## **Liquor Licensing and Public Entertainments Act 2021 Implementation Plan**

The Department produced an implementation plan in connection with the Liquor Licensing and Public Entertainments Act 2021, which can be viewed online [here](#)<sup>7</sup>.

Please note that commentary received during the consultation on the wider licensing framework, where practical, will be incorporated within the themes set out within the Implementation Plan for further consideration. For ease of reference, that plan includes matters at appendix 3 which are out of scope for regulation but is the placeholder for all other related matters. The plan itself is a “living document” and separate future phased changes, and the timescales associated with these changes, are routinely set out in updates to the plan.

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<sup>6</sup> [https://consult.gov.im/home-affairs/general-attendance-requirements-liquor-licensing/supporting\\_documents/POLICY%20CONSULTATION%20%20LLPE%20General%20Attendance%20consultation%20doc%201.pdf](https://consult.gov.im/home-affairs/general-attendance-requirements-liquor-licensing/supporting_documents/POLICY%20CONSULTATION%20%20LLPE%20General%20Attendance%20consultation%20doc%201.pdf)

<sup>7</sup> <https://www.gov.im/about-the-government/departments/home-affairs/legislation/>

# Summary of responses to the consultation

## 1. Submission of responses to the consultation

### 1.1 Responses the Department received



The Department received a total of **53** responses, via the online consultation survey.

When looking at who responded to the consultation, of the **53** responses:

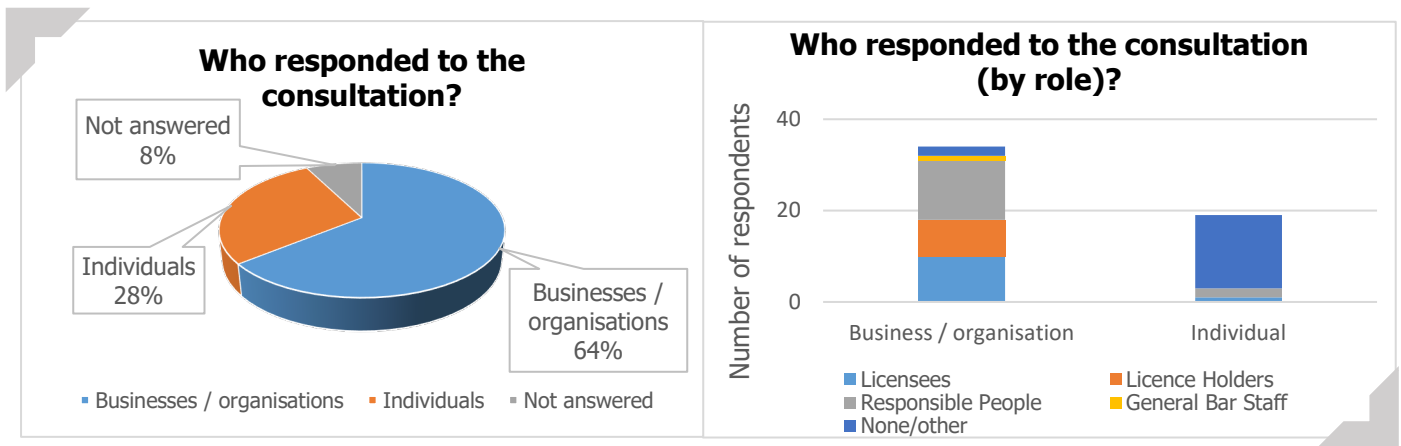


- **34** were on behalf of a business/organisation;
- **15** were from individuals; and
- **4** did not answer which group they belonged to.

Those who responded to the consultation were:



- **15** Responsible People;
- **11** Licensees;
- **8** Licence holders;
- **1** General bar staff; and
- **18** None of the above/other.



### 1.2 Analysis of the response data

The statistics within the following sections of this summary of responses, and the analysis of the broad trends alongside any specific anecdotal commentary associated with these trends, has been derived in the following manner.

As set out above, there were **53** respondents to the baseline initial questions within this consultation.



When the respondents reached the question at which they were asked to select an option from the three possible options for “general attendance” set out at [section 5 within the policy consultation](#)<sup>8</sup>, depending on their response to this question, respondents were separated into three cohorts:

- the option 1 cohort (**19** respondents);
- the option 1a cohort (**25** respondents); and,
- the option 2 cohort (**9** respondents).

The option 1 and option 1a cohorts were then asked a series of virtually identical questions, with the option 1 cohort asked 12 questions, and the option 1a cohort asked 11 questions. A list of these questions themselves can be found at section 5 within this Summary of Responses document. Statistical analysis of the responses made by these cohorts to their questions has, due to the near identical nature of those questions, been combined to generate one data set that shows the broad trends and themes these respondents set out in their responses.

What this means is that within this Summary of Responses document there are a number of places where the possible number of responses to that question is **44**. This is the overall possible number of responses given by the respondents from cohort 1 (**19** respondents) to their question, and respondents from cohort 1a (**25** respondents) to their question.

Separately, the option 2 cohort were asked 7 additional questions which were different to those asked of the option 1 and option 1a cohorts. A list of the questions asked of the option 2 cohort can be found at section 5 within this Summary of Responses document.

Again, what this means is that within this Summary of Responses document there are a number of places where the possible number of responses to a question directed solely at that cohort is **9**. This is the overall possible number of responses given by the respondents from cohort 2 (**9** respondents).

All respondents in all cohorts were asked one final question, as to whether they had any other comments in relation to the consultation, and their responses to that questions can be referred to at section 2.9.

At all places where data has been set out, the graphic and the analysis clearly denote how that data was generated. Therefore, where the combined option 1 and option 1a cohorts were asked a question, this prefixes their data, and where only the option 2 cohort were asked a question, again this is made clear.

In some places, both data sets (cohorts 1 and 1a, and 2, combined) are represented, however this is always explained within the analysis provided.

Finally, of the 53 respondents to the consultation: 8 respondents from the cohort formed of options 1 and 1a when these data sets were combined, and 3 respondents from the cohort related to option 2, indicated that they did not wish their comments to be published on the Consultation Hub. Therefore, for these respondents, their responses form part of the statistics represented in the broad trending outlined in the below Summary of Responses. However, any anecdotal responses they made do not form part of the analysis and commentary i.e. their anonymised response forms part of this Summary of Responses document but any specific “in their own words” comments which that individual respondent made, do not.

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<sup>8</sup> [https://consult.gov.im/home-affairs/general-attendance-requirements-liquor-licensing/supporting\\_documents/POLICY%20CONSULTATION%20%20LLPE%20General%20Attendance%20consultation%20doc%201.pdf](https://consult.gov.im/home-affairs/general-attendance-requirements-liquor-licensing/supporting_documents/POLICY%20CONSULTATION%20%20LLPE%20General%20Attendance%20consultation%20doc%201.pdf)

## 2. Summary of responses to the consultation questions

### 2.1 Options for "general attendance"

As part of the policy consultation, three proposed options were consulted on in relation to the "general attendance" approach moving forward:

#### **Option 1**

This approach would see the introduction of a new "class" of person – the "Authorised Person". This would allow a Responsible Person or licensee to delegate the operation of a premises to be absent for a period of not more than 7 or 14 days (depending on outcome of consultation) and during that period delegate the operation of that premises to that Authorised Person during the absence of the Licensee or Responsible Person, providing that the Licence Holder/Responsible Person is contactable by phone during that absence. The Licence Holder/Responsible Person will remain personally responsible for the premises during that time.

#### **Option 1a**

See above description for Option 1. Option 1a is exactly the same, except that there would be no tier of persons referred to as "Authorised Persons". Suitable individuals would act in the same way as Authorised Persons, simply without this title.

#### **Option 2**

This is approach would allow a Licence Holder and/or Responsible Person to be *reasonably* or *unavoidably* absent from the premises for up to 5 days without an individual named as being in charge, and providing that the Licence Holder/Responsible Person is contactable by phone. The Licence Holder/Responsible Person will remain personally responsible for the premises during that time.

#### **We asked:**

As set out within the *Analysis of the response data* section at 1.2, we asked respondents which of these three options to potentially adjust the approach taken in the licensing framework to 'general attendance' requirements the respondent found preferable moving forward.

Depending on the option that the respondent indicated a preference for, that respondent then formed part of a cohort which was then asked an additional 12 (cohort 1), 11 (cohort 1a) or 7 (cohort 2) questions in order to elicit additional information from the respondent as to how they felt their preferred option would impact the licensing framework. The questions themselves are set out at section 5 of this summary, and for the most part were broadly similar allowing relevant views and opinions to be gathered for consideration by the Department.

It is noted here for clarity that while not distinctly referenced within the policy consultation, each of the proposed options are applicable to both on-licensed, off-licensed and club-licensed premises (as noted on page 5 of this Summary of Responses document). Further detail as to training requirements between different types of licensed premises is contained at section 2.6 [here](#) in this Summary of Responses document.

All respondents, regardless of preferred option indicated, were given the opportunity to conclude the consultation by recording any final comments they had in response to the consultation more generally, and these more general comments are captured at section 2.9 *Other Commentary* to this Summary of Responses document.

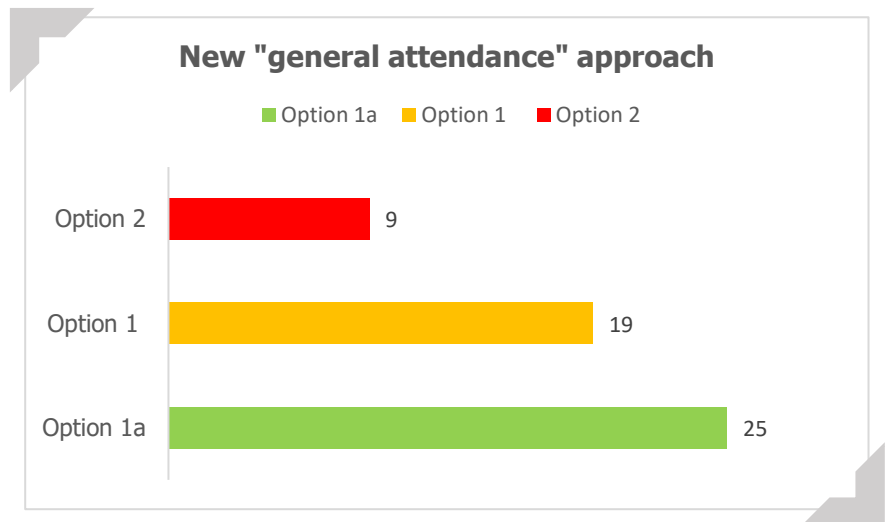
**You said:**

There were a total of **53** responses received to this overall consultation with preference for options 1, 1a and 2 being indicated as follows:

The majority of respondents were supportive of option 1a, as indicated by a total of **25** respondents who indicated a preference for this option. **19** respondents indicated a preference for option 1 and **9** respondents indicated a preference for option 2.

**We did:**

The majority of respondents to this question supported the principle that a person could be delegated the operation of a licensed premises in the absence of the Licensee or Responsible Person and in addition, the Licensing Forum (at its meeting in September 2023) indicated a preference for option 1.



When looking formally at the drafting of suitable Amendment Regulations (and, latterly, the associated guidance) to translate policy into legislation, the Department identified a need to attach a definition to the person who would be able to fulfil the general attendance requirements in the absence of the licensee or responsible person. This would ensure that the licensing framework was adhered to by relevant individuals and, in particular, to ensure that the licensing objectives are upheld.

In order to promptly, correctly and clearly identify one individual, both in law and in circumstances that require this to be immediately known, as being the person "on duty" (the absent licensee or Responsible Person) and the person who is "in charge" (the individual to whom delegation has been given to manage the premises during that absence), the Department has had to create a specific title in law: an "Authorised Person".

This harmonises with the wider licensing framework where the terms Licensee and Responsible Person have a clear meaning and attract certain legal responsibilities. The Authorised Person has therefore been clearly identified as such and it is proposed that will be further defined within Regulation 40 (as amended).

While there is no desire or intention to create an additional layer of bureaucracy, it is critical that clarity be provided as to who is managing a liquor licensed premises, who is responsible for that premises and what risk assessment has been undertaken to ensure safe and considered running of that premises. The proposed Amendment Regulations make clear that, while an Authorised Person will manage the premises in the *reasonable absence* of a Licensee or Responsible Person of a duration of more than 4 hours and less than 14 days, the absent Licensee or Responsible Person MUST be

contactable at all times and remains personally responsible for the premises. Additionally, the premises logbook must be maintained to this effect.

One alternative considered was the approach to authorisation of sale and supply of alcohol within England and Wales, however this model and structure surrounding it is quite different than our own here on Island. Additionally, on review it appeared that by extending such an approach here would introduce potential greater bureaucracy with the necessary authorisation of all staff making sales. As our licensing law has a number of key differences to that in England and Wales, the approach set out in the proposed changes is that which allows for the legal clarity and clear identification of the person who will be "in charge", but does not required changes that extend beyond that person, to all staff, as would potentially be required if that Authorised Person was not clearly denoted.

This delegation of management responsibility for the premises will be clearly set out in the proposed Amendment Regulations, with further guidance proposed to be incorporated within the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing (as a new Appendix G to that Code of Practice). That guidance will set out how the reasonableness of any absence might be considered, and risk assessed, how to maintain records associated with an Authorised Person, and the necessary competence and skills required of that Authorised Person to manage the premises. The approach taken is to limit the burden of processes while ensuring clear accountability and clear records for the benefit of the trade, the Constabulary and the public.

It is further noted, that the Guidance is proposed to form part of the Code of Practice issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations) forms a mandatory licence condition for liquor licensed premises.

Separately, but noted for reference here as it clearly links to the structure that is being proposed in the Amendment Regulations, is a further proposed adjustment of Regulation 40 in relation to Temporary Managers. It is further proposed that, while the flexibility (the ability to put in place a Temporary Manager who is responsible for the premises in an absence) is to be retained, various changes will be made in order to make this more practically useful to licensees. The provision around Temporary Managers are proposed to be ported from Regulation 40 to Part 7 of the Regulations<sup>9</sup>, seeing these individuals become a "Responsible Person on a Temporary Basis for a Limited Duration registered within the Licensed Staff Register, which is in better keeping with appointment processes (and requirements) for Responsible Persons within the licensing framework. In practice, such an individual will generally be referred to as a "Temporary Responsible Person" and have the same responsibilities as any other Responsible Person. The present "unavoidable absence" restriction for such an appointment will also be removed. The other existing processes and periods of appointment set out in connection with a Temporary Responsible Person will be broadly unchanged from those of a Temporary Manager– see [section 3.3](#) below for more information.

## 2.2 Revised period of absence in which a Licence Holder/Responsible Person can be absent from a licensed premises (7 days, 14 or neither)

### **We asked:**

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<sup>9</sup> Where they would become subject to fresh Regulations 53A to 53E

The following statistics are separated into two distinct segments, derived from responses received when respondents had indicated a preference for option 1, or, option 1a, and, separately, option 2.

### Option 1 and 1a respondents

We asked respondents who indicated that that they would prefer to see either option 1 or option 1a be taken forward whether the period during which a Licence Holder/Responsible Person can be absent from a licensed premises should be not more than 7 days, not more than 14 days or neither (not more than) 7 nor (not more than) 14 days<sup>10</sup>.

Respondents were also asked, separately, to provide additional commentary on their indicated preferred period of absence and, in particular, if they felt that neither (not more than) 7 nor (not more than) 14 days were appropriate, what timescales the respondent believed were appropriate.

The responses received to this question were then summarised as follows, regardless of whether the respondent was answering in connection with option 1 or option 1a (as regardless of the option indicated, the content of the question was the same).

### Option 2 respondents

We asked respondents, who had already indicated that they would prefer to see option 2 be taken forwards as a future approach to general attendance, whether the period during which a Licence Holder/Responsible Person can be absent from a licensed premises should be not more than 5 days<sup>11</sup>.

Respondents were also asked, separately, to provide additional commentary on their indicated preferred period of absence and, in particular, if they felt not more than 5 days was not appropriate, what timescales the respondent believed were appropriate.

## **You said:**

### Option 1 and 1a respondents

There were a total of **36** responses received to this question, whether asked in connection with option 1 or option 1a.

The majority, **19** respondents, indicated a period of absence of not more than 14 days to be preferable. **6** respondents indicated that not more than 7 days was preferable. **11** respondents indicated that neither (not more than) 7 days nor (not more than) 14 days was preferable, and **8** of the respondents who had indicated a preference for either option 1 or 1a made no response to this question.

As noted above, the **9** respondents to the consultation who had already indicated a preference for option 2 were not asked to respond to this question.

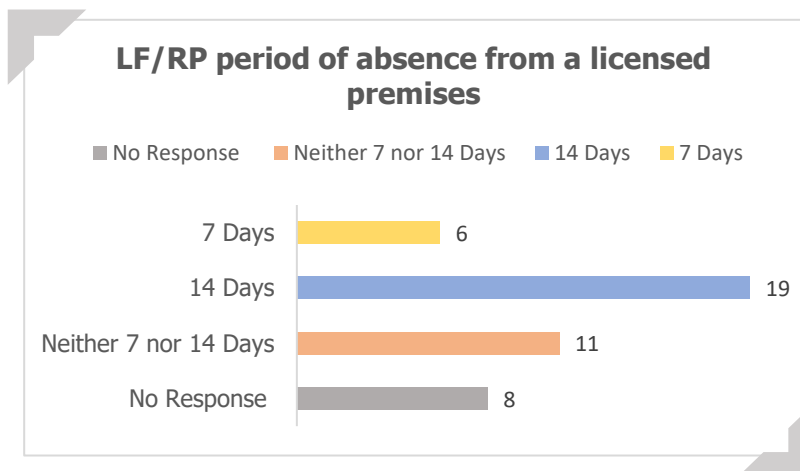
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<sup>10</sup> In all places where statistics were gathered or a consultation question was generated for all option 1 and 1a cohorts, for simplicity the timescales 7 days, 14 days or neither 7 nor 14 days were used however the overall consultation materials made clear that all timescales related to *not more than* those 7 or 14 day periods.

<sup>11</sup> In all places where statistics were gathered or a consultation question was generated for all option 2 cohort, for simplicity the timescale 5 days were used however the overall consultation materials made clear that all timescales related to *not more than* a 5 day period.

Among the 11 respondents that indicated neither (not more than) 7 nor (not more than) 14 days were appropriate periods of absence, the following suggestions were received:

- 21 days (suggested by 5 respondents);
- 30 days (suggested by 2 respondents);
- 18 days;
- 16 days (suggested by 4 respondents); and
- 7 days.



Some respondents of the 11 made no alternative suggestion.

#### Option 2 respondents

There were a total of **9** responses received to this question.

The majority, **7** respondents, indicated a period of absence of up to not more than **5** days to be preferable. Of the other **2** respondents, **1** indicated that in their view **9** days was more appropriate, and the other **1** respondent stated their view was that the increase from 2 hours was too large.

The responses given by the option 2 cohort in relation to this question, and responses made by the option 1 and option 1a respondents to their supplementary questions on this theme, link to the overall themes analysed at sections [2.7](#) and [2.8](#) to this Summary of Responses document, regarding the proposed introduction of "reasonable absences" (as opposed to "unavoidable") and examples of such absences. The examples given in response to those questions by option 2 respondents are along broadly similar themes as the responses received to this particular themed question (and vice versa).

As noted above, the **44** respondents to the consultation who had already indicated a preference for options 1 and 1a were not asked to respond to this question.

#### **We did:**

The majority of respondents to this question supported the length of absence of a Licence Holder/Responsible Person from a licensed premises being increased to not more than 14 days. This change is proposed to be included within the Amendment Regulations as the Department determined that this enhanced flexibility of providing for a period of *less than 14 days* would be appropriate when considered as part of the proposed package of amendments that include clear Guidance and an emphasis on risk management and reasonableness of an absence period.

Consideration has been given to the “safeguarding” of this change. In order to mitigate potential risk being created by this change, the change will only apply as an exception as a result of reasonable circumstances. The absentee will remain accountable for whatever occurs on the premises and remain contactable by telephone throughout the duration of a recorded delegation requiring the premises to be managed by an Authorised Person during their absence. Additionally, and ideally, the absent licensee or Responsible Person would be able to return to the premises if circumstances require that to happen, and will have carefully risk assessed (in accordance with the Guidance) prior to the absence taking place.

It is further noted, that the Guidance is proposed to form part of the Code of Practice issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further consideration.

### 2.3 Current maximum (less than) 2 hour period for absence of LH/RP

#### **We asked:**

The following statistics are derived from responses received when respondents had indicated a preference for option 1, or option 1a. Respondents who had selected option 2 were not asked to indicate responses to this question.

We asked respondents, who indicated that that they would prefer to see either option 1 or option 1a be taken forward, the specific question: *Is the current maximum 2 hour period<sup>12</sup> for absence of a Licence Holder/Responsible Person an appropriate maximum?*

The responses received to this question were then summarised as follows, regardless of whether the respondent was answering in connection with option 1 or option 1a (as regardless of the option indicated, the content of the question was the same).

We also asked if (less than) 2 hours did not seem appropriate, what length of time would be instead.

#### **You said:**

There were a total of **43** responses received to this specific question.

Of these responses, **33** respondents indicated that they did not consider the current (less than) 2 hour maximum to be appropriate (rather, too short), and **10** respondents indicated that they did consider this timeframe to be appropriate. **1** respondent made no response.

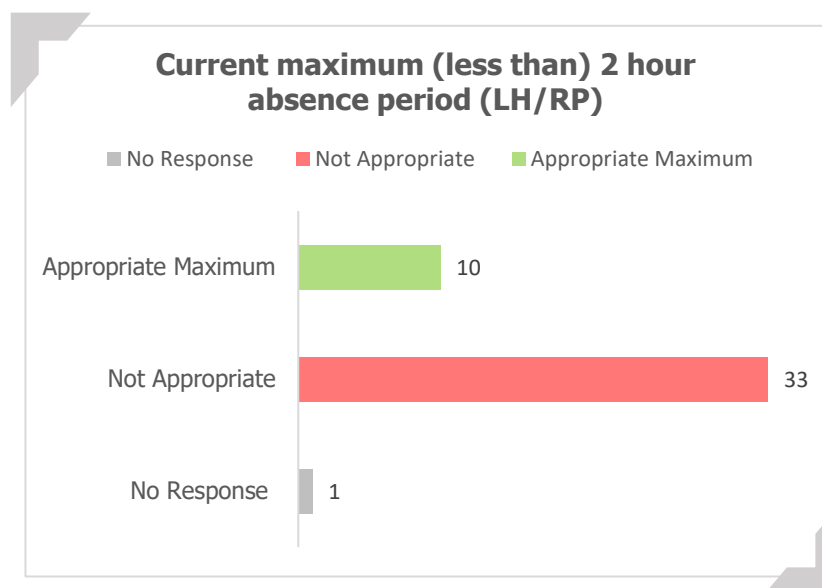
Separately, these respondents were also asked for their views on the present (less than) 2 hour maximum period and what they thought this period should be, if not the present (less than) 2 hour maximum.

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<sup>12</sup> In all places where statistics were gathered or a consultation question was generated for all option 1 and 1a cohorts, for simplicity the timescale of 2 hours was used however the overall consultation materials made clear that all timescales related to the *less than* 2 hour period currently expressed in the main Regulations at Regulation 40.

5 of these responses have not been referred to in detail, as these respondents did not consent to publication of their responses.

Of the 43 respondents, many commented that at present the current allowance is “unworkable” and does not account for sufficient time for absence in the event of a personal emergency. 8 of these respondents suggested that the maximum be increased to 4 hours. Other suggestions included increase of the maximum absence periods ranging from 4 to 6 hours, to “an evening” and to unrestricted periods of absence.



As noted above, the 9 respondents to the consultation who had already indicated a preference for option 2 were not asked to respond to this question.

The responses given by option 1 and 1a respondents in relation to this question and to their supplementary questions on this theme, link to the overall themes analysed at sections [2.7](#) and [2.8](#) to this Summary of Responses document, regarding the “reasonable absences” (as opposed to “unavoidable”) and examples of such absences. The examples given in response to those questions by option 2 respondents are along broadly similar themes as the responses received to this particular themed question (and vice versa).

### **We did:**

Overall, an adjusted limit to less than 4 hours appeared to be an appropriate suggestion when all responses to this question were reviewed and considered alongside the other considered changes being proposed within the Amendment Regulations. The extended period (setting out a *reasonable* absence of less than 4 hours, rather than an “unavoidable” absence of less than 2 hours) will provide a greater flexibility whilst the Guidance will be the mechanism ensuring that careful consideration of this absence i.e. that is be a *reasonable* absence and be fully considered and risk assessed in line with the proposed Guidance, acts as a safeguard.

It is further noted, once again, that the Guidance is proposed will form part of the Code of Practice issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further consideration.



## 2.4 Maximum 2 hour absence period - planned vs. emergency absences

### **We asked:**

The following statistics are derived from responses received when respondents had indicated a preference for option 1, or option 1a. Respondents who had selected option 2 were not asked to indicate responses to this question.

We asked respondents, who had already indicated that that they would prefer to see either option 1 or option 1a, the specific question *Should the maximum 2 hour period absence be for planned (e.g. rotas, regular childcare) or only emergency provision (e.g. attending A&E)?*

The responses received to this question were then summarised as follows, regardless of whether the respondent was answering in connection with option 1 or option 1a (as regardless of the option indicated, the content of the question was the same).

Option 2 respondents were asked, as referred to in sections [2.7](#) and [2.8](#) below, questions in respect of unavoidable and reasonable absence, and that section can also be referred to for relevant commentary.

### **You said:**

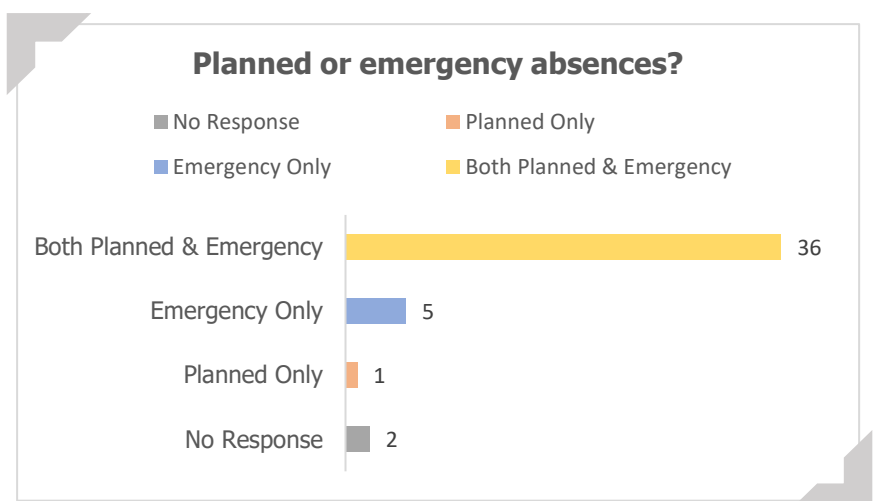
There were a total of **42** responses received to the specific question content asked: *Should the maximum 2 hour period absence be for planned (e.g. rotas, regular childcare) or only emergency provision (e.g. attending A&E)?*

The majority, **36** respondents, indicated that both planned and emergency absences of less than 2 hours should be provided for. **1** respondent indicated that only planned absences should be included, **5** respondents indicated that emergency only absences should be included and **2** respondents made no response to this question.

As noted above, the **9** respondents to the consultation who had already indicated a preference for option 2 were not asked to respond to this question content.

### **We did:**

The feedback received in response to this question was in line with the approach that is proposed to be taken by the Department in bringing forward the Amendment Regulations.



The extended period (setting out a *reasonable* absence of less than 4 hours, rather than an “unavoidable” absence of less than 2 hours) will provide a greater flexibility whilst the Guidance will be the mechanism ensuring that careful consideration of this absence i.e. that is be a *reasonable* absence and be fully considered and risk assessed in line with the proposed Guidance, acts as a safeguard.

It is further noted, once again, that the Guidance that will form part of the Code of Practice issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further consideration.

## 2.5 Consecutive and cumulative periods of absence

### **We asked:**

The following statistics are derived from responses received regardless of whether the respondent had indicated a preference for option 1, 1a or 2 as all respondents were asked two very similar questions.

We asked respondents two separate questions. One in relation to their views on the maximum periods of absence on a consecutive, and on a cumulative basis, and, separately, what those respondents felt would be an *appropriate* period of time for that absence, again both on a consecutive and a cumulative basis.

This gave rise to a somewhat complicated outcome where often one respondent set out slightly different data in response to each of these questions, therefore this data has been parsed to give an overall trend as to what time periods were indicated and what that meant.

### **You said:**

As noted above, the following statistics are derived from responses received regardless of whether the respondent had indicated a preference for option 1, 1a or 2 as all respondents in all cohorts were asked similar questions.

Therefore, these statistics represent the content from all possible responses received from all respondents who completed this consultation questionnaire. In practice while the overall possible number of responses would be **106** responses, the maximum possible if all respondents made a response to the two separate but very similar questions. In practice there were just **76 aggregate** responses received. The remaining potential 30 aggregate responses were that no response was made in connection with these two separate but very similar questions.

Of the responses made where the commentary was clearly in respect of cumulative timeframes, or of consecutive time frames, and those suggested time periods were identified in that response narrative, this data was broken down to overall aggregate responses as follows (it should be noted that not all respondents to this question made quantitative suggestions – so the suggestions are expressed as “suggested once, suggested x times, etc. in order to accurately reflect that this suggestion comes from the data set explained above):

Cumulative absences – suggestions from all respondents responding to both questions on cumulative or consecutive absence

- 10 weeks per year: Suggested once
- 42 days per year: Suggested once
- 32 days per year: Suggested once
- 30 days per year: Suggested 5 times
- 28 days per year: Suggested 3 times
- 21 days per year: Suggested 3 times
- 16 days per year: Suggested 2 times
- 14 days per year: Suggested 5 times
- 7 days per year: Suggested 5 times (*3 suggested this be 7 days within a 30 day period*)
- 5 days per year: Suggested once
- 48 hours per week: Suggested once
- 2 hours a day: Suggested once
- 80% of opening hours: Suggested once
- No limit: Suggested 11 times

**MODE (most suggested): No limit**

In addition, suggestions received for consecutive absences were as follows:

Consecutive absences – suggestions from all respondents responding to both questions on cumulative or consecutive absence

- 30 days: Suggested once
- 21 days: Suggested 6 times
- 18 days: Suggested once
- 16 days: Suggested 4 times
- 14 days: Suggested 10 times
- 7 days: Suggested 5 times (*2 suggested that this be within a 30 day period*)
- 5 days: Suggested 3 times
- 48 hours: Suggested 2 times
- 6 hours: Suggested once
- 2 hours: Suggested once
- No limit: Suggested 8 times

**MODE (most suggested): 14 days**

A summary of the key themes borne out from the feedback received to this question from option 1 and option 1a respondents is as follows:

- **Personal Time Off:** Many respondents emphasised the need for employees, including Responsible Persons, to have flexibility for personal time off, such as holidays.
- **Balanced Approach:** Respondents wrote that setting limits on consecutive and cumulative absences is reasonable, particularly for small businesses with limited staff and that often have reduced hours, to balance operational needs and personal commitments. However, some respondents opposed any maximum limit, advocating trust in business owners to manage their premises effectively.

- **Opposition to Strict Limits:** Some respondents made a case against consecutive/cumulative absence limits, noting that small businesses often rely on a single Responsible Person, and prescriptive requirements strain family and business dynamics.
- **Small businesses:** Respondents on behalf of small businesses expressed concerns about the impact of "general attendance" requirements on staffing and operational pressures. Some respondents wrote that compliance has become more difficult.
- **Balanced Policy:** Respondents seek a policy with flexibility to accommodate varying circumstances can enhance work-life balance and employee wellbeing.

A summary of the key themes borne out from the feedback received to this question from option 2 respondents is as follows:

- **Extended Absences:** Some respondents fed back that any extended absence should be managed by temporarily appointing properly trained and vetted staff.
- **Documenting Absences:** Respondents felt that all periods of absence must be documented to ensure that the licensed premises are actively managed by the Licensee or Responsible Persons.
- **Training:** Respondents felt that owners of licensed premises should invest in training and sufficient Responsible Persons to cover absences, ensuring empowerment of employees and continuity in management.
- **5-Day Consecutive Absences:** A consecutive absence of up to 5 days was viewed by respondents as being appropriate, providing that the responsibility for the management of the premises sat with the Licensee or Responsible Person during that time, and depended on that premises operational processes and appropriate internal safeguards for that premises i.e. ability to return to the premises etc.
- **Impact of Staffing Regulations:** Small businesses find it impractical to manage and adhere to regulations that require lengthy training periods for new Responsible Persons, which can be costly and time-consuming.

Overall, the feedback received in response to these questions highlight the need for a balance between legislative requirements and the practical implications on businesses, with an emphasis on maintaining trust while ensuring compliance with licensing objectives.

### **We did:**

In practice, the approach taken in respect of overall cumulative periods of absence is a fine balance between operational flexibility and the safety and good management of liquor licenced premises which is of paramount importance with reference to the licensing framework and, in particular, with reference to the licensing objectives. The practicalities of introducing cumulative and consecutive absence monitoring would be complex and, at this time, the Department has decided not to seek to include such a provision in the Amendment Regulations. The Department, instead, proposes an approach based on reasonableness of absence and looks to provide for:

- *reasonable* absences of less than 4 hours (where no specific person is required to be appointed to manage the premises, the absentee remains contactable for the duration of their absence, which has been adequately risk assessed in accordance with the Guidance at Appendix G to the Isle of Man Licensing Forum Code of Practice and Guidance, and retains overall responsibility for the licensed premises for the duration of their absence); and,
- *reasonable* absences of a duration of over 4 hours and less than 14 days where an Authorised Person must be appointed prior to and for the duration of the absence in accordance with

Regulation 40 of the main Regulations and with the aforementioned Guidance. The absentee remains contactable for the duration of their absence, which has been adequately risk assessed in accordance with the Guidance at Appendix G to the Isle of Man Licensing Forum Code of Practice and Guidance, and retains overall responsibility for the licensed premises for the duration of their absence

These individual periods of *reasonable* absence provided for are clearly defined in the proposed Amendment Regulations, along with the associated requirements associated, including the accurate maintenance of the premises logbook in accordance with Regulation 40 itself, and with both section 24 of the Act (*Licensee or responsible person to be on licensed premises at all times*) and any supplementary Guidance provided in the Code of Practice (that provides additional clarity and a quick point of reference to what needs to happen).

It is further noted, once again, that the Guidance is proposed to form part of the Code of Practice issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further consideration.

## 2.6 Minimum training requirement for a suitable individual

### **We asked:**

The following statistics are derived from responses received when respondents had indicated a preference for option 1, or option 1a. Respondents who had selected option 2 were not asked to indicate responses to this question.

We asked respondents, who had already indicated that that they would prefer to see either option 1 or option 1a be taken forward, a specific question around the minimum training requirement for an Authorised Person/suitable individual and whether this was, in their view, preferred to be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2.

The responses received to this question were then summarised as follows, regardless of whether the respondent was answering in connection with option 1 or option 1a (as regardless of the option indicated, the content of the question was, for all purposes, the same).

We also asked option 1 respondents: *If the completion of training should depend on the nature of the Authorised Person's employment, what would be some of the factors to take into account (i.e. type of premises, risk presented, etc)?*

### **You said:**

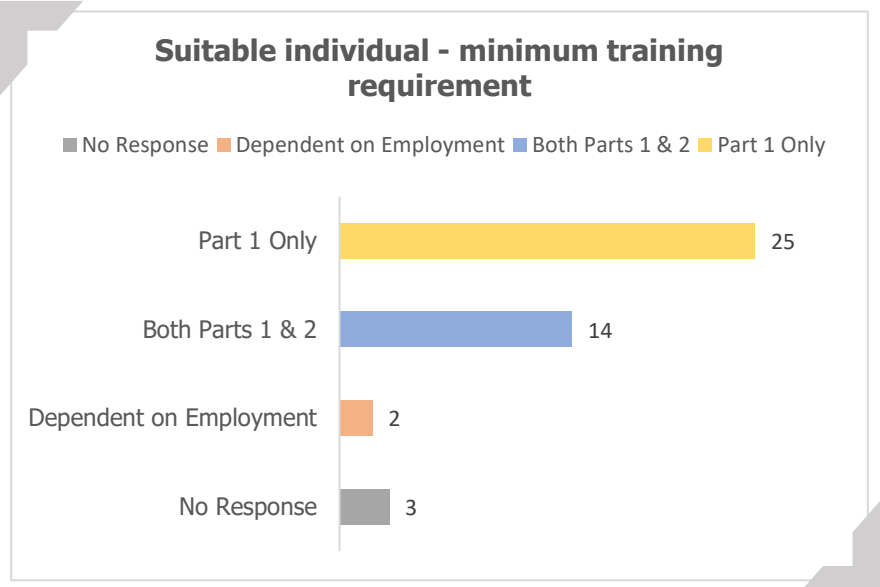
There were a total of **41** responses received to this question.

The majority, **25** respondents, indicated that solely part 1 should be completed. **14** respondents indicated that both parts 1 and 2 should be completed, while the final **2** respondents indicated that the level of training should depend on the persons' employment. **3** respondents made no response.

As noted above, the **9** respondents to the consultation who had already indicated a preference for option 2 were not asked to respond to this question.

A summary of the key themes borne out from the feedback received to this question is as follows:

- **Differentiation for Clubs vs. General Bars:** Respondents on behalf of sporting clubs, operating primarily for members and invited guests on a limited basis, commented that they should not be subject to the same rigorous licensing training requirements as busy public bars.



- Proposals for a two-tier training course to distinguish between these scenarios were suggested.
- **Cost Concerns for Not-for-Profit Clubs:** Not-for-profit clubs expressed concerns about the financial burden of licensing training, advocating for reduced costs and Isle of Man Government funding support.
- **Training structure:** The proposed training comprises two parts. Part 1 focuses on transferring knowledge of the licensing environment, while Part 2 provides real-world examples and checks for understanding. Some respondents questioned the necessity of Authorised Persons/suitable individuals needing to undertake Part 2, suggesting it may be redundant for experienced personnel.
- **Practical experience vs. formal training:** Respondents highlighted the importance of practical experience in addition to formal training, in particular that experienced staff who have been in the role for years should have their existing knowledge and expertise taken into account.
- **Practicality of training requirements:** Concerns were raised about the practicality of enforcing training requirements, particularly for short-term or occasional cover staff. Some respondents suggested that completion of Part 1 may suffice for such roles, while others commented that if Part 2 were to be mandated, individuals may as well complete the full registration process to become Responsible Persons.

Additionally, feedback by form of suggestions received from option 1 respondents in relation to the additional question: *If the completion of training should depend on the nature of the Authorised Person's employment, what would be some of the factors to take into account (i.e. type of premises, risk presented, etc)* is summarised as follows:

- **Premises Variability:** Different licensed premises have distinct operational models and practices, necessitating different considerations for training and management (i.e. small clubs vs. large nightclubs and public vs. private member venues).
- **Training Considerations:** All individuals left in charge of licensed premises should receive appropriate training, which may need to vary based on premises type and size, location and associated risks, capacity and staff numbers, previous incidents and safety records.
- **Experience and Support:** The experience of the staff and Authorised Persons should influence training requirements. Appropriate protocols and support systems should be in place and documented.

- **Situational Factors:** Shifts, times, and days of operation impact the level of risk and required preparedness. The experience of the staff also play a crucial role in determining training needs.

Overall, the feedback reflects a balance between the need for effective training to uphold licensing standards and the practical considerations, particularly regarding costs and the unique operating environments of sporting clubs versus general public bars.

### **We did:**

The Department gave extensive consideration to this policy point, and undertook extensive consultation with stakeholders including its training provider, the Department for Enterprise, the Isle of Man Constabulary and the Isle of Man Licensing Forum to understand all pros and cons, as well as the full impact of either decision to be taken forward with regards to the minimum training requirement for an Authorised Person/suitable individual.

Regardless of which course is taken, the clear imperative is that the training required to be undertaken by an individual must be of a level appropriate to ensure that the individual is confident to manage the licensed premises in the absence of the Licensee or Responsible Person and is familiar with the requirements of the licensing framework and, in particular, with the licensing objectives.

While the above statistics clearly indicate a preference from respondents (within the option 1 or option 1a cohorts) for completion of solely part 1 of the Manx Licensing Law training course, in practice the determination of level of training to be completed had other interdependent factors to consider. Following the consultation, the Department was made aware that setting the training requirement for an Authorised Person/suitable individual to require solely Part 1 of the Responsible Person qualification would negatively affect accreditation of the overall course and the Vocational Training Assistance Scheme ("VTAS")<sup>13</sup> would not therefore be applicable and so none of the cost could be offset.

As noted above within point 3 *Main Issues* of the Executive Summary, the Department has been working (via the auspices of the Licensing Forum) with the Department for Enterprise to secure blanket (i.e. automatic) partial funding for the training required for Responsible Persons (and by extension, for Authorised Persons). The intention was to mitigate the impact on businesses of initially putting in place such individuals who, while generally might otherwise be eligible for Vocational Training Assistance Scheme ("VTAS") funding support on application, would instead be able to negate this administrative process. As announced recently<sup>14</sup>, the Department for Enterprise will contribute 50% off the costs in relation to training for "Responsible Persons", "Doorstaff" and, should the proposed Amendment Regulations be approved, the proposed "Authorised Persons". This is an increase on the 30% historically available through the VTAS scheme and will be provided directly with a much simplified process.

Further to the decisions outlined earlier in this summary, the proposed Amendment Regulations, and more particularly the further guidance proposed to be incorporated within the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing (as a fresh Appendix G to that Code of Practice), will clearly set out the necessary competence and skills required of that Authorised Person to manage the premises.

Given that the only option for formal training is the full course, in order to help mitigate the risk of this package of changes and in light of the financial support and reduced administrative burden being offered, the Department has determined to require Authorised Persons to complete both parts of the

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<sup>13</sup> <https://www.gov.im/categories/education-training-and-careers/vocational-training-assistance-scheme/>

<sup>14</sup> <https://www.iomdfenterprise.im/news-events/government-support-for-local-economy/>

Responsible Person training. This minimum training requirement will be applicable to any individual who is to be an Authorised Person, whether employed for an on-licensed premises, an off-licensed premises or a club licences premises i.e. the Responsible Person (on licence) course, the Responsible Person (off-licence) course or the Responsible Person (club licence) course.

It is further noted, once again, that the Guidance that will form part of the Code of Practice issued under section 61 of the Act, and in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further consideration.

## 2.7 Replacement of the word 'unavoidable' with 'reasonable'

*This question only applied to those 9 respondents who had selected option 2 as their preferred option at the beginning of the policy consultation.*

### **We asked:**

The following statistics are derived from responses received when respondents had indicated a preference for option 2. Those respondents who had indicated a preference for options 1 and 1a were not asked to indicate responses to this question.

Instead, the respondents who had indicated a preference for option 1 or option 1a were asked questions, in particular those connected with the above sections [2.3](#), [2.4](#) and [2.5](#), that themselves related to broadly similar themes i.e. absence reasoning or planning, planned or emergency absences and appropriate consecutive or cumulative periods of absence, and the rationale associated with these periods.

We asked respondents, who had already indicated that that they would prefer to see either option 2 be taken forward, a specific question as to whether replacement of the word 'unavoidable' with 'reasonable' in regulation 40 would be agreeable.

### **You said:**

There were a total of **9** responses received to this question who had already indicated a preference for option 2.

The remaining **44** respondents to the consultation who had already indicated a preference for options 1 or 1a were not asked to respond to this question.

The majority, **7** respondents, were in agreement with this proposal. **2** disagreed.

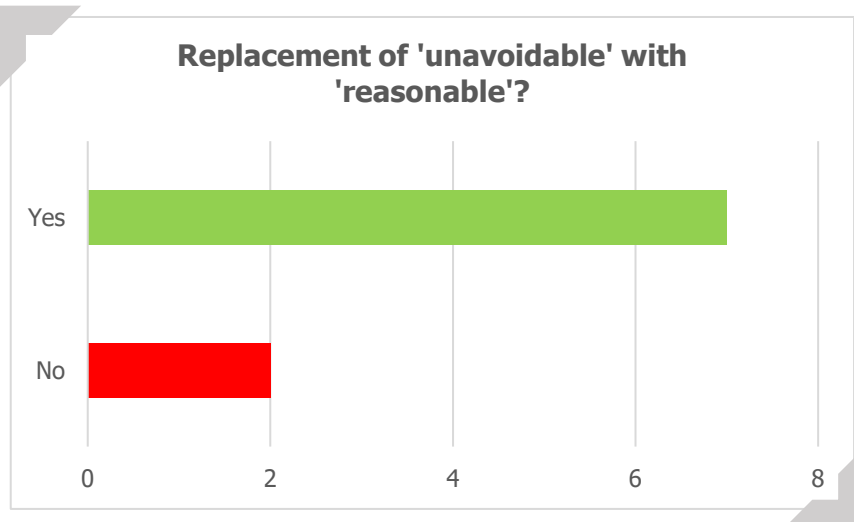
As noted above, the responses given by option 2 respondents in relation to this question link to those given by option 1 and 1a respondents at the questions set out at sections [2.3](#), [2.4](#) and [2.5](#), to this Summary of Responses document, that themselves related to broadly similar themes i.e. absence reasoning or planning, planned or emergency absences and appropriate consecutive or cumulative periods of absence, and the rationale associated with these periods.

### **We did:**

The terminology "unavoidable" absence has been proposed to



be removed from Regulation 40 by the Amendment Regulations, and instead replaced with "reasonable" absence. As set out elsewhere within this summary of responses, this change would be underpinned by the further guidance proposed to be incorporated within the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing (as the new Appendix G to that Code of Practice). This guidance will clearly set out what is meant by the term *reasonable* absence in this context without being overly prescriptive.



It is further noted, once again, that the Guidance will form part of the Code of Practice that is issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), it forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further careful consideration.

## 2.8 Example situations – unavoidable/reasonable absence

*This question only applied to those 9 respondents who had selected option 2 as their preferred option at the beginning of the policy consultation.*

### **We asked:**

The following statistics are derived from responses received when respondents had indicated a preference for option 2. Those respondents who had indicated a preference for options 1 and 1a were not asked to indicate responses to this question.

Instead, the respondents who had indicated a preference for option 1 or option 1a were asked questions, in particular those connected with the above sections [2.3](#), [2.4](#) and [2.5](#), that themselves related to broadly similar themes i.e. absence reasoning or planning, planned or emergency absences and appropriate consecutive or cumulative periods of absence, and the rationale associated with these periods.

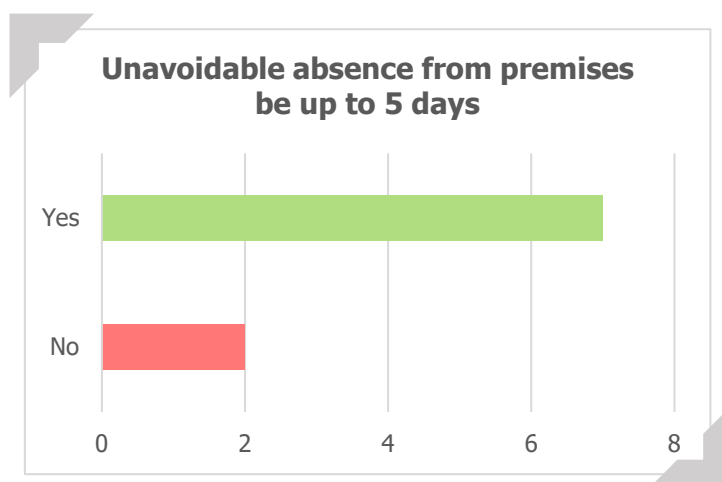
We asked respondents, who had already indicated that that they would prefer to see either option 2 be taken forward as a future approach to general attendance, a specific question about the type of situations they would describe as causing an unavoidable absence/reasonable absence.

### **You said:**

There were a total of **9** responses received to this question and as noted these were made by the **9** respondents who had already indicated a preference for option 2.

The remaining **44** respondents to the consultation who had already indicated a preference for options 1 or 1a were not asked to respond to this question.

As noted above, the responses given by option 2 respondents in relation to this question link to those given by option 1 and 1a respondents at the questions set out at sections [2.3](#), [2.4](#) and [2.5](#), to this Summary of Responses document, that themselves related to broadly similar themes i.e. absence reasoning or planning, planned or emergency absences and appropriate consecutive or cumulative periods of absence, and the rationale associated with these periods.



Various anecdotal responses were received to question, the most recurrent examples given being as follows:

- Unavoidable absences – family/medical emergencies, travel disruptions.
- Reasonable absences – for the “absentee” to decide.

### **We did:**

The terminology “unavoidable” absence has been proposed to be removed from Regulation 40 by the Amendment Regulations and, instead, replaced with “reasonable” absence. As set out elsewhere within this summary of responses, this change would be underpinned by the further guidance proposed to be incorporated within the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing (as a fresh Appendix G to that Code of Practice). This guidance will clearly set out what is meant by the term reasonable absence in this context without being overly prescriptive.

It is further noted, once again, that the Guidance is proposed to form part of the Code of Practice that is issued under section 61 of the Act and, in accordance with that section (and with paragraph 1 of Schedule 3 to the main Regulations), forms a mandatory licence condition for liquor licensed premises.

The Department has committed to a review 6 months after implementation of the impact of the changes brought by the Amendment Regulations and whether they are working as expected or need further consideration.

## 2.9 Other commentary

### **We asked:**

We asked all 53 respondents to the consultation if they wished to make any other comments in relation to this consultation.

### **You said:**

Recurring themes in other feedback received included:

- What does “on the premises” mean (in relation to Regulation 40: “...licensee or a responsible person is on the premises at all times when they are open to the public...”)?
- The cost of training is challenging for businesses to manage.
- VTAS scheme to make a claim to reimburse some training costs doesn’t work where someone has booked and paid for training prior to making this claim.

### **We did:**

Addressing each of the above points of feedback in turn:

- In relation to the term “on the premises”, in brief, and as is set out in section 3 *Interpretation* of the Act, “premises” includes any place, building, stall or movable structure, conveyance, vessel or aircraft. The delineation of a licensed premises itself is that which is contained within the site plan for that premises (see the main Regulations and in particular Regulation 3 *Interpretation* where a site plan is stated to mean a plan sufficient to identify the site of the premises, and giving a general indication of the size and character of the premises, (with particular reference to the area to be used for any activity involving liquor). In essence, for liquor licensed premises, the licensed premises is the area denoted in any such plan, and approved in connection with that licence as being the area in which the sale or supply of alcohol (for consumption on or off the premises as appropriate) will take place. During previous periods of stakeholder engagement the terminology “on the premises” has been identified as one which some licensees felt restricted their usual business practices, particularly for smaller premises, where it might be beneficial for the licensee to be nearby (for example upstairs or in an office space outside of the formal “licensed premises” area). The broader proposed amendments within the Amendment Regulations and guidance appended to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing should now assist in addressing this issue, by providing for greater flexibility in proposing periods of *reasonable* absence of less than 4 hours. This detail was not consulted on within this policy consultation and therefore has not been included as part of amending legislation to be brought at this stage. However the Department (as detailed below) has committed to review of the approach 6 months post-implementation and, if it is found that the detail set out in the guidance does not fulsomely allay this concern or fresh issues are identified, then this might be revisited.
- In relation to costs and administration of VTAS, the Department has been working (via the auspices of the Licensing Forum) with the Department for Enterprise to secure blanket (i.e. automatic) partial funding for the training required for Responsible Persons (and by extension, for Authorised Persons). The intention was to mitigate the impact on businesses of initially putting in place such individuals who, while generally might otherwise be eligible for Vocational Training Assistance Scheme (“VTAS”) funding support on application, would instead be able to

negate this administrative process. As announced recently<sup>15</sup>, the Department for Enterprise will contribute 50% off the costs in relation to training for "Responsible Persons", "Doorstaff" and, should the proposed Amendment Regulations be approved, the proposed "Authorised Persons". This is an increase on the 30% historically available through the VTAS scheme and will be provided directly with a much simplified process.

- Further, the Department of Education, Sport & Culture has recently reviewed the Vocational Training Assistance (VTAS) scheme and clear guidance pertaining to this scheme can be found online [here](#).

### 3. RELATED MATTERS

#### 3.1 Remote sales & tastings

The decision taken by the Department, as set out in the "[We did](#)" section on page 11 of this Summary of Responses document, for the "general attendance" approach going forward to be set out in amending legislation has an impact on the existing guidance for Remote sales & tastings as set out in the Isle of Man Licensing Forum Code of Practice and Guidance.

New guidance proposed to be brought to support the proposed amending, will set out that:

- Remote Sales are to continue to be conducted in accordance with relevant Guidance issued under the Appendix F to the Code of Practice. Remote Sales are considered to be covered by regulation 40 of the Liquor Licensing and Public Entertainments Regulations 2022 provided that that regulation, and all relevant Guidance, are adhered to.
- Tastings are to continue to be conducted in accordance with relevant Guidance issued under the Appendix C to the Code of Practice. Tastings of the kind described within the relevant appendix **must not** be conducted without a Licensee or Responsible Person being present to supervise the tasting session (i.e. an Authorised Person or any other member of general bar staff are not permitted to be left to supervise such sessions).

#### 3.2 Special Event Liquor Licences

This specific licence type was not specifically referenced within the policy consultation. However, for clarity, it is proposed that new amending legislation to introduce Authorised Persons makes a key distinction that no Authorised Person may be put in place in relation to a Special Event Liquor Licence. A clear caveat will be proposed at draft Regulation 40(5) that such licences would be excepted from the approach to Authorised Persons, meaning that a licensee or Responsible Person must be on that "licensed premises" (wherever the location that the Special Event Liquor Licence has been granted in connection with is). As these licences relate to events which take place outside of the "usual" premises occupied by that licensee, and often might be larger scale events or events where there are complicated factors being managed, the clear requirement will be made that the licensee or Responsible Person **must** supervise that licensed event and cannot delegate management to an Authorised Person.

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<sup>15</sup> <https://www.iomdfenterprise.im/news-events/government-support-for-local-economy/>

### 3.3 Temporary Managers

Whilst the overall approach in connection with Temporary Managers is broadly unchanged, it is proposed that provision relating to these individuals are ported to Part 7 of the main Regulations, where their appointment would be that of a Responsible Person on a Temporary Basis for a Limited Duration, and an associated appointment and determination etc. process set out in full within fresh Regulations 53A to 53E. In practice, such an individual will generally be referred to as a "Temporary Responsible Person" and have the same responsibilities as any other Responsible Person.

This change is markedly more appropriate in ensuring the distinction between these individuals, who take personal responsibility for the premises in the absence of the licensee for a limited duration, and the proposed Authorised Persons, who do not take this responsibility, is clear. The present "unavoidable absence" restriction for their appointment will also be removed with no reference made to the circumstances of their appointment. However, it is proposed, much as is the present case, that such an application will require to be supported by signed statement from the licensee that the applicant is to be designated by that licensee to have personal responsibility for the premises in the absence of the licensee for a limited duration, setting out the dates of that limited duration, and the reasons for that designation. In other words a rationale as to why this appointment is necessary (in context with the wider provision which are in place across the licensing framework).

Finally, it is noted that another small proposed consequential change would see the existing provisions around Responsible Persons be freshly identified within Part 7 as pertaining to a *Responsible Person for an Unlimited Duration*. This distinction is necessary in order to further clarify that the presently registered Responsible Persons, i.e. those current fully registered in accordance with the present requirements of Part 7 of the main Regulations, and denoted in the Licensed Staff Register<sup>16</sup>, are registrations of "an unlimited duration" (proving that the individual Responsible Person remains fit and proper and trained), whereas the fresh provisions relating to the current Temporary Manager structure sees those individuals proposed to be identified as a "Responsible Person on a Temporary Basis for a Limited Duration" in the proposed Amendment Regulations. In order for both "classes" of Responsible Person to coexist their unique requirements must be set out in within the Regulations, therefore a distinction is required and a consequential change proposed to this effect.

## 4. NEXT STEPS

The Department has considered in detail all of the feedback received to this policy consultation and is working to finalise the Amendment Regulations in order that these might be progressed. It is intended that the summary will be published on the Consultation Hub concurrent to the Amendment Regulations (themselves informed by the feedback received to this consultation) being placed before the July 2024 sitting of Tynwald for Tynwald's consideration as the Liquor Licensing and Public Entertainments (Amendment) Regulations 2024.

Please note that where any reference has been made to "suitable individual" in this document, in alignment with the points made at section 3 of the Executive Summary, this category of persons will henceforth, and in secondary legislation and associated guidance and code of practice materials, instead be referred to as an "Authorised Person".

In brief, this amending legislation will change the circumstances in which a licensee or Responsible Person may be absent from licensed premises when they are open to the public. A person may be

<sup>16</sup> <https://www.iompolice.im/advice/licenced-staff-register/>

absent due to reasonable circumstances instead of unavoidable ones. The maximum time period the licensee or Responsible Person may be absent without appointing another person to operate the premises is raised from less than 2 hours to less than 4 hours.

A new paragraph (3A) will be inserted into regulation 40 (as it is currently under [the Liquor Licensing and Public Entertainments Regulations 2022](#)) which provides additional circumstances when absence is permitted. The licensee or Responsible Person may be absent for less than 14 days in reasonable circumstances if they have delegated the operation of the premises to an authorised and suitably qualified and experienced individual and the absentee is contactable via telephone during their period of absence.

To support the change in approach being brought by the proposed Liquor Licensing and Public Entertainments (Amendment) Regulations 2024, Guidance will be appended to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing [GC 2024/0006] (Appendix G: *Guidance for the authorisation of responsibility for sale and supply of liquor on a licensed premises from the Licence Holder to an "Authorised Person"*) to assist members of the Isle of Man licensed hospitality industry. The Guidance is positioned as being applicable to any licensee or Responsible Person and focused on the "best practice" requirements expected for that defined role. This best practice includes legal requirements established either within the Act or the main Regulations, or supplementary best practice established by this Guidance itself. It is further noted that compliance with this Guidance (as part of the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing) will, in most instances, form a mandatory licence condition of a licence (holders should see their individual licence and also Schedule 3 of the main Regulations (as will be amended)).

The Department's intention is to progress the Liquor Licensing and Public Entertainments (Amendment) Regulations 2024 and the Liquor Licensing and Public Entertainments (Amendment and Approval of Code and Guidance) Order 2024 to the July 2024 sitting of Tynwald. If approval is received, these instruments will come into operation as soon as practicable afterwards.

The Department is also conscious that there remain further matters for consideration to be addressed in future phases of implementation of the licensing framework under the Liquor Licensing and Public Entertainments Act 2021. Set out for consideration as part of future phased changes are:

- Mobile Licences;
- Host Licences;
- Public Entertainments – Adult Entertainment, etc.;
- General 'plus' Licences (variation inbuilt); and
- Off-Licence 'plus' Licences (variation inbuilt).

The Department produced an implementation plan in connection with the Liquor Licensing and Public Entertainments Act 2021, which can be viewed online [here](#)<sup>17</sup>.

Please note that commentary received during the consultation on the wider licensing framework, where practical, will be incorporated within the themes set out within the Implementation Plan for further consideration. For ease of reference, that plan includes matters at appendix 3 which are out of scope for regulation but is the placeholder for all other related matters. The plan itself is a "living document" and separate future phased changes, and the timescales associated with these changes, are routinely set out in updates to the plan.

The Department wishes to thank all respondents to this consultation for the valued input.

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<sup>17</sup> <https://www.gov.im/about-the-government/departments/home-affairs/legislation/>

## 5. POLICY CONSULTATION QUESTIONS

Questions asked of Option 1 respondents	Questions asked of Option 1a respondents	Questions asked of Option 2 respondents
Which option with regards to the 'general attendance' requirements is preferable for implementation moving forward?	Which option with regards to the 'general attendance' requirements is preferable for implementation moving forward?	Which option with regards to the 'general attendance' requirements is preferable for implementation moving forward?
Should the period during which a Licensee/Responsible Person can be absent from a premises be 7 or 14 days?	Should the period during which a Licensee/Responsible Person can be absent from a premises be 7 or 14 days?	Should the period during which a Licensee/Responsible Person can be unavoidably absent from a premises be up to 5 days?
Should the period during which a Licensee/Responsible Person can be absent from a premises be 7 or 14 days? - Option 1 Comments box - If neither 7 nor 14 days seems appropriate, what length of time is?	Should the period during which a Licensee/Responsible Person can be absent from a premises be 7 or 14 days? - Option 1a Comments box - If neither 7 nor 14 days seems appropriate, what length of time is?	Should the period during which a Licensee/Responsible Person can be unavoidably absent from a premises be up to 5 days? - Option 2 Comments box - If up to 5 days does not seem appropriate, what length of time is?
What are your views on the current maximum 2 hour period for absence of a Licence Holder/Responsible Person?	What are your views on the current maximum 2 hour period for absence of a Licence Holder/Responsible Person?	What are your views on the maximum periods of absence both on a consecutive and cumulative basis?
Is the current maximum 2 hour period for absence of a Licence Holder/Responsible Person an appropriate maximum?	Is the current maximum 2 hour period for absence of a Licence Holder/Responsible Person an appropriate maximum?	What would be an appropriate period of time for absence both on a consecutive and cumulative basis?
Is the current maximum 2 hour period for absence of a Licence Holder/Responsible Person an appropriate maximum? - Option 1 Comments box - If the current maximum 2 hour period is not appropriate, what should be the maximum?	Is the current maximum 2 hour period for absence of a Licence Holder/Responsible Person an appropriate maximum? - Option 1a Comments box - If the current maximum 2 hour period is not appropriate, what should be the maximum?	Would replacement of the word 'unavoidable' with 'reasonable' be agreeable?
Should the maximum 2 hour period absence be for planned (e.g. rotas, regular childcare) or only emergency provision (e.g. attending A&E)?	Should the maximum 2 hour period absence be for planned (e.g. rotas, regular childcare) or only emergency provision (e.g. attending A&E)?	What type of situations would you describe as causing an unavoidable absence?
What are your views on the maximum periods of absence both on a consecutive and cumulative basis?	What are your views on the maximum periods of absence both on a consecutive and cumulative basis?	What type of situations would you describe as causing a reasonable absence?

What would be an appropriate period of time for absence both on a consecutive and cumulative basis?	What would be an appropriate period of time for absence both on a consecutive and cumulative basis?	Do you wish to make any other comments in relation to this consultation?
Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2?	Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2?	
Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2? - Option 1 Comments box - Solely part 1 should be the minimum training requirement for an Authorised Person, why would this be deemed as sufficient as opposed to completion of both parts?	Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2? - Option 1a Comments box - Solely part 1 should be the minimum training requirement for an Authorised Person, why would this be deemed as sufficient as opposed to completion of both parts?	
Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2? - Option 1 Comments box - If both parts 1 and 2 should be the minimum training requirement for an Authorised Person, why would this be appropriate when considering the cost and time commitment?	Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2? - Option 1a Comments box - If both parts 1 and 2 should be the minimum training requirement for an Authorised Person, why would this be appropriate when considering the cost and time commitment?	
Should the minimum training requirement for an Authorised Person be completion of solely part 1 of the Responsible Person qualification or both parts 1 and 2? - Option 1 Comments box - If the completion of training should depend on the nature of the Authorised Person's employment, what would be some of the factors to take into account (i.e. type of premises, risk presented, etc)?	Do you wish to make any other comments in relation to this consultation?	
Do you wish to make any other comments in relation to this consultation?		





**Isle of Man**  
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*Reiltys Ellan Vannin*

