



# **Liquor Licensing and Public Entertainments Act 2021 Implementation Plan 2022**

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**Issued May 2022**

**Last updated August 2022**



## **INTRODUCTORY STATEMENT BY THE MINISTER**

The recent pandemic period has been one of global challenge and the economic cost of Coronavirus has been significant. Businesses have closed their doors, sometimes in the interests of safety and minimising community spread of Coronavirus, and for some those doors have remained closed as individual business models did not survive the pandemic period. However, the move to an endemic approach to living with COVID, enables future plans for what we hope will be an enjoyable Manx summer with the return of events such as the TT to our shores.

It seems appropriate that as we see this return to “normality”, now is also the time in which the Department of Home Affairs is bringing forward this implementation plan in connection with the much anticipated modernisation of the licensing framework for the Island.

Within this plan we have set out what we hope to achieve in the short term - with a new operational regime required to be in place by 1 November 2022. We have also set out what we hope to achieve in the slightly longer term. These changes are phased to ensure that the existing high standards across the licensed hospitality industry, built through many years of collaborative working by the Department and the committed key stakeholders who form the Licensing Forum, are not impacted, and that the new framework continues to champion those standards across all licensed sectors.

The Department had also made a commitment to open consultation and therefore this means that the change is gradual, and if necessary, adaptable, as we create a new model that works for the Island’s licensed hospitality industry and provides appropriate levels of risk management and public safety considerations.

The licensing objectives<sup>1</sup> which are set out in section 57 of the Act will form the basis for the new framework and act as cornerstones on which it can be built. Partnership working and consultation are the watchwords of the new licensing framework with an in-built commitment to consultation found within the Act at section 59<sup>2</sup>, which, in practice will take the form of public consultation via the Consultation Hub.

Changes to the licensing framework see a move towards statutory guidance and individual businesses devising site management plans and risk assessments to ensure their compliance with that framework – along with a simplification of processes that are intended to reduce administration.

Our Island is a beautiful, vibrant and safe place to live and we are fortunate to have access to a licensed hospitality sector that is committed to high standards and public safety through moderation and partnership working to achieve these common objectives.

**Hon Jane Poole-Wilson, MHK**  
Minister for Justice and Home Affairs  
11 May 2022

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<sup>1</sup> See Key Commitments at figure 4

<sup>2</sup> See Key Commitments at figure 4

### 1. Overview and Background

#### 1.1 Consultation

#### 1.2 Licensing Bill Policy Consultation –

In planning to bring forward a new Licensing Bill the Department took the step of publicly consulting first on the policy behind the Bill.

This meant that the Department was able to seek views about the policy principles which were to underpin the forthcoming licensing legislation. This kind of meaningful consultation was particularly important as any changes would potentially bring a notable impact for a wide cross section of the Island's hospitality industry, along with other organisations who host events such as charities.

The initial [public consultation took place via the Consultation Hub between the 14 December 2020 and the 18 January 2021](#) (a period of slightly longer than 4 weeks to allow for the festive period).

The Department received **95** responses, of which –

- **30** were on behalf of an organisation; and
- **65** were from individuals.

In the interests of fully and comprehensively reviewing the views which were provided, the Department produced [a detailed summary of those responses](#) and set out within that document how the content of those responses would go towards any modification of the planned draft Bill.

#### Liquor Licensing and Public Entertainments Draft Bill Consultation –

A [further public consultation on the draft Bill itself took place via the Consultation Hub between the 16 April 2021 and the 29 April 2021](#) (a period of two weeks).

The Department received **321** responses, of which –

- **12** were on behalf of an organisation; and,
- **309** were from individuals.

The Department produced [a detailed summary of those responses](#) and once again set out within that summary how the content of the responses would go towards any modification of the draft Bill prior to finalisation.

Within both consultations many significant points were raised, and following a review of these responses and work with the Drafter, significant suitable modifications were made to the final Bill which was progressed into the legislative branches.

The Department values input both where it has invited comment on consultation, and also where it receives correspondence independent of such consultation. Alongside the Bill consultation, a firm commitment was made within the Liquor Licensing and Public Entertainment Bill itself by inclusion of a dedicated clause mandating that the Department will consult on any Regulations under the Act.

### 1.3 Legislative progress

The finalised Liquor Licensing and Public Entertainments Bill received leave to be introduced into the House of Keys and first reading took place on the 11 May 2021.

Subsequently, during the passage of the Bill and following engagement with Members of Tynwald, one other key policy consideration was made, and as a result an amendment was brought within the House of Keys:

- Setting the licensing objectives into a dedicated clause in the Bill (a new clause that became clause 57) and the fact that the licensing framework under clause 12 refer to these (by amendment to clause 12).
- In addition various small adjustments were made to typographical reference or to references to licensee/responsible person etc. where these needed aligning/adjusting.

The Bill was well supported by Members of Tynwald allowing agreement for compression of the usual timelines for progress of legislation. Full detail of the Bill's passage can be found [here](#).

### 1.4 Royal Assent

The Act received Royal Assent on the 14<sup>th</sup> December 2021.

## THE ACT

## 2. The Act

### 2.1 Basis of the Act

The Liquor Licensing and Public Entertainment Act 2021 consists primarily of enabling legislation. That is to say, it gives powers to the Department of Home Affairs to bring forward Regulations that set out how the different parts of the licensing framework will work, and will be agile and responsive to changing requirements that arise over time.

The Act consolidates and updates the existing legislation relating to alcohol licensing and music and dancing<sup>3</sup>, with the aim of bringing about a standards driven, safety orientated, less bureaucratic and more flexible licensing framework. The existing framework has provided for high standards across the licensed hospitality industry and that industry itself, through partnership with the Department<sup>4</sup>, continues to champion those standards across all sectors.

The Act comprises of provisions retained from the Licensing Act 1995 and in many instances updated and/or modernised, parts of the Act draw from provisions found within England and Wales, Scotland and South Australia.

The Regulations and Orders that will be made to implement a new Licensing framework are to be subject to consultation, under section 59 *Consultation*, before exercising any power to make Regulations or an Order under the Act, the Department must consult:

- the Licensing Forum;
- the Deemsters and the High Bailiff;

<sup>3</sup> The Licensing Act 1995 and the Music and Dancing Acts 1961 and 1971 all of which can be found on the [Isle of Man Government on-line Legislation site](#).

<sup>4</sup> The Licensing Forum <https://www.gov.im/categories/home-and-neighbourhood/licensing-forum/>

- the licensing authority (if established);
  - any person to whom the Regulations or order relate, or person appearing to the Department to represent such person; and
  - any other person that the Department considers appropriate.
- prior to and Regulations or Orders being brought to Tynwald for approval.

## 2.2 Content of the Act

The Act comprises of a total of 66 sections spread across 11 distinct Parts. Schedule 1 sets out repeals and Schedule 2 amendments and these Schedules supplement section 64 *Transitional provisions, amendments and repeals* found within the Act.

Briefly the layout of the Act is as follows:

**Part 1** – Introductory

**Part 2** – Licensing Court and Licensing Court of Appeal

**Part 3** – Licensing Authority

**Part 4** - Licensing

**Part 5** – Restricted Areas

**Part 6** – Conduct on Licensed Premises

**Part 7** – Appeals

**Part 8** – Other Offences

**Part 9** – Enforcement

**Part 10** – General

**Part 11** – Repeals, Amendments, and Transitional Arrangements

**Schedule 1** - Repeals

**Schedule 2** - Amendment of Enactments

## KEY STAKEHOLDERS

### 3. Key Stakeholders

Identified alphabetically the Key Stakeholders are:

- Charities and Organisations who host Events;
- Department for Enterprise;
- General Registry and Courts;
- Isle of Man Constabulary;
- Licensees and licensed premises; and

## KEY COMMITMENTS

### 4. Key Commitments

## An objectives driven licensing framework

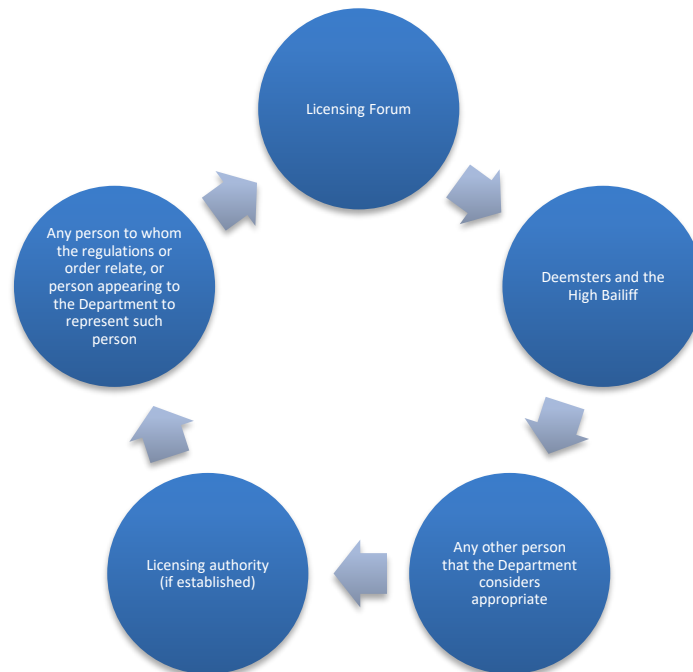
We aim to build on the existing strong governance framework by putting in place a modernised structure formed of secondary legislation (Regulations and Orders) along with statutory guidance.

The Licensing Objectives are the cornerstones of the new framework and compliance with these objectives will be fundamental.



## An open dialogue with stakeholders

We commit to engagement with all key stakeholders. Indeed consultation is a notable part of the planned implementation of the Act, so much so that section 59 *Consultation* was purposefully included and requires the Department to consult with:



## KEY AREAS FOR IMPLEMENTATION

### 5. Key areas for Implementation

#### 5.1 Statutory Guidance / Secondary Legislation

Detailed planning around the various items of Statutory Guidance and Secondary Legislation that may be required can be found within Appendix 1.

#### 5.2 Wider Guidance/Resources/Training/Services/Systems

Detailed planning setting out the other matters that need to be address as part of the overall Liquor Licensing and Public Entertainment Framework can be found within Appendix 2.

#### 5.3 Related Topics

The implementation of the Liquor Licensing and Public Entertainment Act 2021 is the focus of this plan, and the legislation, guidance and other key deliverables needed to support this are set out within the Appendices to this plan. However it is noted that there are other topics which relate to the wider Licensing framework and these are captured at Appendix 3.

## RISKS & CHALLENGES

### 6. Risks / Challenges

#### 6.1 Some of the key risks and challenges that will need to be faced are set out in Appendix 2 alongside the key deliverables.

The most significant challenge in connection with implementation of the Act is the built-in deadline found within section 12 *Regulations: licences* which places a requirement on the Department to make regulations under Part 4 *Licences* before **01 November 2022**.

These Regulations are required to provide for the granting of licences by the Licensing Court, or the licensing authority:

- for the brewing, distillation, storage, transportation, sale or supply of liquor; and
- for public entertainments.

It is also noted that the Department has a number of concurrent legislation implementation projects presently ongoing and that ensuring joined-up changes on such a broad scale is a challenge in itself; there are many “moving parts” within the process, multiple organisations and key stakeholders who will be impacted and need to be ready to operate under all pieces of new legislation.

An overview of the stakeholders involved within the delivery of each piece of legislation can be found on the following page, as an illustration of this.

# Stakeholder

## Domestic Abuse

Third Sector  
Department of Education, Sport and Culture  
Department for Enterprise – Land Registry

## Sexual Offences and Obscene Publications

Department for Enterprise  
Department of Education, Sport and Culture

## Liquor Licensing and Public Entertainments

Licensing Forum  
Department for Enterprise  
Office of Fair Trading  
Gambling Supervision Commission

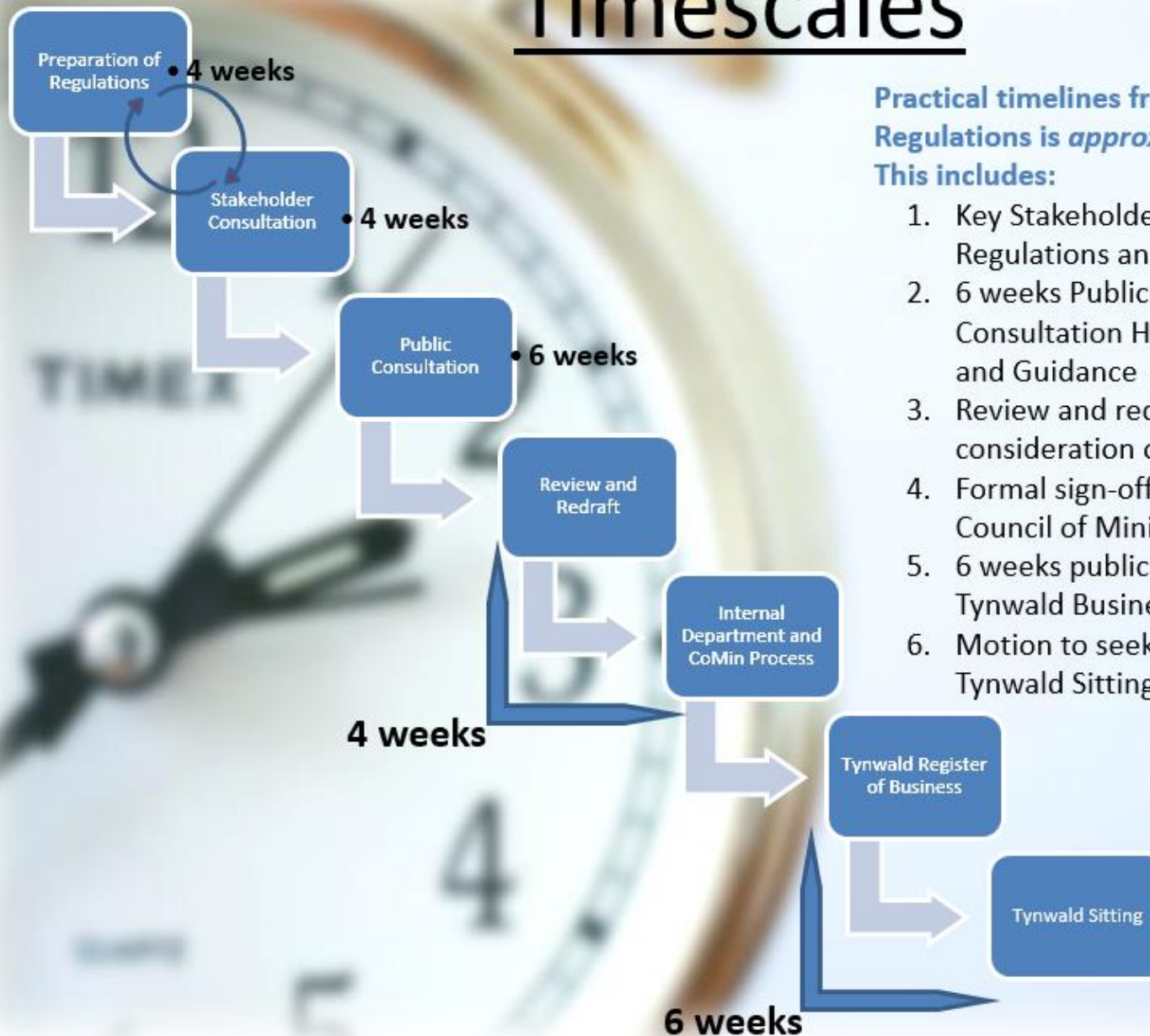
## Justice Reform

Criminal Justice Board

Isle of Man Constabulary  
Attorney Generals Chambers - Drafters & Prosecutions Division  
General Registry  
Judiciary  
Cabinet Office - Public Health  
Prison and Probation  
Isle of Man Law Society  
Treasury and Legal Aid  
Manx Care  
Department of Health and Social Care



# Timescales



Practical timelines from in-draft, to finalised Regulations is *approximately 5 months*.

This includes:

1. Key Stakeholder Consultation on draft Regulations and Guidance
2. 6 weeks Public Consultation via Consultation Hub on draft Regulations and Guidance
3. Review and redrafting time in consideration of consultation feedback
4. Formal sign-off by Department and Council of Ministers leave to progress
5. 6 weeks public entry on the Register of Tynwald Business
6. Motion to seek Approval/Lay before Tynwald Sitting

Please note any amendments made are highlighted in red, any deletions have been struck through, and commentary is included to provide reasoning for any changes.

■ Complete
 ■ On track
 ■ Risk to delivery
 ■ Not on track

**Key:**  
**Q1:** Jan-March      **Q3:** July – Sept  
**Q2:** Apr – June      **Q4:** Oct - Dec

Part	Indicator	Appendix 1 - Key Deliverables: Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress Commentary
Part 1	✓	<b>Sections 1 &amp; 2 (<i>Short Title and Commencement</i>) and Section 3 (<i>Interpretation</i>):</b> The Act is to be brought into force by Appointed Day Order (ADO) made under Section 2. Tynwald procedure - Laid before.	Q1 2022	Q4 2022		Sections 62 (Restrictive Agreements), 65 and 66 (Triennials extension Licensing & Music and Dancing respectively) came into immediate effect on 14 December 2021 when the Act received Royal Assent.  <b>August 2022:</b> On Track. As the functional framework is being created by secondary law (Regulations) this Appointed Day Order is contingent on the successful approval of Regulations at October Tynwald. If approved an Appointed Day Order will be made to enact all Parts of the Act from 01 November 2022 (with the exception of section 18).
		<b>Sections 4 (<i>Meaning of "entertainment" and "public entertainment"</i>), 5 (<i>Meaning of "sale by retail"</i>) and 6 (<i>Meaning of "resident on licensed premises"</i>):</b> Definitions given in Part 1 may be amended by Order brought by the Department of Home Affairs. Tynwald procedure - Approval required.	N/A	N/A		If during consultation on the Regulations supporting the Act such an amendment is identified then an Order may be drafted alongside those Regulations, no changes are planned immediately to these sections.  <b>August 2022:</b> Order not required for implementation.
Part 2	✓	<b>Section 7 (<i>The Licensing Court</i>):</b> <b>Section 8 (<i>The Licensing Court of Appeal</i>):</b> <b>Section 9 (<i>Courts: supplemental</i>):</b> <b>Section 10 (<i>Rules of Court</i>):</b> Rules of court may be made by the Deemsters to regulate the practice and procedures of the Licensing Court or the Appeal Court and to provide for any other matter necessary or expedient for the effective and efficient operation of those courts.	Q1 2022	Q4 2022		This Part is included for information purposes and with the exception of Rules of Court which will be made under section 10, no secondary legislation is provided for here.  Rules of Court, if required, will be made concurrent with the enactment of the new licensing framework by the 01 November 2022.

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**Key:**  
**Q1:** Jan-March      **Q3:** July – Sept  
**Q2:** Apr – June      **Q4:** Oct - Dec

Part	Indicator	Appendix 1 - Key Deliverables: Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress Commentary
Part 3	✗	<b>Section 11 (<i>Establishment of a Licensing Authority</i>):</b> The role of the licensing authority and its constitution and functions may be set out by the Department of Home Affairs in Regulations. Tynwald procedure - Approval required.	TBC	TBC		The Licensing Authority is not planned to be established with immediate effect - See Appendix 3 for further information.
Part 4	✓	<b>Section 12 (<i>Regulations: Licenses</i>):</b> Provides for the Department of Home Affairs to make Regulations, before 01 November 2022, for the granting of licenses by the Licensing Court or licensing authority for the brewing, distillation, storage, transportation, sale or supply of liquor and for public entertainments. <b>Section 13 (<i>Regulations: Types of License</i>)</b> <b>Section 14 (<i>Regulations: Application for License</i>)</b> <b>Section 15 (<i>Regulations: Determination of application for license</i>)</b> <b>Section 16 (<i>Regulations: Suspension, revocation or surrender of licenses</i>)</b> <b>Section 17 (<i>Regulations: Renewal of Licenses</i>)</b> <b>Section 18 (<i>Licenses register</i>)</b> <b>Section 19 (<i>Employment of staff on licensed premises</i>)</b> <b>Section 20 (<i>Notification requirements</i>)</b> Sections 13 – 20 set out the various additional matters that must be covered within regulations and will be covered in more detail. Tynwald procedure - Approval required.	Q1 2022	Q4 2022 <sup>5</sup>		Regulations will be drafted provide for a cohesive licensing framework that will set out the end to end process for applications, licensing and categories of licences and all other associated matters relating to alcohol licenses, Public Entertainment licences, registered staff etc.  <b>August 2022:</b> On Track. <a href="#">Draft regulations issued for consultation in July 2022.</a>  In connection with Section 18 Licenses register, at present, it is not planned that an electronic licences register will be present at the commencement of the new licensing framework.

<sup>5</sup> In accordance with section 12 – the Department of Home Affairs must provide in Regulations made before 01 November 2022, for the granting of licenses by the Licensing Court or licensing authority for the brewing, distillation, storage, transportation, sale or supply of liquor and for public entertainments.

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**Key:**  
**Q1:** Jan-March      **Q3:** July – Sept  
**Q2:** Apr – June      **Q4:** Oct - Dec

Part	Indicator	Appendix 1 - Key Deliverables: Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress Commentary
Part 5	✗	<b>Section 21 (<i>Restricted areas</i>):</b> Provides that the Department may by Order designate an area as a restricted licensing area for the purpose of one or more licensing objectives. Tynwald procedure - Negative resolution.	N/A	N/A		These Orders would be brought only if required so this section might be enacted as it stands.
Part 6	✓	<b>Section 22 (<i>Notification of Opening hours</i>):</b> The Department of Home Affairs may make Regulations requiring the licensee (or a person who must give notification under Section 20) to give notice to IOMC of the hours which they intend to: <ul style="list-style-type: none"> <li>- Sell or supply alcohol.</li> <li>- Undertaken a public entertainment or other activity that requires license or notification.</li> </ul> Tynwald procedure - Approval required.	Q1 2022	Q4 2022		Regulations in relation to this section will likely be incorporated into the primary sets of regulations brought in connection with Part 4 of the Act.  <b>August 2022:</b> On Track. Included in draft Regulations issued for consultation.
		<b>Section 23 (<i>Control of Consumption of Liquor by Minors</i>):</b> The Department of Home Affairs must make Regulations to prevent and control sale of liquor to a minor (or on their behalf), require proof of age to be given and to permit the seizure of liquor possessed by a minor. The Department of Home Affairs can also within Regulations specify the document or class of document (or prescribe a form of document and procedure for issuance) as proof of ID. Tynwald procedure - Approval required.	Q1 2022	Q4 2022		Regulations in relation to this section will likely be incorporated into the primary sets of Regulations brought in connection with Part 4 of the Act.  <b>August 2022:</b> On Track. Included in draft Regulations issued for consultation.
		<b>Section 24 (<i>Licensee or Responsible Person to be on licensed premises at all times</i>):</b> The Department of Home Affairs must make Regulations that specify who might act as a responsible person for licensed premises, being the person who is on the premises at all times that they are open to the public, and any criteria or exemptions related to this (these regulations connect to designation of employees under section 19 into the Licensed staff register). Tynwald procedure - Approval required.	Q1 2022	Q4 2022		Regulations in relation to this section will likely be incorporated into the primary sets of Regulations brought in connection with Part 4 of the Act.  <b>August 2022:</b> On Track. Included in draft Regulations issued for consultation.

Part	Indicator	Appendix 1 - Key Deliverables: Statutory Guidance / Secondary Legislation	Target Start	Target Finish	Status	Progress Commentary
Part 6	✓	<b>Section 26 (Price controls):</b> The Department of Home Affairs may make regulations in connection with Minimum Pricing, single pricing and labelling (in respect of pricing). Tynwald procedure - Approval required.	TBC	TBC		Minimum pricing is not planned to be regulated on introduction of this Part – see Appendix 3 for further details.
		<b>Section 28 (Alternations to licensed premises):</b> NB - alteration may not be made to licensed premises specified in regulations without permission of the Licensing Court (or licensing authority).	N/A	N/A		No secondary legislation is required under this section – it is being noted for information purposes.
		<b>Section 29 (Display of notices at licensed premises):</b> The Department of Home Affairs may make regulations in connection with display of notices containing the particulars of the license, venue or license conditions, and charges for liquor by measure. Tynwald procedure - Approval required.	Q1 2022	Q4 2022		Regulations in relation to this section will likely be incorporated into the primary sets of Regulations brought in connection with Part 4 of the Act.  <b>August 2022:</b> On Track. Included in draft Regulations issued for consultation.
		<b>Section 30 (Misbehaviour of persons: preventing entry into licensed premises or sale of liquor to certain persons):</b> Department of Home Affairs may make Regulations in connection with entry by a banned person into licensed areas (for onward travel or in relation to purchase of fuel/food – not alcohol).	TBC	TBC		Regulations in connection with this section will form part of the second tier of legislation brought under this Act. Timescales will be added in due course.
		<b>Section 35 (Gaming on licensed premises):</b> Department of Home Affairs may make an Order to vary the stake or games specified under 35(2)(f). Tynwald procedure – Approval required.	N/A	N/A		No change to the stake set out in the Act in respect of each game, e.g. for playing of dominoes, or cribbage or other card games on licensed premises is planned at this time <sup>6</sup> .

<sup>6</sup> Section 35(1)(f) states that (with reference to) the playing of dominoes, or cribbage or other card games on licensed premises, if the stake or the aggregate of stakes put up by each player does not exceed £1 in respect of each game (subsection 35(1) is not contravened).



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■ Complete

■ On track

■ Risk to delivery

■ Not on track

**Appendix 2 – Key Deliverables**  
**Wider Guidance/Resources/Training/Services/Systems**  
**Version History** Version 2: Plan update August 2022

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress Commentary
<p><a href="#">Scope of the new Framework</a></p> <p>In order to provide for a new Licensing framework prior to 1 November 2022, the potential areas in connection with which Regulations and Orders might be brought have been carefully reviewed and initially a functional regime is being proposed.</p> <p>Presently this means that it is planned that the framework will be similar to that which currently exists with licences being granted by the Licensing Court. There are proposed changes to the types of licence themselves which exist and also in connection with those are the Responsible People within licensed premises.</p> <p>Despite the core framework remaining largely unchanged, in order to provide in Regulations for all aspects of that framework the Department will bring forward a number of sets of Regulations which are set out in Appendix 1. These will be subject to consultation via the Consultation Hub and concurrently with all named consultees detailed within.</p>	<p>As noted above the most significant challenge in connection with implementation of the Act is the built-in deadline found within section 12 <i>Regulations: licences</i> which places a requirement on the Department to make regulations under Part 4 <i>Licences</i> prior to <b>01 November 2022</b>.</p> <p>Another notable challenge is the intention to make change in a manner that is not “jarring” with the existing licensing framework. In response to the consultation in 2021<sup>7</sup> many of those who made comments indicated their support for the present structure where licenses are approved by the Licensing Court so the Department committed that any significant changes to this process would be subject to careful consultation <i>[see note on Licensing Authority below]</i>.</p>	Q4 2022		<p><b>August 2022:</b> On Track. Draft Regulations issued for consultation on 27 July 2022.</p> <p>These can be viewed online as part of the Consultation on Secondary Legislation and Codes of Practice under the Liquor Licensing and Public Entertainments Act 2021 <a href="#">here</a>.</p>

<sup>7</sup> See Figure 1.2

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■ Complete

■ On track

■ Risk to delivery

■ Not on track

**Appendix 2 – Key Deliverables**  
**Wider Guidance/Resources/Training/Services/Systems**  
**Version History** Version 2: Plan update August 2022

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress Commentary
<p><b>Statutory Guidance</b></p> <p>The long established guidance - <a href="#">the Licensing Code and Guidance Manual</a> - currently issued by the Licensing Forum will be updated and fresh templates issued alongside. This will ensure that all aspects of premises site management and risk assessment are considered while assisting individual premises in complying with Regulations and guidance.</p> <p>Separate guidance will be issued relating to Public Entertainment and as part of the separate package of Regulations and Guidance in connection with this part of the framework <i>[see Public Entertainment below]</i>.</p> <p>For Public Entertainment guidance needs to clearly indicate those events which are; licensable, subject to notification requirements, or exempt from such requirements. For appropriate risk assessment to be made of any event by those authorities who ensure public safety such as the Isle of Man Constabulary and Isle of Man Fire and Rescue Service, this may require events to be notifiable despite not requiring to formally be licensed. This ensures that appropriate public safety advice can be given to event organisers.</p>	<p>Devising guidance that is clear and concise and accessible to all parties is critical and already considerable work has been undertaken alongside the Licensing Forum to produce these updated and refreshed documents.</p> <p>In connection with alcohol licensing there is a unique challenge to provide one Code document which is detailed enough to be helpful but not too lengthy or complicated to comply with, and that contains templates for site management plans/risk assessments that are suitable for use by both on-licences and off-licences. There are parallel needs to be met within these two parts of the industry and care is being taken in production of user friendly materials that add value and enhance safety and compliance rather than complicates their running.</p>	Q4 2022		<p><b>August 2022:</b> On Track. Draft Guidance issued for consultation on 27 July 2022.</p> <p>This can be viewed online as part of the Consultation on Secondary Legislation and Codes of Practice under the Liquor Licensing and Public Entertainments Act 2021 <a href="#">here</a>.</p>

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■ Complete

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■ Risk to delivery

■ Not on track

**Appendix 2 – Key Deliverables**  
**Wider Guidance/Resources/Training/Services/Systems**  
**Version History** Version 2: Plan update August 2022

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress Commentary
Clear guidance will be vital to the success of the new framework and will need to be accessible to all parts of the licensed hospitality industry and to all of those organisations and businesses who wish to host entertainment events.				
<p><b>Digitisation/Modernisation of processes</b></p> <p>A number of aspects of the existing licencing framework are being considered with a view to how these might best be modernised under the new Regulations.</p> <p>These include:</p> <ul style="list-style-type: none"> <li>Advertising – following a similar process to that existing for the current planning regime where applicants receive a laminated notice to physically display on at the proposed premises for which any application is being made. A list of applications may also be hosted electronically, with paper copies available for inspection on request.</li> <li>Licensees Register – electronic hosting of the register of Licensees and Responsible Persons connected with individual licensed premises.</li> </ul>	<p>Modernisation of processes does require technical capability to be in place and also that appropriate administrative resources can be funnelled into such processes.</p> <p>While all possible changes will be made to improve and simplify the applications process associated with both licences, and those for the responsible persons within licenced premises, these changes may not all come into being prior to the new licensing framework being established in November 2022.</p>	Q4 2022		<p>August 2022: Risk to Delivery.</p> <p>Consultation includes questions regarding the potential digitalisation of Advertising and Registers. Further work may be required to modernise processes which is likely to extend past the end of 2022.</p>



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■ Complete

■ On track

■ Risk to delivery


■ Not on track


**Appendix 2 – Key Deliverables**  
**Wider Guidance/Resources/Training/Services/Systems**  
**Version History** Version 2: Plan update August 2022


Key Deliverables	Risks/Challenges	Time Frames	Status	Progress Commentary
<ul style="list-style-type: none"> <li>Licensed Staff Register – electronic hosting of the register of Responsible Persons and Door Security Staff and, in relation to Responsible Persons, simplification of that application process.</li> </ul>				
<p><b>Issuance of Licences/Licence Fees</b></p> <p>The exact process for the re-issuance of licences following the falling away of the Triennial session of the Licensing Court will need to be mapped out in detail in order that applicants have the time they need to complete and submit any relevant paperwork associated with their existing licence, and that these submissions can be processed.</p> <p>Ideally, this will be a predominantly administrative process where licences which are up to date and do not require any change/variation, when accompanied by an up to date Site Management Plan, site plan and any other supporting information, are simply re-issued.</p> <p>This proposed change will see most licence types remain permanently valid provided that an annual licence fee is paid and that the individual licence does not require variation or endorsement.</p>	Ensuring a clear process is in place and communicated to licence holders ahead of 01 November 2022.	Q1 2023		August 2022: On track. Proposed approval and transitional processes can be viewed online as part of the Consultation on Secondary Legislation and Codes of Practice under the Liquor Licensing and Public Entertainments Act 2021 <a href="#">here</a> .

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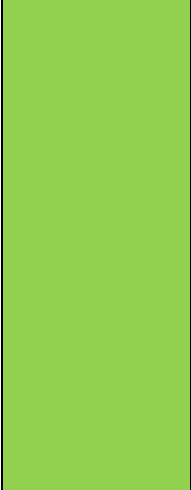
 Complete

 On track

 Risk to delivery

 Not on track

**Appendix 2 – Key Deliverables**  
**Wider Guidance/Resources/Training/Services/Systems**  
**Version History** Version 2: Plan update August 2022

Key Deliverables	Risks/Challenges	Time Frames	Status	Progress Commentary
<p>The removal of the Triennials process will see an administrative burden taken away from licensees and the implementation of site management plans / risk assessment formed under the Licensing Code will ensure that safe practices and high standards remain key to good running of premises.</p> <p>Concurrent with these changes engagement with Treasury and General Registry to review the existing fees structure for alcohol licences and <a href="#">music and dancing</a> licences will take place.</p>				

### Appendix 3 – Related Topics

Version History		
Version 2: Plan update August 2022		
Overview	Ongoing work	Progress Commentary
<p><a href="#">Licensing Forum</a></p> <p>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 of the Forum was 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.</p> <p>The Forum has proved highly successful and has brought Government, the industry and the Police together to address alcohol related problems forging a lasting and valuable relationship.</p>	<p>The Licensing Forum has expanded its membership in recent months to take account of the input of the Department for Enterprise, the General Registry and also other sectors of the licensed hospitality industry such as the Isle of Man Distillers Association and the Public Events sector.</p> <p>The Forum continues to be a keystone of the dialogue between Government and the licensed hospitality industry and with the extension of the remit of the Forum in connection with public entertainment, additional expertise will be added over the coming months.</p>	<p>Licensing Forum to continue as operating currently.</p>
<p><a href="#">Public Entertainment / Event Safety Advisory Group</a></p> <p>The <a href="#">Isle of Man Event Safety Advisory Group (ESAG)</a> is made up of representatives of the key responding, regulatory and advisory groups involved in event safety issues. Those responder organisations regularly participating at the group include:</p> <ul style="list-style-type: none"> <li>• Isle of Man Constabulary</li> <li>• Isle of Man Fire and Rescue Service</li> <li>• Isle of Man Ambulance Service</li> <li>• Isle of Man Coastguard</li> <li>• Isle of Man Civil Defence Corps</li> <li>• Other organisations for the purpose of providing advice and consultation</li> </ul>	<p>In connection with public entertainment, the work already done by the ESAG in offering advice to event organisers and raising awareness of the steps that these organisers need to take when planning for their event has proved useful in enhancing the safety and good operation of events.</p> <p>By proposing that events which do not require licensing are notified to ESAG, event organisers are able to receive guidance direct from responder organisations and utilise this “one-stop” notification portal in order that they might have confidence in the safe and proper running of their event. Any potential issues with events can be identified and overcome and individual</p>	<p><b>August 2022 update:</b></p> <p>The Guidance for Charitable and Philanthropic Events exempted from the requirements of the Liquor Licensing and Public Entertainments Act 2021 can be found online, as part of the consultation, <a href="#">here</a>.</p> <p>This proposed statutory guidance is being consulted upon with the intention that Regulation 13 Public entertainment licence and public entertainment event licence of the Regulations be supplemented by additional “user friendly” information around Events that could be</p>

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<p>The Group works on behalf of the Isle of Man Government. It is important to note that ESAG is not a statutory body, and therefore operates on an advisory basis and cannot regulate events.</p> <p>ESAG's main objectives are to provide a 'one-stop' notification process for event organisers to ensure that regulators and emergency responders are notified of your event; and to provide guidance to event organisers.</p>	<p>organisers can, if required, attend ESAG to discuss these with the Group.</p> <p>The ESAG website has recently been updated and a new Event Safety Notification form can be accessed <a href="#">here</a>.</p>	<p>considered to be either Charitable or Philanthropic.</p>
<p><b>Public Entertainment / Other entertainments</b></p> <p>Various communal policy areas will require additional engagement to establish firm policy agreement allowing that potentially their operation might move within the Liquor Licensing and Public Entertainments Act 2021 framework in due course.</p> <p>These would include:</p> <ul style="list-style-type: none"> <li>• Cinematograph Act 1977 relating to the regulating cinematograph exhibitions</li> <li>• Local Government (Miscellaneous Provisions) Act 1976 section 6 and Schedule 2 relating to pleasure fairs and roller skating rinks</li> </ul>	<p>Once the new licensing framework is established for public entertainments and that has suitably "bedded in" – it will be possible to begin wider cross-governmental engagement on potential changes or improvements to other areas that dovetail with that framework.</p>	<p><b>August 2022 update:</b></p> <p>Part 2 of the draft Regulations included as part of the consultation sets out the Public Entertainments which are proposed to be licensable activities at inception of the new licensing framework, namely:</p> <ul style="list-style-type: none"> <li>• any music including singing; and</li> <li>• any dancing.</li> </ul> <p>Other key matters highlighted within the consultation include:</p> <ul style="list-style-type: none"> <li>• Plays and if there is a public view that these need to be licensed;</li> <li>• Licensing of events that are not public but might otherwise be subject to enforcement under the Noise Act 2006;</li> <li>• Circuses/Funfairs/Skating rinks – there is scope to regulate</li> </ul>

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		<p>these matters under the Local Government (Miscellaneous Provisions) Act 1976;</p> <ul style="list-style-type: none"> <li>• Cinemas/File Exhibitions – Film exhibitions may be licensed under the Act however the Cinematograph Act 1977 would require to be displaced if this was to happen in the future; and</li> </ul> <p>Other types of entertainment, for example adult entertainment, which will be considered for future Regulations. Presently the Licensing Forum issues codified guidance regarding this.</p>
<p><a href="#">Minimum Pricing</a></p> <p>The idea of introducing minimum prices for alcohol is something which has been discussed over a lengthy period, and indeed has been introduced in other jurisdictions as a strategy to combat problem drinking.</p> <p>Further background information is set out within the <a href="#">Substance Misuse Strategy</a>. A <a href="#">joint strategic needs assessment was commissioned in 2017</a>, and <a href="#">refreshed in 2020</a> and provides additional background information about the way in which alcohol effects lives on the Island.</p>	<p>Establishing the modernised licensing framework with the imminent timeline of 01 November 2022 requires significant resource and is the current priority.</p>	<p>Policy work continues in this area and an update on legislative requirements for minimum pricing will set out when this is known.</p>

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<p>Section 26 of the Act provides a basis on which a minimum pricing might be introduced however this would follow careful and detailed consultation.</p>		
<p><b>Pubwatch</b></p> <p>Pubwatch is a valuable crime prevention and public safety scheme run by the licensing trade and supported by the Isle of Man Constabulary. The key aims of the scheme are to achieve a safe, secure and responsibly led social drinking environment in all licensed premises throughout the Isle of Man, helping to reduce alcohol-related crime.</p> <p>In recent years Pubwatch has encountered some issues relating to the way that data they hold is used and shared and in light of these the Act provides a basis, under section 63 of the Act, for Regulations to be made setting out exactly how this must happen in order to ensure compliance with relevant data protection requirements (GDPR).</p> <p>Regulations will be prepared in engagement with the Isle of Man Constabulary and Pubwatch and the Department of Home Affairs will ensure that suitable compliance with the relevant data protection requirements and legal basis for that information use is contained within these Regulations.</p>	<p>Establishing the modernised licensing framework with the imminent timeline of 01 November 2022 requires significant resource. Therefore, the Department has agreed with the Forum and the Police that the Regulations required to support the Pubwatch scheme will be paused until after the framework is in place.</p>	<p>New licensing framework to come into operation first.</p>
<p><b>Licensing Authority</b></p> <p>The Licensing Authority versus Licensing Court model continues to be a key engagement point and the Act was</p>	<p>In practice establishing the modernised licensing framework with the imminent timeline of <b>01 November 2022</b> requires the Department to</p>	<p>See Ongoing work.</p>

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<p>carefully drafted to allow for either the Licensing Court structure to be maintained, or, for a hybrid model to emerge whereby on certain matters the Licensing Authority are given transferred responsibility for decision making as a “first point of contact”.</p> <p>Given the strong views on the institution of a Licensing Authority from the initial policy consultation the Department understands the need to tread carefully in establishing such an Authority; to ensure that it would be both credible and wholly impartial in its deliberations. This is clearly a matter that will take time to bring about properly in a manner that is satisfactory to all concerned.</p> <p>Any changes will be gradual and with the full engagement of key stakeholders and (again as is committed to in the Act<sup>8</sup>) with full consultation.</p>	<p>bring forward Regulations based largely on the existing approvals framework.</p> <p>Following this the Department will examine the scope and remit of a Licensing Authority and ensure detailed public consultation via the Consultation Hub, and engagement by the Department with key stakeholders whose involvement would be desirable within the Authority.</p> <p>In future as suitable provisions allow for this under Part 2 of the Act it may be possible for the Licensing Court and Licensing Court of Appeal to continue side by side with a new Licensing Authority allowing a hybrid model to be introduced, should that prove to be the most desirable approach following further consultation.</p>	
<p><b>Training and Education</b></p> <p>The existing training structure where the training for licensees, responsible persons and door security staff for licensed premises must be in compliance with the licensing framework has come into being following years of co-operative working between the licensed hospitality industry and the Department.</p> <p>The Licensing Forum has made input into many areas of policy behind the licensing framework and a standardised</p>	<p>Currently additional training has been provided for Door Security to address the anticipated demand over the TT period.</p> <p>Progress towards training via an online platform allowing that, where appropriate, elements of training can be delivered in a more accessible manner, has been ongoing for some time. It is anticipated that this will be in place in time for an appropriate refresher training to be made available to all existing licensees, designated</p>	<p><b>August 2022 update:</b></p> <p>With the removal of the Triennials process, Responsible Persons will need to demonstrate upkeep of relevant training. This training will need to be refreshed every 3 years.</p> <p>The training modules ready for commencement of the new functional licensing regime on 01 November 2022</p>

<sup>8</sup> See Figure 4

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<p>approach to training which sees the workforce trained to a universally high standard is one such area.</p>	<p>officials and responsible persons concurrent with the commencement of the new framework.</p> <p>The new blended learning curriculum would allow a training pathway for people entering the industry at any level to progress and gain qualifications and experience towards career progression. Such pathway being subject to both approval and support by industry members of the Licencing Forum.</p>	<p>will be those for: On-Licence, Off-Licence and Door Security Staff. It is intended that all first-time Responsible Person or Door Security Staff applicants will undergo the revised training prior to making any such applications.</p> <p>For existing Designated Officials and existing Door Security Staff, on the expiry of their existing “old-style” training, it is proposed that these individuals will also undergo the new training modules. This will result, in time, with all Responsible Persons and Door Security Staff having the same accredited training, allowing for overall consistency.</p> <p>Refresher training is intended to be simple, straightforward and under the new regime, an online process to ensure minimal business disruption. Refresher courses will remain split between those for an On-Licence and Off-Licence, and Door Security Staff. Should any individual wish to transfer between premises of a different setting (i.e. On Licence to Off-Licence or vice versa), they will be required to complete the full training modules first.</p>





# Isle of Man Government

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