

The Licensing Court

This Guidance Note for Applicants for a Special Event Liquor Licence issued under Regulation 12 of the Liquor Licensing and Public Entertainments Regulations 2022 (the Regulations).

Please note that this application can ONLY be made by the holder of an existing Liquor Licence

This guidance note should be read by persons applying for Special Event Liquor Licence (previously called an Occasional Licence). It is intended to assist applicants making a simple application. It is not a statement of law and procedure and it is recommended that you seek legal advice if you are unsure about any aspect of the Application. Officers in Court administration are not legally qualified and cannot advise you on matters of law or procedure.

The holder of a licence of the type listed in Schedule 2 of the Regulations may apply to the Licensing Court for the grant to them of a Special Event Liquor Licence authorising the sale of liquor at such place as is specified in the Application, being a place other than the premises in respect of which the Applicant's licence is held.

A Special Event Liquor Licence can only be of the same type as the Schedule 2 Licence. For example:-

- i. the holder of full on-licence may apply for a Special Event Liquor Licence authorising the sale of liquor for consumption on or off the event premises.
- ii. the holder of an off-licence may apply only for a Special Event Liquor Licence permitting sales for consumption off the event premises.
- iii. The holder of a club licence may apply for a Special Event Liquor Licence permitting sales for consumption on the event premises provided that the event is in compliance with the club licence conditions.

A Special Event Liquor Licence issued under the Regulations may include a provision for public entertainment to take place at the event to be licensed. A separate application under the Regulations for public entertainment is not required. The Application should include reference to any proposed public entertainment at the event and the times and nature of the intended public entertainment e.g. Live music, singing and dancing, amplified music, background music etc.

A Special Event Liquor Licence may be granted for a period **not exceeding 16 days in total** (Regulation 12(3) of the Regulations).

In order for the Application to be considered you must:-

- Lodge the Application complete with the required or otherwise relevant documentation in duplicate with the appropriate fee at the Office of the High

Bailiff not less than **21** clear days before the Licensing Court at which you wish for it to be heard (the Application will not be accepted unless it is complete and the fee paid). The Licensing Court clerk will forward one copy of the Application and documents to the Isle of Man Constabulary's Central Alcohol Unit who will receive it on behalf of the Chief Constable in compliance with Regulation 14(2) of the Regulations.

The Application may be lodged in person or by post.

- Post a public notice in one newspaper published and circulating in the Isle of Man not less than **14 clear days** before the Licensing Court at which you wish the Application to be heard. *(a template for this can be found at the end of this document)*. It is important that you include in the advertisement the date(s) and times of the event including the nature and the intended time of any public entertainment. It is important that the information in the advertisement mirrors that in the Application as failure to do so may result in the Application being refused or adjourned.
- The Licensing Court cannot guarantee that the Application will be considered on the date you request. If there are objections to the Application or if the court is too busy the Application may be adjourned to the next available sitting. **It is therefore important that the Application is made in good time before the event to be licensed.**

The Licensing Court sits once a month. The forthcoming dates for the monthly sittings are available on the Isle of Man Courts of Justice website.

The following items are considered to be documentation which may be relevant to an application, some are mandatory, the list is not exhaustive and there may be other documents relevant to your particular application. The Court will expect the following information to be included:-

- A completed application form **LLPE5** a template for which is available here *(link)*.
- The fee applicable to the Application.
- A covering letter giving background details about the nature of the event to which the Application relates e.g. a wedding, a birthday party, local event, the date(s) and time(s), the nature of any intended public entertainment, the number of anticipated attendees, whether children and young persons under 18 years are intended to attend the event and, if so, what if any arrangements are in place for their supervision, parking arrangements etc.

- The appropriate site management plan the template for which is here (link)
- A letter of request from the organiser or representative of the event. This should be in the format of them asking you (as the holder of a liquor licence) to make the Application. You should ensure that the dates and times requested in the Application are mirrored in this letter.
- If the event is taking place on land or in premises not belonging to you, a letter of consent from the owner of the land or premises. *(if the land does belong to you then you should cover this point in your covering letter)*
- A map and/or plan and/or photographs of the site where the event will take place in particular showing any other premises in the immediate vicinity, facilities for parking and the location of any marquee or other temporary structure if applicable. This plan should also include the proposed location for any 'bar' area(s).
- If the event is taking place in any structure *(permanent or temporary)* then you must consult with the Isle of Man Fire and Rescue Service and if they deem it necessary complete their application for a fire certificate for the purpose. Proof that this has been done must accompany your application. A copy of the Isle of Man Fire and Rescue Service Guidance Document for Marquees and Temporary Structures is available on the Licensing Court Website.

The Isle of Man Fire and Rescue Service can be contacted at:- Isle of Man Fire and Rescue Service, Department of Home Affairs Headquarters, Tromode Road, Douglas. IM2 5PA. Telephone: 01624 647300 or 01624 647303

What happens next?

In the week prior to the court at which the Application will be heard the Licensing Court clerk will write to you to confirm the date and time of the hearing. When you appear before the Court to make the Application you will need to bring with you the following:-

- A copy of the newspaper showing the public notice you have placed. *NB if you bring only the page showing the advertisement it must include the date of publication of the newspaper which is usually shown at the top of the page.*
- The originals of all of the paperwork that you submitted with the Application.

- The Applicant and/or Responsible Person may be required to give evidence under oath or affirmation and be prepared to answer questions from the Court, the Constabulary, the Fire and Rescue Service and any party who has lodged an objection to the Application. You should also consider whether the Application as a whole would benefit from the attendance of any other person(s) who can provide sworn evidence which would assist the Court in determining the Application, for example the organiser of the event.

If the Application is granted a Special Event Liquor Licence will be issued by the Court. If there is sufficient time between the hearing of the Application and the date of the event to which it relates the Court will post the Special Event Liquor Licence to the address given on the Application.

It is a legal requirement that the Special Event Liquor Licence is kept under the control of the Licensee who must produce it to any police officer or justice of the peace on request and display it in a prominent position at the event. (Regulation 41(2) of the Regulations). **It is an offence to fail to comply with Regulation 41(2).** It is therefore important that you ensure that the Special Event Liquor Licence is in your possession prior to the start of the event and make arrangements for it to be collected from the Court if necessary.

Schedule Template for the Advertisement of Applications

PUBLIC NOTICE OF APPLICATION

Regulation 15

“NOTICE OF APPLICATION”

Liquor Licensing and Public Entertainments Act 2021

and

Liquor Licensing and Public Entertainments Regulations 2022

An application has been made for the grant/transfer/variation of a licence/alteration to licensed premises* or

An application has been made for a special event liquor licence/ an occasional public entertainment licence*

For the sale by retail of liquor for consumption on/off/on and off* the following premises **or** the provision of public entertainment consisting of *[brief description of the nature of the public entertainment]** at the following premises:-

[name (if any), address or description of the premises]

[in the case of a special event liquor licence or occasional public entertainment licence]

From *[start time]* to *[end time]* on *[date]**

Where appropriate [An application has been made for the inclusion in the licence of a provision authorising public entertainment consisting of *[brief description of the nature of the public entertainment]* to take place on the premises.*

The application and other documents relevant to the application may be inspected at *[specify address]*

Objections to this application must be submitted in writing to the office of the High Bailiff, Isle of Man Courts of Justice, Deemsters Walk, Douglas, IM1 3AR and to *[name of applicant or their advocate]* at the address below, at least 7 days prior to the sitting of the licensing Court held on *[date of court]*

Name and address of applicant or their advocate *[date]*

*Delete as appropriate

NOTE:-

1. Public Notice for the grant/transfer/variation of a licence/alteration to licensed premises must be placed **in two newspapers** published and circulated **not less than 14 days** before the hearing of the application
2. Public Notice of an application for the grant of a special event liquor licence or an occasional public entertainment licence must be placed **in one newspaper** published and circulated **not less than 14 days** before the hearing of the application