

The Licensing Court

Guidance Note for Applicants for an Occasional Licence for the purposes of Music, Singing or Dancing

This guidance note should be read by persons applying for an occasional licence for the purposes of Music, Singing or Dancing. It is intended to assist applicants making a simple application. It is not a statement of law and procedure and it is recommended that you seek legal advice if you are unsure about any aspect of your application. Officers in Court administration are not legally qualified and cannot advise you on matters of law or procedure.

An Occasional Licence for Music, Singing or Dancing is issued by the Licensing Court under the provisions of the **Music and Dancing Acts 1961 & 1976 ("the 1961 Act")**. **The Licensing Court Rules 2014 ("the Court Rules")** and the **Licensing Act 1995 ("the 1995 Act")**. It is advised that you consult these pieces of legislation for additional detail.

An occasional licence is required for any place kept or used for any entertainment purpose (section 4 of the 1961 Act).

An occasional licence may be granted authorising the applicant to keep or use the place specified in the application for a period **not exceeding 14 days at one time** (section 10(1) of the 1961 Act).

In order for your application to be considered you must:-

Lodge your application together with any pertinent documentation in duplicate and the appropriate fee at the Office of the High Bailiff not less than **21** clear days before the Licensing Court at which you wish for it to be heard. The Court will forward one copy of your application and documents to the Constabulary's Central Alcohol Unit who will receive it on behalf of the Chief Constable in compliance with Rule 9 of the Court Rules.

Post a public notice in one newspaper published and circulating in the Island not less than **14 clear days** before the Licensing Court at which you wish for it to be heard. *(a template for this can be found at the end of this document)* The Licensing Court cannot guarantee that your Application will be considered on the date you request. If there are objections to your application or if the court is too busy your application may be adjourned to the next available sitting. **It is therefore important that your application is made in good time before the event to be licensed.**

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

The following items are considered to be documentation which may be pertinent to an application, the list is not exhaustive and there may be other documents pertinent to a particular application. The Court would expect the following minimum information to be included:-

- A completed **LC4** application form.
- A covering letter giving background detail about the nature of your application, dates, times, number of anticipated attendees, parking arrangements and whether or not alcohol will be provided at the event etc.
- If taking place on land or in premises not belonging to you, a letter of consent from the owner of the land or premises. *(if the land does belong to you then you should cover this point in your covering letter)*
- A map and/or plan and/or photographs of the site where the event will take place in particular showing any nearby residential

properties, facilities for parking and the location of any marquee or other temporary structure if applicable.

If the event is taking place in any structure (*permanent or temporary*) then you must consult with the Isle of Man Fire and Rescue Service and if they deem it necessary complete their application for a fire certificate for the purpose. Proof that this has been done must accompany your application. A copy of the Isle of Man Fire and Rescue Service Guidance Document for Marquees and Temporary Structures is available on the Licensing Court Website

Isle of Man Fire and Rescue Service
Department of Home Affairs Headquarters
Tromode Road
Douglas
IM2 5PA

Telephone: +44 1624 647300 or +44 1624 647303

- The fee applicable to your application.

Once submitted the Licensing Court will then write to you to confirm the date and time that your application will be heard. When you then appear before the Court to make your application you will need to bring with you the following:-

- A copy of the newspaper showing the public notice you have placed. **note* if you bring only the page showing the advert then you must ensure that you retain the date of publication of the newspaper which is usually shown at the top of each page.*
- The originals of all of the paperwork that you submitted with your application.

At Court you will be required to give sworn evidence to support your application and be prepared to answer questions from the Court, the

Constabulary, the Fire and Rescue Service and any party who has lodged an objection to your application.

If your application is granted an occasional licence will be drafted and issued by the Court. You must collect a copy of the licence from the Public Counter at Court and lodge a copy at the police station local to the event licensed and you must also produce a copy of the licence to any constable who may ask to see it. (section 10(7) of the 1961 Act)

The Court has power, in accordance with section 10(4) of the 1961 Act to grant an occasional licence without the application being heard at court. The court will only exercise such power if satisfied that the application could not have been made at court or good cause is shown to demonstrate why it was not so made. **You should not rely on the court granting a licence in such circumstances unless you can show good cause why the normal procedure could not be followed, to say that you "forgot" or "didn't understand what was required" is unlikely to be sufficient.**

SCHEDULE

[rule 8]

PUBLIC NOTICE OF APPLICATION

“NOTICE OF APPLICATION

LICENSING ACT 1995 *or* MUSIC AND DANCING ACT 1961 *(delete as appropriate)*

An application has been made for the grant of a licence/occasional licence/registration order *[as the case may be]* for the sale by retail of liquor for consumption on or off *[as the case may be]* the following premises —

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

[In the case of an occasional licence] From [start time] to [end time] on [date].

Where appropriate [An application has been made for the inclusion in the licence of a provision authorising music to be played and dancing to take place on the premises.] or as the case may be.

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

Where plans are lodged under rule 13[Plans have been lodged at the office of the High Bailiff and may be inspected there during office hours.]

[name of applicant or advocate and address]

[date]”