

The Licensing Court

Guidance Note for Applicants for an Occasional Public Entertainment Event Licence and Special Permission Authorisation

This guidance note should be read by persons intending to hold an event which will include public entertainment. 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 your application. Officers in Court administration are not legally qualified and cannot advise you on matters of law or procedure.

1. Occasional Public Entertainment Event Licence

Who can apply?

Any person other than an individual under the age of 18 may apply to the Licensing Court for an Occasional Public Entertainment Event Licence (an OPEEL) issued by the Licensing Court under the provisions of the **Liquor Licensing and Public Entertainments Regulations 2022 (the Regulations)** made under the **Liquor Licensing and Public Entertainments Act 2021 (the Act)**.

Does my event require an OPEEL?

There are several exemptions to the need to obtain an OPEEL:-

If your event is a private without profit event or an event for charitable or philanthropic purposes then you are unlikely to require an OPEEL. The list of exempted events is contained in Schedule 1 of the Regulations, the relevant part of Schedule 1 states as follows:-

(2) The following public entertainments are not required to be licensed under these Regulations —

(a) any play;

(b) any film exhibition;

(c) any public entertainment which is hosted in the following premises —

(i) a school (within the meaning of the Education Act 2001) or other establishment that provides education while being used as such;

(ii) premises belonging to or occupied by a public authority (within the meaning of Schedule 1 of the Freedom of Information Act 2015), where the entertainment is provided by the public authority and no charge is made to a member of the public to attend it;

(d) any entertainment which is organised for philanthropic, charitable or religious purposes, or for obtaining funds for such purposes;

(e) any entertainment which is organised on a not for profit basis provided that —

(i) it is not promoted with a view to private gain; and

(ii) that profits do not exceed reasonable operating costs.

An OPEEL is also NOT required if:-

- a. the holder of an on-licence or off-licence has been granted a Special Event Liquor Licence for the same event as any provision for public entertainment will be authorised in the Special Event Liquor Licence or
- b. If the event is to take place on licensed premises which permits public entertainment as part of an existing on-licence or off-licence (Schedule 1 para (3) and (4)).

NB: If an unlicensed event continues after 11.00pm and if a police officer investigating a complaint about the noise from the event considers it to be unreasonable the officer may serve a notice under section 2 of the Noise Act 2006 warning that unless the noise is reduced to an acceptable level within a specified period of time the person responsible for the event may be committing an offence. A person guilty of an offence is liable on summary conviction to custody for a term not exceeding 3 months or to a fine not exceeding £2,500, or to both. A constable may also enter the offending premises and may disarm or seize and remove any equipment or other source of the noise. These provisions do not apply to premises licensed for the purposes of public entertainment under the Act (section 1(4)(c) of the Noise Act 2006) so if your event is intended to continue after 11.00pm you may consider obtaining an OPEEL.

If my event does require an OPEEL:-

What is licensed?

An OPEEL permits the use of premises (which must be specified in the Application and which may be a temporary or permanent structure or in the open air) for public entertainment of the type and on such day or days and during such hours specified in the Application.

How long does an OPEEL last?

An OPEEL permits the holder to keep or use the premises specified for a period **not exceeding 16 days at one time** (Regulation 6(3)(b) of the Regulations).

What must I do?

You must:

- a. Lodge the Application complete with any pertinent documentation in duplicate and 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 Court will forward one copy of the Application and documents to the Isle of Man Constabulary's Central Alcohol Unit (the Central Alcohol Unit). By you filing the Application in duplicate at court and paying the appropriate fee the Chief Constable and the Chief Fire Officer are deemed to have been served.
- b. Post a public notice in one newspaper published and circulating in the Island not less than **14 clear days** before the Licensing Court at which you wish for it to be heard. *(a template for this can be found at the end of this document)* 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 for which the OPEEL is required.**

The Licensing Court usually sits once a month. The dates of the upcoming monthly courts are available on the Isle of Man Courts of Justice website.

What documents should I file in support of the Application?

The following items are likely to be helpful in the Application, some are mandatory. The following list is not exhaustive and there may be other documents relevant to the Application. The Court would expect the following minimum information to be included:-

- A completed **LLPE3** application form.
- A Site Management Plan for the event (template available on the Court's website)
- The fee applicable to the Application.
- A covering letter giving background detail about the nature of the Application, dates, times, number of anticipated attendees, parking arrangements and whether or not alcohol will be provided at the event etc. NB: If there is no Liquor licence in place for the event alcohol can only be provided free of charge by the event organiser or on the basis of a "Bring Your Own" arrangement.

- 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 or premises do belong to you then you should deal with this point in your covering letter)*
- A letter from the event organiser (if that is not you) giving you their permission to make the Application.
- A map and/or plan and/or photographs of the site where the event is intended to take place in particular showing any nearby residential properties, facilities for parking and the location of any marquee or other temporary structure if applicable.
- 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 event. Proof that this has been done must accompany your application.

The address for the Isle of Man Fire and Rescue Service is:- Department of Home Affairs Headquarters, Tromode Road, Douglas. IM2 5PA. Telephone: 01624 647300 or 01624 647303

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

What happens next?

Approximately one week prior to the hearing 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 at Court 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 advert then you must ensure that you include the date of publication of the newspaper which is usually shown at the top of each page.*
- The originals of all of the documents submitted with the Application.

At Court you may be required to give evidence under oath or affirmation in support the Application 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 that will assist the Court in making their determination.

If the Application is granted the OPEEL 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 OPEEL to the address given on the Application.

It is a legal requirement that the OPEEL 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 OPEEL is in your possession prior to the start of the event and if necessary make arrangements for it to be collected from the Court.

2. Special Permission Authorisation (an Authorisation)

An Authorisation cannot be issued to anyone other than the holder of a Standard Public Entertainment Licence (a SPEL)

The holder of a SPEL may apply to the High Bailiff for a Special Permission Authorisation (an Authorisation) (Schedule 3 para 10(1) of the Regulations)

An Authorisation may be granted by the High Bailiff in order to extend the hours or vary the type of public entertainment specified in the SPEL for a specific event. For example for a wedding or birthday party at which public entertainment is intended to be of a different type to that specified in the SPEL or to extend beyond the hours provided for in the SPEL.

There is separate guidance on how to apply for a SPEL [here](#) (create link).

What must I do?

There is no specific application form for an Authorisation. The Application should be in the form of a letter to the High Bailiff setting out details of the event for which you require the SPEL and giving as many details in support of the Application as you can.

The High Bailiff will not consider the Application in court and so you will not be required to attend a hearing. There is no appeal against the decision of the High Bailiff therefore it is important that you include as many details in support of the Application as you can.

Once the High Bailiff has considered the Application the Licensing Court Clerk will notify you of the High Bailiff's decision by email. You must therefore include with the Application an email address that is monitored regularly.

You must collect the Authorisation from the Public Counter at the Court building and produce the Authorisation and such other information as specified by the High Bailiff to the officer in charge of police station in the vicinity of the place where the event is to be held NO LATER THAN FOUR HOURS before the start of the event. (Schedule 3 para 4(a) of the Regulations).

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