



GUIDANCE FOR NEW APPLICANTS ATTENDING THE LICENSING COURT

This document is intended for applicants to be either Licence holders or Designated Officials (D.O) attending the Licensing Court for the first time and is issued by the Isle Of Man Constabulary Central Alcohol Unit. You should note however that whilst the Police will be present in Court and will be invited to question, and give comment about a new applicant, it is the Court themselves who will decide on whether you are a suitable applicant and they will base that largely on how you demonstrate your knowledge of the Licensing Laws in Court on the day, your experience in the Licensing trade, qualifications, age and any previous convictions.

A condition introduced by the Licensing Court at the 2009 Triennial sessions is that you must have completed the BIIAB Award in Manx Licensing Law course, and passed the associated examination at the Isle Of Man College prior to your attendance at Court. The knowledge you will require to answer the questions asked of you in Court is taught on that Course. If you have not already done so you should contact the College on **648200** to secure yourself a place on that Course. Please note that a fee is payable for attendance.

The Licensing Court

The Court sits at The Courts of Justice, Deemsters Walk, Douglas. Generally the Court begins at 10am, and as a general rule of thumb the Licensing Court sits on the second Thursday of the month. Once you, or your employer, have applied to attend the Court (*and paid the fee to the Courts to do so*) you should receive a letter informing you of the time and date of the Court you will be attending.

Current policy at the Licensing Court is that all those appearing, i.e. in the same situation as yourself are asked to wait outside the Court until called in for your particular application to be heard. Whilst it is a public Court and you are entitled to wait within the Court if you wish this policy is designed to both allow a more accurate assessment of your abilities (*i.e without you having watched the applicants before you*) and to reduce the pressure upon you as can naturally be expected when appearing in such a situation by having as few people in the Court room as possible.

Once your turn comes you will be shown into the witness box and asked to swear, or affirm an oath before giving your evidence and making your application. You should indicate any preference to the Court Usher before doing so, and any religious requirements can be accommodated.

Your application will be determined by the Licensing Bench. This is made up by the Chairman, and 2 - 4 other Magistrates. You should always direct the answers to any questions to them, and you should refer to them as “Your Worship”, or “Your Worships”.

Initially the Court will want to know something about you. They will want to know about your experience in the Licensing Trade, what duties you have been performing and how you see your role developing if approved by the Court.

As has been said previously the Court will partly determine your suitability by asking questions about your knowledge of the Licensing Laws. Don't worry they are not trying to catch you out and they will not ask you complicated legal questions, but you will be expected to know how to apply the Licensing Laws to prevent offences being committed by you, your staff or the public. As a general guide you will be asked questions along the following lines:-

- 1. How will you prevent sales to underage persons?**
 - 1a: At what apparent age would you challenge someone?**
 - 1b: What forms of identification can you accept?**
 - 1c: How can you check if certain forms of identification are genuine?**
- 2. What will you do to prevent drunkenness on the premises?**
- 3. How will you deal with persons subjected to a Court ban?**
 - 3a: What are the different types of ban, and what is their effect?**

The BIIAB Course will give you the knowledge to answer these questions.

In addition to these Licensing Law based questions you can expect to be asked questions on the following:-

- 1. The Licence belonging to the premises you are applying for.**

Find the licence and read it (*your premises may have framed it, if so take it out*).

1a: What are the conditions on the Licence? For example are children allowed on the premises? If so until what time, and in which areas?

1b: Can music be played? If so what types of music?

1c: If the Licence you are applying for is a Restaurant, or Residential Licence what special conditions does that impose?

This is not an exhaustive list. You should know the licence that you will hold or be an official for. The Court, and the Police will expect nothing less and your status as a Licensee or designated Official may be short lived if you do not adhere to the conditions on your licence!

2. Records kept at the premises

2a: The Law dictates that in the situation where a premises has 2 or more Licensees or Designated Officials then only one can be “*the*” Licensee or Designated Official at any one time regardless of how many happen to be on duty. A written record must be kept (*for 3 years*) showing who that person was at any given time.

Do your premises keep a record? Where is it? Who maintains it?

2b: Does your premises keep a refusal book? The Police recommend that you do as this can show due diligence in keeping a record showing that where necessary a sale of alcohol was challenged and refused for good reason, e.g. no proof of age, or drunkenness.

3. Awareness of the responsibility you will be taking on

Remember that as a person approved as a Licensee or Designated Official in effect you are being appointed to be the eyes and ears of the Licensing Court in your premises. You are being trusted to uphold the Licensing Laws and to run good and orderly premises.

That responsibility runs to the other staff working on the premises as well. You will be accepting the responsibility of ensuring that they understand the Licensing Laws and that they also uphold them, that they do not serve to people underage and that banned persons are not served, or where applicable, allowed in the premises.

You are accepting this responsibility in the knowledge that if something goes wrong and for example someone gets served with alcohol that shouldn't have been, then you may be prosecuted; you may lose your licence /D.O. status and the Licence for the premises may also be affected.

This is a serious responsibility, and one not to be taken on lightly.

4. Things to bring to Court with you.

4a: Your BIIAB Certificate

4b: Any other relevant certificates if you have them. (*For example: - Cellar management, Health and Hygiene, Hotel and Catering Management etc*)

4c: Work Permit if applicable (*ensure that it reflects the position you are applying for*)

5. And finally, things you can do to help yourself.

5a: Remember the Court is not there to catch you out. Learn what you need to know, and don't be afraid to ask for a question to be repeated or explained.

5b: Remember that everyone else at that Court is in the same situation as you. The Court is not one mixed with other matters (*i.e. criminal cases*)

5c. Dress appropriately. Think about the image you are trying to portray. Smart corporate clothing identifying the company you work for is fine.

5d. Plan your day and allow plenty of time to get to Court so that you don't arrive late and flustered.

5e. Apply the methods you will be asked about in Court before hand. You will be expected to challenge young people for identification for example, do so, remember the experience and tell the Court about it. What did you say? How did the person react? Did they have identification? If not what did they do? The Court likes to hear examples of the principles they expect to be followed actually having been carried out.

5f. Plan what your future in the Licensing trade will entail. For example the Police Alcohol Unit and the Isle of Man College recommend that all persons working in the retail and hospitality sector attend the Manx Welcome Course promoted by the Department of Trade and Industry. Currently attendance on that course is free and you should consider attending that course not only yourself, but also include all staff who serve the public. Further details of this course can be found on www.manxwelcome.com

Good Luck.

If you have any further questions you can contact the Isle of Man Constabulary Central Alcohol Unit at the following address:-

**3rd Floor
Murray House
Mount Havelock
Douglas
IM1 2SF**

TELEPHONE **(01624) 631323**
FAX **(01624) 631325**