

GC 2022/0010

# **CODE OF PRACTICE AND GUIDANCE ON LIQUOR LICENSING**

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**October 2022**

## Liquor Licensing and Public Entertainments Act 2021

# Code of Practice and Guidance on Liquor Licensing

Issued by the Isle of Man Licensing Forum

Coming into operation alongside the Liquor Licensing and Public Entertainments Act 2021 and Regulations made under Part 4 of the Act

## Introduction

The Isle of Man Licensing Forum was established in February 2005 to assess the legislation under which the industry, the Licensing Court and the Police operate and any associated problems. The aim being to ensure the industry had a suitable environment in which to operate, whilst providing that the regulation of the industry by the Police, and the issuing of licences by the Courts was effective.

The Forum proved highly successful in bringing Government, the industry and the Police together to address alcohol related problems forging a lasting and valuable relationship. The importance of the Licensing Forum as a consultative body was formally recognised within the Liquor Licensing and Public Entertainment Act 2021<sup>1</sup> ("the Act") and in particular section 59 of the Act related to *Consultation* places on the Department of Home Affairs a duty to consult with the Forum, and other key interested parties, prior to the progression of any secondary legislation under the Act.

Under section 61 of the Act related to *Guidance and codes of practice*, the Department of Home Affairs may by Order<sup>2</sup> approve any code of practice or guidance issued by the Department or another person (whether in the Island or elsewhere) as is in force from time to time for the purpose of giving practical guidance to persons engaged in liquor licensing or public entertainments; and promoting what appears to it to be desirable practices by such persons for promoting the licensing objectives.

This code of practice is formed of an initial code document supplemented by appendices containing guidance that are to be taken together and form the full Guidance and code of practice being issued for the purpose of section 61 of the Act. The content of this code of practice was developed following review and update of the prior version of the Isle of Man Licensing Forum Codes and Guidance Manual (version 2 August 2019).

This code of practice is intended to be of assistance of all persons engaged in liquor licensing in the Isle of Man and it is noted that guidance in relation to public entertainments is to be found separately [here](#). This code of practice is not exhaustive and its components are not intended as an authoritative statement of the law, reference should be made to the current legislation on Liquor Licensing and Public Entertainments in the Isle of Man, and specific legal advice should always be taken in each case.

<sup>1</sup> [https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2021/2021-0024/LiquorLicensingandPublicEntertainmentsAct2021\\_1.pdf](https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2021/2021-0024/LiquorLicensingandPublicEntertainmentsAct2021_1.pdf)

<sup>2</sup> SD2022/0288 – copies can be found here: <https://www.tynwald.org.im/links/tls/SD/Pages/2022.aspx>

*Liquor Licensing and Public Entertainments Act 2021*

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## Links to Legislation and Additional Guidance

The Licensing Forum (Government Website)

[www.gov.im/categories/home-and-neighbourhood/licensing-forum](http://www.gov.im/categories/home-and-neighbourhood/licensing-forum)

The Licensing Court (Government Website)

<https://www.courts.im/court-procedures/licensing-courts/>

Isle of Man Constabulary Central Alcohol Unit

<https://www.iompolice.im/footer/corporate/central-alcohol-unit/>

Isle of Man Fire and Rescue Service (Government Website)

[www.gov.im/categories/home-and-neighbourhood/emergency-services/fire-and-rescue-service](http://www.gov.im/categories/home-and-neighbourhood/emergency-services/fire-and-rescue-service)

Gambling Supervision Commission (Government Website)

<https://www.gov.im/categories/business-and-industries/gambling-and-e-gaming/society-lotteries/>

Office of Fair Trading:

<https://www.gov.im/about-the-government/statutory-boards/isle-of-man-office-of-fair-trading/>

Road Transport Licensing Committee

<https://www.gov.im/about-the-government/offices/road-transport-licensing-committee>

Alcohol Wholesaler Registration Scheme (AWRS)

<https://www.gov.im/news/2017/apr/05/alcohol-wholesaler-registration-scheme-awrs/>

Health and Safety at Work

<https://www.gov.im/categories/business-and-industries/health-and-safety-at-work/>

Food Business Register

<https://www.gov.im/categories/business-and-industries/food-business-register/>

## Other useful links

Alcohol Awareness and Information:

<https://www.gov.im/about-the-government/departments/cabinet-office/public-health/health-improvement/alcohol/>

[www.gov.im/categories/caring-and-](http://www.gov.im/categories/caring-and-support/mental-health-service/drug-and-alcohol-team/)

[support/mental-health-service/drug-and-alcohol-team/](http://www.gov.im/categories/caring-and-support/mental-health-service/drug-and-alcohol-team/)

[www.motiv8.im/](http://www.motiv8.im/)

[www.drinkaware.co.uk](http://www.drinkaware.co.uk)

**When Guidance and codes of practice are issued under section 61 of the Liquor Licensing and Public Entertainments Act 2021 the Licensing Court may impose as a condition of every licence that the licensee complies with such Guidance and codes of practice.**

**This Guidance and code of practice is issued by an Order made under section 61 that was approved by Tynwald on 15 November 2022.**

Subsection 61(2) of the Act states that the Licensing Court or Licensing Authority may impose as a condition of a licence that the licensee must comply with a code of practice approved under subsection 61(1).

This code of practice is in addition to, and does not replace or provide an alternative to, any licence conditions specifically imposed by the Licensing Court as part of any licence issued by it.

### Section 57 Licensing objectives

- (1) When exercising its functions under this Act the Department must have regard to the licensing objectives.
- (2) "Licensing objectives" means the following objectives —
  - a) securing public safety;
  - b) preventing crime and disorder;
  - c) preventing public nuisance;
  - d) protecting and improving public health;
  - e) protecting children from harm;
  - f) providing an environment in which the hospitality industry may flourish; and
  - g) promoting high standards across the hospitality industry.
- (3) The Department may by order amend subsection (2). Tynwald procedure – approval required.

Licensees and staff have clear responsibilities under the Act. The purpose of

the Guidance and code of practice is to promote the objectives of the *Liquor Licensing and Public Entertainments Act 2021* and, support Section 57 of the Act:

The code promotes and supports these objectives by:

- ensuring the sale and supply of liquor occurs in a manner that minimises the harm and potential for harm caused by the excessive or inappropriate consumption of liquor;
- ensuring the sale, supply and consumption of liquor is undertaken safely and responsibly, consistent with the principles of responsible service and consumption; and,
- ensuring that, as far as practicable, the sale and supply of liquor is consistent with the expectations and aspirations of public safety.

Harm caused by the excessive or inappropriate consumption of liquor includes—

- the risk of harm to children, vulnerable people, and communities (whether to a community as a whole or a group within a community); and,
- the adverse economic, social, and cultural effects on communities (whether on a community as a whole or a group within a community); and,
- the adverse effects on a person's health; and,
- alcohol abuse or misuse; and,
- domestic violence or anti-social behaviour, including causing personal injury and property damage.

The intention of this code of practice is to commit licensees to:

- make a written assessment of the risks around their operational practices;
- not to undertake operational practices involving unacceptable risk;
- consider and implement measures to manage high risk operational practices; and
- maintain consistent and high standards of operational practice that, as a matter of course, address medium and low risk operations.

### Terms used in this Code and Guidelines

For clarity throughout this Code and Guidance where references are made to a licensee, these responsibilities may also be held by a Responsible

Person. Other terms used are defined within the Training section below.

## Site Management Plans and Risk Assessment

### Risk Management Criteria

The levels of risk associated with the operational practices of a licensed premises are to be assessed based on what a *reasonable person* would consider to be:

- low risk;
- medium risk;
- high risk; or
- unacceptable risk.

When assessing the level of risk associated with the operational practices of a licensed premises and the likelihood of a particular outcome occurring, consideration must be given to the type of licence and the nature of the operational practices being conducted.

Reasonable steps to prevent, reduce or manage the likelihood of a risk associated with an operational practice will be deemed to have been taken where the licensee is able to demonstrate that they have reasonably assessed the risk and the likely outcome based on the type of licence and the operational practices being conducted, and have implemented a written management plan which contains reasonable measures to manage or reduce the outcome occurring.

Any site management plan will not constitute a reasonable step to mitigate/manage risk if this plan is no longer current and/or if the licence holder and/or their staff have not received training appropriate to their role within the premises for the sale and supply of liquor in accordance with the content of that management plan.

### Risk Assessment and reasonable steps

The licensee must consider the measures that will be implemented for the purposes of compliance with this code of practice and, in particular, the measures that will be taken to comply with the requirements to take reasonable steps as follows:

- These measures must be contained in a written premises management plan.
- A copy of the management plan must be kept on the licensed premises and made available as soon as practicable upon request of a police officer.
- The management plan must be reviewed and if necessary, modified annually or when operations under the licence alter in any that warrants a review and/or modification of the management plan.

### General Guidance

The Isle of Man Constabulary have issued guidance in respect of Licensed Premises Public Safety and Crime Reduction that can be found at Appendix A, this provides an brief overview for licensees of points to consider as part of their Site Management Plan.

## Training

### Section 19 Employment of staff on licensed premises

Licensees must ensure that their staff are appropriately trained and that where required by Regulations made under the Act, staff are registered within the Licensed Staff Register.

These Regulations can be found here<sup>3</sup>

**Staff** includes for this purpose:

**Doorkeeper/Guard/Registered Door Security** means a person who holds a Department of Home Affairs authority under Section 19 the Act and whose duties are, or a substantial part of whose duties would be, the control of admission to, or the removal of persons from, the premises and/or the maintenance of order on licensed premises.

**employee** and any person who sells, offers for sale, or serves liquor on licensed premises whether they are a paid staff member or not.

**Licensee** for the purposes of this Code of Practice and Guidance may also be taken as a

reference to a **Responsible Person** with operational responsibility for a premises (particularly where a company holds the overall licence).

For staff who require registration within the Licensed Staff Register specific training is required, the licensee must ensure that all staff they engage have successfully completed Department of Home Affairs accredited training dispensed by a Training Organisation approved by the Department must be completed and further details of available training can be found here<sup>4</sup>

The licensee must ensure that prior to any duties being undertaken on behalf of a licensee, doorkeepers have successfully completed Department of Home Affairs accredited training dispensed by a Training Organisation approved by the Department,

further details of available training can be found here<sup>5</sup>

For other staff members outside of those who require registration, Responsible Alcohol training should be provided and if any member of the licensee's staff has not completed this training at the time of their engagement, the training must be successfully completed within one month from the commencement of the employment of the staff member.

If the licensee can demonstrate the employee holds current certification from Department of Home Affairs accredited training such as that related to Designated Officials or Responsible Persons for licensed premises, this may be adequate to demonstrate compliance with training requirements set out in the Regulations governing the Licensed Staff Register found here<sup>6</sup>

### Induction and Refresher Training

The licensee must provide to all staff involved in the service or supply of liquor on the licensed premises, training in relation to the management plan to be implemented to address the risks associated with the operational practices.

The training must be provided to all staff on induction and at least once in each subsequent period of three years.

The licensee must produce evidence of the completion of the training by staff within seven days of being requested to do so by a police officer.

<sup>3</sup> SD 2022/0287 (as amended) copies can be found here: <https://www.tynwald.org.im/links/tls/SD/Pages/2022.aspx>

<sup>4</sup> <https://www.kneale.im/>

<sup>5</sup> <https://www.kneale.im/>

<sup>6</sup> See footnote 3

## Conduct on licensed premises

### Sections 22 to 38

It is the responsibility of the Licensee to ensure that they act in accordance with the Liquor Licensing and Public Entertainments Act 2021 and all associated Regulations, Orders and Statutory Codes or Guidance.

In particular sections 22 to 38 of the Act forming Part 6 *Conduct on licensed premises* are of key relevance for the day-to-day running of any licensed premises.

The licensee, responsible person or staff of the licensee must take reasonable steps:

- to reduce the likelihood of incidents of intoxication and/or disorderly, offensive, abusive or violent behaviour on licensed premises;
- to manage incidents related to intoxication and/or disorderly, offensive, abusive, or violent behaviour that may occur on licensed premises; and
- to cooperate with and assist Police in any investigation related to intoxication and/or disorderly, offensive, abusive, or violent behaviour that may occur on licensed premises.

Further general guidance can be found in Appendix A.

## Entertainment

### Part 4 – Licences (sections 12 to 20)

Consent of the Licensing Court is required in order to provide entertainment within licensed premises. General information about public entertainments can be found within the Regulations and Code of Practice and Guidance related to Public Entertainments [here](#)<sup>7</sup>

Music and dancing may form a component of the individual licence conditions handed down to a licensed premises following the

Licensing Court's consideration of their application. If such conditions are granted, the licence for that premises will set out the specific timings and nature of these permissions.

In connection with Adult Entertainment (i.e. entertainment of an exotic or erotic manner) further Guidance can be found within Appendix E.

## Equality

### Equality Act 2017

### See also Refusal of Service and Bans [page 11]

It is noted that any refusal of service made in connection with Section 33 of the Liquor Licensing and Public Entertainments Act 2021 must not be exercised in a manner which contravenes the Equality Act 2017.

### Access statements

An access statement is a statement containing information about:

- provision made for access to a premises by disabled persons,
- facilities provided on the premises for use by disabled persons, and
- any other provision made on or in connection with the premises for disabled persons.

The Equality Act 2017 makes it unlawful for a service provider to treat another person less favourably than they would treat another because of one of the characteristics protected by the Act.

The Act also requires a service provider to take positive steps to ensure that disabled people can access their services.

By carrying out an access audit of your service and then preparing an access statement, a disabled person is able to make a decision about whether your service is accessible to them.

Further information can be found here:

<https://www.visitisleofman.com/trade/supporting-your-business/starting-up/accommodation/useful-information/access-statement-guidance>

<sup>7</sup> <https://www.courts.im/court-procedures/licensing-courts/>

## Events

### Reference to Events /Occasional licence etc.

The Events Safety Advisory Group (ESAG) is chaired by the Emergency Planning Officer from the Department of Home Affairs and the group's main objectives are:

- Firstly, to provide a 'one-stop' notification process for event organisers to ensure that regulators and emergency responders are notified of your event.
- Secondly, to provide guidance to event organisers.

The Group meets bi-monthly or more regularly during busy event periods.

A link to the webpage containing further information including the form to be completed in order to make an event notification is:

<https://www.gov.im/about-the-government/departments/home-affairs/emergency-planning-unit/event-safety/>

For one-off or occasional events additional guidance can be found in the following places:

Fire and Rescue Service Guidance on Marquees and Tented Structures<sup>8</sup>

Office of Fair Trading Guidance on plastic glasses and shot measures<sup>9</sup>

Isle of Man Constabulary Guidance on 18<sup>th</sup> Birthday Parties<sup>10</sup>

## Fire Safety

### Fire Precautions Act 1975

The Fire Precautions Act 1975 covers Licensed Premises, Hotels and Boarding Houses, Entertainment Premises, Nursing Homes and Recreation or Sport premises.

These properties are generally issued with a fire certificate.

Guidance about fire safety matters for businesses including the Application Form for a Fire Safety Certificates can be located here:

<https://www.gov.im/categories/home-and-neighbourhood/emergency-services/fire-and-rescue-service/business-fire-safety/>

## Food Business Register

European Communities (Food Hygiene Laws)(Application) Order 2007. (Regulation (EC) No. 852/2004 on Hygiene of Foodstuffs, Article 6(2))

The Department of the Environment, Food and Agriculture require that when you start a new food business or take over an existing business, you must register with them here:

<https://www.gov.im/categories/business-and-industries/food-business-register/>

You should register at least 28 days before opening. If you're already trading and have not registered, you need to do this as soon as possible.

A food business is anyone preparing, cooking, storing, handling, distributing, supplying or selling food, whether for profit or not.

Once registered, the business will normally be inspected and compliance with food safety law will be checked and any relevant advice given.

<sup>8</sup> Guidance section - <https://www.courts.im/court-procedures/licensing-courts/>

<sup>9</sup> Guidance section - <https://www.courts.im/court-procedures/licensing-courts/>

<sup>10</sup> Guidance section - <https://www.courts.im/court-procedures/licensing-courts/>

## Gaming and gambling

### Section 35 Gaming on licensed premises

Where a licensee is planning to host an event that is not provided for under section 35 they should seek further information from the **Gambling Supervision Commission** to ensure that they are compliant with the Island's laws:

Further guidance can be found here: <https://www.gov.im/categories/business-and-industries/gambling-and-e-gaming/society-lotteries/>

## Health and Safety

### The Health and Safety at Work etc. Act 1974 as applied to the Island by the Health and Safety at Work Order 1998 [SD 1998/0155]

The contact details for the Environment Safety and Health Directorate and links to related information about that directorate can be found here:

<https://www.gov.im/categories/business-and-industries/health-and-safety-at-work/>

Links to the Health and Safety at Work legislation which is applicable for the Island can be found here:

<https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/regulation-directorate/health-and-safety-at-work-inspectorate/legislation/>

## Minors

### Section 23 Control of consumption of liquor by minors

Regulations made under section 23 set out provisions in relation to:

### Section 23 *Control of consumption by minors*

- 1) The Department must by regulations make provision to —
  - (a) prevent the consumption of liquor by a minor in any place;
  - (b) permit the seizure of liquor in possession of a minor and provide for its disposal;
  - (c) prevent the purchasing of liquor for consumption by a minor;
  - (d) control the employment of minors in licensed premises;
  - (e) control the sale of liquor to a minor;
  - (f) control the purchase of liquor by or on behalf of a minor; and
  - (g) require proof of the age of a person intending to acquire liquor.

In general licensees must take reasonable steps to prevent:

- minors consuming or being supplied with liquor on the licensed premises; and
- licensees must not conduct, promote, advertise or permit the conduct, promotion or advertisement of their business in a way that tends to encourage minors to consume liquor.

These Regulations can be found here<sup>11</sup>

### Evidence of Age

As part of their responsibility to ensure that alcohol is served in accordance with any age restrictions found within Isle of Man law, licensees should request an appropriate form of ID in all cases where the customer appears to be under the age of 25 years or otherwise where there may be a doubt about the customer's age.

Further detail can be found within the "Challenge 25" Guidance at Appendix B.

## Noise and disturbance

### Noise Act 2006

As there is the potential for noise or disturbance to occur as a result of activities on licensed premises, or

<sup>11</sup> SD 2022/0287 (as amended) copies can be found here: <https://www.tynwald.org.im/links/tls/SD/Pages/2022.aspx>

the conduct of customers making their way to or from licensed premises, licensees need to be vigilant and aware of this, particularly where the licensed premises is within a residential area.

The licensee must take reasonable steps -

- to prevent undue offence, annoyance, disturbance, noise or inconvenience to people who reside, work or pass in the vicinity of the licensed premises, resulting from entertainment or activities on the licensed premises or the conduct of people making their way to or from the licensed premises; and
- to ensure public order and safety.

**Between 12.01 am and 3.30am at all times while open for trade** the licensee must take all practicable steps to ensure that any line or queue to enter the licensed premises is orderly and continuously monitored and managed to prevent obstruction to pedestrians or traffic on the footpath and roadway in the vicinity.

Generally further information about complaints being made due to undue noise and the process by which such complaints are made can be found here:

<https://www.gov.im/categories/home-and-neighbourhood/affordable-housing/public-sector-housing/your-tenancy/noise-act-2006/>.

## Refusal of Service and bans

### Section 33 Expulsion etc. of persons from licensed premises

Section 33 of the Act sets out the provisions in connection with the licensees right to refuse service or admission to their premises.

This replaced section 35 of the Licensing Act 1995.

Refusal of Service must not be exercised in a manner which contravenes the Equality Act 2017. See also Equality [page 08]

<sup>12</sup> <https://www.nationalpubwatch.org.uk/>

### Section 33 *Expulsion etc. of persons from licensed premises*

- (1) The licensee or responsible person, and any employee or agent of the licensee, may, without giving any reason —
  - (a) refuse to admit any member of the public to licensed premises; or
  - (b) refuse to supply liquor to any person.
- (2) The licensee or responsible person, and any employee or agent of the licensee, may, without giving any reason, order any person to leave licensed premises.
- (3) The powers conferred by subsections (1) and (2) must not be exercised in a manner which contravenes the Equality Act 2017

Further information about the Pubwatch Bans that may be issued to customers in connection with this section or section 30 can be found here<sup>12</sup>

### Section 30 Misbehavior of persons: preventing entry into licensed premises or sale of liquor to certain persons

Section 30 sets out additional information in relation to those who are banned from licensed premises.

## Remote Sales

### Section 53 Proof of sale, consumption etc.

Where remote sales of alcohol are permitted under a licence these must be made in accordance with the Guidance found in Appendix F.

## Responsible Consumption

### Part 6 – Conduct on licensed premises

The licensee must not conduct, promote, advertise, or

permit the conduct, promotion or advertisement of their business in a way that tends to encourage the rapid or excessive consumption of liquor or that discourages a responsible attitude to the consumption of liquor.

The licensee must not conduct, promote, advertise, or permit gender-based promotions involving free or discounted liquor on the licensed premises including free or discounted entry to the licensed premises.

Except where liquor is sold for consumption off the licensed premises only, or where liquor is supplied by way of sample only, the licensee must at all times

- ensure that free drinking water is readily available to patrons on licensed premises; and
- ensure that other non-alcoholic beverages (other than water) are available for purchase.

Examples of practices that would encourage excessive consumption include:

- Using language, slogans or images that promote or encourage patrons to get drunk, drink excessively or drink rapidly;
- Drinking games, competitions, dares or challenges that involve rapid or excessive consumption of liquor.

Additional guidance related to Off-licences can be found at Appendix D and in relation to "Drinks Tastings" at Appendix C.

## Smoking

### No-smoking premises regulations 2007

Licensees must take all practicable steps to ensure that no obstruction or nuisance is caused by patrons smoking outside or in the immediate vicinity of premises.

Where smoking shelters are provided that do not form part of the licensed premises i.e. those in pavement areas, these should

be monitored regularly to ensure that no obstruction to pedestrians (or traffic) is being caused.

For clarity it is noted that Smoking has been prohibited in indoor spaces since the Non-Smoking Premises

Regulations 2007 came into effect on the 30<sup>th</sup> March 2008.

Further information can be found here:

[https://www.gov.im/media/299517/no\\_smoking\\_premises\\_regs2007.pdf](https://www.gov.im/media/299517/no_smoking_premises_regs2007.pdf)

## Vehicles used for "Party Bus" purposes

### Road Transport Act 2001

The Road Transport Licensing Committee ('RTLCC') acts as an independent tribunal body of Government with responsibility for regulating the transport of passengers. From 1st January 2019 the RTLCC assumed responsibility for regulating the commercial use of goods vehicles - basically any vehicle or trailer carrying goods on a public highway which has a maximum laden weight exceeding 3,500kg.

Specific Guidance which establish the minimum standards that the Road Transport Licensing Committee requires of party bus operators and lists the rules with which patrons must be required to comply by the operators. Party bus operators may choose to include additional requirements that are appropriate to their own business can be found here<sup>13</sup>

<sup>13</sup> See Guidance Section - <https://www.courts.im/court-procedures/licensing-courts/>

## Wholesale Alcohol

### Alcoholic Liquor Duties Act 1986 – Part VIA Wholesaling of Controlled Liquor

If you sell alcohol to another business you may need to apply for approval for the Alcohol Wholesale Registration Scheme (AWRS). The scheme was introduced to tackle alcohol fraud and traders wholesaling alcohol in the UK or Isle of Man must be registered for the scheme (with some exceptions).

You will face penalties if you trade without approval.

Anyone who buys alcohol from suppliers to sell to the public needs to:

- check the businesses they buy from have registered for the AWRS; and
- have a Unique Reference Number (URN).

The AWRS is controlled by the provisions of the Alcoholic Liquor Duties Act 1986 and Regulations made under that Act which can be found here:

<https://www.tynwald.org.im/links/tls/SD/2015/2015-SD-0256.pdf>

Additional information about the AWRS can be found here:

<https://www.gov.im/media/1350184/notice-2001-man-alcohol-wholesaler-registration-scheme-22-nov-18.pdf>

Information around the UK AWRS scheme is found here:

<https://www.gov.uk/hmrc-internal-manuals/alcohol-wholesaler-registration-scheme/awrs20100>

A list of the alcohol wholesalers in the Isle of Man that have approval under the AWRS are found here:

<https://www.gov.uk/guidance/check-if-an-alcohol-wholesaler-in-the-isle-of-man-is-approved>

## Appendix A

### **Isle of Man Constabulary Licensed Premises Public Safety and Crime Reduction**

#### **1. Public Safety**

The safety of the public and staff within licensed premises must always remain the priority. Licence holders are encouraged to have a written policy on how to manage public safety, which will be bespoke to each licensed premises and should form part of their Site Management Plan/ equivalent.

Points of consideration could be, but not limited to:

- Reducing risk of children consuming alcohol on your premises, such as Challenge 25 and regular checks by staff;
- Managing Crowds/Events, including emergency evacuation plans;
- Monitoring fire exits for unauthorised access, consider alarms/strobe lights if opened;
- Registered security staff wearing branded uniforms and displaying ID Badges;
- Searching bags upon entry and potential use of metal detector wands, particularly for the busier late night premises;
- Ensuring any reception staff or dedicated security staff operate attentively and in a friendly manner;
- Dedicated rooms to deal with customers who may be vulnerable i.e. seeking help to evade perpetrators or otherwise to deal with urgent medical matters;
- Consideration of being a "safe place" in relation to people experiencing domestic abuse, see <https://uksaysnomore.org/safespaces/> for details; and
- Drugs protocols, including customers reporting suspected use on premises and also any alleged "drink spiking".

Each premises must have an appropriate First Aid Kit stored within an easily accessible area of the premises. There must be an identified member of staff who is responsible for the upkeep of the kit.

It is also recommended that identified members of staff are given appropriate first aid training.

Most customers would regard CCTV as providing additional security and reassurance whilst making life more difficult for both opportunistic and organised criminals. It is our recommendation that CCTV systems record good quality images in all lighting on a 24/7 basis, as offences can happen when venues are both open and closed. Images should be stored for at least 28 days, which will help managers or security staff to spot incidents, or if required, to support police investigate reported crime.

Cameras should be directed at key locations, such as areas like a cash handling office, high value alcohol store, computer room and cloakroom as well as gaming and vending machines. Bars, dancefloors and toilet entrances should also be covered. CCTV should be positioned to avoid interference from sound, laser and strobe lighting/smoke machines.

All aspects of the CCTV system must comply with current Data Protection legislation. The Licence Holder must appoint a trained Data Controller who will be responsible for the general administration, operation, maintenance and supervision of the system.

All users must be fully trained in the operation of the system and be made aware of their general legal responsibilities.

## **2. Physical Security**

There are many other physical security considerations, such as robust doors, alarms and windows, grilles and shutters. For advice in these specialist areas, visit the official police security initiative Secured by Design that works to improve the security of buildings <https://www.securedbydesign.com/>

## **3. Toilets**

Toilet area windows must be permanently secured or fitted with ventilation restrictors and ceiling- lights must be protected.

Toilet cubicles should not be fitted with ceiling tiles, as the void above can be used to hide items (such as drug related paraphernalia). Toilet cisterns should be secured for the same reason.

Consider removing toilet seat lids or any other flat surface to discourage drugs use and treat other flat surfaces with non-toxic substance such as Vaseline. There should be regular inspections of toilets for illegal activity.

Consideration should be given to fitting hooks on the rear of cubicle doors so as to deter patrons from placing valuables on the floor.

## **4. Cash and Alcohol Storage**

Premises are encouraged to hold the minimum amount of cash and alcohol necessary for the operation of the business on site. The premises should have a secure facility for the storage of monies kept within the building.

The use of safes is therefore recommended. Safes should be:

- Fixed to the fabric of the building (e.g. coach bolted to a solid wall or floor). Free-standing safes are not suitable;
- Combination safes are recommended, as the security of keys can create issues. The combination should not be written down or disclosed to staff; and
- Safe keys should be stored within a purpose made key safe.

Alcohol stores should be covered by CCTV and have a door fitted with a five lever lock to BS 3621 (or similar). Please refer to Secured by Design <https://www.securedbydesign.com/> or Master Locksmith Association, <https://www.locksmiths.co.uk/> for specialist advice on safes and locks.

## **5. Gaming/Cash Machines**

Where practicable, gaming and cash dispensing machines must be positioned in direct line of sight of staff working within the bar environment. Where this is not feasible, the machine(s) must be covered by a CCTV camera. The view of the camera is recommended to be displayed on a screen located within the bar area permanently available to staff.

## **6. Smoking Shelters**

Ideally smoking shelters must be located so as to maximise potential surveillance by staff (i.e. direct line of sight). Where this is impractical, the area must be monitored by a CCTV camera. "CCTV in operation" signage must be displayed.

The area must be appropriately lit and not compromise the quality of the CCTV.

Cigarette stub bins should be wall mounted. Freestanding ashtrays are not recommended.

## **7. Toughened Glassware**

Where practicable, premises should consider adopting the use of toughened glassware to remove the risk of broken glasses being utilised as weapons.

## **“Challenge 25” Guidance Issued by the Licensing Forum**

Determining the age of young people is difficult and is unlikely to get any easier. The pressure on licence holders and their staff will continue to increase as technology enables fraudsters to produce more sophisticated and authentic looking proof-of-age cards.

Selling alcohol to a person under the age of 18 is a criminal offence. It is important to remember that by selling alcohol to a person who is under the age of 18 it is you, as a licensee/responsible person that commits the offence, as well as the customer.

It is therefore in the interest of licensees and their employees to adopt and adhere to this Guidance in an attempt to avoid the possibility of a fine for continued offences of selling to those under the age of 18, or potentially the suspension or cancellation of your licence.

This Guidance is aimed at preventing the sale of alcohol to young people under the age of 18. It is imperative that this Guidance is adhered to at all times in all licensed premises to achieve that aim. All Licensees have a responsibility to ensure that they are doing everything that they reasonably can to prevent sale of alcohol to those under the age of 18.

You can make reference to the Regulations regarding valid forms of identification here<sup>14</sup>

### **Who must you ask for ID?**

Anyone who appears to be under the age of 25 should be asked to show a valid form of identification to prove that they are over the age of 18. If a customer, who appears to be under the age of 25 has no identification then service must be refused. It is hoped that by "challenging" anyone or appearing younger than 25 years old, it will catch those who potentially look or act most convincingly over their years

### **What forms of ID are acceptable?**

All staff must be aware that on the Isle of Man, the only statutory forms of ID are those found in the Liquor Licensing and Public Entertainments Regulations 2022<sup>15</sup>

### **What to look for when checking ID**

Check the hologram – does it have a 3D effect?

Check photo – is it the person standing in front of you?

Check date of birth - the minimum D.O.B should be displayed behind the bar

Check card – is there any evidence that the card has been tampered with?

Check person - If you are still unsure about a person's age, you are legally obliged to refuse service.

### **Legal Requirements**

It is a legal obligation not to supply, whether directly or indirectly, (through an agent) alcohol to a person under the age of 18. It is a criminal offence and renders the supplier, the licensee, the agent and the customer liable to criminal conviction.

<sup>14</sup> SD 2022/0287 (as amended) – copies can be found here: <https://www.tynwald.org.im/links/tls/SD/Pages/2022.aspx>

<sup>15</sup> SD 2022/0287 (as amended) – copies can be found here: <https://www.tynwald.org.im/links/tls/SD/Pages/2022.aspx>

## **Training**

All Members of staff who have a role in selling alcohol to customers of a licensed premises should be trained and aware of the requirements of this Guidance. Each member of staff should be required to sign a declaration as part of the Site Management Plan for the premises they are employed to work in indicating that they have read and understood the Guidance and its requirements, along with the penalties for failing to comply, and that they understand that failure to comply may result in dismissal from their employment by the licensed premises.

Staff should be trained to instantly determine whether a person looks under the age of 25 and if necessary, request a recognised form of identification as outlined above. Each member of staff should know the style of the appropriate forms of identification, a copy of each of the cards can be referred within the Regulations found here<sup>16</sup>

## **Implementation**

The contents of Guidance is Industry best practice however, some licensees may wish to adopt their own variation of "Challenge 25". The important principle of this Guidance is that any person who appears to be under the age of 25 should be asked to provide identification prior to being sold alcohol.

It is important to remember:-

1. Training – Regular training and record keeping as part of your Site Management Plan and to instil confidence in your staff.
2. Advertising – Display "Challenge 25" Posters or equivalent as this will act as a deterrent to underage customers and back up for staff challenging customers for ID.
3. Support your staff.
4. Keep records of those refused.
5. Be clear about ID requirements – publicise if necessary.

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<sup>16</sup> SD 2022/0287 (as amended) – copies can be found here: <https://www.tynwald.org.im/links/tls/SD/Pages/2022.aspx>

## Appendix C

### **Isle of Man Constabulary “Free Tastings” of Wines, Beers and Spirits Off-Licences and Non-licensed premises Guidance**

1. All tasting must be carried out and supervised by the Licensee or a Responsible Person and where appropriate (for example with expensive wines beers and spirits) in conjunction with knowledgeable agents of the suppliers of the liquor in question.
2. Tasting sessions must always be manned (i.e. no alcohol left unsupervised) and prevailing food hygiene guidelines and regulations strictly adhered to.
3. Persons under the age of 18 or persons disqualified from licensed premises must not be allowed to participate in tastings.
4. All tastings must be with at least 14 days prior written notice to the Chief Constable/Central Alcohol Unit giving particulars of the nature and type of tasting; the location of the tasting and the anticipated times of the tasting.
5. Ordinarily plastic serving glasses or thimble type glasses (preferably from recyclable materials) should be used with a small measure (in no case should the spirits measure served exceed 10ml), however if the tasting is one that is suitable for expensive glasses to be used, then confirmation of the intention to use such glasses should be included within the 14 days prior written notice given to the Chief Constable/Central Alcohol Unit of the tasting. (For example the tasting of expensive champagne may require the use of champagne flutes.)
6. Tastings which take place other than on a licensed premises must still be supervised by a Licensee or Responsible Person of a licensed premises and at such tastings, other than on a licensed premises, all sales must only be by order and there must be no retail sales resulting in the supply of intoxicating liquor at the time of the tastings (either in drink or bottled/package form) to the intent that the point of sale must be from a licensee’s licensed premises and not otherwise.
7. All staff are reminded of their obligations under Section 38 of the Liquor Licensing and Public Entertainment Act 2021 *Consumption on or near licensed premises* and in particular, drunkenness and rowdy behaviour must be contained at all times, and consumers must not be supplied with excessive amounts of alcohol.

## **Display and Sale of Alcohol Products in Off-Licensed Premises Guidance Issued by the Licensing Forum**

### **Note on this Guidance:**

The provisions and the requirements of this guidance are detailed in a separate Certificate which can be found at Annex 1 to this Guidance.

This Annex is a briefing document and is intended to help initial briefing of in-store staff on the content of this Guidance which has been agreed by the Off-Licensed Trade and is approved by the Licensing Forum.

This Annex gives an explanation of the key features of the Guidance and is to be displayed in all off-licensed premises.

### **What is the Guidance?**

The basic principle underpinning this Guidance is that alcohol is not an ordinary household product despite being sold in many large and small retailers.

The requirements of the Guidance must be complied with by the licence holder.

### **How to Implement the Guidance**

Understanding of, and commitment to, the following principles are essential for all managers, licensees and store employees involved in the display and sale of alcohol.

#### **1. Display of the Guidance**

A copy of the Guidance Certificate to be followed by the participating retailer should be placed in a conspicuous space, in clear sight of every customer who visits the store. The Guidance Certificate represents the commitment of the licence holder to implement the standards of the Guidance and abide by its provisions. It alerts customers to the standards which they are entitled to expect. A space has been provided on the Guidance Certificate for each store to add the name and business address of the licence holder. It is essential that this is correctly completed, especially in the event of a customer complaint.

#### **2. Display of Alcohol**

The display of alcohol products must be in one single main area in all retail premises that sell alcohol. All small stores (defined as under 3,000 sq ft) to have one area for the sale of liquor and no satellite areas in the store, the exception being with the approval of the Licensing Court, for special events such as Valentine's day, Mother's day etc, or for meal deals.

Large stores (defined as over 3,000 sq ft) to be permitted to have satellite areas (where approved by the Licensing court). No sales of liquor to be permitted next to tills in large stores, although permitted in small stores where, for example, spirits are kept behind the counter for security reasons;

No liquor sales areas to be permitted at the entrance to stores.

### **3. Advertising of Alcohol**

Advertising of price promotions for liquor products e.g. two for one, percentage reductions in price, and offers are only to be permitted from inside a store and not externally visible. Advertising must not be aimed at minors, seek to glamorise alcohol consumption, or encourage excessive consumption.

### **4. Alcohol Sales Area Signage**

Where practicable all entrances and exits to the main areas where liquor is sold are to have signs to warn that customers are entering and exiting an alcohol sales area – the signs to have the following wording:-

**"This is an ALCOHOL SALES AREA -  
Please drink safely and in moderation it could save your life".**

The signage should also include the "Challenge 25" logo. A similar message to the "Please drink safely etc" can be provided which perhaps is more suitable for the signage design or to fit in with the stores ambience.

These signs are preferably to be positioned at the side of the entrance and exit of the aisle.

Alternatively it is also possible to position them on the floor or to hang them above the entrance, if this provides greater CCTV or staff visibility or is more suitable for the design of the store. The sales area will have a clear entrance and exit so there is no doubt to customers that they will be entering an area where liquor is for sale.

Small stores will have signs on, above, or at the sides of the shelves selling liquor with the same wording as the signs at the entrance to alcohol sales areas in large stores;

Production of a proof-of-age document must be demanded in all cases where the customer appears to be under the age of 25 years or otherwise where there may be a doubt about the customer's age.

If the customer appears to be under the age of 25 years, identification as outlined in the "Challenge 25" Guidance (see Appendix B of the Code of Practice and Guidance on Liquor Licensing), will be required.

### **5. Staff Training**

Store Managers and/or Licensees/Responsible Persons will ensure adequate training of staff members engaged in the display and sale of alcohol products and, in particular, ensure that such staff members have an adequate knowledge and understanding of the relevant areas of licensing law and of the Guidance. This must be recorded within the Site Management Plan for that licensed premises.

### **6. Complaints Procedure**

A transparent and credible complaints procedure regarding the implementation of this Guidance will be critical to its success. Complaints regarding implementation of the Guidance should in the first instance be acknowledged, dealt with and resolved at a store level by the Store Manager or the holder of the alcohol licence/Responsible Person.

It should be noted that if a customer's complaint regarding compliance to the Guidance is not dealt

with to their satisfaction that they have the right to forward their complaint to the Central Alcohol Unit of the Isle of Man Constabulary: [https:// www.iompolice.im/footer/corporate/central-alcohol-unit/](https://www.iompolice.im/footer/corporate/central-alcohol-unit/)

## **7. Further Guidance**

Should an individual store have any queries regarding the Guidance it should seek clarification from the IOM Licensing Forum: <https://www.gov.im/categories/home-and-neighbourhood/licensing-forum/>

Should the store require further electronic copies of this document, they will be available as part of the Code of Practice on Liquor Licensing found at <https://www.courts.im/court-procedures/licensing-courts/>

## NOTICE REGARDING DISPLAY AND SALE OF ALCOHOL PRODUCTS IN OFF-LICENSED PREMISES

**ATTACH LABEL WITH NAME, BUSINESS ADDRESS,  
AND CONTACT DETAILS OF LICENCE HOLDER**

The Isle of Man Licensing Forum Code of Practice on Liquor Licensing contains Guidance on the Display and Sale of Alcohol Products in Off- Licensed Premises which obliges all off-licence holders to comply with the following:

- The display of this notice in a conspicuous place in the store;
- The alcohol sales area should be clearly marked with signage at any entrance to the area, or above the area in small stores;
- No advertising of alcohol should take place outside of the alcohol sales area;
- Alcohol sales should be restricted to one area, with one additional satellite area in use at any one time for meal deals or special events;
- No sale of alcohol is to take place near the entrance to large stores;
- No bulk sales of alcohol are to take place outside of the main alcohol sales area;
- No sale of alcohol is to take place near the tills except where, for example, spirits are kept behind the counter for security reasons;
- There should not be a requirement to enter the alcohol sales area to purchase a non-alcohol product;
- Proof of age must be requested from anyone who appears to look under the age of 25; and
- All staff must be trained and aware of the requirements of the Guidance and also with the "Challenge 25" Guidance.

### **COMPLAINTS**

Any complaints regarding implementation of the Guidance should be referred by the customer to the Store Manager or the holder of the off-licence.

If the customer is not satisfied they have the right to forward their complaint to the following address: Central Alcohol Unit of the Isle of Man Constabulary, 3rd Floor, The Old Police Station, Lord Street, Douglas, IM1 2SR.

## **Appendix E** **Guidance for Premises Providing Adult Entertainment Issued by the** **Licensing Forum**

### **Introduction**

It is the responsibility of a licensee to ensure that their licence provides for any entertainment which is required to be licensed and which they plan to host within their premises. This Guidance is for use by any licensed premises that will either temporarily, or on a permanent basis, host any form of adult entertainment for its customers which falls within the definition of adult entertainment set out either in Regulations or within this Guidance itself.

Regulations made under the Liquor Licensing and Public Entertainments Act 2021 provide the manner in which the Licensing Court may include a provision within a licence authorising music, dancing or other entertainment of a type specified within these Regulations to take place on licensed premises, at such times as and subject to such conditions as may be specified in either in Regulations or within the individual licence itself and its associated conditions.

This Guidance should be implemented and adhered to and may form part of your Licence conditions as an undertaking and/or condition, in any event this Code is to be taken as "best practice" in the provision of Adult Entertainment at your establishment.

### **Part A – What is Adult Entertainment?**

1. For the purposes of this Code, the term 'Adult Entertainment' may include (but shall not be limited to) the following forms of entertainment taking place for the purposes of financial gain:
  - Dancing by a male or female in an exotic or erotic manner of an adult nature;
  - "Striptease" show, stripping, or other like performance;
  - Male or female modelling which includes erotic style costumes or nudity (not bona fide fashion shows);
  - Performance of lap dancing, pole dancing or table dancing either as a private performance or on a stage, platform or podium;
  - Entertainment by performers who remove clothing during a performance and/or perform in a sexually suggestive manner; and/or
  - Any other form of adult orientated performance including those not suitable for viewing by minors characterised by nudity, sexual content, violence or explicit language.
  
2. For the purposes of this Code, the term 'Adult Entertainment' shall not include:
  - Any dancing or performance for which the predominant purpose is exercise (i.e. pole dancing classes, or performances of such classes for prospective members, teachers, family or friends of those classes);
  - Any dancing which takes place in a premises within the normal course of music and dancing in a nightclub or discotheque by dancers as patrons or employees of the venue;
  - Belly dancing;
  
  - Bona fide modelling or other fashion show where underwear or partial nudity may take place; and/or

- Dramatic performances including theatre shows (such shows taking place within a Theatre setting for example will normally be exempt).

## **Part B – Obligations of Licensee/Premises**

The following are the obligations of licensees/Responsible persons for premises hosting adult entertainment:

- Entertainers must not also be servers of food or drink.
- Entertainers must not carry out any part of their performance on or behind any bar area or food or service area and must not be employed in the Premises whilst working in a role as an Entertainer. When not working as an Entertainer, individuals may maintain a role as servers or otherwise in the course of the same shift, but must first change into appropriate clothing for that role.
- Servers of food and drink must wear appropriate clothing and must not combine the act of serving with stripping or exotic style dancing.
- Neither servers nor Entertainers should wear brand-identified clothing where the size or nature of the advertising is so prominent that it would result in your establishment promoting a specific brand.
- You must not allow any Entertainer to partake in any form of adult entertainment if they are under the age of 18.
- Entertainers must wear appropriate clothing including shoes, and coverage of genitalia both before and after performances.
- All reasonable steps must be taken to confine performances to the stage or other approved areas (as set out on your licence). No performances should take place in the area designated for customers/the audience.
- Animals may not form part of a performance of adult entertainment in any way.
- You must ensure that the Adult Entertainment cannot be viewed from outside the licensed area.
- You must have surveillance and/or CCTV in any private show/VIP booths.
- The Premises should at all times ensure that any designated performance areas are covered by the use of CCTV, and where possible radio communications throughout the premises.
- Any designated areas for performance should be clearly cordoned, signed and/or marked, and any stage and boundaries shall be securely erected.

- Clear signage with house rules should be erected in all convenient places and particularly as near to any designated performance area as is possible.
- A zero tolerance policy on prostitution, solicitation, drug use and/or any other unlawful conduct should be promoted proactively throughout any event and/or Premises which has exotic dancing.

### **Part C – Conduct of Entertainers**

The following are the specific requirements in respect of the conduct of entertainers:

- Entertainers in the context of this Code are any person employed or sub- contracted by the Licence Holder (whether directly or indirectly via an agent or hirer) to provide adult entertainment at a Premises or anyone partaking in such activities in competition, or through some other form of event.
- Female Entertainers must not perform topless except in an area designated for the purpose as approved by the Licensing Court
- Entertainers must maintain one foot on the floor at all times and not place their feet on any of the customer seating.
- Entertainers may not engage in live, realistic or simulated sex acts, or any acts involving coercion or violence.
- Entertainers must not insert any object, including their own finger, into any genital opening.
- Entertainers must not urinate or defecate while performing.
- Entertainers should not perform whilst intoxicated either through drink or drugs.
- Entertainers must not be minors.
- Entertainers must not leave the Premises with customers at any time.
- At the end of a shift, Entertainers must not leave the Premises until customers have departed from the area designated for performances.
- Entertainers may only consume alcohol in moderation and shall not be allowed to consume drinks on credit or any other basis. Entertainers may not consume alcohol that has not been purchased on the premises.
- Entertainers may participate in stage, podium or pole performances as designated by the Premises staff in line with any agreed particulars of such performances having been first

filed with the Police Alcohol Unit.

- Entertainers costumes, hair and make-up should be presented professionally.
- At all times, other than during a performance, Entertainers must be fully clothed whilst in any customer or public areas of the Premises.
- Entertainers must dress fully at the end of each performance save for any photo opportunities or other promotional appearance as may be taking place before or after any such performance.

#### **Part D – Conduct of Customers**

The following are the specific requirements in respect of the conduct of entertainers:

- Customers must conduct themselves appropriately at all times.
- If partaking in a private show of any nature by an Entertainer, customers must at all times be seated in an upright position against the back of the designated area with their hands by their sides before a dancer can commence such performance, and customers must remain seated during the entire performance.
- Customers within the performance area are not permitted to dance at any time.
- Customers must remain appropriately clothed at all times and neither customer nor the Entertainer may remove any of the customer's clothing during a performance.
- If a customer attempts to touch, or speak to an Entertainer inappropriately, the Entertainer will immediately stop the performance and inform their supervisor, who must take all immediate steps to inform the licence holder and/or designated official. If the conduct determines it necessary, the customer shall be immediately removed from the Premises.
- Topless table dances may only be performed for a pre-determined rate as set by the Premises and/or the organiser of the entertainment. Tips may be paid in addition to such rates at the discretion of the customer, and the Premises if applicable.

## **Part E - Example: House Rules**

### **PREMISES NAME**

#### **CODE OF CONDUCT FOR CUSTOMERS**

- REMAIN CLOTHED AND SEATED (IN SEATING AREAS) AT ALL TIMES
- NO PROPOSITIONING
- NO SHOUTING OR SWEARING
- NO SOLICITATION
- NO DRUGS
- NO EXCESSIVE ALCOHOL
- NO UNLAWFUL CONDUCT
- NO TOUCHING THE DANCERS
- NO DANCING DURING ANY PRIVATE PERFORMANCE
- HANDS BY YOUR SIDES AT ALL TIMES DURING A PRIVATE DANCE
- ANY BREACH OF HOUSE RULES WILL RESULT IN IMMEDIATE EXCLUSION FROM THE PREMISES
- OVER 21s ONLY

#### **WE OPERATE A ZERO TOLERANCE POLICY**

## **Appendix F**

### **Guidance for the Remote Sale of Alcohol issued by the Licensing Forum**

This guidance is issued by the Licensing Forum to assist holders of a liquor licence to identify and follow good practice in relation to sales of alcohol made online, by telephone or by post (“**remote sales**”).

- **Remote sales must be in accordance with your licence**

The Liquor Licensing and Public Entertainments Act 2021 and associated Regulations require any person selling or supplying liquor to hold an appropriate licence which provides that they may make such a “sale by retail”.<sup>17</sup>

- **Remote sales must be from licenced premises**

Section 16 of the Sale of Goods Act 1983 defines a ‘point of sale’ as taking place only when the specific product being sold has been ascertained. In other words, even if the internet server or the call centre taking the order by telephone is located somewhere else, it is the place where the liquor is stored and appropriated for that specific sale where the sale is deemed to take place and which must be licensed for such sales.

- **Remote sales still require age verification**

It is a specific offence under the Liquor Licensing and Public Entertainments Act 2021 and associated Regulations to sell or deliver liquor to a person under 18; and to permit any other person to sell or deliver liquor to a person under 18. In such instance, good practice requires any licence holder or their agent or staff to ask a person to produce evidence of their age. If the customer appears to be under the age of 25 years, identification as outlined in the “Challenge 25” Guidance (see Appendix B of the Code of Practice and Guidance on Liquor Licensing), will be required.

- **Remote sales should not be made to banned persons**

The Act is also concerned about face to face or remote sales to persons banned from purchasing liquor pursuant to section 30 *Misbehaviour of persons: preventing entry into licensed premises or sale of liquor to certain person* of the Liquor Licensing and Public Entertainments Act 2021. In these circumstances, a cross-check of the names and addresses of remote purchasers must be made against the list of Court banned persons (“banned book”). Evidence of such cross-reference by way of recording the full name and address of both the purchaser and the proposed recipient (if being sent as a gift) must be completed on every sale.

Licence holders operating remote sales should emphasise that it is an offence for liquor to be sold or purchased in contravention of a banning order. Protect yourself with prudent safeguards.

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<sup>17</sup> Whilst most licences relating to an “on-licence” premise such as a public house also permit the sale of alcohol for consumption off these premises, licence holders are reminded to check their licence to confirm that they are licensed for “off-sales” as well as “on-sales” prior to making such a “sale by retail” (as defined by section 5 of the Act).

- **Protect yourself with prudent safeguards**

In addition to those stated above, licensees operating remote sales should observe the following safeguards<sup>18</sup> –

<b>Internet Sales</b>	<b>Telephone Sales</b>	<b>Mail Order Sales</b>
Ask the buyer to tick an on screen box declaring that they are of 18 years of age or over when they first enter the internet site.	Ask the buyer to declare orally that they are of 18 years of age or over when the conversation begins and make a note of this on the order form.	Ensure that the form requires the buyer to sign the order form at a place or near its end.
<b>AND</b>	<b>AND</b>	<b>AND</b>
Ask the buyer to tick an on screen box declaring that they are of 18 years of age or over immediately before the sale of any liquor is completed.	Ask the buyer to declare orally that they are of 18 years of age or over immediately before the conversation is completed and make a note of this on the order form.	Have two requests on the form (tick boxes), to declare that they are of 18 years of age or over, one at the beginning and one immediately before the buyer is required to sign.

- **Protect yourself through responsible delivery**

Delivery of remote sales can be made in a number of ways, including by the licence holder or their employee in person or by IOM Post or another responsible courier company. A special instruction must be included for every order to the effect that,

*“The package must be signed for by a person aged 18 years or older and if in any doubt proof of age requested using identification in the form of a passport, any European driving licence or the Manx 18+ card.”*

Regulations associated with the Liquor Licensing and Public Entertainments Act 2021 that relate to any delivery of liquor, in particular, recording the details of the sale and the recipient, must be adhered to.

Isle of Man statute does not apply to sales outside of the Island. However, it is expected that for delivery of liquor outside of the Island, similar written notification should be carried on the product for delivery with regard to age requirements.

- **Protect yourself with clear Terms and Conditions**

Use Terms and Conditions of sale that:

- emphasise that alcoholic products can only be purchased by persons aged 18 or over and must not be purchased in contravention of any banning order;
- reserve to the seller the right to request proof of age before supplying any order; and
- ensure that there is a positive ‘click’ on any website to accept the terms and conditions of sale.

<sup>18</sup> In all these cases outlined above, each item for delivery should carry a warning to say that the “Challenge 25” applies to all sales and that proof of age may be required at the point of delivery. Where there is doubt that the person accepting delivery is not of 18 years of age or over, the delivery must not take place.

## Liquor Licensing and Public Entertainments Act 2021

# Code of Practice and Guidance on Liquor Licensing

Issued by the Isle of Man Licensing Forum

Coming into operation alongside the Liquor Licensing and Public Entertainments Act 2021 and Regulations made under Part 4 of the Act

### Useful Contacts

#### Licensing Forum

Address: Secretary of the Licensing Forum  
c/o Department of Home Affairs  
DHA Headquarters Building  
Tromode  
Douglas  
Isle of Man, IM2 5PA

Email: [GeneralEnquiries.DHA@gov.im](mailto:GeneralEnquiries.DHA@gov.im)

Telephone number: 01624 694306

*To obtain a printed version of this Code and Guidance or a larger format copy please contact the Secretary of the Licensing Forum at the above address details.*

#### Central Alcohol Unit - Isle of Man Constabulary

Address: Central Alcohol Unit – Isle of Man Constabulary  
3rd Floor  
The Old Police Station  
Lord Street  
Douglas  
Isle of Man, IM1 2SR

Email: [PoliceAlcohol.DHA@gov.im](mailto:PoliceAlcohol.DHA@gov.im)

Telephone number: 01624 631323

#### Isle of Man Licensing Court

Address: Licensing Clerk  
Summary Courts Office  
Deemsters Walk  
Bucks Road  
Douglas  
Isle of Man, IM1 3AR

Email: [licensing@courts.im](mailto:licensing@courts.im)

Telephone number: 01624 685265