



**Isle of Man**  
Government

*Reiltys Ellan Vannin*

Department of Home Affairs

---

*Rheynn Cooishyn Sthie*

**CONSULTATION  
ON THE  
LIQUOR LICENSING  
AND  
PUBLIC ENTERTAINMENTS  
BILL 2021**

**April 2021**

## **INTRODUCTORY STATEMENT BY THE MINISTER**

I am extremely pleased to be able to bring forward a consultation on the proposed Liquor Licensing and Public Entertainments Bill 2021, bringing much needed modernisation to the licensing laws here on our Island.

My Department was very pleased with, and grateful for, the large volume of detailed responses to the consultation on the proposed policy principles collated earlier this year. After careful consideration of these responses, and discussions with individuals, organisations and with colleagues across government – we have come to realise that the legislation that would best drive high standards, secure the public and support the hospitality industry, would be that which is flexible to meet the changing demands of that industry. Therefore the legislation being brought forward, and which you are now being invited to consult upon, is intended to be enabling to allow for adaptation and change going forward.

We, my Department and I, are keen to ensure that this Bill is given every chance to pass through the legislative process before the election later this year, and are committed to undertaking the ongoing enabling work relating to this Bill in a timely and effective manner, and that the views and voices of the hospitality industry continue to be heard. A suggested programme of work is attached as a Schedule to this consultation, in the event the Bill is approved by the Branches of Tynwald and receives Royal Assent this parliamentary session.

The existing Licensing Act has been in place for almost 25 years and given the likelihood of the next Act being in place for a similar length of time it is vital that it should meet the current and future needs of the Island.

It is important that we ensure the safety and wellbeing of our Island's people but it is equally important that we provide for the vibrant social life that we have, for the most part, been able to enjoy on our beautiful Island. Social interaction plays a tremendous role in people's lives, particularly in enabling and sustaining good mental health, and for many a meal with friends or a convivial drink after work is part of that fabric. For a lot of people who are isolated – for whatever reason - their 'local' can be the major way, possibly the only way, in which they regularly interact with their wider community. Having, as an Island community experienced three lockdowns, the importance of social interaction is now even more apparent as we have experienced what it is like to be unable to embrace a friend or shake their hand.

The Island is a nation which is proud and stands strong in the face of adversity, however we must adapt, and as is our Island's motto, shift to stand firmly on the ground before us, however challenging that may be.

I would strongly urge you to take the time to read the draft Bill and use this consultation as your opportunity to voice your opinion. We now seek your input into this important legislation.

**Hon Graham Cregeen MHK**  
Minister for Justice and Home Affairs  
08 April 2021

## WHY WE ARE CONSULTING

### 1. Overview and Background

- 1.1 The Department of Home Affairs is conducting this consultation to invite comments on the draft Liquor Licensing and Public Entertainments Bill 2021 (the "Bill").
- 1.2 This proposed Bill is designed to consolidate and update the legislation relating to alcohol licensing and music and dancing, with the aim of bringing about a standards driven, safety orientated, less bureaucratic and more flexible licensing regime.
- 1.3 The Bill has been developed following consultation with members of the public, industry representatives, and colleagues across the government and legislature, along with other key stakeholders, on the core policy principles behind the Bill. These are principles which the Department believes will bring about the much needed reform of the alcohol licensing regime on the Island while continuing to uphold high standards and maximise the flexibility and opportunity that the regime offers.
- 1.4 A summary of responses from the previous policy consultation has been published at the same time as this consultation and can be found on the Consultation Hub in the *We asked, You said, We did* portion of that website. The results from that policy consultation were used to shape the draft Bill.

You can request a hard copy of the summary of responses by sending an email to [GeneralEnquiries.DHA@gov.im](mailto:GeneralEnquiries.DHA@gov.im) or by telephoning the Department on 694306.

- 1.5 As stated in the previous policy consultation document, the Department, which has responsibility for the licensing regime, is conscious that any new system must balance several competing needs.

Enabling economic growth through a more streamlined licensing procedure which is responsive to innovation, ensuring the safety of the Island's public, while representing the needs of all those in the licensed trade and keeping the Island a healthy and safe place to live have all been considered.

The Department has a long standing and positive relationship with the licensed trade and hopes to build on this in the future.

### 2. The Bill

#### 2.1 Basis of the Bill

The Department has, in bringing forward this legislation, looked to both the adjacent Isles and beyond to understand the regimes which are in place and the particular objectives of those regimes. The Department has, in conjunction with the drafter, considered legislative policy in our neighbouring jurisdiction of England and Wales, alongside that of jurisdictions which are further afield, such as Australia.

In looking at the purpose of the legislation, we have carefully considered the views which were submitted into the policy consultation, the shape of our present Licensing Act 1995, and what we believe is needed to support change and suitable adaptation of the regime into the future.

We have also taken the time to properly consider what the real purpose of the legislation is – which in itself is a complex balance as it needs to ensure public safety, high standards and rigour within the regime, while allowing that the licensed hospitality industry will need to grow and flourish as the

pandemic eases. By putting the core objectives on the face of the Bill we make clear our intention and what we will support – we would also note that thanks to the policy consultation response, one additional objective has been added which verifies that “promoting high standards across the hospitality industry” is also a key objective.

The drafting basis of the Bill make reference to both the provision found in the present Act, along with drafting instructions consulted upon with the Licensing Forum in the earlier portion of the present parliamentary administration.

Subsequently, following the policy consultation, additional points garnered from the responses to that consultation have been included, and other planned provisions confirmed for inclusion in secondary legislation that will be brought.

## 2.2 Core objectives of the Bill

As discussed at policy consultation, the core objectives for the Bill are:

- Securing public safety;
- Prevention of crime and disorder
- Preventing public nuisance;
- Protecting and improving public health;
- Protecting children from harm;
- Providing an environment in which the hospitality industry can flourish; and,
- Promoting high standards across the hospitality industry

As the vast majority of feedback on this policy point was positive, the overarching core objectives have been added to the fabric of the Bill itself.

As noted these were joined by an additional standard within the draft Bill which was suggested within one of the policy consultation responses, namely: “promoting high standards across the hospitality industry”.

Where possible the additional concerns which were raised in the policy consultation were collated and are to be addressed via legislation put in place to support other policy areas. Matters which are out of scope for regulation may be addressed within the Isle of Man Licensing Forum Codes and Guidance Manual, subject to the agreement of the Licensing Forum to do so.

## 2.3 An Enabling Bill

As the Minister noted in his opening statement, “The existing Licensing Act has been in place for almost 25 years and given the likelihood of the next Act being in place for a similar length of time it is vital that it should meet the current and future needs of the Island”.

Following on from the feedback received into the policy consultation, and in the shadow of the ongoing global coronavirus pandemic, the legislation being brought forward is intended to be enabling.

What does this mean? It means that by bringing forward a draft Bill which provides in law for the Department to make regulations to address any matter which is contained within the Bill, we are able to ensure that, to the best of our ability, this legislation will stand for a long time without the need for amendments to the primary legislation, which can often be time-consuming and laborious. Enabling legislation will bring a regime that is suitably rigorous, whilst being flexible and adaptable,

ensuring that changes might be brought within regulations which is generally a more streamlined process.

Flexibility and Adaptation of Licence Types was much commented upon in the policy consultation along with the ability to see aspects of the licensing regime be able to be flexible, adaptable and to embrace changes was a key theme to the responses – while it was the view of many respondents that this must be in balance with the regime being implemented and other businesses on the Island.

The underpinning theme of a responsive regime that is capable of being changed and being need driven has given the Department pause to consider what is the best “fit” that we could seek to provide for. With this came the realisation that perhaps a more enabling Bill – where granular detail is provided within Regulations which are themselves consulted upon – and which can be modified to become more permissive or to offer more variation over time – was likely the best fit for the optimistic but uncertain times to come.

We have seen huge changes in the last year at every level of society, and the Department is mindful of the need to balance its responsibility for the safety of the public with the creation of a sufficiently stable and rigorous regime for alcohol licensing, while also being understanding of the challenges to, and needs of, the licensed hospitality industry in the pandemic.

By walking this fine line and bringing suitably enabling legislation, we are looking to be able to legislate for the needs of the industry and of the Island within one piece of legislation for the present time, and to future proof its usefulness.

### 2.3 Consultation now and in future

The Department is committed to consultation on the matters to be brought forward initially in legislation under any new Act, and commits today, and into the new parliament to follow, that this consultation will be open and transparent and be undertaken on the Consultation Hub where all parties might have their say.

Further information around planned legislation can be found within the Schedule to this consultation.

## 3. **The Consultation**

This consultation is split into 10 key parts and 2 Schedules following the structure of the Bill. Consultees are invited to respond to any or all of these parts as follows –

Part 1 – Introduction

Part 2 – Licensing Court and Licensing Court of Appeal

Part 3 – Licensing Authority

Part 4 – Licences

Part 5 – Designated Areas

Part 6 – Conduct of Licensed Premises

Part 7 – Appeals

Part 8 – Other Offences

Part 9 – Enforcement

Part 10 – General

Part 11 - Repeals, Amendments and Transitional Arrangements

Schedule 1 – Repeals

Schedule 2 – Amendments

#### **4. Consultation process**

4.1 The consultation commences on **Friday 16 April 2021** and will run for a period of 2 weeks.

4.2 Responses to the consultation must be submitted by **Thursday 29 April 2021**.

4.3 Responses to the consultation can either be –

- made via the questionnaire on the consultation hub at [www.consult.gov.im](http://www.consult.gov.im)
- submitted via email to [GeneralEnquiries.DHA@gov.im](mailto:GeneralEnquiries.DHA@gov.im); or
- posted to –

Shelley Walker  
Administration and Policy Manager  
DHA Headquarters Building  
Tromode Road  
Douglas  
Isle of Man, IM2 5PA

4.4 If you are responding by email or post then please include all of the following details:

- your name;
- the address to which we can reply to you (email or postal); and
- if you are responding for yourself or on behalf of a business or organisation.

#### **5. Confidentiality**

5.1 To ensure that the process is transparent we ask you to provide your name with your response.

5.2 Unless you tell us otherwise, any answer that you give in the consultation may be published either in full or in part.

5.3 We will not publish your name or the name of the organisation you represent. If you do not want your comments to be published, please advise accordingly.

5.4 All information in responses, including personal information may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2015 and the Data Protection Act 2018). If you want your response to remain confidential, you should explain why confidentiality is necessary and your request will be agreed to only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

- 5.5 If your response is kept confidential and not published, we will include it in any statistical summary and numbers of comments received.
- 5.6 Please note that the responses we receive will be of immense value and carefully considered. Further refinement of the layout and content of the Bill may be undertaken in light of the responses to the consultation, however, submitting a response does not mean that changes will necessarily be made to the draft Bill.
- 5.7 Further information about the Isle of Man Government Consultation principles and guidance on these can be found here: <https://www.gov.im/consultation>

## **6. Reasonable adjustments and alternative formats**

- 6.1 The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all of our customers.
- 6.2 We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.
- 6.3 If you would like to receive this document in another format or need assistance with accessing or replying to this consultation please email [GeneralEnquiries.DHA@gov.im](mailto:GeneralEnquiries.DHA@gov.im) telephone 01624 694306

## **7. Storage of personal data**

- 7.1 The Department will ensure that data is only retained and used in accordance with GDPR rules.
- 7.2 For more information on GDPR, visit <https://www.gov.im/about-the-government/data-protection-gdpr-on-the-isleof-man/>
- 7.3 All responses submitted will be held within the Isle of Man Government's consultation hub and will be treated in accordance with the privacy policy.

## **8. What happens next?**

- 8.1 We will review results from the consultation which will be used to inform the final version of the legislation.
- 8.2 We will liaise further with respondents as necessary.
- 8.3 A consultation summary will be produced and made available on the Consultation Hub.

## **9. Any questions?**

- 9.1 Any comments or questions about the consultation should be sent to:

Shelley Walker  
Administration and Policy Manager  
Department of Home Affairs  
Headquarters Building  
Tromode Road  
Douglas  
IM2 5PA  
email: [GeneralEnquiries.DHA@gov.im](mailto:GeneralEnquiries.DHA@gov.im)  
Telephone: (01624) 694306

**SCHEDULE: Draft programme of secondary legislation planned to be made using the vires of the Liquor Licensing and Public Entertainments Bill 2021**

Parliamentary session	Title	Description
<p>NB: Initial consultation on the draft content of the following Rules and Regulations will be made on the Consultation Hub prior to seeking approval/laying before Tynwald (as may be relevant).</p> <p>Copies of all present licensing Rules and Regulations<sup>1</sup> referred to below can be found within the Legislation section of the Tynwald Website: <a href="https://www.tynwald.org.im/links/tls/SD/Pages/default.aspx">https://www.tynwald.org.im/links/tls/SD/Pages/default.aspx</a></p> <p>Further information about the present Licensing Regime may be found on Licensing Court page of the Isle of Man Courts of Justice website: <a href="https://www.courts.im/court-procedures/licensing-courts/">https://www.courts.im/court-procedures/licensing-courts/</a></p>		
2021/22	Appointed Day Order(s)	<p>These are the mechanism by which the full Act, or specific parts of the Act, are made effective.</p> <p>This “bringing into force” of an Act can be done piecemeal if required to allow certain powers to be made available at a given time, and this is likely to be the approach taken with the Liquor Licensing and Public Entertainments Bill 2021 assuming that Royal Assent is obtained for it.</p> <p>The Appointed Day Order(s) would not be subject to public consultation as they serve this specific purpose alone. However, prior to any bringing into force of parts of the Act, key stakeholders who would be affected by this will be consulted to ensure readiness for the part of the Licensing Regime to be enacted.</p>
	Triennials and connected matters	<p>The present Triennial session was due to take place by the end of March 2021. In bringing the Licensing (Amendment) Act 2020, the Department was supported by the Government and with the concurrence of Treasury provided that the first portion of the Triennial fee was waived, and the administrative burden of the Triennial be postponed.</p> <p>This legislation was particularly brought in response to the initial Emergency period of mandated closure (lockdown) in 2020, and the associated closure of licensed premises that brought, and indeed with the pandemic declared last year.</p> <p>Subsequently, we have seen two further periods of mandated closure (lockdown #1 January 2021 and the present lockdown #2 March/April 2021).</p> <p>The Department of Home Affairs has been supported by the Department for Enterprise who propose to look to secure funding that will allow the second portion of the Triennial fees to be waived while the Triennial Court is once again postponed. The Triennial Court would otherwise once again be due before the end of March 2022, along with the related administrative burden to those seeking a licence. This postponement and waiving of fees is subject to funding approval which is yet to be confirmed, and would see the Triennial postponed in law to 2023, therefore potentially falling away under the new licensing regime.</p>

<sup>1</sup> Reference are provided for ease of reference and are correct to the best of our knowledge, however individuals should satisfy themselves that they have made reference to all relevant legislation.



2022/23	Licensing Court Rules	<p>To set out the new composition of the Licensing Court. This was previously prescriptively described within the Licensing Act 1995 within section 1 and at Schedule 1 of that Act.</p> <p>These rules will both describe that composition along with setting out the procedure of the Licensing Court in a similar manner to that previously found within the Licensing Court Rules 2014 [SD 2014/0231].</p>
	Licensing Court of Appeal Rules (including Assessment of Costs)	<p>To set out the new composition of the Licensing Court of Appeal. This was previously prescriptively described within the Licensing Act 1995, within section 2 and at Schedule 1 of that Act.</p> <p>These rules will both describe that composition along with setting out the procedure of the Licensing Court of Appeal in a similar manner to that previously found within the Licensing Court of Appeal Rules 1996 (as amended) [SD 1996/380 as amended by SD 1997/303].</p>
	Licensing Regulations (or Orders)	<p>These may be subdivided into several sets of regulations for ease of accessibility where ability to make such Regulations (or Orders) has been provided and may include matters such as:</p> <ul style="list-style-type: none"> <li>• types of licence and the general conditions related to these or any special procedure associated with these</li> <li>• terms of reference, composition of, and procedure of, the Licensing Authority</li> <li>• the types of suitable evidence of age (ID formats) to be acceptable on licensed premises</li> <li>• specification of any detailed matters pertaining to Licensees / Designated Officials along with Authorised People</li> <li>• matters pertaining to the employment of Door Security Staff (or any other staff)</li> <li>• matters related to offences under the Act, or in connection with aggravation of offences on or near licensed premises</li> </ul> <p>This is not an exhaustive list of areas that may be provided for, the present Regulations governing these matters (where they are analogous) are:</p> <ul style="list-style-type: none"> <li>• the Licensing Regulations 1996 (as amended) [SD 1995/198 as amended by SD 1996/395, SD 2004/806 and SD 2011/160],</li> <li>• the Licensing (Evidence of Age) Regulations 2009 (as amended) [SD 869/09 as amended by SD2013/189 and 2019/273]; and,</li> <li>• the Employment of Security Staff (On-Licensed Premises) Regulations [SD 2002/084 as amended by SD 2010/157 and 2013/021] (and any associated application fee).</li> </ul>

## CONSULTATION SURVEY

### Personal Information

Q1. What is your name?

Q2. What is your email address?

Q3. May we publish your response? (Please read the Cabinet Office Consultation Hub Privacy Policy)

- Yes, you can publish my response in full
- No, please do not publish my response

Q4. If you are completing the survey on behalf of an Organisation or group, please provide the name of the Organisation (or group):

**Please continue to the consultation survey**

## **Part 1 Introductory**

Part 1 is the Introductory portion of the Bill and comprises:

- the Long Title<sup>2</sup> - what the final Act will relate to,
- the Short title – what the final Act will be referred to as (clause 1),
- a commencement clause that also provides for any associated consequential, incidental or transitional changes in making the Act effective (clause 2),
- a clause that provides interpretation of the terms used widely in the Act (clause 3) including the Licensing Objectives:
  - ❖ Securing public safety;
  - ❖ Prevention of crime and disorder
  - ❖ Preventing public nuisance;
  - ❖ Protecting and improving public health;
  - ❖ Protecting children from harm;
  - ❖ Providing an environment in which the hospitality industry can flourish; and,
  - ❖ Promoting high standards across the hospitality industry
- Clauses 4, 5 and 6 which provide the meaning of the terms “entertainment”, “sale by retail” and “resident on licensed premises” respectively.

Question 1
Are you content with Part 1 of the Bill?
Yes / No (please circle as appropriate)
Additional comments:

---

<sup>2</sup> This is technically not part of the main body of the Bill

**Part 2**  
**Licensing Court and Licensing Court of Appeal**

Part 2 of the Bill provides for the formation of:

- the Licensing Court; and,
- the Licensing Court of Appeal.

Part 2 also gives supplemental information about these courts and provides that rules of court might be made to regulate their practice and procedure.

Question 2
Are you content with Part 2 of the Bill?  Yes / No (please circle as appropriate)  Additional comments:

**Part 3**  
**Licensing Authority**

Part 3 of the Bill provides for making of Regulations regarding:

- the formation of an independent Licensing Authority and its constitution and functions;
- any transfer of function from the Licensing Court to the Licensing Authority;
- performance of functions on behalf of the Licensing Authority by officers;

Question 3
Are you content with Part 3 of the Bill?  Yes / No (please circle as appropriate)  Additional comments:

## Part 4 Licences

Part 4 contains enabling provisions providing that regulations might be made related to licensing, these regulations will relate to staff of licenced premises (including licensees/designated officials and door security staff) and to the licences themselves including:

- the types of licence that might be provided for;
- applications or notifications in respect of licences;
- determination of applications;
- suspension, revocation or surrender of licences;
- renewal of licences;
- any register that might be maintained;
- employment of staff on licensed premises;
- notification requirements;
- licensing conditions or undertakings;
- offences in relation to licences;

Further background information around the potential regime and licences themselves can be found in the "Talking Points" at the end of this consultation.

### Question 4

Are you content with Part 4 of the Bill?

Yes / No (please circle as appropriate)

Additional comments:

## **Part 5 Designated Areas**

Part 5 sets out enabling provisions relation to designated areas and these are mainly provided in relation to restrictions that might be put in place in an area shows a notable increase in (for example) Anti-Social Behaviour.

This is not a provision designed purely to limit licence numbers and is similar to provision found in section 76 of the existing Act.

### **Question 5**

Are you content with Part 5 of the Bill?

Yes / No (please circle as appropriate)

Additional comments:

## **Part 6 Conduct of Licensed Premises**

Part 6 sets out provisions in relation to the conduct of licensed premises and the offences associated with failures related to expected conduct.

For the most part these are similar to provisions found within Part 3 of the Licensing Act 1995.

### **Question 6**

Are you content with Part 6 of the Bill?

Yes / No (please circle as appropriate)

Additional comments:

## **Part 7 Appeals**

Part 7 sets out enabling provisions in relation to the manner in which an appeal against a decision of either the Licensing Authority (as and when applicable) or the Licensing Court might be made.

### **Question 7**

Are you content with Part 7 of the Bill?

Yes / No (please circle as appropriate)

Additional comments:

## **Part 8 Other Offences**

Part 8 sets out other offences committed which contravene the Act including those in relation to:

- selling alcohol whilst being unlicensed;
- public drunkenness;
- drinking in public places;
- liquor confectionary sales;

For the most part these are similar to provisions found within Part 5 of the Licensing Act 1995.

An additional provision is included in relation to regulations prohibiting the sale or use of powder or vapour liquor .

### **Question 8**

Are you content with Part 8 of the Bill?

Yes / No (please circle as appropriate)

Additional comments:

## **Part 9 Enforcement**

Part 9 provides additional provisions in relation to enforcement that include:

- clarification around liability for offences including that of persons other than the licensee;
- disqualification of persons;
- suspension or cancellation of licences;
- entry of licensed premises (and search);
- production of licence;
- inspection of premises;
- closure of premises (riot or violence);
- Regulations or Orders related to fixed penalties and general;

For the most part these are similar to provisions found within Part 5 of the Licensing Act 1995.

Question 9
<p>Are you content with Part 9 of the Bill?</p> <p>Yes / No (please circle as appropriate)</p> <p>Additional comments:</p>



**Part 10  
General**

Part 10 sets out general provisions that will relate to the function of the Bill which include:

- requirements related to consultations and fees;
- requirements related to guidance and codes of practice;
- requirements related to information sharing.

**Question 10**

Are you content with Part 10 of the Bill?

Yes / No (please circle as appropriate)

Additional comments:

## **Part 11**

### **Repeals, Amendments and Transitional Arrangements**

Part 11 introduces the appeals, amendments and transitional arrangements contained within Schedules 1 and 2 and other matters related to Triennials.

Schedule 1 sets out the pieces of legislation which will be revoked when the Liquor Licensing and Public Entertainments Act 2021 is made effective.

For the most part this relates to the Licensing Act 1995 along with the Licensing (Amendment) Act 2011, and the Music and Dancing Acts from 1961 and 1971 all of which will be replaced in their entirety by the new Act.

Schedule 2 sets out the amendments being brought to other pieces of legislation by the Liquor Licensing and Public Entertainments Act 2021 and includes:

- amendment of the Casino Act 1986 in relation to licensed public bars;
- an amendment to the Cinematograph Act 1977 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;
- an amendment to the Highways Act 1986 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;
- repeal of Section 3(2) of the Hypnotism Act 1988;
- an amendment to the Noise Act 2006 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;
- an amendment the Equality Act 2017 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;
- the amendment in relation to title of legislation referred to (to replace Licensing Act 1995) in various other Acts of Tynwald;

Question 11
<p>Are you content with Part 11 of the Bill?</p> <p>Yes / No (please circle as appropriate)</p> <p>Additional comments:</p>

No.	Title	Question	Additional information	Format of response
1	Part 1	Are you content with Part 1 of the Bill?	<p>Part 1 is the Introductory portion of the Bill and comprises:</p> <ul style="list-style-type: none"> <li>• the Long Title<sup>3</sup> - what the final Act will relate to,</li> <li>• the Short title – what the final Act will be referred to as (clause 1),</li> <li>• a commencement clause that also provides for any associated consequential, incidental or transitional changes in making the Act effective (clause 2),</li> <li>• a clause that provides interpretation of the terms used widely in the Act (clause 3) including the Licensing Objectives: <ul style="list-style-type: none"> <li>❖ Securing public safety;</li> <li>❖ Prevention of crime and disorder</li> <li>❖ Preventing public nuisance;</li> <li>❖ Protecting and improving public health;</li> <li>❖ Protecting children from harm;</li> <li>❖ Providing an environment in which the hospitality industry can flourish; and,</li> <li>❖ Promoting high standards across the hospitality industry</li> </ul> </li> <li>• Clauses 4, 5 and 6 which provide the meaning of the terms “entertainment”, “sale by retail” and “resident on licensed premises” respectively.</li> </ul>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>
2	Part 2	Are you content with Part 2 of the Bill?	<p>Part 2 of the Bill provides for the formation of:</p> <ul style="list-style-type: none"> <li>• the Licensing Court; and,</li> <li>• the Licensing Court of Appeal.</li> </ul> <p>Part 2 also gives supplemental information about these courts and provides that rules of court might be made to regulate their practice and procedure.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>

<sup>3</sup> This is technically not part of the main body of the Bill

No.	Title	Question	Additional information	Format of response
3	Part 3	Are you content with Part 3 of the Bill?	<p>Part 3 of the Bill provides for making of Regulations regarding:</p> <ul style="list-style-type: none"> <li>• the formation of an independent Licensing Authority and its constitution and functions;</li> <li>• any transfer of function from the Licensing Court to the Licensing Authority;</li> <li>• performance of functions on behalf of the Licensing Authority by officers.</li> </ul>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>
4	Part 4	Are you content with Part 4 of the Bill?	<p>Part 4 contains enabling provisions providing that regulations might be made related to licensing, these regulations will relate to staff of licenced premises (including licensees/designated officials and door security staff) and to the licences themselves including:</p> <ul style="list-style-type: none"> <li>• the types of licence that might be provided for;</li> <li>• applications or notifications in respect of licences;</li> <li>• determination of applications;</li> <li>• suspension, revocation or surrender of licences;</li> <li>• renewal of licences;</li> <li>• any register that might be maintained;</li> <li>• employment of staff on licensed premises;</li> <li>• notification requirements;</li> <li>• licensing conditions or undertakings;</li> <li>• offences in relation to licences;</li> </ul> <p>Further background information around the potential regime and licences themselves can be found in the "Talking Points" at the end of this consultation.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>

No.	Title	Question	Additional information	Format of response
5	Part 5	Are you content with Part 5 of the Bill?	<p>Part 5 sets out enabling provisions relation to designated areas and these are mainly provided in relation to restrictions that might be put in place in an area shows a notable increase in (for example) Anti-Social Behaviour.</p> <p>This is not a provision designed purely to limit licence numbers and is similar to provision found in section 76 of the existing Act.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>
6	Part 6	Are you content with Part 6 of the Bill?	<p>Part 6 sets out provisions in relation to the conduct of licensed premises and the offences associated with failures related to expected conduct.</p> <p>For the most part these are similar to provisions found within Part 3 of the Licensing Act 1995.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>
7	Part 7	Are you content with Part 7 of the Bill?	<p>Part 7 sets out enabling provisions in relation to the manner in which an appeal against a decision of either the Licensing Authority (as and when applicable) or the Licensing Court might be made.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>

No.	Title	Question	Additional information	Format of response
8	Part 8	Are you content with Part 8 of the Bill?	<p>Part 8 sets out other offences committed which contravene the Act including those in relation to:</p> <ul style="list-style-type: none"> <li>• selling alcohol whilst being unlicensed;</li> <li>• public drunkenness;</li> <li>• drinking in public places;</li> <li>• liquor confectionary sales;</li> </ul> <p>For the most part these are similar to provisions found within Part 5 of the Licensing Act 1995.</p> <p>An additional provision is included in relation to regulations prohibiting the sale or use of powder or vapour liquor.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>
9	Part 9	Are you content with Part 9 of the Bill?	<p>Part 9 provides additional provisions in relation to enforcement that include:</p> <ul style="list-style-type: none"> <li>• clarification around liability for offences including that of persons other than the licensee;</li> <li>• disqualification of persons;</li> <li>• suspension or cancellation of licences;</li> <li>• entry of licensed premises (and search);</li> <li>• production of licence;</li> <li>• inspection of premises;</li> <li>• closure of premises (riot or violence);</li> <li>• Regulations or Orders related to fixed penalties and general;</li> <li>• specific requirements related to consultations and fees;</li> <li>• specific requirements related to guidance and codes of practice</li> </ul> <p>For the most part these are similar to provisions found within Part 5 of the Licensing Act 1995.</p>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>

No.	Title	Question	Additional information	Format of response
10	Part 10	Are you content with Part 10 of the Bill?	Part 10 sets out general provisions that will relate to the function of the Bill which include: <ul style="list-style-type: none"> <li>• requirements related to consultations and fees;</li> <li>• requirements related to guidance and codes of practice;</li> <li>• requirements related to information sharing.</li> </ul>	Tick boxes - Yes - No - I don't know  Free text fields - If no, please explain why or provide any additional comments you have:

No.	Title	Question	Additional information	Format of response
11	Part 11	Are you content with Part 11 of the Bill?	<p>Part 11 introduces the appeals, amendments and transitional arrangements contained within Schedules 1 and 2 and other matters related to Triennials.</p> <p>Schedule 1 sets out the pieces of legislation which will be revoked when the Liquor Licensing and Public Entertainments Act 2021 is made effective.</p> <p>For the most part this relates to the Licensing Act 1995 along with the Licensing (Amendment) Act 2011, and the Music and Dancing Acts from 1961 and 1971 all of which will be replaced in their entirety by the new Act.</p> <p>Schedule 2 sets out the amendments being brought to other pieces of legislation by the Liquor Licensing and Public Entertainments Act 2021 and includes:</p> <ul style="list-style-type: none"> <li>• amendment of the Casino Act 1986 in relation to licensed public bars;</li> <li>• an amendment to the Cinematograph Act 1977 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;</li> <li>• an amendment to the Highways Act 1986 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;</li> <li>• repeal of Section 3(2) of the Hypnotism Act 1988;</li> <li>• an amendment to the Noise Act 2006 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;</li> <li>• an amendment the Equality Act 2017 to replace reference to a specific part of the new Act that takes the place of the 1995 Act;</li> <li>• the amendment in relation to title of legislation referred to (to replace Licensing Act 1995) in various other Acts of Tynwald;</li> </ul>	<p>Tick boxes - Yes - No - I don't know</p> <p>Free text fields - If no, please explain why or provide any additional comments you have:</p>



## **TALKING POINTS FOR CONSULTATION**

<b>POINT</b>	<b>EXPLANATION</b>
Licensing Regime	<p data-bbox="387 244 1960 395">It was apparent from the consultation on the policy behind the proposed Liquor Licensing and Public Entertainments Bill that the potential establishment of a Licensing Authority, which would see the present Licensing Court transitioned to an administrative body that would be responsible for review and issuance of applications, was a somewhat contentious point.</p> <p data-bbox="387 435 1960 627">It was clear from the responses to the consultation that the majority of respondents believed that this would be a positive and welcome step towards a more streamlined, accessible process. However, a minority of respondents raised notable concerns about the standards they felt would be lost by the removal of the rigour of the Court process. There were also concerns about how independent any such body would be and how it would be kept free of political influence in decision making.</p> <p data-bbox="387 667 1960 858">This is a change which would not be taken lightly and the Department would need to carefully work together with the present stakeholders in the licensing regime to ensure that any changes continued to meet the policy aims for the new licensing regime. In particular, this would mean that appropriate rigour applied for new applicants, reduced bureaucracy for existing applicants and ensuring a fair, transparent and objective process for all.</p> <p data-bbox="387 898 1960 978">The Department is committed to consultation with all stakeholders and with the public via the Consultation Hub on any change to the licensing regime.</p> <p data-bbox="387 1018 1960 1209">The Department has therefore brought forward within the draft Liquor Licensing and Public Entertainments Bill such enabling provisions as to allow for the establishment of an Authority in the future and for the detail of its composition and terms of reference to be provided within regulations. We have also retained suitable provisions to allow for the Licensing Court and Licensing Court of Appeal to continue to allow a hybrid model to be introduced should this prove to be the most desirable approach for present times.</p> <p data-bbox="387 1249 1960 1369">Given the commitment to the approach of public consultation via the Consultation Hub on these (and any other regulations to be initially brought forward relating to the change in licensing regime), we have also included provisions within the Bill that relate to the Triennials to allow these to be managed in any transitional period.</p>

<p>Licensing Regime Continued</p>	<p>We have been in close discussion with the Department for Enterprise regarding the Triennials. It was the case that last year the Isle of Man Government allowed the Triennials themselves to be deferred (fully funded) to 2022 by bringing forward legislation – the Licensing (Amendment) Act 2020.</p> <p>Given the ongoing global pandemic and the recent lockdown we are keen to ensure that further hardship is not caused by the planned triennials if the draft Liquor Licensing and Public Entertainments Bill 2021 should not be progressed and enacted by that time. Such a delay to the Triennials is subject to the funding being provided to meet the shortfall in income of this proposal.</p> <p>It should also be noted that the right to judicial appeal is one which was committed to within the consultation, is universally recognised as important by respondents, and which remains vital to ensure noted separation in decision making for appeals and to make best use of the Court’s time and expertise. Regardless of any other change made it is the intention of the Department that the right to judicial appeal will be retained.</p>
<p>Basis for Application</p>	<p>Part of the planned change to the licensing types and general regime relates to the way in which an application is made and the basis of that application. This marks a response to the Department’s policy which is being brought directly in response to consideration of comments received within the consultation</p> <p>One key concern raised by a number of respondents was a perception that little thought was given to location or indeed making a venue part of the community it was in. In other words, more and more premises vied for limited patrons and this lead to the “short shelf life” of many venues that lacked individuality which was to the detriment of both established premises, and to those trying to get established. The same respondents argued that the low cost of occasional licensing unfairly drew business away from “bricks and mortar” premises with overheads to meet.</p> <p>Other comments in relation to the relationship between a community and its licensed premises highlighted the importance to the lives, and indeed mental health, of the friendship and companionship that potentially isolated individuals find in their local pubs and registered clubs. And the fact that in order to ensure that premises are part of the social fabric of the Island it should be incumbent on them to host events that encourage interaction such as quiz nights, charity nights, talent nights etc. and to innovate to become community hubs.</p> <p>The onus on the applicant to show what the social or economic impact of the application is one which is seen within other jurisdictions and requires that when making an application, the applicant must show how their</p>

<p>Basis for Application Continued</p>	<p>planned venue or event (depending on licence type) will have a benefit for the wider community, either socially or economically through:</p> <ul style="list-style-type: none"> <li>• activating or revitalising local places and spaces, or;</li> <li>• encouraging more diverse and vibrant social, cultural or business activities in the economy.</li> </ul> <p>In showing these benefits, the applicant must consider how their planned venue or event:</p> <ul style="list-style-type: none"> <li>• encourages experiences for residents or visitors that are unique in a local community or to the wider Island</li> <li>• supports events that contribute to the responsible development of the live music, entertainment, tourism and hospitality industries</li> <li>• enables innovative business ideas to be piloted</li> <li>• helps raise awareness of, or enhances the image or profile of the local community in which it is being run.</li> </ul> <p>Serious consideration will be given to making impact statements part of the “model” for applications – while this will not adversely affect existing licensees, it will form part of the overall licence renewal process and this is not designed to stifle competition.</p> <p>Designation orders will be brought in relation to particular areas only where there is an issue with anti-social behaviour or crime rather than a mechanism to limit number of licences in an area.</p> <p>The Department is clear though, that the Licensing regime should not be used as a way to stifle competition and the licensing process will not take account of objections relating to alleged competition in an area. The primary objectives of the Liquor Licensing and Public Entertainments Bill 2021 are well defined.</p> <p>Along the same lines the ability for the public to easily be able to make comments or objections to an application in the manner used in planning was also well received; albeit with the suggestion that both a different colour to the yellow used in planning notices, and also with the ability to review online (and that the applications be visible by a postcode search).</p> <p>While the above predominantly relates to on-licence offerings there will be a similar mechanism for off-licences which will relate to similar factors.</p>
--	---

<p>Basis for Application Continued</p>	<p>One aspect of the applications process which is not in accordance with the views submitted to the consultation, but which the Department is mindful of given the need to fulfil its core duty to the public of the Island, is the need to balance a fair, open objections process with timely resolution of an application.</p> <p>We will implement a system which will ensure reduced times for applicants while ensuring individuals affected by an application are able to have their voice heard. This would be particularly important as we move to changes in duration or frequency of licences for events or occasions.</p>	
<p>Types of Licence</p>	<p>A major response point from a number of respondents was the type and nature of licences which might be available. This is clearly an area which has great potential for variation and modification seasonally, and as the hospitality industry continues to change during, and after, the pandemic.</p> <p>Both the Department for Enterprise and the Department for Environment, Food and Agriculture were supportive of more innovation and flexibility in the types of licence which could be made available.</p> <p>This is an area in which enabling provisions that allow for flexibility and adaptation will be key and all such changes will come with full consultation with stakeholders and the wider public via the Consultation Hub.</p>	<p>Potential types of licence which we might see brought as a result of this could include:</p> <ul style="list-style-type: none"> <li>• Bring your own bottle [BYOB] registration</li> <li>• Café Licence</li> <li>• Delivery Registration</li> <li>• Event licence General premises licence</li> <li>• Host licence</li> <li>• Hotel Licence</li> <li>• Liquor production and sales licence</li> <li>• Manx Transport Licence</li> <li>• Mobile Licence</li> <li>• Music and dancing licence [non-alcohol]</li> <li>• Off-licence</li> <li>• Party Buses Registration</li> <li>• Registered club licence</li> <li>• Wholesale business licence</li> </ul>
<p>Bring your own bottle [BYOB] Notification</p>	<p>At the present time this is planned to be a “light touch” notification requirement for those premises which are food serving establishments first and allow patrons to consume alcohol which they have brought to the premises in reasonable quantities. This ensures that the premises is of a certain standard and the staff have an awareness of general operation licensing conditions and laws and understand how to deal with over consumption by patrons.</p>	

<p>BYOB Continued</p>	<p>If issues are identified with any individual premises then they would be either subject to additional operation conditions or required to have a licence (therefore not able to operate a BYOB any longer and restricted to food and non-alcoholic drinks sales only). These premises would be subject to general conditions which are common to all premises such as the requirement to offer free drinking water, [tap water] to offer for sale beverages other than alcohol and to display a current fire certificate etc. and might be subject to specific additional conditions (as noted above).</p> <p>These premises are food serving establishments first, and any alcohol consumed is not sold on the premises. While no specific issues have been raised around BYOB it seems sensible to provide for notification as part of wider licensing requirements.</p>
<p>Café Licence</p>	<p>This licence was suggested as part of the consultation responses and has been included for premises where a very limited range of alcohol might be displayed and sold, and where the operating hours would be limited.</p> <p>These premises may make sales during time that food is served between 12 noon and 6 pm and only to those ordering a substantial meal.</p> <p>They can only display and sell minimal amounts of alcohol i.e. one type of bottled beer/sparkling cider or perry / couple of types of small 2 glass equivalent bottled wine (red/white/rose/sparkling).</p> <p>These premises would be individually verified according to the physical premises plan and these individual conditions would form part of their licence.</p> <p>They would be subject to general licence conditions and would need to have a suitable licensee/designated official along with suitably trained responsible person(s). From time to time specific additional requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues.</p>

<p>Delivery Registration</p>	<p>This would be a future mechanism for a third party provider to make deliveries on behalf of another organisation if that third party demonstrated that they were adequately trained etc.</p> <p>This would relate to businesses who outsource their delivery to those who are not directly employed by a business which holds another type of alcohol licence.</p> <p>This could mean that for example "man with a van" or taxis etc. locally might organise for their operators to receive suitable delivery training and be 'challenge 25' trained, therefore able to offer their services as a delivery driver for deliveries from licensed premises (including those premises selling food and drink and off-licenses).</p>
<p>Event licence</p>	<p>This could be a licence in relation to a one off event e.g. wedding or charity event where sale of alcohol by a vendor is planned and where live music would be played. This could also cover the likes of an individual "pop-up" event operated by an existing licensee, or a planned repeat of such a pop-up event.</p> <p>They would follow the same kind of requirements as might be noted in relation to a Host licence* (depending on venue – toilets, parking, security staff) but as with an occasional licence under the present licensing regime, the responsibilities for ensuring the appropriate infrastructure is in place would fall on the licensee/designated official applying for the event licence who will be considered the "host" for this occasion rather than on a third party host who might give use of the land on which the event will take place.</p> <p>These licences would be subject to general conditions and also specific conditions and again granting of such a licence would only be considered when application is made by an existing "bricks and mortar" licensee / designated official who holds another licence type and their re-occurrence would be subject to no significant complaint/objection or issue with the initial instance of the event.</p> <p>The ease of application for this licence would be risk based and determined by the factors relating to the person applying, the premises where the event would be taking place and the purpose for which the licence was intended.</p> <p>*see Host Licence later in document for further details</p>

<p>General premises licence</p>	<p>This would be the primary type of licence held by most restaurants and pubs.</p> <p>These premises would be individually verified according to the physical premises plan and those individual conditions would form part of their licence.</p> <p>They would be subject to general licence conditions and would need to have a suitable licensee/designated official along with suitably trained responsible person(s). From time to time specific additional requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues.</p>
<p>Host licence</p>	<p>This would be the type of overarching licence that would not require the hosting venue/organisation to be a licensee/designated official. Instead it would place on them the responsibility to ensure that an adequate infrastructure (toilets, parking and security staff) was organised and that the host was responsible for sub-sale of booths/pitches to individuals who were already licensees/designated officials.</p> <p>This would allow for larger events such as beer and spirit festivals, a taste of local events etc. to take place in larger locations or indeed open outdoor locations that themselves form the dedicated "event space".</p> <p>As with other types of "time limited" licence this could be re-occurring perhaps annually, subject to the opportunity for complaints/objections to be heard. The mechanism for this would be to ensure that (if the event was planned to re-occur) the ability to register legitimate objection was provided (and that information was easily visible both at the licenced site and online).</p>

<p>Hotel Licence</p>	<p>This is specific to hotels who do not require the ability to host events with external parties i.e. non-residents and would mean that they might sell to/only to serve to residents of the hotel or their guests.</p> <p>These premises would be individually verified according to the physical premises plan and those individual conditions would form part of their licence.</p> <p>They would be subject to general licence conditions and would need to have a suitable licensee/designated official along with suitably trained responsible person(s). From time to time specific additional requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues.</p>
<p>Liquor production and sales licence</p>	<p>This would cover the craft distillers or artisan brewers for direct sales for offsite consumption, mail order and limited tasting sessions as part of face to face events at their primary premises (general business events).</p> <p>This would also allow them to be considered licensees for the purposes of applying for events/pop-up licences.</p> <p>It would NOT allow them to open a public bar or restaurant on site and make sales from there of general alcoholic beverages they had not produced on site.</p> <p>These premises would be individually verified according to the physical premises plan and those individual conditions would form part of their licence.</p> <p>They would be subject to general licence conditions and would need to have a suitable licensee/designated official along with suitably trained responsible person(s). From time to time specific additional requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues.</p>



Manx Transport Licence	<p>This would be a restricted licence category relating solely to the operation of passenger trips locally accompanied by some offering of alcohol sales. This would be regardless of vehicle or vessel type and would include trains, boats, aircraft or indeed public passenger vehicles such as buses, minibuses or limousines. Present examples include the dining experiences on the Isle of Man Railways, the Isle of Man Steam Packet Company vessels and indeed any passenger cruises that could include sale of alcohol for immediate consumption on-board those vessels when they are in Manx waters, or are a registered Manx vessel, or indeed intend to make sales when moored in the harbour. This would relate to any mode of transport when the passengers are local residents.</p> <p>Cruise ships and the like would be excluded from this licensing requirement so long as their alcohol sales are restricted to passengers of the vessel (and in very rare cases their Manx guests who might be local residents).</p> <p>One licensee / designated official would be required for any mode of transport / organisation or company wishing to ply for trade with local passengers and as with other licences these would be subject to both general conditions and also those which are specific to the individual vehicle/vessel and would need to have a suitable licensee/designated official, along with suitably trained responsible person(s). From time to time additional specific requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues. A code of Practice would be drafted to provide for the specific operating model for each type of transport.</p> <p>For those vessels which are not local but which wish to "stop off" on Island – a simplified regime may be considered subject to that vessel already being appropriately licensed in a neighbouring jurisdiction and their designated licensee being able to demonstrate suitable understanding of local licensing law and being subject to local licensing conditions for the limited duration of their visit. This would be subject to consultation on these licence types.</p>
------------------------	--

<p>Mobile Licence</p>	<p>This would be a temporary ability to make mobile sales of alcohol e.g. for a larger event (festivals/carnivals), with the core requirement to ensure that appropriate security and infrastructure is in place. They would have to demonstrate agreement from the event organiser [and/or local authority depending on event] that they could pitch in a set area and maintain a security presence via registered door security.</p> <p>Alternatively this could also cover a delivery round for a period where people come and fill containers such as cartons or bottles and purchase full units of product etc. at a pre-advertised route; however in those instances ONLY if the alcohol was sold into a covered container and not to be consumed in the public space where it has been sold i.e. on the street or in a town square. Any issues or failures on the part of the operator would result in licence conditions being added /suspension/revocation.</p> <p>This type of licence would be obtained by a licensee who had already established a "bricks and mortar" operation e.g. as a craft distiller/artisan brewer or similar to allow their product to be accessed by a wider audience.</p> <p>These would need to be subject to certain general licence conditions along with those related to their operation. Any organisation who wished to operate a mobile licence would need to have a suitable licensee/designated official, along with suitably trained responsible person(s). From time to time specific additional requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues.</p>
<p>Music and dancing licence [non-alcohol]</p>	<p>These are licences in connection with music and dancing only rather than alcohol sales and relates to community centres/church halls etc. in the main. The regime would be much simplified from the present approach with general licence conditions in place along with those specific to the location.</p>

<p>Off-licence</p>	<p>These would be much the same as the present regime in terms of physical spaces and approach however it would allow consideration of matters specific to the off-licence trade and potential to review certain conditions around seasonal display space or a floating space (in smaller locations) to allow for high demand seasons/occasions.</p> <p>As with on-licences – off-licences will be subject to both general conditions and also those which are specific to the individual premises and would need to have a suitable licensee/designated official, along with suitably trained responsible person(s). From time to time additional specific requirements or additional conditions might be added to these licences both as a result of general changes to licensing regime or particularly as a result of incidents/in response to issues.</p>
<p>Party Buses Notification</p>	<p>At the present time this is planned as a “light touch” notification requirement for those operators who allow patrons to consume alcohol which they have brought to their vehicles in reasonable quantities. This ensures that the operator is held to a certain standard and that their staff have an awareness of general licensing conditions and laws.</p> <p>If issues are identified with any individual operator then they would be either subject to additional conditions or required to hold a licence so they are able to continue to operate this offering. These operators would be subject to general conditions which are common to all licensees such as the requirement to offer free drinking water, offer for sale beverages other than alcohol and to display appropriate fire and/or safety certificates etc.</p> <p>These operators service what is a fairly niche market allowing for alcohol consumption within vehicles that is not sold to patrons by the operator. While no specific issues have been raised around party buses it seems sensible to provide for notification as part of wider licensing requirements.</p> <p>Prior to any changes being brought in this area the Department would engage with the Department of Infrastructure along with the Road Transport Licensing Committee (RTL) given that the RTL is the independent regulatory body with oversight of matters relating to the transport of passengers including minibuses and public passenger vehicles (PPVs).</p>

Registered club licence	<p>These would be much the same as present regime in terms of licence conditions, physical spaces and approach and are the licences relating to the sale to members of that registered club only while on club premises.</p> <p>These kinds of licences are held by, for example, certain sports clubs with club house premises.</p>
Wholesale business licence	<p>These are licences predominantly in relation to business to business wholesale sales and are designed to ensure general restrictions are followed and that the regime maintains a good standard of knowledge of licensing law when doing so (record keeping, age restrictions etc.).</p> <p>Presently this an area which is largely unregulated and which was raised within the consultation on policy as being one which perhaps does required some oversight in future regulation. Despite no specific issues being raised around wholesale that we are aware of, it does seems sensible to provide for its regulation as part of wider licensing requirements.</p> <p>Once again this would be subject to a specific licence conditions that would need to be adhered to and would likely be a fairly simple regime.</p>

<p>Licensing Forum Code and Guidance Manual</p>	<p>The Licensing Forum is a consultation body established between the Department of Home Affairs, the Isle of Man Constabulary Central Alcohol Unit and delegates from various membership organisations that represent the licensed hospitality industry on the Island such as the Licensed Victuallers Association (LVA), Isle of Man Restaurateurs Association (IOMRA), Pubwatch and Offwatch. Other Members of the Forum are engaged in consultation work that supports the licensed trade or are also members of the Isle of Man Law Society.<sup>4</sup></p> <p>As part of the present regime Licensed premises agree to abide by the Licensing Forum’s Codes and Guidance Manual: <a href="https://www.courts.im/media/2427/isle-of-man-licensing-forum-codes-manual-v-2-2019.pdf">https://www.courts.im/media/2427/isle-of-man-licensing-forum-codes-manual-v-2-2019.pdf</a></p> <p>Consideration will be given as to how this code might be placed on a more firm statutory footing, an approach which appears to have supported based on feedback received within the consultation on policy, and take the form of guidance which licensees/designated officials must have regard to. The presently regime where inclusion of this Code as part of licence conditions has been well received and the code brings together and unites the “on trade” and “off trade” parts of the licensed industry.</p> <p>Ultimately each premises could hold a “handbook” held securely and kept updated in relation to that premises. The premises licence and associated conditions and a copy of the licensing code could form part of that handbook, along with details particular to that specific premises, such as its own staff details along with any local procedures or policies followed on site.</p> <p>The requirement to consult with the Licensing Forum prior to bringing forward legislation has also been included within the Bill.</p>
---	---

---

<sup>4</sup> <https://www.gov.im/categories/home-and-neighbourhood/licensing-forum/>

Licence Conditions	<p>Presently when licences are issued the conditions that form parts of these licences are reasonably similar, with variation occurring solely in relation to the specific conditions applicable to a premises as regards to its physical restrictions, operating periods, any music or dancing related conditions and any access to the premises allowed in relation to children.</p> <p>Licence conditions for all licence types will be largely as is the case presently with a few key exceptions:</p> <ul style="list-style-type: none"><li>• General licence conditions will continue to be universal and form part of the core licence.</li><li>• Location/Premises specific licence conditions will continue to be applicable to individual premises based on their initial application for licensing.</li><li>• Additional licence conditions and specific restrictions may now be added and these may be either a new general licence condition as and when a need is identified for such addition; or,</li><li>• Specific restrictions as a direct reaction to issues/situations relating to a particular premises where for example there is a need to temporarily suspend operation due to particular issue or to apply a premises specific licence condition, for example the use of unbreakable glasses if that premises has seen a surge in violent altercations.</li></ul> <p>It is hoped that there would not be a need to regularly use variation of licensing conditions however the ability to do so would be practical and allow for careful management of those licensed under the regime.</p>
--------------------	---

<p>Responsible People and other staff</p>	<p>Going hand in hand with the expansion of the available training for staff within licensed premises and qualifications that could foreseeably build into a career option, the recognition of responsibilities and roles within licensed premises is also being considered.</p> <p>The core responsibility for the observation and maintenance of the licensed conditions under which a premises operates will continue to be a licensee or (in the case of a company) a designated official [Responsible Person].</p> <p>However, it has become clear from both the consultation and from other feedback received that additional categories of staff have the potential to be utilised, for example an additional Responsible Person who would be designated as the “manager” for the premises in circumstances where the licensee/designated official [Responsible Person] was not on the premises.</p> <p>Additionally while there are existing roles in relation to licensees, designated officials and door security staff, it has also become clear that as the licensed hospitality industry changes in response to the pandemic and other factors there is potential for new roles to emerge such as those in relation to delivery of alcohol, stewards (not to be confused with door security staff) and a variety of roles from glass collector through to, eventually, licensee or designated official.</p> <p>It is foreseeable that these roles will ultimately be supported by bespoke training aligned with the roll out of any changes.</p> <p>The online training to be offered for licensees and designated officials is being piloted presently and will fully come online later in 2021. The vision for this training mechanism is that it will be significantly more accessible and capable of being tailor made to the portion of the industry being trained, this is the beginning of a more supportive and precisely targeted structure.</p>
---	--

<p>Offences and other enabling provisions</p>	<p>Many of the existing offences which are found in the Licensing Act 1995 now appear within the draft Bill, and thus are intended to be carried over into the new legislation.</p> <p>A sample of these include:</p> <ul style="list-style-type: none"> <li>• Offences related to licence conditions or perpetrated by a licensee / designated official.</li> <li>• Offences related to sale of alcohol to minors</li> <li>• Offences related to conduct allowed on the premises (e.g. gaming, prostitution)</li> </ul> <p>In addition fresh provisions have been added in relation to:</p> <ul style="list-style-type: none"> <li>• Assaults on staff of licensed premises – creating a specific offence with associated sentencing tariff.</li> <li>• Aggravation of offences – allowing that various offences that exist elsewhere in legislation might be considered to be aggravated by taking place on, or in proximity to, licensed premises. This would be particularly relevant to offences related to drugs, for example.</li> <li>• Door security – redrafting the existing 40(4) to make plain that where an individual undertakes work as if they were a properly registered and accredited member of the register of door security staff – that they commit an offence and the associated penalty is increased to be on a par with current scale.</li> <li>• Gaming – certain changes in relation to both licensing [for sale of alcohol] of premises shared with a casino that do not form part of the Casino itself, and also changes in relation to permissible Gaming on licensed premises under a temporary gaming licence, and other provision around variation of low stakes games. Consultation will take place with the Gambling Supervision Commission re the details of any changes proposed.</li> <li>• Bans – closing out loopholes or impracticalities around these along with requirements related to communicating of information related to Court bans – for example allowing that a person who is banned might travel through the airport lounge (without purchasing or consuming alcohol) which is presently a breach of their ban does not commit an offence, conversely providing that a person who consumes alcohol on licensed premises while banned (regardless of their not being the purchaser of that alcohol) commits an offence, and allowing for communication of these bans via a determined means.</li> </ul>
---	--



<p>Composition of Licensing Court</p>	<p>Within the present Licensing Act 1995 the structure and composition of the Licensing Court (and indeed of the Appeal Court) is prescriptively set in exhaustive detail within several sections and an associated Schedule.</p> <p>In many respects that manner of prescriptive drafting is a product of the time in which that Act was brought and is not now an appropriate reflection of the modern and more flexible approach to such matters.</p> <p>This drafting has not been replicated within the Bill and instead suitable alternative structure and process will be set out in Rules and Regulation that will be made following consultation.</p> <p>Furthermore, as noted above, the role of the Licensing Court, alongside that of any future Licensing Authority and of the Appeal Court connected with licensing, have the potential for variation as any changes are brought when the desired regime is established, or supplanted regime falls away.</p>
<p>Basis of the Act</p>	<p>The drafting basis of the Bill make reference to both the provision found in the present Act, along with drafting instructions consulted upon with the Licensing Forum in the earlier portion of the present parliamentary administration.</p> <p>Subsequently, following the consultation in late 2020/early 2021 on the policy behind the Bill additional points have been included and other planned provisions confirmed for inclusion.</p> <p>Additionally the Department has, in conjunction with the drafter, considered legislative policy both from our neighbouring jurisdiction of England and Wales, alongside that of the further afield, such as Australia.</p>
<p>Triennials</p>	<p>In 2020, following the Emergency and as part of addressing the ongoing pandemic, the Department, with the support of the Government and the agreement of Treasury was able to bring forward a brief Bill that, amongst other provisions, allowed the Triennial scheduled to take place before the end of March 2021. This Bill allowed that fees which would have been due in 2021 be waived for one year, and that the Triennial would come due in 2022 with two of the three years fees to be paid.</p> <p>In light of the ongoing pandemic and following discussions with the Department for Enterprise, and their support in doing so, the Department has included within the draft Bill provisions in relation to Triennials that would see them being postponed once again, with fees waived for a further year, with the intention that by 2023 the new legislation would likely be in place and that the Triennial process would fall away for an annual renewal cycle.</p>