

The Licensing Court Forms Guidance Note

These guidance notes are intended to assist applicants in their completion of an application to the Licensing Court in the Isle of Man. They are not a statement of the law and procedure, and advice should be sought in each particular instance.

All forms should be completed in **typed print, or block capitals**, and signed by the Applicant. If it is a company, a duly authorised officer of the company (director, secretary or relevant office i.e. bar manager) should sign the form, and ensure that their name is clearly printed below in the space provided.

Which Form Should I use?

The Form you need to submit depends on the type of application. The forms are as follows:

- **LLP/10/ON** – For use in any Application for, or transfer or renewal of an 'on' licence, that is to say a licence permitting liquor to be consumed on the applicants premises (usually public houses, restaurants and hotels)
- **LLP/10/OFF** – For use in any Application for, or transfer or renewal of an 'off' licence, that is to say a licence permitting liquor to be consumed off the applicants premises (usually shops, supermarkets, or other retail outlets)
- **LLP/10/CLUB** – For use in any Application for, transfer or renewal of a Club Registration Order

Note: If the Applicant is a company, you must also complete and submit the Form LLP/10A form, which will need to contain the details of the company. If the company are submitting a number of applications (i.e. for multiple sites), only one LLP/10A form needs to be submitted, but the application should make clear that the LLP/10A form relates to each of those applications.

Other forms can be found on the Court website for other types of applications i.e. music and dancing, occasional licences, cinematograph, approval of a designated official

What type of application am I making?

Each of the forms requires that in the first section you must place a **X or a tick** depending on what the application is for i.e.

- Grant of a new licence
- Transfer of an existing licence (i.e. transfer of the licence for that premises to a new licence holder – note: you cannot transfer any licence from a premises to a new premises for the same licensee, for this you would need to make application for a grant of a new licence)
- Renewal of an existing licence (i.e. at the expiry of the triennial session).

In addition the On-Licence Application (LLP/10/ON) requires that you select the type of licence you are applying for, i.e. a full on-licence, one with residential or restaurant conditions, or passenger vessel. You should take advice on what conditions you should apply for depending on the circumstances of your application. For example, independent hotels or B&Bs may generally apply for a residential condition, meaning that only residents of that hotel or B&B can purchase alcohol. Restaurants or bistros, or even cafes may wish to have 'restaurant' conditions meaning table service of alcohol, purchase of a substantial meal with alcohol, and other such conditions.

Completing the Forms

LLP/10/ON

Section A – Contact, Address and Premises

Ensure that this section is filled out completely. Remember:-

- The premises address is the premises you are applying for a licence for, which may differ from the Applicant's address. Please include the postcode.
- The rateable value is required so that the Court can calculate the applicable duty payable, please state this on the application form. If you are unsure of the rateable value of your premises, you should obtain this information from rates@gov.im or calling the Treasury (Rates Division)
- Telephone number should be a number which is manned and that the Court and/or police can contact you on. Do not give a number for an empty premises, or that you do not have access to. The same applies to e-mail addresses, which should be checked regularly if you have provided this as a contact detail
- If you are applying as a company, the applicant is the company name, not the name of the designated official.

Section B – Music

If you wish to have any kind of music or dancing on your premises, this must be included on your form. Think carefully about what type of music and dancing you will ordinarily undertake i.e. background music, but also what you may allow for example in relation to special events (i.e. live bands) or temporary periods (i.e. adult entertainment in TT week).

If in doubt, include the request in your application to include the provision of music and dancing in the forms you require (or may require). You can explain to the Court either in a covering letter, or in the hearing for your application your intention for the premises and the music and dancing you envisage.

Section C – Children and Young People

Children are allowed on licensed premises with a responsible adult, but the Court must endorse this permission on your licence (albeit not in the Licensing Acts, this is often called a 'Children's Certificate' or a 'Child Endorsement' as it is noted and endorsed on your licence. If you are a restaurant, hotel, or 'family' orientated public house, it is likely that this endorsement is required. Usually, you should think about your type of premises and the business it will carry out, and whether it is suitable for children during all or any times of the ordinary opening hours.

Section D – Normal Opening Hours

There is no restriction on a licensed premises as to opening hours, but you should ensure that the Court are appraised of your ordinary intended hours, and any changes. See the relevant codes of conduct for more information if you have a 'late night premises' or nightclub too.

Section E – Licensing Environment

The Court and Police need to know what your licensed area looks like and various other details of the premises.

It is usual for new applications/premises that the Court and police will carry out a site visit prior to the application.

Plans must be:-

- At scale 1:50 (drawn by an engineer or architect)
- Show premises layout, including service areas, consumption areas, and storage areas, outside areas

You must ensure that you tick the relevant boxes (either yes or no) as to what your premises does and does not have. If you do not have any of the certificates and these are required, you may be requested by the Court or police to undertake to obtain and file these prior to the licence being issued. You should where possible only make an application when you have all the necessary and relevant approvals. The Court may ask you questions or require further evidence of any of the answers you give.

Section F – Operation of Premises

You should make sure this section is fully completed. Any information you give may be verified at the time of making your application, during the Court hearing, or following grant of your licence. It is your obligation to make sure full information is given, and any changes notified to the Court and the Police.

For further information on the Licensed Victuallers Association, Manx Entertainment & Nightclub Association and Pubwatch, contact the Police Alcohol Unit who can provide contact details, and any relevant codes of conduct.

Section G – Food

All applicants intending to serve food from their premises is required to ensure that the premises has been visited and inspected by Environmental Health, with a certificate issued to that effect. It is good practice to ensure that this is completed in good time prior to the application being made, so that any report can be submitted as part of your application.

Section H – Staff

This section relates to training and policies for staff. All licensees and Designated officials (those running the licensed area on behalf of a company applicant), should have passed the relevant Manx Licensing Law court within the past 8 years (from the date of submission of the application). Certificates will be required before the Court issue the licence.

Section I – All licensees

If you are making a joint or sole application in your own personal name, these details should be included on the form. If the application is made in a company name, all designated officials should be listed in this section.

Section J – Declaration

This section is the most important section of the form. By signing this form, and completing this section you are acknowledging that:-

- You have read and understand the contents of the Licensing Forum Codes and Guidance Manual, some or all of which is likely to apply to you and your premises, and which will form part of your Licence conditions;

- That all licensees/designated officials and staff members follow the guidance of the codes
- That the information you have given on the form is correct.

LLP/10/OFF

Where this form differs from the LLP/10/ON form, the sections are set out below.

Section B – Opening Hours

This should be the hours that you propose to sell and supply liquor, not the usual opening times for the retail outlet itself. You can elaborate on this if you need to in your covering letter to the Court.

Section C – Licensing Environment

As with the Licensing Environment survey questions in form LLP/10/ON, you should submit a plan of the proposed Licensed area. For an off licence premises, it will be important for the Court and police to see the area(s) from which alcohol is being displayed for sale, and the point(s) of sale in your premises.

Section F – Operation of Premises

The operation of an off-licensed premises will require responsible operation, and in this section the Court and Police require that you verify First Aid and CCTV arrangements. You should make sure this section is fully completed. Any information you give may be verified at the time of making your application, during the Court hearing, or following grant of your licence. It is your obligation to make sure full information is given, and any changes notified to the Court and the Police.

For further information on the ShopWatch and OffWatch Schemes, contact the Police Alcohol Unit who can provide contact details, and any relevant codes of conduct.

LLP/10/CLUB

This application should only be used by registered clubs. The legislation that applies to registered clubs is different to that applied to other types of licensed premises. Otherwise, the LLP/10/CLUB form should be completed with the same detail as set out above.

The following sections are different to those in the above forms, and guidance is as follows.

Section C – Registered Club Membership

The form should ideally be completed by the Secretary of the club or intended Secretary, who should have within their knowledge the required details. If the application is a new grant of licence, it is helpful to provide the Court with any Constitution or documents of association as background to your application and the club.

Complete all sections in full.

LLP/10A

This form should only be completed if the applicant is a company. **Section A** in this form requires the premises address information, but also the company name with a **contact name**. Please only include the person who is responsible for the licensing court application.

The Company will be required to complete the company information in **Section B and C**. It may be helpful to enclose a copy of the last Annual Return and anything filed since the last date of filing, to assist the Court with the background to your company.

If your company is a private company with up to 5 directors and shareholders, there is ample space on the form at **Section C and D** to complete the details. If your company has more than this, you can either use a separate sheet to give the details, or enclose a copy of the Annual Return (and anything filed since then) showing the up to date company details.

The Court will require to know the background to the company, who controls it, and therefore who may have an influence in connection with the operation and management of the licensed premises.

Enclosures

You should send the following to the Court:-

- Completed Application Form (with LLP/10/A if the applicant is a company);
- Relevant Court fee
- Any BIIAB Certificates for the proposed Designated Officials/Licensees
- Any other certificates or supporting documentation i.e.
 - First Aid
 - Food Hygiene Certificates and Menu (if your premises is to serve food)
 - Curriculum Vitae for Licensee/Designated Official
 - A copy of your Notice to the Police and any other parties
 - A copy of a letter of approval in relation to any transfer of licence
- Covering letter, confirming any other details in relation to your application (if appropriate)

A copy of all documents, including the Application, and any other relevant certificates and other documentation supporting your application that you wish for the Court to take into account should be included with your Notice to the Police.

Note: The Court and the Police will also require proof of notice and advertising of your application (if relevant – please see the Licensing Rules), put this with your application if you have it, or bring the original newspaper advertisements to the Court.

CHECKLIST

BEFORE you file your application, ensure you have done the following:-

- Check when your application is to be listed and ensure your Application is filed and served in accordance with the time limits in the Licensing Court Rules 2014
- Complete all sections of the form in type or printed
- Sign the form
- Enclose fees
- Enclose Manx Licensing Law course certificates for all licensees/designated officials
- If a company – complete and signed LLP/10A
- Enclose all supporting documentation per list above
- Read and ensure you understand the Codes Manual issued by the Licensing Forum
- Give Notice to the Police in accordance with the Licensing Court Rules 2014 including a copy of your entire application and any supporting documentation

- Enclose three original references if the application is for the approval of a new licensee or designated official
- Ensure any inspections of your premises by Environmental Health, Fire, Police and the Court are scheduled in good time

All forms and guidance notes, together with the Isle of Man Codes Manual can be obtained from www.courts.im

For further advice on licensing matters, please note that the Courts and the Police Alcohol Unit are not able to give legal advice. You should take advice on all applications prior to coming to the Court.