



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

November 2022

INTRODUCTION

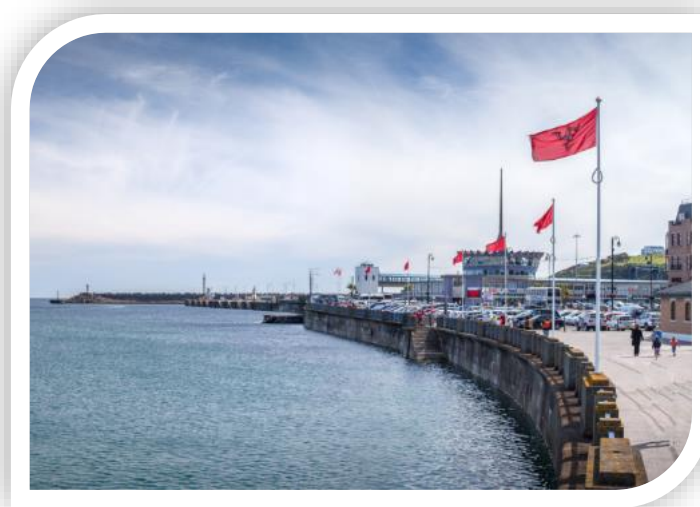
We are fortunate to live on a beautiful Island which supports a diverse array of organisations, and is home to many social or sporting activities.

As a nation, we are famed for our kindness and hospitality, and for the close knit and caring communities found all across the Island. We give freely of our time and our money to further causes that are charitable, religious or philanthropic in nature, and which bring our society together as a whole. Undoubtedly, the work done in the community by the many local charities and organisations is invaluable, and the public events which provide them with funding are a lifeline for that sector. Additionally, the philanthropic events run by the Island's local authorities or governmental bodies are enjoyed by many, and are seasonal high points throughout the Island calendar.

When the Department of Home Affairs brought forward proposals for the new comprehensive licensing framework, encompassing both liquor and public entertainment, that would be set out under the Liquor Licensing and Public Entertainments Act 2021, it made a commitment to retain the current exemptions in the Music and Dancing Act 1961 for events of a charitable, philanthropic or religious nature even though that Act itself would be repealed.

Within the Liquor Licensing and Public Entertainment Regulations 2022, the matters relating to public entertainment are contained in Part 2, with those activities that are set to be licensable or to be excluded from licensing requirements set out in Schedule 1, paragraph 2¹. A fine balance is needed here, to ensure that an exemption giving an event status as either a charitable or philanthropic event, is wide enough to catch all suitable events, but still narrow enough to ensure that only events which are truly for these purposes are included.

This guidance is intended to be user friendly, and to assist individuals and organisations in understanding both what is needed to ensure that they are compliant with the law, and also where they can seek help and advice on the safe organisation of their public entertainment events.



¹ It is noted that for clarity, music played or performed in a place of public religious worship or as an incident of a religious meeting or service are excepted under sub-section (4)3 the Liquor Licensing and Public Entertainments Act 2021.

WHICH PUBLIC EVENTS REQUIRE A LICENCE AND WHICH ARE EXEMPT?

If your event involves the sale of liquor (alcohol), it will require a licence, unless it takes place in a location/premises which is already suitably licensed and conforms to the conditions of that licence. Similarly, if a public music, dancing or singing event takes place in a premises/location that holds a public entertainment licence, then providing that the event activities are within the conditions of that licence, it will be able to proceed without additional separate licensing being obtained.

For public events where music, singing or dancing and the sale of liquor will occur and are planned to take place anywhere other than suitably licensed premises, an appropriate liquor licence stipulating all such music, singing or dancing components of your event will be required.

If you are unsure please contact the [Central Alcohol Unit](#) of the Isle of Man Constabulary or the [Licensing Court](#).

Failure to obtain an appropriate licence leaves public event organisers open to potential legal action, particular where the event involves alcohol or where the noise level from an event is unreasonable, as defined in the [Noise Act 2006](#).

Event Safety Advisory Group (ESAG)

When planning an event, do consider contacting the Event Safety Advisory Group (ESAG), particularly in the instances suggested in the guidance tables below. Appendix 1 contains a classification of Events/Activities and Appendix 2 provides some useful definitions. Generally this information should help you to decide whether your event requires a licence and whether it would be advisable to inform ESAG in advance. *Please note that this tabulated information is provided for ease of reference and does not constitute either a legal position or substitute for suitable legal advice being obtained by individual event organisers.*

Contacting ESAG helps to ensure that your event operates safely and also ensures that the range of events taking place on any given day, or in any local area, can be effectively co-ordinated. This is particularly important where these events may require the presence of emergency personnel (e.g. Police Officers or Fire Officers) or may be supported by other organisations who routinely attend ESAG e.g. St John Ambulance. Other useful contacts are provided at Appendix 3.

For events that do not require licensing but are likely to lead to a **significant increase in footfall to the area** in which the event will be held (for example attendance is expected to exceed 200 people) or if **roads within that area are to be closed** in order that your event might take place, then please consider contacting ESAG for advice. Similarly, for events which contain components that could present a hazard e.g. water or fire, it is suggested that ESAG always be contacted for advice.

The ESAG webpage can be found [here](#). This includes [Event Management Plan Template and Guidance Notes](#) and also an [electronic Event Safety Notification Form](#) which you can complete to notify ESAG of your event details.

Appendix 1 – Event categorisation

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Air displays	Separately governed under Civil Aviation legislation	No	N/A	https://www.gov.im/categories/business-and-industries/civil-aviation-administration-caa/air-displays/
Car boot / tabletop sales, other small community or charity events, etc.	No	No	Exempt	<p>It is noted that there is an exclusion within the definition of "sale by retail" found within section 5 <i>Meaning of "sale by retail"</i> of the Liquor Licensing and Public Entertainment Act 2021 to the effect that the giving of liquor as a prize in a lottery is not unlawful, provided that the lottery itself is not unlawful.²</p> <p>Additional guidance is provided by the Gambling Supervision Commission for fundraising and lotteries, and can be located here.</p>

² where by virtue of section 30(3), 31(1), 32(3), 33B or 34A of the Gaming, Betting and Lotteries Act 1988 the lottery is not unlawful.

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Buskers/Street Entertainers	A licence may be required under existing legislation for the local authority area in which the performer plans to operate.	No	N/A	<p>Separate licensing requirements may exist for buskers/street entertainers. This is usually managed by local authorities and details may be found within local bye-laws.</p> <p>Please contact the local authority in the area in which you plan to operate in advance for guidance.</p>
Street trading	A licence may be required under existing legislation e.g. Pedlars and Street Trader's Act 1906 or Non Resident Traders Act 1983.	No	N/A	<p>There may be existing legislative requirements which apply to street trading e.g. Pedlars and Street Trader's Act 1906 or Non Resident Traders Act 1983.</p> <p>Please contact the local authority in the area in which you plan to operate in advance for guidance, or alternatively for non-resident traders please contact the Office of Fair Trading.</p>
Duck Races	No	Yes	Exempt	<p>For any event taking place in/on water that is not otherwise subject to overarching governing body guidance in the case of sporting events, it is suggested that ESAG be contacted for advice.</p>

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Circus/Fun Fair	<p>Yes – the music, singing or dancing components of such an event would be licensable when the event is being organised for pecuniary advantage (i.e. for the event organiser to derive monetary gain that exceeds reasonable operating costs or where the profits are intended to exceed reasonable operating costs) or where the noise level expected from the event is unreasonable, particularly if the event takes place within “night hours” being the period beginning at 11 p.m. and ending with 7 a.m. (see <u>the Noise Act 2006</u>).</p>	Yes	<p>Exempt only if provided for a philanthropic, non-profit or charitable purpose and noise level is not unreasonable particularly where the event is taking place within “night hours” (see <u>the Noise Act 2006</u>) – or taking place in a premises/location which is already licensed.</p>	<p>Dependent on the nature of the event all other relevant Manx legislation may apply e.g. Noise, Health and Safety, Fire safety, Food Hygiene, Performers Rights, Copyright etc. must be complied with.</p> <p>If any specific regulation should be made under the Local Government (Miscellaneous Provisions) Act 1976 then this would also need to be complied with.</p>

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Festivals, Carnivals	<p>Yes – the music, singing or dancing components of such an event would be licensable when the event is being organised for pecuniary advantage (i.e. for the event organiser to derive monetary gain that exceeds reasonable operating costs or where the profits are intended to exceed reasonable operating costs) or where the noise level expected from the event is unreasonable, particularly if the event takes place within “night hours” being the period beginning at 11 p.m. and ending with 7 a.m. (see the <u>Noise Act 2006</u>).</p>	Yes	<p>Exempt only if provided for a philanthropic, non-profit or charitable purpose and noise level is not unreasonable particularly where the event is taking place within “night hours” (see the <u>Noise Act 2006</u>) – or taking place in a premises/location which is already licensed.</p>	<p>Dependent on the nature of the event all other relevant Manx legislation may apply e.g. Noise, Health and Safety, Fire safety, Food Hygiene, Performers Rights, Copyright etc. must be complied with.</p> <p>If any specific regulation should be made under the Local Government (Miscellaneous Provisions) Act 1976 then this would also need to be complied with.</p>

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Films/Cinematography	A licence may be required under the Cinematograph Act 1977	No	Exemption under LLPE Act 2021 4(3)(c)³	See Cinematograph licensing on the Licensing Court webpage .
Firework displays	N/A	Notification may be required under the Fireworks Act 2004	N/A	Please refer to guidance found on the Isle of Man Fire and Rescue Service webpage or to the Fireworks Act 2004 .
Equestrian Events / Dog Shows / Fur and Feather Shows	No	Yes	Exempt	

³ a film exhibition which complies with such conditions as are prescribed in regulations and — (i) is not promoted for private gain; or (ii) has as its sole or main purpose to demonstrate any product, to advertise any goods or services or to provide information, education or instruction.

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Music, Singing and Dancing	<p>Yes - the music, singing or dancing components of such an event would be licensable when the event is being organised for pecuniary advantage (i.e. for the event organiser to derive monetary gain that exceeds reasonable operating or where the profits are intended to exceed reasonable operating) or where the noise level expected from the event is unreasonable, particularly if the event takes place within "night hours" being the period beginning at 11 p.m. and ending with 7 a.m. (see the Noise Act 2006).</p>	<p>Yes - unless taking place in a premises/location that is ordinarily licensed for music, singing or dancing and provided for under that existing licence.</p>	<p>Exempt only if provided for a philanthropic, non-profit or charitable purpose and noise level is not unreasonable particularly where the event is taking place within "night hours" (see the Noise Act 2006) – or taking place in a premises/location which is already licensed.</p>	<p>If the event takes place in a premises that is ordinarily licensed for music, singing or dancing e.g. church hall/community centre, then any event held in that premises will not need to be separately licensed providing that the event is in compliance with those existing licence conditions.</p> <p>For any event taking place in an "unlicensed premises" and where the noise level is unreasonable – particularly between "night hours" being the period between 11p.m. and 7a.m. – the Noise Act 2006 will apply unless the event is otherwise exempt from the provisions of that Act e.g. is separately licensed under a temporary Event Licence.</p> <p>Generally it is noted that any requirements under the Performers Protection Act 1996 and the Copyright Act 1991(and any amendments) must be complied with and a suitable licence obtained if necessary.</p>

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
New Year's Dip/Tin Baths	No	Yes	Exempt	For any event taking place in/on water that is not otherwise subject to overarching governing body guidance in the case of sporting events, it is recommended that ESAG be contacted for advice.
Organised walk/run	No	No – dependent on the nature of the event.	Exempt	<p>For events to take place on a "road" where an order is in place under section 38 of the Highways Act 1986 generally a notice will be issued by the Department of Infrastructure setting out the conditions/requirement placed on the organiser.</p> <p>For events taking place "off-road" then notification to ESAG may be made for larger scale events and those which will cause a significant increase in footfall to the area, notification to ESAG allows emergency services co-ordination and will mitigate event impact on any local area.</p>

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Parades including Armed Forces Day/Civic Sunday/Remembrance Day	No	Yes	Exempt	<p>For events to take place on a "road" where an order is in place under section 38 of the Highways Act 1986 generally a notice will be issued by the Department of Infrastructure setting out the conditions/requirement placed on the organiser.</p> <p>Please consider informing ESAG where the event gives rise to consideration of a rolling road closures or a significant increase in footfall to the area, notification to ESAG allows emergency services co-ordination and will mitigate event impact on any local area.</p>
Plays/Dramatic performances	No – provided that the play/dramatic performance is age appropriate for the audience and does not breach provisions of the Noise Act 2006.	No	Exempt	<p>Generally it is noted that any requirements under the Performers Protection Act 1996 and the Copyright Act 1991(and any amendments) must be complied with and a suitable licence obtained if necessary.</p>

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
<p>Racing of bicycles, motorcycles, cars or people on highways.</p> <p>“road” means —</p> <p>(a) a road under the Highways Act 1986;</p> <p>(b) any path, way or verge (whether publicly or privately owned) next to or near to a road;</p> <p>(c) a barrier next to or near to a road; and</p> <p>(d) any land (whether publicly or privately owned) between the road and such a barrier;</p>	<p>No – provided that the Road Races Act 2016, Highways Act 1986 or Road Traffic Act 1985 or the relevant sporting body guidance is adhered to.</p>	<p>Yes – dependent on the nature of the event (i.e. only notifiable if not covered by Road Races Act 2016).</p>	<p>Exempt – if covered by Road Races Act 2016, Highways Act 1985 or the Road Traffic Act 1985 or conducted following relevant governing body guidance.</p>	<p>The racing of mechanically propelled vehicles with a maximum net engine power which exceeds 2kW and take place on a “road” is covered by the Road Races Act 2006 and will require the organiser to be duly authorised to run the event.</p> <p>The Highways Act 1986 section 14 and Road Traffic Act 1985 section 38 apply to the closure of a road for public entertainment purposes and to the regulation of cycle racing on highways respectively. The Road Traffic Act is supplemented with the Cycle Racing and Time Trials on Highways Regulations 1993 (SD 402/93).</p> <p>In these instances the Department of Infrastructure generally grants authorisation, stipulates conditions that must be adhered to by the event organiser, and requires that the organiser must have suitable insurance (and indemnity).⁴⁵</p>

⁴ See also <https://www.acu.org.uk/About-The-ACU.aspx>; <https://www.motorsportuk.org/about-us/>

⁵ For cycling events under SD 402/93 – 7. (1) The Chief Constable may authorise the holding of a cycle race on a public highway which is not a race proposed to be held and conducted in accordance with the standard conditions if before the holding of the race the promoter thereof applies to the Chief Constable for the race to be authorised and gives in writing the like particulars with respect to the race as are required by sub-paragraphs (a) to (e) of Regulation 3(1) to be given with respect to a proposed time trial. (2) The holding of a cycle race shall not be treated as authorised under this Regulation unless the circumstances in which it is held and conducted accord with the particulars given in accordance with paragraph (1). Provided that this paragraph shall have effect subject to any condition which may be imposed on the holding or conduct of the race under Regulation 8.

<u>Event/Activity</u>	<u>Licensed?</u>	<u>Suggest that ESAG be informed?</u>	<u>Exempt from licensing under LLPE Act 2021?</u>	<u>Additional information</u>
Religious events/meetings/services	No	No	Exempt	See section 4(3) of the Liquor Licensing and Public Entertainments Act 2021.
Snooker/Pool/Darts events	No – provided that the relevant governing body guidance is adhered to.	No	Exempt	
Sporting events	No – provided that the relevant governing body guidance is adhered to.	No	Exempt	
Tynwald Day/Village fetes/Agricultural shows/Christmas light switch on	No	Yes	Exempt	

Appendix 2 – Useful Definitions

	<u>What activities are included?</u>	<u>Additional Comments</u>
Licensable activities according to Liquor Licensing and Public Entertainments Act 2021	Brewing, Distillation, Storage, Transportation, Sale or Supply of Liquor	<p>If the activity is being hosted by a premises which is already liquor licensed and is being held in accordance with licence conditions for that liquor licensed premises⁶, no new public entertainment licence will need to be applied for.</p> <p>Otherwise a specific Event Licence, Host Licence or Charitable Function Licence will need to be obtained by the activity organiser prior to the event taking place.</p>
	<p>Public Entertainment</p> <p>Activities that are “entertainment” as defined under Section 4(2) of the Liquor Licensing and Public Entertainments Act 2021 are:</p> <ul style="list-style-type: none"> • any play; • any music; • any dancing; • any film exhibition; • any game, recreation, sport, exhibition, performance or amusement prescribed in regulations for the purpose of this subsection. 	<p>If the activity is not covered by any of the exclusions which are set out within Section 4 of the Liquor Licensing and Public Entertainments Act 2021, or within any other exemption contained within the Liquor Licensing and Public Entertainments Regulations 2022, or by any other existing legislation governing licensing of that activity, then a Public Entertainment Licence will need to be applied for in order to carry out the planned activity.</p>

⁶ Including Public Entertainment i.e. Music, Singing or Dancing conditions if applied to that premises under their existing liquor licence.

	<u>What activities are included?</u>	<u>Additional Comments</u>
		The exclusions found in section 4(3) are set out in the following row.
Activities which are not entertainment – excluded activities	<p>Excluded Activities</p> <p>Activities that are not considered to be entertainments for the purposes of the Liquor Licensing and Public Entertainments Act 2021 are found within section 4(3) and are:</p> <ul style="list-style-type: none"> • a play performed in a place of public religious worship; • music played or performed — <ul style="list-style-type: none"> ○ for a purpose merely incidental to a use of a place other than the provision of an entertainment falling within definition of “entertainment” ○ by the reproduction of programmes included in a programme service (within the meaning given in section 6 of the Communications Act 2021); ○ in a place of public religious worship; or ○ as an incident of a religious meeting or service; and • a film exhibition which complies with such conditions as are prescribed in regulations and — <ul style="list-style-type: none"> ○ is not promoted for private gain; or ○ has as its sole or main purpose to demonstrate any product, to advertise any goods or services or to provide information, education or instruction. 	Other exempted activities are set out within the Liquor Licensing and Public Entertainments Regulations 2022.

	<u>What activities are included?</u>	<u>Additional Comments</u>
Activities which are exempt from licensing requirements	<p>Activities organised by charity organisations, voluntary organisations or local authorities/public authorities (unless related to the supply of liquor) do not require a public entertainment licence, but depending on the nature of the activity which is planned, the organiser may be wish to make a notification to the Event Safety Advisory Group (ESAG) in order that they might receive advice or guidance on the safe running of their planned activity.</p> <p>Licensing requirements apply to those individuals or organisations who will make a pecuniary gain from organising an activity and do not do wholly do so as part of fundraising towards their charity/voluntary organisation.</p> <p>Any activity/event organiser may make a notification to ESAG in order that they can receive advice or guidance around the safe running of their activity/event.</p>	<p>If you wish to host an event that is charitable or philanthropic in nature and you believe that it would meet the requirements of the Liquor Licensing and Public Entertainments Regulations 2022 and therefore be exempt, it is recommended that you contact the Central Alcohol Unit of the Isle of Man Constabulary or the Licensing Court to discuss your event prior to going ahead with the event.</p>

	<u>What activities are included?</u>	<u>Additional Comments</u>
Private activities	<p>"Public entertainment" as defined within the Liquor Licensing and Public Entertainments Act 2021 at section 4(1) means an entertainment to which the public are admitted, whether on payment or otherwise.</p> <p>Any entertainment which falls outside this definition i.e. where a person may not attend by purchasing/obtaining a ticket or by turning up to the public location at which the entertainment takes place – is a private event and does not generally fall within this legislation.</p>	<p>It is noted for ease of reference that private activities <u>cannot</u> include ticketing/entry fee that includes the provision of liquor without becoming an activity which requires to be liquor licensed. Additionally they cannot include the sale of alcohol without a liquor licence being in place that suitably provides for this.</p> <p>Those planning events should be mindful that any private event at which music, dancing or singing is to take place where the level of noise emitted could be considered unreasonable, particularly where the event is taking place during "night hours" (being the period from 11p.m. at night to 7a.m. in the morning), could be in breach of the Noise Act 2006 unless the event is otherwise exempt e.g. suitable licensing is obtained.</p> <p>This includes events taking place in temporary structures such as <u>marquees, for which fire safety guidance should also be referred to⁷.</u></p>

⁷See also <https://www.courts.im/media/1460/gmarletterfs.pdf>, <https://www.courts.im/media/1458/gmar.pdf>

Appendix 3 – Useful Contacts

<u>Organisation</u>	<u>Contact Information</u>
Event Safety Advisory Group	<p>Website: https://www.gov.im/about-the-government/departments/home-affairs/emergency-planning-unit/event-safety/</p> <p>Address: Emergency Planning Unit No 1 Drill Hall Cottages Tromode Douglas IM2 5PA</p> <p>Email: CivilDefence.DHA@gov.im</p>
Isle of Man Constabulary Central Alcohol Unit	<p>Website: https://www.iompolice.im/footer/corporate/central-alcohol-unit/</p> <p>Address: 3rd Floor The Old Police Station Lord Street Douglas IM1 2SR</p> <p>Telephone: (01624) 631323 Email: PoliceAlcohol.DHA@gov.im</p>
Licensing Court	<p>Website: https://www.courts.im/court-procedures/licensing-courts/</p> <p>Address: Isle of Man Courts of Justice Deemsters Walk Bucks Road Douglas IM1 3AR</p> <p>Telephone: (01624) 685473 Email: licensing@courts.im</p>

<u>Organisation</u>	<u>Contact Information</u>
Isle of Man Fire and Rescue Service – Fire Safety	<p>Website: https://www.gov.im/categories/home-and-neighbourhood/emergency-services/fire-and-rescue-service/community-fire-safety/</p> <p>Address: Fire Service Headquarters Tromode Road Douglas IM2 5PA</p> <p>Telephone: (01624) 647303 Email: Fire.DHA@gov.im</p>
Office of Fair Trading - Trading Standards	<p>Website: https://www.gov.im/about-the-government/statutory-boards/isle-of-man-office-of-fair-trading/trading-standards/</p> <p>Address: Thie Slieau Whallian Foxdale Road St John's IM4 3AS</p> <p>Telephone: (01624) 686500 Email: iomfairtrading@gov.im</p>
Highways Services – Department of Infrastructure - Road Closures	<p>Website: https://www.gov.im/categories/travel-traffic-and-motoring/apply-for-a-road-closure-or-traffic-restriction/apply-for-a-road-closure-for-events/</p> <p>Address: Sea Terminal Douglas IM1 2RF</p> <p>Telephone: (01624) 686930 Email: Highways@gov.im</p>

<u>Organisation</u>	<u>Contact Information</u>
Charities Administration	<p>Website: https://www.gov.im/charities</p> <p>Address: Attorney General's Chambers Belgravia House Circular Road Douglas IM1 1AE</p> <p>Telephone: (01624) 687318 Email: charities@gov.im</p>
Gambling Supervision Commission	<p>Website: https://www.gov.im/about-the-government/statutory-boards/gambling-supervision-commission/</p> <p>Address: Ground Floor St George's Court Myrtle Street Douglas IM1 1ED</p> <p>Telephone: (01624) 694331 Email: gaming@gov.im</p>
Tourist Events Development Scheme (TEDS)	<p>Website: https://www.visitisleofman.com/trade/supporting-your-business/starting-up/events-support/looking-for-event-support</p>