

**CONSULTATION ON  
SECONDARY LEGISLATION  
AND CODES OF PRACTICE  
UNDER THE LIQUOR LICENSING  
AND PUBLIC ENTERTAINMENTS  
ACT 2021**

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**July 2022**

## **INTRODUCTORY STATEMENT BY THE MINISTER**

I am pleased to bring forward a consultation on a proposed new framework under the Liquor Licensing and Public Entertainments Act 2021.

The changes we are seeking will bring our Island one step closer to a modernised and agile licensing regime that continues to uphold standards across the industry. The Regulations and Codes of Practice set out in this consultation document are the beginning and will enable a new operational regime to be in place by 1st November 2022.

Key proposals for this first phase include replacing the Triennial Sessions of the Court – removing a considerable administrative process for businesses – with “Rolling” licences which remain in place providing that licence conditions are complied with, an annual licence fee paid, and that the licensee does not become subject to enforcement. Other proposals include introducing more flexibility through the Licence Types available and the introduction of Responsible People. We will also move towards statutory guidance and individual businesses devising Site Management Plans and Risk Assessments to ensure their compliance with the new framework.


These changes will be introduced gradually to ensure that the existing high standards across the licensed hospitality industry, built through many years of collaborative working between Government and stakeholders, are not impacted. What this also means is that we can evaluate their impact, and adapt as appropriate, in order to ensure we have a framework that works for the Island. The ability for our businesses to flourish is of course of economic benefit to the Island, however we must also ensure that we are providing appropriate levels of risk management and that public safety is addressed.

The secondary legislation and codes of practice which you are invited to comment on, are just the first steps towards a larger change to the licensing framework. The Department has also issued the Liquor Licensing and Public Entertainments Implementation Plan which sets out what we hope to achieve in the longer term.

The Department is committed to open public consultation, and any proposed changes will only be made following careful and considered engagement with key stakeholders and interested parties. We want your input on these important pieces of secondary legislation and codes of practice, so that we can understand the views of individuals, businesses, key stakeholders and all interested parties.

So, I would encourage you to take the time to read the consultation document and to let us know your views.

Thank you.



**Hon Jane Poole-Wilson, MHK**  
Minister for Justice and Home Affairs  
25 July 2022

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## WHY WE ARE CONSULTING

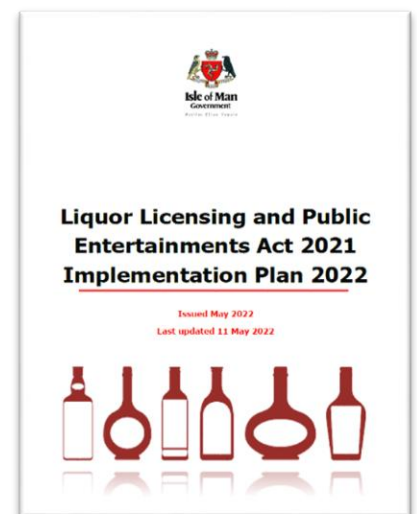
### 1. Overview

- 1.1 The Department of Home Affairs is undertaking public consultation on the proposed Regulations made under the Liquor Licensing and Public Entertainments Act 2021 (the "Regulations") and associated Codes of Practice.

These proposed Regulations, intended to come into operation by 01 November 2022, will meet a statutory commitment within section 12 - *Regulations: licences* - of the Liquor Licensing and Public Entertainments Act 2021 (the "Act").

The Department has, in drafting the Act and these proposed Regulations, looked to both the adjacent Isles and beyond to understand the regimes which are in place and the particular objectives of those regimes.

This is the first step in the introduction of a new licensing framework. Consultees are also invited to read the recently published [Department of Home Affairs Liquor Licensing and Public Entertainments Act 2021 Implementation Plan 2022](#), which sets out wider changes to be made to liquor and public entertainment licensing. The purpose of the plan is to be a "living document", allowing for amendments and updates to be meaningfully recorded and published, allowing the licensed trade to remain up to date with any upcoming changes proposed to be made by the Department.






### 2. Consultation materials and engagement sessions

#### 2.1 Written consultation

This written consultation commences on Tuesday 26 July 2022 and will run for a period of 6 weeks.

Responses to the consultation must be submitted by **Sunday 04 September 2022**.

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 –

Summer Patrick  
Business Support Officer  
DHA Headquarters Building  
Tromode Road  
Douglas  
Isle of Man  
IM2 5PA

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

- your name;
- the address to which we can reply to you (email or postal);
- if you currently hold one of the following positions:
  - Licensee
  - Licence holder
  - Designated official
  - Registered door security staff; and
- whether you are responding for yourself or on behalf of a business or organisation.

## 2.2 Face-to-Face engagement

In connection with the written consultation, the Department has organised face-to-face engagement sessions which will take place at the below dates, times and locations:

Date	Time	Location	Booking link
<b>Monday 15<sup>th</sup> August 2022</b>	7pm – 9pm	<b>The Mitre Hotel</b> 16 Parliament Street, Ramsey, Isle of Man, IM8 1JW.	<a href="https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-north-tickets-387583150637?aff=DHA">https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-north-tickets-387583150637?aff=DHA</a>
<b>Tuesday 16<sup>th</sup> August 2022</b>	3pm – 5pm	<b>Embassy Room, The British</b> North Quay, Douglas, Isle of Man, IM1 4LB.	<a href="https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-central-tickets-388552349537?aff=DHA">https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-central-tickets-388552349537?aff=DHA</a>
<b>Wednesday 24<sup>th</sup> August 2022</b>	11am – 1pm	<b>Foraging Vintners</b> 13 Shore Road, Port Erin, Isle of Man, IM9 6JA.	<a href="https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-south-tickets-388554495957?aff=DHA">https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-south-tickets-388554495957?aff=DHA</a>
<b>Tuesday 30<sup>th</sup> August 2022</b>	2:30pm – 5:30pm	<b>DEFA Training Room</b> Thie Slieau Whallian, Foxdale Road, St John's, Isle of Man, IM4 3AS.	<a href="https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-west-tickets-390960371997?aff=DHA">https://www.eventbrite.co.uk/e/liquor-licensing-and-public-entertainments-public-consultation-west-tickets-390960371997?aff=DHA</a>

The Business Agency of the Department for Enterprise have worked with the Department of Home Affairs to provide a range of opportunities for consultees to meet with officers of the Department of Home Affairs.

These sessions will be an opportunity to discuss any aspect of the new licensing framework with officers of the Department of Home Affairs who will be in attendance. To book your place at one of these face-to-face sessions, please access Eventbrite using the links above.

## 3. Existing Legislation

### 3.1 Present framework

The current licensing framework has been in place for many years and is comprised of the following primary legislation:

- Licensing Act [1995](#); and
- Music and Dancing Acts [1961](#) and [1971](#).

There are also a number of items of secondary legislation<sup>1</sup> which have been made under the above Acts, and taken together, these form the present framework.

Additionally, compliance with the current [Isle of Man Licensing Forum Codes and Guidance Manual](#) issued by the [Licensing Forum](#) is mandated as a licence condition in the majority of existing licences.

### 3.2 Liquor Licensing and Public Entertainments Act 2021 ("the Act")

The Liquor Licensing and Public Entertainments Act 2021 received Royal Assent on 14 December 2021. This followed legislative progress through the parliamentary branches of the finalised Liquor Licensing and Public Entertainment Bill 2021, which was itself the result of both a detailed policy, and later Bill, consultation. Full details of the passage of that Bill can be found within the [Department of Home Affairs Liquor Licensing and Public Entertainments Act 2021 Implementation Plan 2022](#).

The resulting enabling Act, consisting mainly of provisions that allow for secondary law to be made under the Act, gives the legal basis upon which different parts of the new licensing framework will be implemented. These items of secondary law include Regulations, Orders and Statutory Guidance (approved via Codes of Practice). Prior to seeking the approval of Tynwald to make such new laws, the Department is mandated by section 59 *Consultation* of the Act to consult with:

- the Licensing Forum;
- the Deemsters and the High Bailiff;
- the licensing authority (if established);
- 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.

Section 62 *Restrictive Agreements*, section 65 *Triennial session of the Court under the Licensing Act 1995 extended* and section 66 *Period of licence granted under the Music and Dancing Act 1961 extended* of the Act came into operation on the day on which the Act passed.

To date, the only other sections of the Act which have been brought into operation are those in relation to the Licensing Court and the Licensing Court of Appeal and the structure of these. These sections took effect on 01 July 2022 on the making of an [Appointed Day Order](#).

The majority of the new licensing framework is required, as a statutory commitment, to come into operation by 01 November 2022 and the Regulations and Codes, forming this consultation, are needed to make that happen.

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<sup>1</sup> These include, but are not limited to, Licensing Regulations 1996 (as amended - SD1996/0198; SD1996/0395, SD2004/0806, SD2011/0160) and the Licensing Court Rules (SD2014/0231). Copies of all statutory documents can be obtained from the Tynwald Website: [www.tynwald.org.im](http://www.tynwald.org.im).

## 4. Consultation overview

For ease of reference, we have set out a brief overview of each Part of the Regulations, highlighted any key issues, and the proposals for consideration. In the interest of ensuring that the consultation content is accessible, detail around the proposals has been highlighted wherever possible.

However, we would encourage consultees to carefully read the Regulations themselves and make any comments or suggestions within the consultation response questionnaire. Additional space is contained within the questionnaire to provide a section in which consultees can make general comments which do not directly correspond to the highlighted Parts of the Regulations.

The Department welcomes all comments on the future licensing framework. A detailed summary of responses to this consultation will be produced and provided on the Consultation Hub in the weeks following the conclusion of this consultation. This will allow the Department to consider the responses and provide “We asked, You said, We did” commentary.

For the full contents of this consultation including Appendices please use the index to this consultation found on page 3.

Alongside the proposed Regulations and Statutory Guidance (see section 7.1) we have also provided:

- Licence type cover sheets in Appendix 3 which give an overview of each proposed licence type.
- Process flows for the following processes, proposed to come into operation on 01 November 2022, are also provided in Appendix 2 for consultees to review in greater detail:
  - Door Security Staff process flow;
  - Responsible Persons (including Transfer notifications) process flow;
  - Licence Application process flow; and
  - Licence Types process flow.

## 5. The Regulations

### 5.1 The Consultation

The proposed Regulations are split into 9 key Parts and 4 Schedules, setting out the new processes around licence applications, determinations, etc.

Please note a fourth Schedule setting out all consequential amendments and repeals will be devised following the results of this consultation and the drafting of the finalised regulations.

Consultees are invited to respond with comments to any, or all, of these Parts and Schedules, and the key proposals or matters connected with them are set out below in more detail.

### 5.2 Part 1 – Introduction

Part 1 sets out the title of the Regulations, when they will come into operation and gives an interpretation of terms used within the Regulations.



### 5.3 Part 2 – Licences

Part 2 sets out in detail the processes around licence applications and how they are determined. For the most part, these processes remain largely the same, as was the case under the Licensing Court Rules 2014<sup>2</sup>, with applications being made to the Licensing Court and timelines generally being as per those Rules. Detail around the applicants who might apply for a licence and also specific processes impacting those licences i.e. licence variation, temporary licensing and provisional licensing, are also found in this Part and are broadly similar to the existing provisions found within Part 2 (*Liquor licensing*) of the Licensing Act 1995.

The proposed Liquor licence types for the new licensing framework and their proposed associated Licence conditions are found separately within Schedule 1 *Liquor licence types* and Schedule 2 *Licence conditions* and again, for the most part, these are similar to those under the present framework and as set out in the Licensing Regulations 1996 (as amended)<sup>3</sup>. Please make reference to Schedules 1 and 2 and the Process flows found at Appendix 2, for more detail.

Information that must be provided by applicants wishing to become licensees, in order to demonstrate their suitability as “fit and proper” persons, is also covered within Part 2 of the proposed Regulations and largely mirrors that found in the present forms<sup>4</sup> that are submitted to the Licensing Court on application for a licence. In addition, the information about applicants who represent individuals, corporate bodies etc. has been set out within this Part for ease of reference.

For clarity where the term “licensee” is used throughout this consultation, it is taken to have the meaning given within section 3 *Interpretation* of the Act whereby “licensee” means the holder of a licence granted under the Act.

New requirements around the production of a Site Management Plan and Risk Assessment to support an application provide the opportunity for the licensee to clearly and comprehensively demonstrate compliance with all components of good management of their premises. A template Site Management Plan and Risk Assessment are part of the Licensing Forum Code of Practice and Guidance on Liquor Licensing (see Section 7 “Statutory guidance” of this consultation for further detail).

A completed Site Management Plan and Risk Assessment must be provided to the Licensing Court as part of the Transitional Arrangements (See Part 9 *Transitional arrangements, consequential amendments and revocations*).

Thereafter, a current Site Management Plan and Risk Assessment must be maintained and kept current, being reviewed at least annually (or more frequently if operations under the licence warrant such a review) and must be available for inspection either by the Isle of Man Constabulary, or the Licensing Court, if requested. This will be a mandatory licence condition alongside compliance with any statutory guidance. Notable changes to the Site Management Plan and Risk Assessment must be referred back to the Licensing Court, and these would likely coincide with a broader application for a variation of an existing licence, the premises that are licensed, or the licence conditions.

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<sup>2</sup> [Licensing Court Rules \(SD2014/0231\)](#). Copies of all statutory documents can be obtained from the Tynwald Website: [www.tynwald.org.im](http://www.tynwald.org.im)

<sup>3</sup> Licensing Regulations 1996 (as amended - SD1996/0198; SD1996/0395, SD2004/0806, SD2011/0160). Copies of all statutory documents can be obtained from the Tynwald Website: [www.tynwald.org.im](http://www.tynwald.org.im)

<sup>4</sup> LL, LLP and LC Forms found here: <https://www.courts.im/court-procedures/licensing-courts/>

For the most part, Licence conditions found within Schedule 2 (see Schedule 2 *Licence conditions*) are based on those currently used.

Key proposed changes around licence applications etc. relate to:

- Site Management Plans (reference information to be provided on application)
  - See section 7 “Statutory guidance” of this consultation document in relation to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing.
  - See also Appendix 4 of this consultation document for draft Site Management Plan templates for both On-Licences and Off-Licences, and also Events.
- Advertising of applications (proposed process under new framework)
  - See section 6 “Other related matters” of this consultation document in relation to Advertising.
- Licensees/Proposed Licensees (holders of or applicants for grant of a licence under the Act)
  - Detail is provided with Part 2 of the proposed Regulations, however also please make reference to Schedule 1 *Liquor licence Types* and Schedule 2 *Licence Conditions* of the proposed Regulations.
- Designated Officials (become Responsible Persons under new framework)
  - See Part 7 within the proposed Regulations regarding establishment of a *Licensed Staff Register*.
  - See also Part 9 *Transitional Arrangements, Consequential Amendments and Revocations* within the proposed Regulations for more information on that transition.
  - See also Process flows which can be found at Appendix 2.
- Liquor licence types (proposed alternate licence types and adjustment of existing licence types)
  - See Schedule 1 *Liquor licence Types* and Schedule 2 *Licence Conditions* of the proposed Regulations.
  - See also Licence types cover sheets which can be found at Appendix 3.
- Licence conditions (associated with proposed alternate licence types and adjustment of existing licence types)
  - See Schedule 1 *Liquor licence Types* and Schedule 2 *Licence Conditions* of the proposed Regulations.
- Period of Licence (falling away of Triennial Court sittings, and introduction of “rolling” licences)
  - See section 6 “Other related matters” of this consultation document in relation to Fees associated with licences and with the Triennial Session of the Licensing Court.
  - See also Appendix 5 of this consultation document for the current Fees Orders.
- Provisional Event Licence (proposed process to allow for provisional applications in connection with Event Licensing) – see consultation questionnaire in connection with Part 2.

## Public Entertainment

Part 2 also sets out the public entertainments which are proposed to be licensable activities at inception of the new licensing framework, namely:

- any music including singing;
- any dancing;

Additionally, this part sets out at Regulation 13 *Public entertainment licence and public entertainment event licence* the activities that it is proposed either will not require to be licensed, or will not require to be licensed when they are of a charitable or philanthropic nature and/or take place in a premises belonging to, or occupied by public authority, where that authority provides the entertainment at no charge.

This is substantially a reworking of the present section 20 Act *not to apply to certain premises* of the Music and Dancing Act 1961 which sets out specific exceptions to licensing requirements for activities of a philanthropic, charitable or religious purposes, or obtaining funds for the same. See also section 7.2 of this consultation document "Guidance for Charitable and Philanthropic Events" exempted from the requirements of the Liquor Licensing and Public Entertainments Act 2021.

It is noted for clarity that religious events are directly exempted under section 4(3) *Meaning of "entertainment" and "public entertainment"* of the Act.

Further to that, Regulation 13 (3) also notes for clarity that where a liquor licence is held and provides for licensable public entertainment to take place, then no additional public entertainment licence is required for that premises. This is similar to the mutual "carve out" presently found within section 3A *Licensed or club premises* of the Music and Dancing Act 1961.

Other entertainments that may require licensing or regulatory compliance, for example circuses, would be licensable under the Act for music and dancing components, but would still be required to comply with any other existing Manx legislation.<sup>5</sup>

Other key matters which consultees are invited to comment on are whether they feel that this cross section of entertainment events is adequate, and whether special consideration is needed for the following:

- Plays and if there is a public view that these need to be licensed, this was the case for theatres acting as a venue for a play under the Local Government Consolidation Act 1916 which is set to be revoked by the Act and currently it is not intended to put in place the breadth of legislation found, for example, in England and Wales, which offer licensing and safeguards.
- Licensing of events that are not public but might otherwise be subject to enforcement under the Noise Act 2006, e.g. private party such as a wedding reception with a marquee.
- Circuses/Funfairs/Skating rinks – there is scope to regulate these matters under the Local Government (Miscellaneous Provisions) Act 1976 at section 6 *Pleasure fairs and roller skating*

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<sup>5</sup> For example see Local Government (Miscellaneous Provisions) Act 1976 within section 6 *Pleasure fairs and roller skating rinks* and its associated Schedule.

*rinks* and Schedule 2 of that Act. This does not appear to have been required and licensing under the Liquor Licensing and Public Entertainment Act is not planned at this time.

- Cinemas/File Exhibitions – see section 6 of the consultation document in relation to matters which are not planned to be addressed in these Regulations but will be considered for future Regulations. Film exhibitions may be licensed under the Act however the [Cinematograph Act 1977](#) would require to be displaced if this was to happen in the future.
- Other types of entertainment, for example adult entertainment, will be considered for future Regulations. Presently the Licensing Forum issues codified guidance regarding this<sup>1</sup> (see section 7.1 of this consultation document). Consideration will be given as to whether there needs to be specific licensing of adult entertainment venues, or indeed whether entertainments themselves should be directly licensed. Other entertainment venues that might be licensed directly, or see specific licence conditions apply, could include late night entertainment venues. Comment from consultees is invited on these matters.

See also Schedules 1 and 2 within the Regulations in relation to Liquor Licences, and licence conditions, and the section 7 of the consultation “Statutory guidance” – for draft Guidance for Charitable and Philanthropic Events exempted from the requirements of the Liquor Licensing and Public Entertainments Act 2021. Please note, additional questions connected to public entertainment licensing matters, and the licences themselves, are included both in relation to Part 2 of the Regulations and also at Schedules 1 and 2 within the consultation questionnaire.

#### Event licences

The provisions in connection with Event licences and Public entertainment event licences are set out at Regulations 6 and 7 respectively within the draft proposed Regulations. Questions connected with the duration and frequency of events can be found within the Consultation Questionnaire in connection with Event Licences and Public Entertainment Event Licences at Schedule 1 and Schedule 2 respectively.

In practice, following the consultation it is likely that licence types would be grouped together within Schedule 1 that would perhaps be formed of two parts, Part 1 in connection with liquor licences and Part 2 in connection with public entertainment licences. Event licensing might also shift to an alternative position within the regulations at that time.

#### 5.4 Part 3 – Review

Part 3 sets out a key proposed change to the Licensing framework whereby at any time, an individual, the Chief Constable, or the Licensing Court may refer a licence to the Licensing Court for review on particular grounds. Given the falling away of the Triennial process (See Section 6 “Other related matters”) this provides a mechanism through which objections might be heard on an ongoing basis.

#### 5.5 Part 4 - Miscellaneous duties of licensee of licensed premises

Part 4 sets out miscellaneous matters and offences in connection with licensing.

These include:

- Licensee/licence holder's convictions and cautions: Part 4 sets out a key proposed enhancement relating to the mandatory responsibilities for licensees. This seeks to ensure that where that licensee becomes subject to court proceedings, or is cautioned or convicted of a relevant offence (see Regulation 3 *Interpretation* for the definition of "relevant offence"), they must make notification to the Licensing Court of this matter within one month, or be liable to a fine. Additionally, following such a notification by a licensee, the Court may suspend or revoke the licence of that licensee. These provisions are a clarification and strengthening of the current suitability requirements which must be met by an individual on application to make it clear that a person must continue to be "fit and proper". Similar provisions are found at Part 7 *Licensed staff register* within the related subdivision that sets out the duty to notify of court proceedings, cautions and convictions placed on a Responsible Person or a registered Guard or Doorkeeper.
- The licensee's duty to notify the Licensing Court where a connected person changes;
- Specific detail around Responsible Persons who are not connected to companies, clubs, charities or passenger vessels. This sees a key proposal being made that a licensee who is not a company etc. might still nominate Responsible Persons, giving extra flexibility to the management of premises during opening hours;
  - See Part 7 within the proposed Regulations regarding establishment of a *Licensed Staff Register*.
  - See Part 1 Regulation 3 (5) – definition of connected person).
  - See Schedule 1 *Liquor licence Types* and Schedule 2 *Licence Conditions* of the proposed Regulations.
  - See Appendix 2 which contains Process flows.
- The timescales and circumstances during which a licensee or responsible person may be absent from the running of licensed premises during their being open without committing an offence, and the appointment by the Licensing Court of a temporary manager in connection with a licence (similar to provisions currently found in section 25 *Absence of licensee* of the Licensing Act 1995) and the timescales associated with such an appointment.; and
- The duty to keep, display and produce a licence (similar to provisions currently found at Part 4 *Display of Notices on Licensed Premises* of the Licensing Regulations 1996 (as amended).

## 5.6 Part 5 - Vehicles and vessels

Part 5 sets out regulations related to delivery of liquor from vehicles (similar to provisions found within section 59 *Delivery from vehicles* of the Licensing Act 1995). It is also proposed that the current specific guidance around remote sales of liquor, contained in the Isle of Man Licensing Forum Codes and Guidance Manual and which can now be found at Appendix F (*Guidance for the Remote Sale of Alcohol*), will continue to form part of that guidance within the updated Code (See section 7 "Statutory guidance" of this consultation document in relation to the Code).

Part 5 also sets out a new provision relating to those who are subject to a "ban" being nonetheless permitted to enter the licensed premises of the Airport Departure Lounge as part of an ongoing journey, or to enter a retail store or petrol station for the purpose of purchasing food or non-liquor beverages and fuel, providing that they do not attempt to buy or consume liquor during this time.

These are clarifications to present circumstances that could inadvertently lead to non-compliance with a “ban”.

## 5.7 Part 6 – Licensing Court

Part 6 sets out provisions in connection with the Licensing Court. These relate to time limits, evidence and the adjournment/withdrawal of proceedings, etc., all of which were previously contained within the Licensing Court Rules 2014.

Additionally, a provision is included in respect of appearance by a company, club or charity which is based on a provision previously found in the Licensing Court Rules 2014. (See Regulation 3 (5) *Interpretation* for the definition of connected person and Part 2 Regulations 9 to 12, and Regulation 37 *Responsible Person* is of specific relevance.).

## 5.8 Part 7 – Licensed Staff Register

Part 7 sets out provision in connection with the establishment, and ongoing use, of a Licensed Staff Register for:

- Responsible Persons;
- Guards; or
- Doorkeepers.

This proposal sees all of the above categories of licensed staff become subject to a registration requirement and the establishment of a specific register that holds their details. In practice this is likely to be an electronic register and would likely be formed of two parts. Part one in relation to Responsible Persons would contain details as set out below. Part two in respect of guards and doorkeepers would take a similar form to the [existing list](#) that was itself put in place as a result of the Employment of Security Staff (On-licensed Premises) Regulations 2002 (as amended)<sup>6</sup>.

### Responsible Persons

This key proposal sees the current name “Designated Official” (often abbreviated to simply “DO”) changing to the new term of a “Responsible Person”, in line with section 24 *Licensee or responsible person to be on licensed premises at all times* of the Act.

Other key proposals see the suggestion that a suitable Responsible Person must now be registered to oversee a premises in connection with a range of licence types (see Club, Company, Manx passenger vessel licences), and may be registered in connection with a licence granted to an individual licensee, or to a Charity (who wishes to apply for Event licensing).

It is proposed that the Responsible Persons Register be online and that it will record the name of each Responsible Person and the premises which they are registered in connection with. It is likely that this same Register would also be utilised to record the name(s) of the Licensee of that premises, again in connection with that premises entry, for clarity around Licensees who have designated Responsible Persons. So for example an entry could read:

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<sup>6</sup> See <https://www.iompolice.im/apply-for/security-staff-registration/> for more details of the present Regulations.

*Premises name – Licensee – Responsible Persons registered in connection with that premises/licensee.*

Individual Responsible Persons will need to be registered and it is proposed are specifically registered against either “on” or “off” licence capability and are designated by specific licensees as having personal responsibility for the premises in the absence of the licensee. A Responsible Person may have multiple entries into the Register if they are designated by more than one licensee, and in connection with more than one premises.

The initial approval of a Responsible Person is proposed to be through application to the High Bailiff and could potentially see that applicant referred to the Licensing Court for ultimate decision making. More detail can be found within the Process Flows at Appendix 2.

Subsequent transfer of a Responsible Person within their registration (either “on” to “on” or “off” to “off”) is proposed to be via notification to the Department, with any objection to this transfer seeing potentially additional referral to the High Bailiff. Those wishing to transfer from an “on” premises to an “off”, or vice versa, must make a separate new registration to that effect and demonstrate suitability requirements.

Generally, it is also proposed that Responsible Persons will no longer be included in the licence itself as their details will be held within the Register and transfer will be separately managed.

Once appropriately registered Responsible Persons will remain on the register unless they no longer meet suitability requirements, or fail to maintain their training qualifications, either of which will lead to cancellation of their entry in the Register, as would that individual Responsible Person electing to be removed from that register and making such a written request.

Consultees are also invited to refer to Part 1 (definition of “connected person” is found in Regulation 3 (5) *Interpretation*), Part 2 (in connection with the information about applicants etc.) and Regulation 37 (*Responsible Person*) of the Regulations, as these Parts may be of particular interest.

#### Guards and Doorkeepers (“Registered Door Security Staff”)

For ease these individuals are referred to collectively as “Door Security Staff” within this consultation document. It is proposed within Part 7 that their registration will continue to be subject to a three year renewal cycle with the requirement that individuals re-apply prior to the expiry of their current certification (badge) to ensure ongoing registration, and that each individual once again demonstrates that they have fulfilled all training and suitability requirements.

This particular registration requirement is being retained as a three year cycle as for the most part individual Door Security Staff are often either self-employed or work for a number of venues, rather than being individually “designated” by any one Licensee in connection with their premises (which is a requirement for the registration of a Responsible Person – see elsewhere within the subdivision relating to *Responsible Persons* also found in Part 7). Therefore these individual Door Security Staff will not readily “sit” in context with matters covered by the Site Management Plan and Risk Assessment (See section 7 “Statutory guidance” of this consultation document in relation to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing)

In connection with the Licensed Staff Register, once again it is noted that this is proposed to take a similar format to the existing list of [Registered Security Staff](#), recording the name of the individual registrant, their certificate/"badge" number and the expiry of their registration.

In a similar manner as is set out for Responsible Persons, removal from the Door Security Staff register would follow a failure by the registrant to continue to meet suitability requirements, or a failure to maintain training qualifications, or where an individual registrant elects to be removed from that register by making a written request to the Department. Additionally, a Door Security Staff registrant may be removed from the register on expiry of their registration (where they have failed to make a renewal application).

#### Convictions, cautions and criminal proceedings – Responsible Persons, Guards and Doorkeepers

Part 7 also sets out within the related subdivision, enhanced requirements in connection with the mandatory duty of an individual registered Responsible Person, or individual Door Security Staff registrant, to inform the Licensing Court, or the Department, respectively, if that individual should become subject to court proceedings or be cautioned or convicted of a relevant offence (see regulation 3 *Interpretation* for the definition of "relevant offence"). Additionally, following such a notification by an individual, then the Licensing Court, or the Department, respectively, may suspend or revoke the registration of that individual.

These provisions are a clarification and strengthening of the suitability requirements which must be met by an individual on application to ensure the ongoing fitness of those registered in connection with the management, or security, of licensed premises.

Similar provisions are found at Part 4 *Miscellaneous duties of licensee of licensed premises* (at Regulation 35 *Licence holder's duty to notify Court of court proceedings caution or conviction*) setting out a similar duty for a licensee.

#### Appeals

Regulation 62 makes plain that a registrant can appeal a decision or order of the Department or the High Bailiff under this section. The detail of the appeals process will be commensurate with that found within the current Employment of Security Staff (On-licensed Premises) Regulations 2002 (as amended) and consultees are invited to provide comments within the questionnaire related to appeals by either Responsible Persons or Door Security Staff.

### 5.9 Part 8 – Offences relating to minors

Part 8 sets out a range of offences in connection with sale, supply, delivery, proxy purchase etc. or consumption of alcohol by Minors (those under the age of 18). These are based upon provisions previously found within the Licensing Act 1995:

- section 22 *Employment of minors etc.*;
- section 23 *Sale to minors etc.*;
- Section 23 *Provisions supplemental to ss 20-23*;
- section 73 *Consumption of liquor by minors*;
- section 74 *Seizure of liquor in possession of minors*; and



- section 74A *Agents etc. obtaining liquor for minors*

Additionally, provisions in connection with acceptable forms of identification deemed to be suitable evidence of age are also included within this part. It is proposed that these might include, in addition to other more standard materials such as driving licences etc., a form of electronic verification that is approved by the Department therefore providing for suitable modern/digital means of evidence.

There are also included provisions around the Employment of minors (see Regulation 71) setting out the circumstances in which a licensee would be guilty of an offence in relation to employment of a minor, as well as the penalty related to this.

Finally within this Part a provision is included setting out, for clarity, how the Court may, in the circumstances detailed under the part, deem the age of the offender unless the contrary is shown (see Regulation 72).

#### 5.10 Part 9 – Transitional arrangements, consequential amendments and revocations

Part 9 sets out the proposals that are being made in connection with transitional arrangements which must be in place to allow licences to shift from the existing licensing framework into the new proposed framework.

In brief the proposals are that:

- Existing holders of a licence ("old licence") must obtain a new licence certificate issues under the new Regulations by 01 May 2023.
- For licences that might be issued without variation – this will be done following submission of a replacement certificate request form to the Licensing Court.
- For a licence requiring variation, a licence variation application should be separately submitted under the new Regulations.

Where a licensee is submitting a replacement certificate request form, or a licence variation application, these applications must be accompanied by a Site Management Plan (See section 7 of this consultation "Statutory guidance - Licensing Forum Code of Practice and Guidance on Liquor Licensing").

For ease of reference under this Part the transitional arrangements are given in respect of:

- liquor licences and club licences, along with designated officials, all of whom were subject to the Licensing Act 1995 that will be replaced by the implementation of the Liquor Licensing and Public Entertainment Act 2021;
- guards and doormen who were subject to the Employment Of Security Staff (On-Licensed Premises) Regulations 2002 (as amended) (made under section 40 *Employment of security staff* of the Licensing Act 1995);
- music and dancing licences which were subject to the Music and Dancing Act 1961 that also will be replaced by the implementation of the Liquor Licensing and Public Entertainments Act 2021.

Part 9 also introduces Regulation 79 that will provide for Schedule 4.

Please note this fourth Schedule, setting out all consequential amendments and repeals, will be devised following the results of this consultation and the drafting of the finalised regulations. This is the “tidying up” which sees any necessary cross-referencing of the proposed new licensing framework be made elsewhere within Manx law, and also sees any statutory documents, that are superseded by others that will be found within the new licensing framework, themselves being repealed.

#### 5.11 Schedule 1 – Liquor licence Types

Schedule 1 sets out the titles and description of the proposed new licence types. This is closely linked to Schedule 2 which sets out the conditions that may be associated with these licences.

We have created specific licence types in the Regulations to try and provide clarity for businesses, clubs and charities. For ease of reference more detail around each individual licence type is set out below:

Licence Title	Brief description of the proposed new licence types and any key points
<b>On-licence</b>	<p>This is a restatement of the present On-licences and their associated conditions which are all largely as per current process.</p> <p>We are seeking feedback to clarify that the continuation of this licence type would be supported by key stakeholders and interested parties, particularly those who will be impacted by these changes.</p>
<b>Off-licence</b>	<p>This is a restatement of the present Off-licences and their associated conditions which are all largely as per current process.</p> <p>We are seeking feedback to clarify that the continuation of this licence type would be supported by key stakeholders and interested parties, particularly those who will be impacted by these changes.</p>
<b>Charitable function licence</b>	<p>This is a significant change to the present Charitable function licences (section 15 <i>Charitable function licences</i>) that otherwise are no longer in keeping with the proposed wider licensing framework.</p> <p>The key proposals, which would standardise these licences, are that:</p> <ul style="list-style-type: none"> <li>• the overarching licence type be approved in advance;</li> <li>• then the individual charity can access “function days” (events with wine only) via a written notification under a licence condition (similar to present Charitable functions authorisation); and</li> <li>• the charity could opt to register a trained Responsible Person which would entitle them to apply for larger scale Event licences (with a range of liquor) on a case by case basis.</li> </ul> <p>We are seeking feedback that these changes are supported by key stakeholders and interested parties, particularly the Charities themselves.</p>

<b>Mobile licence</b>	<p>This is a new proposed licence type that provides a licensee, who does not have a “bricks and mortar” premises, with the ability to obtain “on-licence” status, register Responsible Persons to manage their events, and then to apply for Event licences.</p> <p>This is effectively an opportunity to earn via an Event held under an Event licence which has been separately obtained (or alternatively into the future to attend a Hosted event under the proposed future Host licence).</p> <p>Please note this licence is not an ability to “pitch up” in any public area, or to offer mobile sales of alcohol in any location that is not a licensed premises (which has been licensed for the purpose of trade by such a licensee).</p> <p>We are seeking feedback to clarify that the introduction of this licence would be supported by key stakeholders and interested parties.</p>
<b>Manx transport licence</b>	<p>This is a restatement of the present On-licence provisions applicable to vessels, separating these licences and their associated conditions into a fresh licence type while retaining the requirements largely as per current process.</p> <p>Consultees are also invited to make reference to Schedule 3 <i>Exemptions from requirement to hold liquor licence</i> in connection with proposed exemptions for Cruise ships and Trains.</p> <p>We are seeking feedback to clarify that the introduction of this licence would be supported by key stakeholders and interested parties, particularly those who will be impacted by these changes.</p>
<b>Host licence</b>	<p>Please note, this is a future licence type proposal that is included within this consultation for broader policy input only. While the proposal to be able to allow for this scale of event is one which appears beneficial, this type of licence is included in the consultation with the caveat that this licence is not intended to form part of the finalised Regulations setting out licences proposed to be available from 01 November 2022</p> <p>The proposal is that this would be a licence type that is granted to a “suitable host” to allow an event for which there is appropriate infrastructure in place i.e. place suitable for licensing for which the host is responsible for the following:</p> <ul style="list-style-type: none"> <li>• general event management;</li> <li>• security;</li> <li>• any structures on premises (e.g. “pitches”);</li> <li>• parking; and</li> <li>• toilets / conveniences etc.</li> </ul> <p>The location might then be licensed in a manner permitting that the “host” may allow individual licensees/licence holders to have “pitches” within that event.</p>

	<p>We are seeking feedback to clarify that the introduction of this licence would be supported by key stakeholders and interested parties, particularly those who will be impacted by these changes.</p> <p>As noted this is not proposed to take effect in the initial phase of the new licensing framework.</p>
<b>Liquor production and sales licence</b>	<p>This is a new proposed licence type that provides a licensee with the ability to make sales of their "own product" in an off-licence format.</p> <p>This type of licence would also mean that in future the licensee/licence holder could attend Hosted events and sell product in capped vessels at these Events.</p> <p>We are seeking feedback to clarify that the introduction of this licence would be supported by key stakeholders and interested parties, particularly those who will be impacted by these changes</p>
<b>Event licence</b>	<p>This is primarily a restatement of the existing Occasional Licence, with a proposed increase of the possible amount of days utilised in any one event being 16 days rather than the existing 14 days.</p> <p>Please note, this follows an extension to 16 days for the TT period during 2022 on which we have had limited feedback and so would invite additional comments at this time. These comments can be provided in connection with this licence type, within the questionnaire at the end of this consultation document.</p> <p>For this consultation the key proposals relate to:</p> <ul style="list-style-type: none"> <li>the potential that an event might "re-occur" under one licence application and if so to what extent;</li> <li>whether there should be a "capped limitation" that would then be set by condition of the Licensing Court stipulating either, <ul style="list-style-type: none"> <li>the number of Events licences in any one period that might take place in the same premises, or,</li> <li>might take place in aggregate when applied for by the same applicant,</li> </ul> </li> <li>and what these limitations should be.</li> </ul> <p>We are seeking feedback to clarify that proposed changes to existing Occasional Licences are supported by key stakeholders and interested parties.</p>
<b>Club licence</b>	<p>This is an extensive change to the present Club Registration framework (found under Part 4 <i>Registered Clubs</i> of the Licensing Act 1995) which is no longer in keeping with the wider licensing framework.</p> <p>The key proposals for consultation are that Clubs:</p> <ul style="list-style-type: none"> <li>put in place a trained Responsible Person (of a similar calibre to an on-licensed premises);</li> </ul>

- that the provision of club function authorisations (often known as “special permission days”) shifts to a capped balance over a rolling annual period, with that cap number also forming part of this consultation;
- that such a balance then be debited via written notification (similar to present club functions authorisation) under a licence condition; and
- if the above changes took place then individual Clubs would be eligible to apply for Event licences once that balance was exhausted.

We are seeking feedback to clarify that proposed changes are supported by key stakeholders and interested parties, particularly Clubs themselves.

**Public entertainment licence**

It is proposed that a Public Entertainment Licence or a Public Entertainment Event Licence take the place of the existing Music and Dancing Licence and Music and Dancing Occasional Licence, respectively.

**Public entertainment event licence**

The Act provides a broad scope for Public Entertainment matters that might be regulated, however at this time the proposal is to provide for a framework that is very similar to that in place now. Additional detail concerning this can be found within Regulation 13, *Public entertainment licence and public entertainment event licence*, where other policy questions are set out for consultees’ input.

As these matters are to be subject to this consultation, extensive detail on other conditions that might be applied to licences, around potential for appointment of nominated licensees and any activities that are proposed either do not require to be licensed, or do not require to be licensed when they are of a charitable or philanthropic nature can be found within Regulation 13. This is a key consultation focus and consultees are invited to make their comments either in connection with Part 2, or in connection with these proposed licence types.

Religious events are exempted under section 4(3) *Meaning of “entertainment” and “public entertainment”* of the Act.

At the present time the main licence condition which is generally applied to premises holding any licence that permits music and dancing to take place is that:

- The volume on the licensed premises is to be strictly controlled – no noise nuisance to surrounding noise sensitive premises is to occur.

Additionally, to assist those who are planning events and believe that they would fall under the charitable or philanthropic exception within regulation 11 – statutory guidance is being consulted on (See section 7 “Statutory guidance - Guidance for Charitable and Philanthropic Events exempted from the requirements of the Liquor Licensing and Public Entertainments Act 2021”).

## 5.12 Schedule 2 - Licence Conditions

Schedule 2 sets out the proposed licence conditions for each of the proposed licence types.

For ease of reference commentary on the licence types and what each is proposed to entail is included in brief as part of the above information relating to Schedule 1. This information has not been duplicated here, however consultees are invited to review in detail both Schedules 1 and 2 and to also pay particular mind to:

- Part 1 (within Regulation 3 (5) *Interpretation* the definition of “connected person” and within Regulations 9 to 12 that set out the information about an applicant who represents an individual, or corporate body etc.); and
- Part 4 (where Regulation 37 *Responsible Person* is of specific relevance) of the Regulations.

Matters already provided for within the Act, or the Regulations themselves, may still be included with licence conditions stipulated by the Court within an individual licence.

Where this is the case, those conditions are stated for the avoidance of doubt and might include, for example:

- conditions related to the requirement to seek advance approval for company structure changes; or
- conditions around the entry of “banned persons” namely those persons who are subject to a court order that prohibits them from entering licensed premises/purchasing alcohol.

Other potential licence conditions could be considered that might include those in relation to “late night licences” (after 11pm), and a potential corresponding requirement to have in place security staff appropriate to deal with premises capacity. Or other licence conditions that consultation responses might suggest.

One further point currently not set out within the Regulations that is provided for, but appears to be of limited usage under section 9 of the Music and Dancing Act 1961, is the “special permissions” provision. This currently allows for an application to be made for limited temporary variation to the hours during which a premises open for music, singing and dancing might operate. It is suggested that this provision be retained and potentially become a licence condition, although a related and commensurate administration fee may accompany its usage.

Within the consultation questionnaire additional space has been provided for consultees to make comments about any of the individual licence types, and their associated conditions, either in connection with Schedule 1 or with Schedule 2.

## 5.13 Schedule 3 – Exemptions from requirement to hold liquor licence

Schedule 3 sets out the proposed exemptions from the requirement to hold a licence which are particular to the following areas:

- Brewing, distillation, storage, transportation, sale or supply of liquor – specifically in relation to a clear exemption from the requirement to hold a licence for any matter that is not in contravention of the Regulations or the Act, which does not limit a licensing requirement made under any other Manx legislation e.g. Brewers’ Act 1874.

- Trains operating in accordance with restaurant conditions – specifically in relation to exempting the operation of dining trains where service of alcohol is made with a substantial meal.
- International vessel – this is a specific exemption in relation to visiting vessels that are not taking on board passengers in the Island for the purpose of plying from place to place.
- Clubs with less than 25 Members – this is a clarification of an exemption in relation to clubs which have less than 25 members (under Part 4 *Registered Clubs* of the Licensing Act 1995) and will conduct themselves otherwise in accordance with club licence conditions.
- Service Canteens – this is provision taken from section 60 *Supply of liquor by clubs* of the Licensing Act 1995 to make clear that any service canteen which is established by the Department or Secretary of State in respect of Her Majesty’s naval, military or air forces, is exempt.

#### 5.14 Schedule 4 Consequential amendments and repeals

Please note, a fourth Schedule setting out all consequential amendments and repeals will be devised following the results of this consultation and the drafting of the finalised regulations. This is the “tidying up” which sees any necessary cross-referencing of the proposed new licensing framework be made elsewhere within Manx law, and also sees any statutory documents, that are superseded by others that will be found within the new licensing framework, themselves being repealed.

## 6. Other related matters

### 6.1 Fees

As part of the transition period, and in line with the new functional regime, licensees may be required to pay a nominal fee for a new licence certificate. This would be a “rolling” licence certificate without a date, and would not require re-issuance on an annual basis. From this point, the licence certificate would not require replacement unless the core conditions, or component parts, of that licence were to be varied on application or enforcement.

The present fees structure is set out within Orders (see Appendix 5) made under the Interpretation Act 2015 relating to:

- Premises licensed under the Licensing Act 1995; and
- Premises licensed under the Music and Dancing Acts 1961 and 1971.

The current fees structure is not a full cost recovery model (i.e. it does not reflect the costs involved in the consideration, granting, processing, and enforcement of licences). There is no intention at this time to move towards such a model.

Fees are currently charged to cover a 3 year “triennial” period, which aligned with the Triennial Session of the Licensing Court, at which the majority of licences were granted. As part of that licensing structure, a standard licence<sup>7</sup> would be granted by the Court at the beginning of the triennial period

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<sup>7</sup> This does not apply to Event Licences.

and would have a duration of 3 years. Each licence would then need to be renewed at the end of that 3 years, at a "triennial court" taking place before the end of March in the triennial year.

Licence applications granted between "triennial sessions" are given a duration of whatever the remaining proportion of the "triennial period" is and the fee associated with these is also proportional (i.e. is pro-rated to match the period which the licence has been granted for).

Please note no fees have been collected recently as the Triennial Session which would ordinarily have taken place has been deferred several times as part of the Government's response to the economic impact of Covid-19. This has meant that the fees associated with that Session have also been waived and the administration of the actual applications process avoided.

It is proposed that any increase to the existing fees structure under the new framework would be in line with previous such increases and would likely sit in the region of 2%.

This is set out in the below table, and is shared for ease of reference in a similar format to the present Licensing Act 1995 Fees and Duties Orders. Please note following the consultation, and concurrently as the Regulations are progressed, a new Fees Order will be brought forward to set out the relevant fees associated with the new framework.



**Example of Fees for Licensed premises with a 2% uplift applied**

LICENCE OR ORDER		£	2% Increase	R Down	Annual Fee (Overall fee ÷ 3) <sup>8</sup>
<b>On-licence (other than one subject to a residential condition or a restaurant condition) or off-licence:</b>					
(a)	there is no rateable value or where the rateable value of licensed premises does not exceed £500	918.00	936.36	936.50	£312.17
(b)	where rateable value of licensed premises exceeds £500 but does not exceed £1,500	1,897.50	1,935.45	1,935.50	£645.17
(c)	Where rateable value of licensed premises exceeds £1,500	2,703.00	2,757.06	2,757.00	£919.00
<b>On-licence subject to a residential condition or a restaurant condition, where:</b>					
(a)	there is no rateable value or where the rateable value of licensed premises does not exceed £500	459.00	468.18	468.00	£156.00
(b)	where rateable value of licensed premises exceeds £500 but does not exceed £1,500	954.00	973.08	973.00	£324.34
(c)	where rateable value of licensed premises exceeds £1,500	1,336.50	1,363.23	1,363.00	£454.34

Other proposed new licence types not currently in existence would be subject to fees commensurate with that proposal.

A separate Fees Order will be produced and it is proposed that this will be progressed alongside the Regulations into the parliamentary process for the October 2022 sitting of Tynwald.

For any comment you wish to provide on fees, this can be noted within the Consultation Questionnaire, against section 6 "Other related matters" of this consultation document.

<sup>8</sup> NB These figures are provided for ease of reference only and the finalised figures in relation to all fees will be produced within a separate Fees order – if you have any comments on fees you are invited to make them within the Question that forms part of the consultation and to please make your comments in connection with section 6.1 of this consultation document.

## 6.2 Training

With the removal of the Triennials process, Responsible Persons will need to demonstrate upkeep of relevant training. This training will need to be refreshed every 3 years. Progress towards training via an online platform allowing that, where appropriate, elements of training can be delivered in a more accessible manner, has been ongoing for some time. It is anticipated that this will be in place in time for appropriate refresher training to be made available to all existing licensees, designated officials and responsible persons, concurrent with the commencement of the new framework.

This new blended learning curriculum would allow a training pathway, for people entering the industry at any level, to progress and gain qualifications and experience towards career progression. Such a pathway is subject to both approval and support by industry members of the Licencing Forum.

The training modules ready for commencement of the new functional licensing regime on 01 November 2022 will be those for: On-Licence, Off-Licence and Door Security Staff. It is intended that all first-time Responsible Person or Door Security Staff applicants will undergo the revised training prior to making any such applications. For existing Designated Officials and existing Door Security Staff, on the expiry of their existing "old-style" training, it is proposed that these individuals will also undergo the new training modules. This will result, in time, with all Responsible Persons and Door Security Staff having the same accredited training, allowing for overall consistency.

Refresher training is intended to be simple, straightforward and under the new regime, an online process to ensure minimal business disruption. Refresher courses will remain split between those for an On-Licence and Off-Licence, and Door Security Staff. Should any individual wish to transfer between premises of a different setting (i.e. On Licence to Off-Licence or vice versa), they will be required to complete the full training modules first.

Fees associated with these courses will be largely commensurate with the current regime, and are at present proposed per the table below:

\*

Training Package table			
Current training packages		Current £	From 1 October 2022 £
(a)	Manx Licensing law award ("on" & "off" licence in combined format)	125.00	132.00
(b)	Manx Award in Door Supervision	180.00	185.00
New Training packages			
(c)	Manx Licencing law award ("on" & "off" licence in separate format via eLearning package)	n/a	90.00*
(d)	Manx Licencing law award refresher module ("on" & "off" licence in separate format via eLearning package)	n/a	80.00*
(e)	Manx Award in Door Supervision (via eLearning package)	n/a	95.00*
(f)	Manx Award in Door Supervision refresher module (via eLearning package)	n/a	85.00*
(g)	Award in Licenced premises operation (1 day practical workshop)	n/a	150.00

Estimated cost subject to alteration when final accreditation cost known.

<sup>(1)</sup> Based on the industry and educational national standard of 3 year renewal or refresher cycle.

### 6.3 Advertising

A fundamental component of the existing licensing framework is the ability for individuals and interested parties to provide their comments in respect of any application which is made to the Licensing Court.

The existing advertising process mandates that a public notice be published in a local newspaper (either one or two local newspapers dependent on whether the application is for an Occasional Licence or another type of licence). Previous feedback from key stakeholders, and interested parties, indicated that this process requires modernisation.

Presently, the Department is exploring the possibility of other more modern and digital solutions, for example, these might include:

- Applicants receiving a laminated notice to physically display at the proposed premises for which any application is being made; and/or
- A list of applications being hosted electronically, with paper copies available for inspection on request.

We are therefore seeking feedback on other methods of advertisement and invite comments on this matter as part of the consultation questionnaire.

### 6.4 Triennial Session of the Licensing Court

For clarity it is noted that the Triennial Session of the Licensing Court, which would otherwise have taken place before the end of March 2023, is proposed to fall away and be replaced by the new licensing framework. The requirement to renew each licence on a three year cycle would therefore cease and instead "rolling" licence periods would be implemented on the payment of an annual fee.

Alongside these changes, it is proposed that the licensed hospitality industry and other licensees would demonstrate compliance with the new licensing laws by putting in place individual Site Management Plans and Risk Assessments (see section 7 "Statutory guidance" of this consultation document in relation to the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing) that would be kept current and reflect the practices of the individual licensed premises, compliance with Manx legislation, and training of key personnel.

The Triennial Session of the Court has now been deferred several times as part of the Government's response to the economic impact of Covid-19, with the fees associated with that Session alongside being waived and the administrative burden of the actual applications process avoided.

If the Regulations that form part of this consultation are broadly supported by responders to the consultation, and are then approved by Tynwald, the 2023 Triennial Session of the Court will not take place.

Instead the Department proposes that the transitional period would be as per Part 9 *Transitional Arrangements, Consequential Amendments and Revocations*.

## 6.5 Fire certification

The Fire Precautions Act 1975 provides, at section 1 *Uses of premises for which fire certificate is compulsory*, that certain premises might be designated as requiring Fire Certification.

Presently the existing orders made under this Act which have effect in relation to licensed premises and to entertainment premises are:

- [Fire Precautions \(Licensed Premises\) Order 1997](#)
- [Fire Precautions \(Entertainment Premises\) Order 1997](#)

As part of the overall replacement of the licensing framework that is proposed under this consultation, the replacement of these two Designation Orders with updated Orders, correctly referencing the Liquor Licensing and Public Entertainments Act 2021, and any transitional requirement associated with that proposed update, will be drafted concurrently and be part of the finalised Regulations and Statutory guidance “package of measures” that is prepared for Tynwald approval.

Valid fire certification will continue to be a requirement for on-licensed premises and premises used for public entertainment.

## 6.6 Processing of Personal Data and General Data Protection Regulation (GDPR) compliance

Within the Regulations the information sharing gateways and the purposes of these gateways, along with the specific purpose for which information is being shared, are to be clearly defined.

With that said, ensuring that the processing of personal data by the Department and other key parties gives suitable compliance with GDPR principles and ensures that the data provided by applicants is processed lawfully, is of course important within the licensing framework.

There are various different potential data streams through which information may come from the applicant, and certain instances where the management of that information sits outside formal court proceedings (which may themselves be excluded from the requirements of GDPR – falling as they may under the jurisdiction of the Court).

Two possible approaches may be taken to ensure that any information provided by applicants is lawfully managed.

The first could see the production of detailed statutory guidance on the processes around the management of such information.

The second could see a suitable Schedule being included within the Regulations setting out the detail of data receipt and handling, particularly where this sits outside of a formal court process.

Detailed consultation will take place between the Department and the Island’s Information Commissioner, accompanied by a Data Protection Impact Assessment, before a formal decision is

taken as to whether Statutory Guidance or Regulations are required to set out in a suitable manner these detailed procedures.

For clarity, the information provided as part of a licence application, a licence variation application or within any supporting information in relation to these matters is proposed to be disclosed to the Licensing Court, the Isle of Man Constabulary and, if applicable (in the case of a “site plan” as defined in Regulation 3 *Interpretation*), to the Isle of Man Fire and Rescue Service. This mirrors the current processes in place under the existing licensing framework.

Information relating to applications to be included within the Licensed Staff Register follows a separate process dependant on whether it relates to a Responsible Person application, the transfer of a Responsible Person, or, an application to register as a Doorkeeper or Guard.

Following the transitional period it is proposed that applications for Responsible Persons be disclosed to the High Bailiff, the Department and the Isle of Man Constabulary in relation to fresh registration. This is to ensure applicants are compliant with the requirements of Registration.

Additionally, transfer of a Responsible Person from one “on” premises to another, or from one “off” premises to another, is proposed to be a notification made to the Department and the Isle of Man Constabulary, but could see a referral being made to the High Bailiff in certain circumstances under the proposed process. It is also the case that any application in connection with Registration might ultimately be referred to the Licensing Court, either at initial determination, or on appeal, if the Regulations when finalised should provide for this.

Regarding the Licensed Staff Register, it is proposed that applications for registration within this Register would be made to the Department and information shared between the Department and the Isle of Man Constabulary to ensure applicants are appropriately compliant with requirements of Registration. Again on appeal, this could be referred to the High Bailiff in a manner commensurate with the current process.

## 7. Statutory guidance

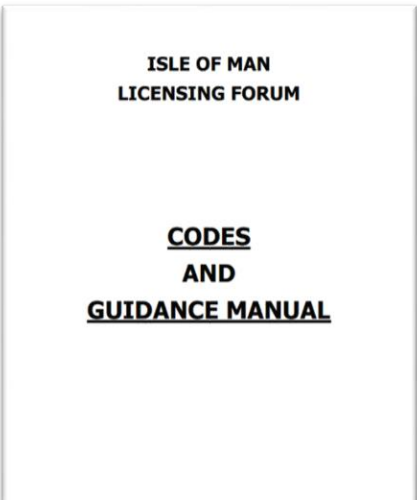
Consultees are also being invited to give feedback on several proposed items of Statutory Guidance as follows:

### 7.1 Licensing Forum Code of Practice and Guidance on Liquor Licensing

Compliance with the current [Isle of Man Licensing Forum Codes and Guidance Manual](#) issued by the [Licensing Forum](#) is mandated as a licence condition in the majority of existing licences.

The Licensing Forum is a long standing partnership between government, key stakeholders and industry representatives and meets regularly to discuss matters pertaining to that industry.

To coincide with the change to the licensing framework the Licensing Forum have conducted a systematic review of the present Codes and Guidance Manual so that it can re-



ISLE OF MAN  
LICENSING FORUM

**CODES  
AND  
GUIDANCE MANUAL**

introduced in a modernised format and form a core part of the new licensing framework. The proposed revised Licensing Forum Code and Guidance Manual can be found in Appendix 1 at the end of this consultation document, and contains templates providing for Site Management Plans and Risk Assessments to be put in place (which correlate to Part 2 *Licences* of the Regulations, amongst other provisions).

The new requirements around the Site Management Plan and Risk Assessment provide the opportunity for the licensee to clearly and comprehensively demonstrate compliance with a component of good management of their premises.

A complete Site Management Plan and Risk Assessment must be provided to the Licensing Court as part of the Transitional Arrangements (See Part 9 of the draft Regulations).

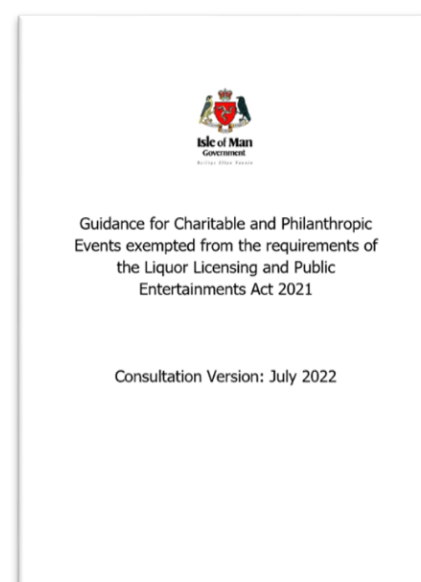
Thereafter, a Site Management Plan and Risk Assessment must be maintained and kept current, being reviewed at least annually (or more frequently if operations under the licence warrant such a review) and must be available for inspection either by the Isle of Man Constabulary, or the Licensing Court, if requested, and will be a mandatory licence condition alongside compliance with any statutory guidance. Notable changes to the Site Management Plan and Risk Assessment must be referred back to the Licensing Court, and these would likely coincide with a broader application for a variation of an existing licence, the premises that are licensed or the licence conditions.

Matters which are out of scope for regulation, but which pertain directly to the processes or practices of the wider licensed hospitality industry, may be addressed within the Isle of Man Licensing Forum Code of Practice and Guidance on Liquor Licensing, subject to the agreement of the Licensing Forum.

## 7.2 Guidance for Charitable and Philanthropic Events exempted from the requirements of the Liquor Licensing and Public Entertainments Act 2021

This proposed statutory guidance is being consulted upon with the intention that Regulation 13 *Public entertainment licence and public entertainment event licence* of the Regulations be supplemented by additional “user friendly” information around Events that could be considered to be either Charitable or Philanthropic. This guidance would also direct those planning to host such events toward suitable contacts, for example the Event Safety Advisory Group (ESAG), to whom they may wish to make a self-referral in order that they may receive guidance/advice.

Comments on the proposed guidance can be made within the corresponding portion of the consultation questionnaire and consultees are also invited to refer to the [ESAG webpage](#) where they can find other useful information, including ESAG’s Event Management Plan Template and Event Notification Form.



## 8. Matters not included within this consultation

### 8.1 Section 18 of the Act

Section 18 *Licences Register* of the Act is not intended to be commenced as part of the initial Regulations made under the Act.

This section relates to the putting in place of a formal register of licences which might then be publicly accessible. Component parts of this register are proposed to be provided as part of the Register in relation to Responsible Persons being brought under Part 7 of the Regulations.

Other electronic solutions, to provide for aspects of the licensing framework, will continue to be explored as part of the ongoing implementation and information on the Digitisation/Modernisation of processes. Further details can be found within Appendix 2 of the [Department of Home Affairs Liquor Licensing and Public Entertainments Act 2021 Implementation Plan 2022](#). This document will be updated as progress is made in achieving such solutions.

### 8.2 Other matters

Other matters that are not proposed to be the subject of secondary legislation under the Act at this time include:

- Licensing Authority;
- Price controls;
- Liquor powder and vapour;
- Information sharing (particularly in connection with Pubwatch);
- Designated Areas;
- Cinemas/Film Exhibitions; and
- Circuses, Funfairs and Skating rinks.

These matters will be included within a future update of the [Department of Home Affairs Liquor Licensing and Public Entertainments Act 2021 Implementation Plan 2022](#), which is a “living document” and which will continue to be updated as the phased implementation of the licensing framework continues.

## 9. Confidentiality

To ensure that the process is transparent we ask you to provide your name with your response. Unless you tell us otherwise, any answer that you give in the consultation may be published either in full or in part.

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 clearly state this in your response.

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.

If your response is kept confidential and not published, we will include it in any statistical summary and numbers of comments received.

Please note that the responses we receive will be carefully considered. Further refinement of the layout and content of the Regulations 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 Regulations.

Further information about the Isle of Man Government Consultation principles and guidance on these can be found here: <https://www.gov.im/consultation>

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

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all.

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.

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) or telephone (01624) 694305.

## **11. Storage of personal data**

The Department will ensure that data are only retained and used in accordance with GDPR rules.

For more information regarding GDPR, visit <https://www.gov.im/about-the-government/data-protectiongdpr-on-the-isleof-man/>

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.

## **12. What happens next?**

We will review results from the consultation which will be used to inform the final version of the secondary legislation and statutory guidance.




We will liaise further with respondents as necessary.



A consultation summary will be produced and made available on the Consultation Hub.

### 13. Any questions?

Any comments or questions about the consultation should be sent to [GeneralEnquiries.DHA@gov.im](mailto:GeneralEnquiries.DHA@gov.im) or:

-  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 –

Summer Patrick  
Business Support Officer  
DHA Headquarters Building  
Tromode Road  
Douglas  
Isle of Man  
IM2 5PA

## 14. CONSULTATION SURVEY

No.	Title	General question(s)	Specific questions relating to this Part/area	Additional information
1	Part 1 <i>Introduction</i>	<p>Question 1: Are you content with Part 1 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Within Regulation 3 <i>Interpretation</i>, are there other terms which you feel should be defined?</p> <p>Within Regulation 3 <i>Interpretation</i>, do you feel that the definitions which have been provided are clear?</p> <p>With reference to a “responsible person” – as defined at Regulation 3 – do you have any specific comments on this term or those it includes?</p>	<p>Part 1 is the Introduction of the Regulations and comprises:</p> <ul style="list-style-type: none"> <li>the Title - what the final Regulations will relate to;</li> <li>a commencement clause that also provides for any associated consequential, incidental or transitional changes in making the Regulations effective; and</li> <li>a clause that provides interpretation of the terms used widely in the Regulations, including the meaning of the terms “constructed”, “converted”, “relevant offence” and “responsible person”.</li> </ul>
2	Part 2 <i>Licences</i>	<p>Question 1: Are you content with Part 2 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Are there any areas which you feel are not clearly explained, particularly with regard to licensees or persons who might apply for a licence?</p> <p>Do you understand what information needs to be provided to support an application? Is there any other information you feel should be included here?</p> <p>Do you agree with the addition of provisional event licensing in the future?</p>	<p>Part 2 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>Exemption from requirement to hold a licence;</li> <li>Applications which may be made to the court;</li> <li>Event licence;</li> <li>Public entertainment event licence;</li> <li>Application for licence;</li> <li>Information about an applicant who is an individual;</li> <li>Information about an applicant that is a corporate body;</li> <li>Information about an applicant that is a club;</li> </ul>

			<p>If you wish to comment in respect of Liquor licence Types, please see Schedule 1; Licence Conditions, Schedule 2, or the Site Management Plan and Risk Assessment, please see section 7 of the consultation document.</p> <p>Do you agree with the types of public entertainment that it is proposed be licensed?</p> <p>Do you have any comments on the types of public entertainment which will not require a licence? Are there any which you feel have been missed? Please see section 7 of the consultation document for additional statutory guidance around exempted public entertainment events.</p> <p>With reference to plays, do you believe these should be licensed or take place in a licensed premises?</p> <p>With reference to private events, do you think there should be a separate ability to licence these events?</p> <p>With reference to circuses, funfairs and skating rinks, do you have any comments in connection with these activities?</p> <p>With reference to cinemas/film exhibitions, do you have any comments in connection with these activities?</p>	<ul style="list-style-type: none"> <li>• Information about an application for a charitable organisation;</li> <li>• Public Entertainment Licence and Public Entertainment Event Licence;</li> <li>• Notification requirements for certain applications;</li> <li>• Advertising requirements for certain applications;</li> <li>• Notice of objections;</li> <li>• Applicant's duty to notify Licensing Court of court proceedings, cautions or convictions;</li> <li>• Court determinations – attendance of applicant</li> <li>• Determination of application: refusal of licence;</li> <li>• Determination of application: grant of application;</li> <li>• Licence granted to companies;</li> <li>• Licence granted to clubs;</li> <li>• Licence granted for a charitable function;</li> <li>• Manx transport licence;</li> <li>• Temporary licence;</li> <li>• Issue of licence;</li> <li>• Duration of licence;</li> <li>• Licence variation;</li> <li>• Transfer of licence to a different licensee; and</li> <li>• Provisional licence.</li> </ul>
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			<p>Do you agree that adult entertainment should be licensed and that licences of this type should be brought forward in the future?</p> <p>Please see codified guidance issued by the Isle of Man Licensing Forum<sup>1</sup>.</p>	
3	Part 3 <i>Review</i>	<p>Question 1: Are you content with Part 3 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Do you agree with the introduction of an ability to review licences?</p> <p>Do you agree with the proposed process for review?</p>	<p>Part 3 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>• Application for review of premises licence;</li> <li>• Court's powers on review;</li> <li>• Notification of determinations; and</li> <li>• Recall of revocation of licence.</li> </ul>
4	Part 4 <i>Miscellaneous duties of licensee of licensed premises</i>	<p>Question 1: Are you content with Part 4 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Do you understand the licence holder's duty to notify the court of convictions etc. on an ongoing basis?</p> <p>Do you agree that this notification should be a requirement?</p> <p>With reference to connected persons, do you have any comments on the requirement to notify the court of changes to these persons?</p> <p>Are there any offences that are not mentioned within the definition of "relevant offence" (found at regulation 3 <i>Interpretation</i>) that you feel should be included?</p>	<p>Part 4 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>• Licence holder's duty to notify Court of court proceedings, cautions or convictions;</li> <li>• Connected persons: licensee's duty to notify changes;</li> <li>• Responsible Person;</li> <li>• Clubs – offence;</li> <li>• Temporary absence from premises; and</li> <li>• Duty to keep, display and produce licence.</li> </ul>

			<p>Do you agree with the timescales set out for temporary unavoidable absence from the running of the premises by a licensee/responsible person?</p> <p>Do you believe that such specific timescales and provisions are required?</p> <p>Do you agree with the timescales given for the duration of appointment of a temporary manager under this regulation?</p> <p>Do you agree with the proposed changes to the duty to keep, display and produce a licence?</p> <p>Do you agree that the removal of the responsible person's name from the "over the door" requirement is practical, given that all responsible persons will be registered?</p>	
5	Part 5 <i>Vehicles and vessels</i>	<p>Question 1: Are you content with Part 5 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Do you agree with the continuance of the provisions connected with the delivery of liquor, and do you have any additional comments on this regulation?</p> <p>Do you agree with the proposed change for "banned" persons to enter a licensed premises either for a specific purpose (excluding purchase for consumption of alcohol) or as part of ongoing travel via the airport lounge?</p> <p>Are there any other premises which you feel should be considered as part of this regulation?</p>	<p>Part 5 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>• Delivery of liquor from vehicles etc.; and</li> <li>• Restricted entry into licensed premises for certain persons.</li> </ul>

6	Part 6 <i>Licensing Court</i>	<p>Question 1: Are you content with Part 6 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	No additional questions.	<p>Part 6 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>• Time Limits;</li> <li>• Evidence;</li> <li>• Appearance by a Company, club or charitable function licence holder; and</li> <li>• Adjournment, withdrawal of proceedings etc.</li> </ul>
7	Part 7 <i>Licensed Staff Register</i>	<p>Question 1: Are you content with Part 7 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Do you agree with the establishment of a new licensed staff register?</p> <p>Do you think it would be helpful if such a register was online – are there instances in which a paper copy would be required?</p> <p>Do you agree with the proposal that approval of Responsible Persons to be registered generally would take place outside the Licensing Court?</p> <p>Are there any other requirements you feel should be included for Responsible Persons?</p> <p>Do you have any other comments in connection with Responsible Persons and their registration?</p> <p>Do you agree with the proposals in connection with whether certain licence types require a Responsible Person to be in place? (see Part 2 and also Schedules 1 and 2).</p>	<p>Part 7 of the Regulations sets out information about the following:</p> <p>GENERAL</p> <ul style="list-style-type: none"> <li>• Establishment and maintenance of Licensed Staff Register.</li> </ul> <p>RESPONSIBLE PERSONS</p> <ul style="list-style-type: none"> <li>• Responsible persons' registration;</li> <li>• Application for entry in register as a responsible person;</li> <li>• Determination of application for registration as a responsible person of premises;</li> <li>• Variation of entry on register for responsible person; and</li> <li>• Removal from register – responsible person.</li> </ul> <p>GUARDS AND DOORKEEPERS</p> <ul style="list-style-type: none"> <li>• Guards' and doorkeepers' registration;</li> </ul>

			<p>Do you agree that the registration cycle for Door Security Staff should remain at 3 years? If not, why not and please give your reasons.</p> <p>Are there any other requirements you feel should be included for Door Security Staff?</p> <p>Do you agree with the proposed process for variation of entry on register for Responsible Persons?</p> <p>Do you agree with the proposed process for suspension or removal of entry for Responsible Persons and Guards or Doorkeepers? If not, why not and please give your reasons.</p> <p>Do you have any specific comments in connection with the appeals process for either Responsible Persons or for Door Security Staff?</p>	<ul style="list-style-type: none"> <li>• Application for entry in register as a guard or doorkeeper;</li> <li>• Determination of application for registration as a guard or doorkeeper;</li> <li>• Period of validity of registration as a guard or doorkeeper;</li> <li>• Application for renewal of registration as a guard or doorkeeper; and</li> <li>• Removal from register – guard or doorkeeper.</li> </ul> <p>CONVICTIONS, CAUTIONS AND CRIMINAL PROCEEDINGS –RESPONSIBLE PERSONS, GUARDS AND DOORKEEPERS</p> <ul style="list-style-type: none"> <li>• Person’s duty to notify High Bailiff or Department of court proceedings, convictions and cautions;</li> <li>• Suspension or removal of entry in Licensed Staff Register of responsible person; and</li> <li>• Suspension or removal of entry in the Licensed Staff Register on conviction for relevant offence.</li> </ul> <p>APPEALS UNDER PART 7</p> <ul style="list-style-type: none"> <li>• Appeals.</li> </ul>
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8	Part 8 <i>Offences relating to minors</i>	<p>Question 1: Are you content with Part 8 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Are there any other situations where you think offences should apply in relation to minors?</p> <p>In connection with suitable evidence of age, do you have any comments on the intention to provide for electronic verification of evidence of age, e.g. via an app?</p>	<p>Part 8 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>• Sale of liquor to a minor;</li> <li>• Purchase of liquor by minor;</li> <li>• Consumption of liquor by minor;</li> <li>• Agents etc. obtaining liquor for minors;</li> <li>• Seizure of liquor in possession of minors;</li> <li>• Delivering liquor to a minor;</li> <li>• Sending a minor to obtain liquor;</li> <li>• Prohibition of unsupervised sales by minor;</li> <li>• Employment of minors; and</li> <li>• Presumed age of offender.</li> </ul>
9	Part 9 <i>Transitional arrangements, consequential amendments and revocations</i>	<p>Question 1: Are you content with Part 9 of the Regulations?</p> <p>Last question: Do you have any other specific comments on this part?</p>	<p>Do you understand the proposed transitional approach that has been set out in this Part?</p> <p>Are there any other matters which you feel have not been included within this Part?</p> <p>Do you have any comments on any matter connected with the transitional period or with the ongoing validity of licences or staff registration?</p>	<p>Part 9 of the Regulations sets out information about the following:</p> <ul style="list-style-type: none"> <li>• Transitional arrangements - general;</li> <li>• Transitional arrangements – liquor licences;</li> <li>• Transitional arrangements – clubs;</li> <li>• Transitional arrangements – designated officials;</li> <li>• Transitional arrangements – guards and doormen; and</li> <li>• Transitional arrangements – music and dancing.</li> </ul>



**Schedule 1 questions – Liquor licence types (includes Public entertainment licence and Public entertainment event licence – see also Part 2)**

<b>On licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Specifically in relation to the licence proposals being made as part of this consultation – do you have any comments or suggestions?</p> <p>Do you agree with the changes that are being proposed in connection with on- licences? If not, why not? Please provide comments.</p> <p>It has been suggested in previous policy engagement that on licensed premises might benefit from automatic access to a “balance” of days that could be used to host individual events either at their own premises or at other suitable premises – is this something you would support in the future?</p>
<b>Off-licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Specifically in relation to the licence proposals being made as part of this consultation – do you have any comments or suggestions?</p> <p>Do you agree with the changes that are being proposed in connection with off- licences? If not, why not? Please provide comments.</p> <p>It has been suggested in previous policy engagement that off licensed premises might benefit from more flexibility in hosting “tasting” events or in being permitted to utilise “floating” display spaces for seasonal products – is this something you would support in the future?</p>
<b>Charitable function licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with charitable functions licences?</p> <p>Are you responding on behalf of a charity?</p>

	<p>Do you currently host charitable functions with wine, and have you applied for charitable functions licences in the past?</p> <p>If you currently host charitable functions following application for a licence, would you be interested in the possibility of being able to register a responsible person and to then apply for a full event licence with liquor other than wine?</p> <p>Do you agree with the changes that are being proposed in connection with charitable functions licences? If not, why not? Please provide comments.</p>
<b>Mobile licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with these new mobile licences?</p> <p>If Mobile licences should be offered as part of the new licensing framework, would you consider making an application for such a licence?</p> <p>With regards to mobile licensing, do you have any comments regarding the licensing of something that you would wish to be considered a mobile premises?</p> <p>Do you intend to move towards a mobile business model and away from having a "bricks and mortar" premises?</p> <p>Do you agree with the changes that are being proposed in connection with mobile licences? If not, why not? Please provide comments.</p>
<b>Manx transport licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with Manx transport licences?</p> <p>Do you agree with the changes that are being proposed in connection with Manx transport licences? If not, why not? Please provide comments.</p>

<b>Liquor producer sales licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with these new liquor production and sales licences?</p> <p>If Liquor production and sales licences should be offered as part of the new licensing framework, would you consider making an application for such a licence?</p> <p>Are you a brewer or a distiller?</p> <p>Do you agree with the changes that are being proposed in connection with liquor production and sales licences? If not, why not? Please provide comments.</p>
<b>Event licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with these event licences?</p> <p>Do you agree with the changes that are being proposed in connection with event licences? If not, why not? Please provide comments.</p> <p>Do you agree with the proposal that the period covered by an event licence be extended to 16 days, rather than the existing 14 days?</p> <p>Do you have any specific comment about the TT 2022 period and the way in which events that took place during that period utilised the potential 16 day TT licensing period.</p> <p>Where you a licensee and did you apply for a 16 day licence?</p> <p>Were you otherwise affected by the TT 2022 licensing period?</p>

	<p>Do you have any thoughts on the potential for “re-occurrence” of planned events under and Event licence? E.g. event occurs annually, at the same time each year, or occurs bi-annually, etc.?</p> <p>Do you believe there should be a “capped” limitation on the number of event licences you can have in a period taking place in the same premise, or an overarching “capped” number that might be applied for on aggregate, by one applicant?</p> <p>Do you think that off-licence premises should be able to apply for an event licence to be able to provide direct sales to customers at an alternative venue to the premises at which they are ordinarily licensed? These would still be off licence sales, however the licensee could utilise a different venue and “tasters” could be offered?</p> <p>Do you have any comment on the organisation of “tasters” events and any restrictions currently associated with these events?</p> <p>Do you have any other comments or suggestions in connection with this licence type?</p>
<b>Club licence</b>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with club licences?</p> <p>Do you agree with the changes that are being proposed in connection with club licences? If not, why not? Please provide comments.</p> <p>Do you understand the proposed requirement to register a responsible person for management of a club premises?</p> <p>Are you responding on behalf of a registered club?</p> <p>Do you currently hold a club registration, or have you held one in the past?</p>

	<p>Do you agree that the number of club function authorisations (“special permission days”) should be capped over a rolling annual period? If so, what number of authorisations over a rolling annual period would you suggest is reasonable?</p> <p>If you currently hold a club registration, would you be interested in the possibility of being able to apply for event licensing in a place that is not your usual club premises?</p>
<p><b>Public entertainment/public entertainment event licence</b></p>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with Public entertainment/public entertainment event licences?</p> <p>Do you agree with the changes that are being proposed in connection with Public entertainment/public entertainment event licences? If not, why not? Please provide comments.</p> <p>Do you agree that a condition should be applied to all premises at which public entertainment will take place that the volume of that entertainment should be strictly controlled in order to avoid noise nuisance affecting neighbouring premises?</p> <p>Do you believe that a “special permission” type authorisation should be retained to allow licence holders to apply for a short-term extension to their operating hours on a case-by-case basis?</p> <p>Are there any other types of public entertainment which you believe should be licensed? If so, please refer to part 2 of the Regulations (regulation 13 onward) and please see section 7 of this consultation document with respect to statutory guidance.</p>
<p><b>Host licence</b>  *this licence is not proposed to take effect at initial commencement of the new licensing framework, however</p>	<p>Do you have any comments about this licence type and the conditions set out in connection with it?</p> <p>Do you understand the proposals that are being made in connection with host licences?</p> <p>Would you be interested in the possibility of organising a hosted event?</p>

<p>consultees are invited to respond to the associated questions.</p>	<p>Are you a public authority or similar with an area which you would be interested in using to host an event?</p> <p>Do you have a view on what restrictions and responsibilities you would expect to have if you were to host such an event?</p> <p>Do you agree with the changes that are being proposed in connection with host licences? If not, why not? Please provide comments.</p>
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### **Schedule 2 questions – Licence Conditions**

- Are there any additional licence conditions which you feel should be included for licensed premises, what are those conditions and why do you think they should be added?
- Are there licence conditions which you feel should not be included, what are those conditions and why do you feel they should be removed?
- Do you believe that for late night premises, a specific condition should be applied which ensures that such premises have security staff in place during “late night” hours (after 11pm)?
- Do you have any other comments or suggestions in connection with licence conditions?

### **Schedule 3 questions - Exemptions from requirement to hold liquor licence**

- Do you have any comments on the areas which have been included within the exemption, what are your comments and why do you think they should not be exempted?
- Are there any other areas which you feel should be included in the exemptions from the requirement to be licensed, what are these activities and why do you think they should be made exempt?  
\*for exemptions in relation to public entertainment, please see Regulation 13 *Public entertainment licence and public entertainment event licence*.

### **Schedule 4 Questions - Consequential amendments and repeals**

- Are there any particular consequential changes or matters that require repeal that you would wish to comment on at this time?

## Section 6 questions – Other related matters

### 6.1 Fees

- Do you have any comments on the present fees structure in relation to licence types?
- Are there any other comments you wish to provide on fees, specifically in relation to the future licensing framework?
- Would you be happy to see fees associated with licences increase if the licence application and advertising processes were to move to a digital solution (therefore incorporating current separate advertising costs)?

### 6.2 Training

- Do you have any comments about the proposed training structure set out within this consultation document?
- Would you support a transition towards online/web-based training where possible?
- Would you support a move to see refresher training for “experienced applicants” becoming the default?
- Are there circumstances in which you would like to have additional training, what is that training and why do you think it would be beneficial?
- Do you have any additional comments about the proposed training structure and how it might compare to the existing training which is offered?
- Do you have any comment about the present frequency, location or duration of training provided, do you feel access to training is adequate for your needs?

### 6.3 Advertising

- Do you have any comments on the present process around advertising? (i.e. the requirement to publish a notice in local newspaper)
- Would you support a change to either a digital solution or a hybrid by which notices were posted on premises for which an application to be licensed has been made? (similar to planning)
- Do you have any other comments on advertising related matters, or any aspect of the advertising process?

### 6.4 Triennial Session of the Licensing Court

- Do you have any comments in connection with the proposed transition away from the triennial session of the licensing court?

### 6.5 Fire Certification

- Do you have any comments on the existing designation of licensed premises and entertainment premises?

### 6.6 Processing of Personal Data and General Data Protection Regulation (GDPR) compliance

- Do you have any concerns around the information provided presently (for example, regarding designated officials and door security staff) and how this is treated?
- How do you think the procedure should be set out?

## **Section 7 questions – statutory guidance**

### **7.1 Licensing Forum Code of Practice and Guidance on Liquor Licensing**

- Do you have any comments in connection with the Licensing Forum Code of Practice and Guidance on Liquor Licensing?
- Are you content with the Code of Practice and Guidance on Liquor Licensing becoming a statutory document?
- Are there any aspects of the licensing framework which you feel would benefit from additional guidance within this document?
- Do you have any specific comments in relation to the site management plan and risk assessment template?
- Are there any aspects of the licensing framework which you feel would benefit from additional information within this document?

### **7.2 Guidance for Charitable and Philanthropic Events exempted from the requirements of the Liquor Licensing and Public Entertainments Act 2021**

- Do you have any comments in connection with this guidance?
- Are there any aspects of the licensing framework which you feel would benefit from additional information within this document?
- Are there any other areas of the licensing framework that you feel would benefit from specific statutory guidance in connection with?

## **Section 8 questions – Matters not for consultation**

### **8.1 Licences Register**

- Do you have any specific comments in relation to the proposed establishment of a licences register in the future?













### **8.2 Other Matters\***

*\*Please refer to the [Department of Home Affairs Liquor Licensing and Public Entertainments Act 2021 Implementation Plan 2022](#).*

- Do you have any comments in connection with the “other matters” set out within 8.2 of this consultation?
- Are there any additional matters which you feel have not been covered in this consultation document and which you feel the Department should consider when taking future action?



## 15. Appendices

Appendix 1 Codes of Practice	Appendix 2 Process flows	Appendix 3 Licence Type cover sheets*	Appendix 4 Site Management Plan (SMP) and Event Management Plan (EMP) templates	Appendix 5 Current Fees Orders	Appendix 6 Charities guidance
 Appendix 1 - LF Code and Guidance	 Licensing applications - proce	 Appendix 3 - Licence information	 SMP Template - On Licence.pdf	 licensing-fees-and- duties-order-2020.p	 Appendix 6 - Guidance for Charitat
	 Responsible Person Transfer notification		 SMP Template - Off-Licences.pdf	 music-and-dancing -fees-and-duties-ord	
	 Process Flow - DOOR SECURITY LIC		 Event Management Plan template.pdf		
	 Licence Types - process flow.pdf				

### \*Appendix 3 – Contents for reference

Page 1 - Charitable Functions Licence  
 Page 2 - Club Licence  
 Page 3 - Club Licence  
 Page 4 - Event Licence  
 Page 5 - Host Licence  
 Page 6 - Host Licence  
 Page 7 - Liquor Production and Sales Licence  
 Page 8 - Manx Transport Licence  
 Page 9 - Manx Transport Licence  
 Page 10 - Mobile Licence  
 Page 11 - Off-Licence  
 Page 12 - General Premises Licence  
 Page 13 - General Premises Licence  
 Page 14 - General Premises Licence  
 Page 15 - Public Entertainment Licence/Public Entertainment Event Licence