

# Alcohol and Licensing Strategy For Jersey

Report presented to the States Assembly  
by the Council of Ministers

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# Alcohol and licensing strategy for Jersey

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## **Background**

### **A. A joint approach**

This strategy has been published by the Council of Ministers; it is a joint approach that recognises that matters relating to alcohol cut across the States of Jersey's departmental boundaries.

The Minister for Economic Development is currently responsible for the Licensing Law; the Minister for Health and Social Services for the provision of services that deal with the consequences of overconsumption; the Minister for Home Affairs for the police and fire services that support the safety of Islanders; the Treasury Minister for issues relating to impôt duty and the Chief Minister for broader social policy.

This joint approach is also driven by a fundamental challenge that lies at the very heart of this strategy<sup>1</sup> - how to strike a balance between the problems that alcohol presents for some, whilst not having a detrimental impact on everyone else, including industry?

The inherent complexity of developing a strategy which aims to reduce the harm that alcohol can cause, without disproportionately affecting those who drink sensibly, was reflected in the wide divergence of views expressed as part of the public consultation process<sup>2</sup> on this strategy.

It is for this reason that the strategy's prime purpose is to **reduce the harm caused by alcohol misuse**; a purpose that recognises that many people who drink alcohol do not misuse alcohol.

### **B. Alcohol and Licensing Policy Group**

To be effective all strategies need someone to own them and to oversee their delivery. The Council of Ministers has, therefore, established an Alcohol and Licensing Policy Group.

The role of the Group is to: oversee the on-going development and delivery of the strategy; evaluate its impact against the measures set out in Section 1; bring forward to the Council of Ministers recommendations for new initiative and/or legislation required to support its delivery.

In addition, a key role of the Group is to develop a 'statement of licensing policy' as and when it sees fit (in consultation with the Council of Ministers), in order to give guidance to the Licensing Assembly on matters related to the issuing of all alcohol licences and associated conditions of licence.

Terms of Reference for the Alcohol and Licensing Policy Group are set out in Appendix 1.

Membership includes:

1. Chief Minister (Chair)
2. Minister for Economic Development
3. Minister for Health and Social Services
4. Minister for Home Affairs
5. A representative of the Comité des Connétables

Sub-groups will be established with internal and external stakeholders where appropriate. This includes the Licence holders' sub-group (see Appendix 2)

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<sup>1</sup> The strategy is supported by *Preventing Harm caused by alcohol*; a discussion document produced by the Health and Social Services Department, which is available from [www.gov.je](http://www.gov.je).

<sup>2</sup> A draft version of this strategy was released for public consultation between January and March 2014. 54 individuals and nine organisations responded to that consultation. A copy of the consultation response report is also available from [www.gov.je](http://www.gov.je).

## C. Why we need an alcohol and licensing strategy

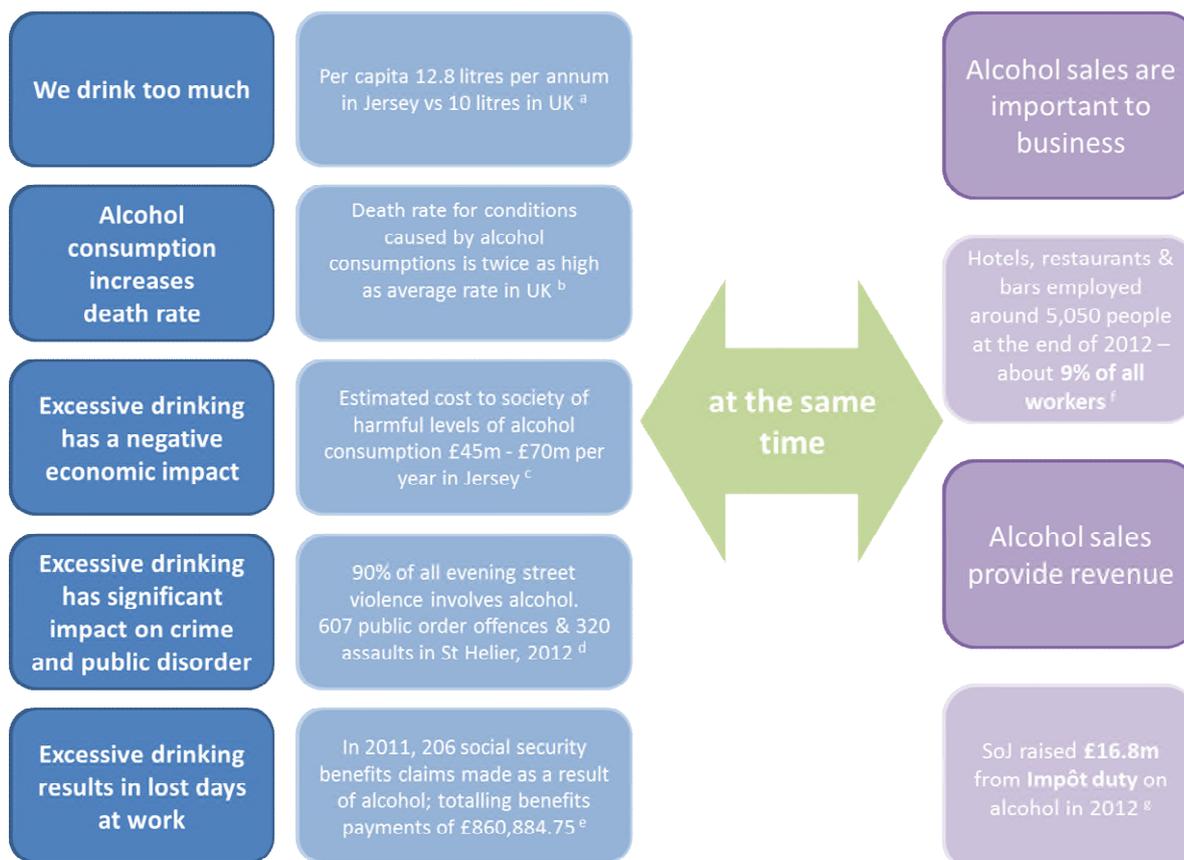
In 2003 the States of Jersey agreed an alcohol strategy that focused on reducing the harm caused by alcohol. During the 10 year life of the strategy (2003 to 2013) a number of initiatives were implemented in accordance with that strategy including:

- regular drink driving campaigns
- embedding alcohol education into the school curriculum
- closer working between the States of Jersey Police and Licensees
- maintaining an annual increase in alcohol impôt in most years.

These initiatives have helped support a fall in the consumption of alcohol over that 10 year period from 16 litres to 12.7 litres per capita (15+), per year. Despite this drop, levels of alcohol consumption remain high in Jersey compared to other jurisdictions (average of 11 litres per person in Europe)<sup>3</sup> and, as set out below and as described in *Preventing Harm Caused by Alcohol*, that brings a whole range of adverse health impacts, social problems and challenges which in turn have an economic impact (cost of treatment; working days lost etc.).

At the same time however, we cannot ignore the fact that a culture of sensible drinking can support vibrant communities and make an important economic contribution.

It is for this reason that the Council of has adopted a joint Alcohol and Licensing strategy that recognises the conundrum but, nevertheless, aims to create a sustainable balance between reducing harm and benefit.



Sources set out in appendix 3

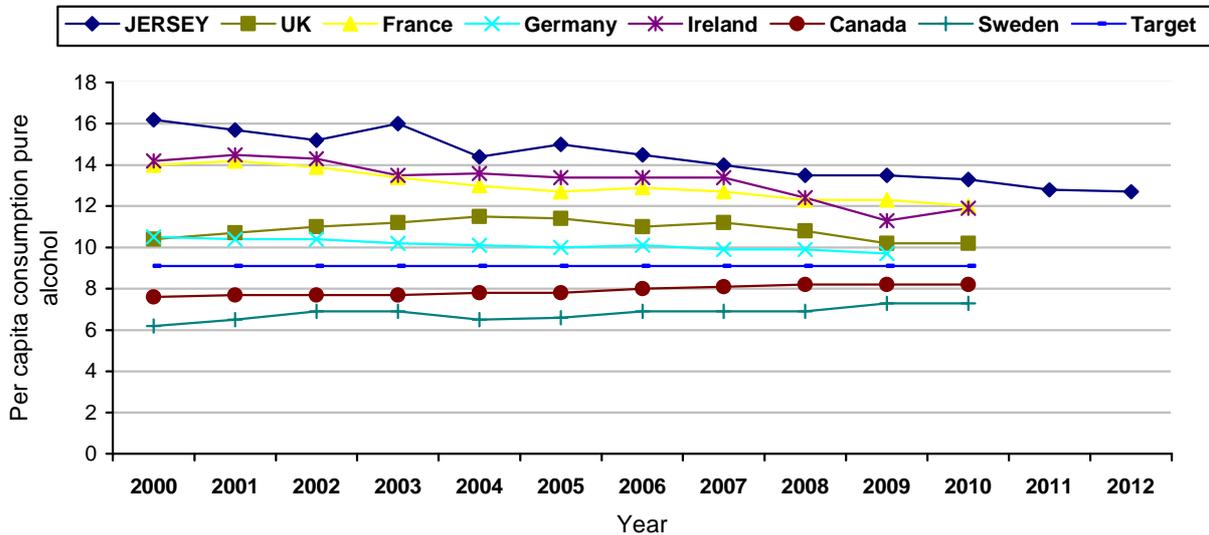
<sup>3</sup> Public Health Intelligence Unit

## D. Our drinking

### i) How much are we drinking?

In Jersey, we drink high levels of alcohol when compared to other countries, including France and the UK.

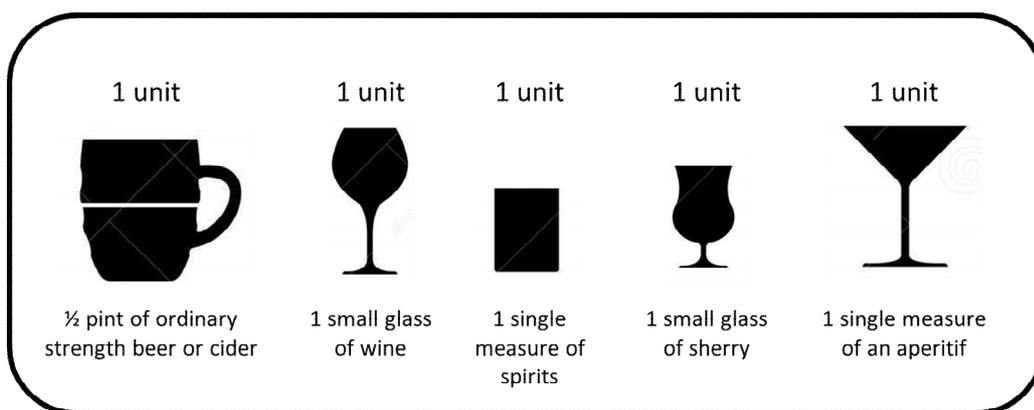
Alcohol Consumption per capita (litres of pure alcohol per 15+)<sup>4</sup>



It is estimated that in 2012 we drank, on average 12.7 litres of alcohol per person per year. This roughly equivalent to 130 bottles of wine per person per year, or 24 units of alcohol per week for everyone aged 15 and over. Of course, the reality is more varied than this. We all know people who consume more than the average and those who consume nothing at all.

Our health is at *increased risk*<sup>5</sup> if we drink regularly more than 4 units per day for men or 3 units per day for woman or at *higher risk* if we regularly drink more than 8 units a day for men or 6 units a day for woman, nevertheless many of us do and sometimes without realising it<sup>6</sup>. A single large glass of wine can contain 3 units of alcohol – a woman’s maximum daily limit.

#### What is a Unit of alcohol?



<sup>4</sup> Source: Public Health Intelligence Unit

<sup>5</sup> Department of Health Guidance

<sup>6</sup> The effects of alcohol vary between person based on: age, weight, gender, genetic make-up, type of alcohol, speed of drinking, amount eaten before drinking, thus reliable predictions about ‘safe’ levels of drinking are impossible.

In 2010, 12,617 islanders (7,212 men and 5,405 women) reported they were drinking, on at least one occasion per week, more than the limit of 4 units or 3 units a day<sup>7</sup>. Given, the widespread misunderstanding about what constitutes a unit of alcohol, this is likely to be a real underestimation of the numbers of people drinking at a level which is potentially harmful to their health.

64% of people say they drink alcohol sometimes to relieve stress and 24% say they sometimes drink with the intention of getting drunk<sup>8</sup>. Perhaps not surprisingly, children and young people state that socialising and having fun with friends is the biggest influence on why they drink alcohol<sup>9</sup>.

## ii) Alcohol and health

We know that we are drinking a lot as an Island and we also know that excessive alcohol can damage our health. There are the acute effects of drunkenness (accidents, violence and injuries, alcohol poisoning, vomiting and aspiration and risky sexual behaviour) and the 60 or so medical conditions for which alcohol can be a causal factor including:

- gastrointestinal disease such as liver cirrhosis – or chronic liver disease – and pancreatitis
- hypertension (high blood pressure)
- obesity and type II diabetes,
- cancers, including mouth, throat, gullet, stomach, breast and liver cancers
- neuro psychiatric conditions such as depression and anxiety

Hospital admissions: in 2010 there was a rate of 2,065 admissions per 100,000 admissions to Jersey General Hospital which were attributable to alcohol – at an estimated cost to the hospital of £2m per year. This is above the average rate of 1,898 admissions in England<sup>10</sup>. This puts Jersey 3<sup>rd</sup> highest for English regions, only behind the North East and North West.

‘Binge drinking’, especially amongst young adults, is a real concern resulting in hospital staff reporting increased numbers attending the hospital’s Emergency Department, needing treatment for acute intoxication, falls and injuries resulting from fights, particularly at the weekend.

Premature death: there are on average 307 years of life lost every year due to premature death from alcohol in Jersey. Alcohol accounts for around 2% of all deaths in our Island<sup>11</sup>.

Liver disease: Jersey experiences 30-50% more deaths than would be expected from chronic liver disease when compared with England & Wales<sup>12</sup>. Most, but not all cases of chronic liver disease are caused by excessive alcohol consumption

Addiction: It is hard to gauge the true extent of addiction but recent surveys in Jersey suggest that at least 5% to 12% of people have some issues with hazardous alcohol consumption. 14% of people report having a feeling of guilt or regret after drinking and the same proportion have been unable to remember what happened the night before<sup>13</sup>. It is estimated that approximately 4,000 people in Jersey are dependent on alcohol<sup>14</sup>.

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<sup>7</sup> Jersey Annual Social Survey (2010)

<sup>8</sup> Source: States of Jersey Statistics Unit

<sup>9</sup> Public Health Department: 2011: A Picture of Health in Jersey: 2010

<sup>10</sup> Source: Jersey HIU; Alcohol profile for Jersey – summary of alcohol indicators 2013

<sup>11</sup> Source: Public Health Intelligence Unit (2012)

<sup>12</sup> Jersey Public Health Department: Jersey Health Profile 2008/9

<sup>13</sup> States of Jersey Statistics Unit: Jersey Annual Social Survey 2010

<sup>14</sup> Revised 2010 population estimates based on 2011 census.

## **SECTION 1: The strategy**

### **1.1 Our objectives**

We know that for some people alcohol is a very real problem; whether that is because they themselves drink too much or because they suffer as a result of other people drinking too much. Similarly for many people, alcohol is simply an enjoyable, well-managed part of their lifestyle.

This Alcohol and Licensing strategy needs to protect people from harm whilst avoiding placing unnecessary restrictions on the pleasure that alcohol can provide. The strategy recognises that alcohol is different from other commodities, in that, unlike most other products that we legitimately buy for personal consumption, it can do great damage to individuals and to communities<sup>15</sup>.

This strategy, and associated licensing regime, must support business and allow the Island's restaurants, pubs and clubs to continue to flourish.

The prime purpose of this strategy is therefore to **reduce the harm caused by alcohol misuse**; a purpose that recognises that many people who drink alcohol do not misuse alcohol.

Our six key objectives, which are the same as those set out in the Licensing Law (Section 2), are:

1. the reduction of alcohol related crime and disorder
2. the protection of public safety
3. the prevention of public nuisance<sup>16</sup>
4. the improvement and protection of public health
5. the protection of children from alcohol related harm
6. supporting the local economy

We want our strategy to:

1. reduce the high levels of alcohol consumed in Jersey
2. reduce young people's drinking and their access to alcohol
3. help those who want to drink less
4. reduce the rates of alcohol related offences and protect those at risk of those offences including: domestic violence, assault, public disorder and drink driving.

And in doing so, we want to

5. support business through an equitable and transparent licensing system
6. ensure any mechanism for controlling the consumption and availability of alcohol are evidence based, proportionate and do not unnecessarily penalise businesses or sensible drinkers.

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<sup>15</sup> Tobacco being a notable exception.

<sup>16</sup> Public nuisances includes issues such as noise, rubbish or behaviours that present a nuisance to others.

## 1.2 Measures of success

In order to know whether our strategy is successful and achieving what we want it to do, we need clear, measurable indicators. Responsibility for measuring the success of this strategy will fall to the Alcohol and Licensing Policy Group (Section 1.2).

These measures which may be reviewed, changed or added to over the life of the strategy include:

1. Reduce the high levels of alcohol consumed in Jersey. Demonstrated through:
  - a. per capita consumption of pure alcohol from 12.7 litres<sup>17</sup>
2. Reduce alcohol consumption by under-age drinkers. Demonstrated through:
  - a. Numbers of 14 – 15 year olds who report they regularly drink alcohol (currently 11%)
  - b. Numbers of young people being given alcohol by others or buying alcohol for themselves (56% of 14-15 years who state they drink obtain alcohol from friends compared to 6% who say they buy alcohol themselves)<sup>18</sup>
3. Reduce alcohol related ill health and injury. Measured through:
  - a. repeat referrals to Alcohol and Drugs Service (134 new alcohol referrals in 2011; 230 total alcohol referrals)<sup>19</sup>
  - b. alcohol attributable hospital admissions (2,065 admissions per 100,000 admissions in 2010)<sup>20</sup>.
4. Reduce alcohol related crime and disorder. Demonstrated through:
  - a. drink-driving incidents (185 drink-driving offences in 2012)<sup>21</sup>
  - b. public order offences & assaults in NTE (607 and 320 respectively in 2012)<sup>22</sup>
  - c. incidents of domestic violence related to alcohol (1,048 domestic violence incidents reported to police in 2012; 545 alcohol related; 557 children present)<sup>23</sup>
5. Reduce economic loss in the work place due to alcohol misuse. Demonstrated through:
  - a. number of Social Security benefits claims that are related to alcohol (2011: no of payments 206; sum of value c. £861k; days paid 50,805<sup>24</sup>.
  - b. access to alcohol treatment services year on year

Additional measures related to the management of the new licensing system (Section 2.3) will also be developed at the point at which the system is in place. These may include:

6. Improved control on operation of licensed premises. Demonstrated through:
  - a. numbers of licensing offences
  - b. proportion of licensed premise visits where further action necessary
  - c. numbers of licences reviewed by Licensing Assembly as a result of intervention by statutory consultees

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<sup>17</sup> Public Health Intelligence Unit

<sup>18</sup> A picture of health 2010

<sup>19</sup> Health and Social Services Department

<sup>20</sup> Source: Jersey HIU; Compendium of Population Health Indicators

<sup>21</sup> SoJ police

<sup>22</sup> SoJ police

<sup>23</sup> SoJ police

<sup>24</sup> Employment Social Security

## 1.3 Our actions

Jersey is not the only jurisdiction trying to manage the effects of hazardous alcohol consumption on its community and trying to develop the right strategic approach.

The World Health Organisation (WHO) sponsored research report *Alcohol – No Ordinary Commodity*<sup>25</sup> identified 10 key interventions in relation to alcohol management, which include:

1. minimum legal purchasing age
2. government monopoly of retail sales
3. restrictions on hours or days of sale
4. outlet density restrictions
5. alcohol taxes
6. sobriety check-points (drunken driving)
7. lowered BAC limits (blood alcohol concentration, drunken driving)
8. administrative licence suspension following drink driving charges
9. graduated limits for drinking and driving for novice drivers
10. brief interventions for hazardous drinkers

Further research has shown that, whilst all these interventions are effective, there are distinct variations in that effectiveness; some interventions have a positive impact but only affect a small number of people and are expensive to deliver (for example: interventions for hazardous drinkers); whilst others reach a large number of people, are low cost but their impact can also be relatively low in the shorter term (for example education programmes).

No one intervention is sufficient. Different or multiple interventions may be required for different groups of people. This strategy, therefore, sets out a number of interventions or actions, which are designed to work together to help us tackle the challenges that alcohol brings without negatively impacting those who drink sensibly or the licensed trade. This includes a focus on education through:

- development of clear consistent messages that support people to understand the effects of alcohol and help them make informed choices about drinking (See Action 8, below)
- promotion of these messages at point of sale (See Action 9, below)
- review of Personal Social Health Education (PHSE) curriculum in Jersey schools to ensure children are provided with sufficient information about alcohol
- reviewing options for investing in targeted, preventative family-based interventions which support parents to discuss alcohol with their children.

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<sup>25</sup> *Alcohol – No Ordinary Commodity* looked at the impact of alcohol policy measures taken in the USA, New Zealand, UK, Canada, Australia, Finland, Switzerland, Sweden and Norway.

The actions to be delivered as part of the Alcohol and Licensing Strategy, based around the six key objectives<sup>26</sup>, include:

**Objective 1: The reduction of alcohol related crime and disorder**

**Objective 2: The protection of public safety**

**Objective 3: The prevention of public nuisance**

### **Action 1: Review drink-driving limits**

The maximum legal level of alcohol in the blood when driving is 80mgs per 100mls. In most other European countries, the limit is less, usually 50mg per 100ml of blood. Furthermore evidence from those countries suggests that a reduction in permitted levels has led to reduction in alcohol related accidents from 8% - 10%<sup>27</sup>.

In Jersey around 200 people a year are charged with being drunk in charge of a vehicle. Approximately 52% of those charged were over double the permitted limit. Between 10%-30% of these offences were found following a road traffic accident<sup>28</sup>.

The Alcohol and Licensing Policy Group will undertake a review of drink-drive limits, assessing the potential effectiveness of a reduction in limits against the effectiveness of drink-drive campaigns and on-going police road checks. Work will also be undertaken to develop a scheme, linked to drink-drive convictions, to identify and help problem drinkers.

Depending on the findings of the review, the Alcohol and Licensing Policy Group may bring forward proposals for a reduction in law.

**Timeframe: 2015 - 2016**

### **Action 2: Fire safety**

Ensure the new Licensing Law provides increased powers to the fire service including invoking reviews by the Licensing Assembly where a licensed premises does not meet appropriate fire safety standards.

**Timeframe: To come into effect the date the new Law comes into effect**

### **Action 3: Domestic Abuse**

Work in partnership with the Jersey Domestic Violence Forum and the Safeguarding Partnership Boards to review and develop our understanding of the relationship between alcohol and domestic abuse in Jersey and implement measures to mitigate it.

**Timeframe: tbc**

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<sup>26</sup> Objectives 1 – 3 are clustered together for the purpose of setting out proposed actions due to their close association with each other.

<sup>27</sup> Anderson.P, Baugman.B: 2006: Alcohol in Europe, A Public Health Perspective. A Report for the European Commission: Institute of Alcohol Studies: pp 242 - 250

<sup>28</sup> Figures from States of Jersey Police: 2012

#### **Action 4: Powers of closures**

Ensure the new Licensing Law provides the police with the power to close individual licensed premises, or in extreme circumstances, close “areas” of licensed premises if the event they need to secure public safety and prevent crime or disorder.

**Timeframe: To come into effect the date the new Law comes into effect**

#### **Action 5: Provision of trained staff in licensed premise**

Ensure that the new Licensing Law allows for the introduction of conditions relating to staff training (door staff; personal licence holders; other staff). Such training can play a role in minimising the potential for drunkenness which result in crime and public disorder.

**Condition comes into effect alongside new law.  
Timeframe for training programme development 2015 - 2016**

#### **Action 6: Review use of other measures that potentially help secure safety and reduce disorder**

Working in partnership with States and non-States agencies review additional measures to secure safety and reduce disorder, including, but not limited to: management and use of public transport; use of safety glass/plastic; improvements to and role of built environment in reducing harm.

**Timeframe: start date – early 2015**

#### **Action 7: Review extended opening hours (including for non-alcohol drinks and food service)**

Explore options relating to the possible introduction of extended opening hours, including to allow for non-alcoholic drinks and food service. Review evidence related to associated public safety benefits of staggering the times at which people exit licensed establishments.

**Timeframe: completion by end of 2015**

### **Objective 4: To better protect and improve public health**

#### **Action 8: Promote clear messages about sensible drinking limits**

Promoting personal responsibility for sensible drinking is an important component of any approach to reduce alcohol consumption. Given however that 18% of men and 10% of woman report drinking above recommended levels at least once a week, we know that this measure is not working on its own.

Clear consistent messages need to be communicated carefully so that particular target groups are able to understand and act on information and guidance. Research evidence shows however, that public information will not work on its own and must be part of a wider package of measures.

Investment is needed in marketing campaigns targeting at risk groups, which give clear messages about sensible drinking limits and where to get help. Message to be based on behaviour and not on units alone (for example: if you drink one evening, try not drinking for the next two evenings).

**Timeframe: 2015 - 2016**

### **Action 9: Promote safer drinking messages at point of sale**

Ensure the new Licensing Law makes provision for licensees to provide clear information about sensible drinking limits on their premises.

**Condition comes into effect alongside new law.**

**Timeframe for development of safe drinking messages: 2015 – 2016**

### **Action 10: Establish high quality early interventions**

People in contact with health and social care services whose health is at risk from high levels of alcohol consumption should be routinely offered advice and guidance to reduce alcohol consumption. These services need to be planned, comprehensive and form an integrated part of wider treatment services. This will ensure that people will get the right help at the right time in the right place.

Investment in treatment and support services for people who drink too much, or are at risk, has already been identified as a priority in the Health and Social Services White Paper (2012). An alcohol “pathway” is being developed, drawing on recommendations made by the National Institute of Clinical Excellence and the World Health Organisation. It will support an increase in our Island’s capacity to deliver effective and efficient interventions for alcohol both in the community and in specialist health settings.

**Timeframe: 2015 - 2016**

### **Action 11: Review additional measures that support a whole population approach to reducing alcohol harm**

Review evidence relating to inter-relationship and causal links between consumption of alcohol and other social factors including low income and poor housing. Consider development of specific initiatives that help break the cycle.

**Timeframe: 2015 - 2016**

## Action 12: Review of pricing

There is research evidence that shows that the amount of alcohol drunk by the population as a whole<sup>29</sup>, as opposed to by particular groups in the population, is driven in part by price, availability and promotion. Or, to put it simply, the more outlets there are selling cheap alcohol, the more a population is likely to drink overall.

There is also research that suggests that young people and problem drinkers are particularly price-sensitive and their consumption of alcohol is affected by how much it costs<sup>30</sup>. Research also shows that when alcohol is cheaper more is consumed and more harm results; when alcohol becomes more difficult to access, less is consumed and less harm results<sup>31</sup>.

It is on the basis of such evidence that other jurisdictions are grappling with price control mechanisms; their effectiveness; their impact on target groups as opposed to the whole population; their fairness to consumers and business, their legality and their impact on smuggling and illegal in-country alcohol production.

The Alcohol and Licensing Policy will conduct a review of the following pricing mechanisms in Jersey, testing their applicability and the role that they could play in helping reduce the high levels of alcohol consumed in Jersey. The review will look at the evidence of the role that pricing mechanisms can play in reducing the harmful effects of alcohol by reducing consumption of alcohol, without disproportionately hurting those who drink responsibly.

This pricing review will include:

### 12.1 Equalisation of Impôt duty

In Jersey, duty<sup>32</sup> is calculated according to the type of alcoholic drink and to some extent its alcoholic strength. At present, the duty on spirits is much higher than other alcoholic drinks but there are examples where the duty is higher for lower strength alcoholic drinks than higher strength alcoholic drinks – an anomaly which has arisen over time.

Equalisation of duties would mean strengthening the link between duty and alcoholic content, as well as increasing the duty levels over time so that eventually the duty on a unit of alcohol is the same whether it is in beer, cider, wine and spirits.

Equalisation of Impôt duty, like minimum pricing (12.3 below), would potentially reduce total alcohol consumption. Negative unintended consequences could, however, also arise, such as a perverse incentive to drink spirits in preference to low alcohol drinks.

The Alcohol and Licensing Policy Group will undertake a review of equalisation of Impôt duty.

**Timeframe: completion by Q2 2015**

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<sup>29</sup> Anderson.P, Baugman.B: 2006: Alcohol in Europe, A Public Health Perspective. A Report for the European Commission: Institute of Alcohol Studies

<sup>30</sup> Estimates taken from the University of Sheffield: 2008: Independent Review of the Effect of Alcohol Pricing and Promotion: Part B; School of Health & Related Research: 1980: Independent Review of the effects of alcohol pricing and promotion, A summary of the evidence to accompany a report on phase 1 systematic reviews. University of Sheffield.

<sup>31</sup> Alcohol Public Health Research Alliance (AMPHORA) 2012, The AMPHORA manifesto on Alcohol.

<sup>32</sup> Impôts is French for tax or duty. By virtue of the Customs and Excise (Jersey) Law 1999 duty means any duty imposed by this Law on goods imported into, exported from or grown, produced or manufactured in the Bailiwick and includes both customs and excise duty.

## 12.2 Review of hypothecation of Impôt duty

As part of a review of pricing, the Alcohol and Policy Group will work with the Treasury Department and the Economics Unit to consider issues relating to the potential hypothecation of impôt duty. Under a hypothecation scheme, duties raised could potentially be ringfenced for initiatives specially related to the management of alcohol in the community, including policing and health.

**Timeframe: completion by Q2 2015**

## 12.3 Control of drinks promotions & pricing incentives review

Currently there is a moratorium on drinks promotions in licensed premises, although not in off-licence premises. This is in part because many off-licences are general retailers and the imposition of controls on price promotion for alcohol could potentially have unintended consequences on other store-wide discounts and food promotions.

That said, the Alcohol and Licensing Policy Group will undertake a review of pricing incentives in off-licences and the effect they have on consumption of alcohol including consideration of the advice issued by a former H.M. Solicitor General regarding drinks pricing in licensed establishments and the impact of this advice on the licensed trade.

This work is to be undertaken in light of national survey data that shows a change in drinking patterns, with increased drinking at home and away from drinking in licensed premises. (Whilst there is no local survey data about the extent of this trend in Jersey, anecdotal evidence suggests that it is also the case here. In particular concerns have been raised about young adults buying alcohol from off-licences to “pre-load” before they go out for the evening).

It is also known that since 2000, alcohol sold in off-licences has become more affordable, whereas on-licence alcohol has become less affordable over the same period. In addition, there are higher numbers licensed premises in Jersey when compared to the England - 2.2 times more off-licences and 2.1 times on on-licences in Jersey than England<sup>33</sup> based on population - making alcohol more readily available for purchase.

**Timeframe: completion by Q3 2015**

## 12.4 Minimum pricing review

Minimum price is a mechanism that can be used by governments to set the price of alcohol at a level that would potentially deter over consumption. Under a minimum pricing scheme, retailers would be legally required to ensure the amount they charge for the alcoholic drink is set above the minimum price. The stronger the alcohol content of drink, the more units that are in it, the higher the minimum price for that drink.

Some industry stakeholders have expressed concern that a minimum price would unequally and unfairly affect sensible drinking. However the latest research has suggested that consumption amongst low income and higher income moderate drinkers respectively

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<sup>33</sup> Source: South West Public Health Observatory, 2008

would fall by just 3.5 and 1.0 units per year. This compares with 297.0 units for low income harmful drinkers and 85.2 units for higher income harmful drinkers.<sup>34</sup>

The Scottish Government has made a commitment to introduce a minimum price per unit of alcohol, however the introduction of the scheme is held up in the European Courts. In the meantime, the Government in England & Wales has stalled a decision on minimum pricing.

The Alcohol and Licensing Policy Group's review of minimum pricing would not commence until after the legal position on introducing it is made clear through the European courts.

**Timeframe: This work cannot start until Scottish/EU minimum pricing legal review has been undertaken and implemented – this is not anticipated to be before 2018**

### **Objective 5: To help protect children from alcohol related harm**

Drinking at an early age can cause serious health problems, both in the short and long term. The healthiest option is for children to have an alcohol-free childhood. In general, children are emotionally less able to cope with the effects of drinking alcohol, and their level of maturity means they are more likely to engage in risky behaviour as a result of drinking. For example, a recent audit by Brook (Jersey) found that over half of young girls requesting emergency contraception reported drinking alcohol prior to sexual activity.

Recent local surveys show that 36% of 14-15 year olds in Jersey drink alcohol. Of these a quarter report drinking more than they intended at least once a month. Approximately 3% of 12-15 year olds report drinking over sensible limits for adults<sup>35</sup>.

This picture of children's behaviour is a sign that we need to do more to make children aware of the damage that alcohol can cause.

#### **Action 13: Invest in education**

Revise the Personal Social Health Education (PHSE) curriculum in schools and develop a range of enhanced educational materials aimed at children and young people.

**Timeframe: 2015 - 2016**

<sup>34</sup> University of Sheffield. 2013. *Modelled income group-specific impacts of alcohol minimum unit pricing in England 2014/15*:

<sup>35</sup> Health Profile for Jersey 2010

**Action 14: Supporting families**

Review options for investing in targeted, preventative family-based interventions which support parents to discuss alcohol with their children.

**Timeframe: 2015 - 2016**

**Action 15: Proof-of-age scheme**

Review effectiveness of existing proof of age scheme with potential for increased promotion.

**Timeframe: 2015 - 2016**

**Action 16: Statement of Licensing Policy**

Alcohol and Licensing Policy Group will develop and issue statement of licensing policy against which Licensing Assembly will make licensing decisions.

**Timeframe: Comes into effect as part of new licensing law**

**Objective 6: To support the local economy**

The Alcohol and Licensing Strategy aims to address the first five objectives through the actions documented above whilst striving to ensure that all measures are taken so that the local economy is not adversely affected.

## **SECTION 2: A new licensing law**

### **2.1 Background**

In 2009 a licensing law consultation was undertaken. It looked at high-level licensing policy, including issues related to public health and public order. That consultation, and the responses received, has informed this joint strategy and in particular our proposed approach to the development of a new licensing law for Jersey.

This document sets our proposed approach to the introduction of that new Law and provides an overview of what that Law will do and why. It does not provide a detailed background about our response to all the issues and suggestions raised during the 2009 consultation; details of these can be found in the Licensing Law policy paper which is available from [www.gov.je/consult](http://www.gov.je/consult).

### **2.2 Proposed approach**

It is proposed that a new licensing law is introduced in two different phases:

Phase 1: A draft Framework Licensing Law has been completed and will be lodged for debate by the States following consideration by the new Minister for Economic Development. It will provide for:

- six licensing objectives
- amended licensing categories
- the introduction of personal licences
- conditions of licences
- licence renewal period
- the roles and responsibilities of statutory consultees
- the responsibility of the Alcohol and Licensing Policy Group who will provide direction, in the form of statement of licensing policy, to the Licensing Assembly
- appeals process for the Licensing Assembly

Phase 2: Once the draft Framework Licensing Law has been adopted, subordinate legislation will be brought before the States for debate. This subordinate legislation will:

- establish restrictions associated with each of the amended licensing categories (e.g.: operating hours)
- set out transitional arrangements from the old categories to the new categories
- set out a fee structure
- establish transitional arrangement from the old to the new licensing scheme.

The Council of Ministers are very aware that the development of the draft licensing law has been subject to significant delay. This two phased approach will minimise any further delays. At the same time it will ensure that the licensing trade, and other interested parties, have more time to consider and comment on the operating details, and associated restrictions, of each of the licensing categories.

## **2.3 What the Law will do**

### **a) Licensing objectives**

The draft Framework Law establishes six licensing objectives. These reflect the six objectives as set out in the Alcohol and Licensing Strategy (Section 1.1)

1. to help reduce alcohol related crime and disorder
2. to better secure public safety
3. to help prevent public nuisance
4. to better protect and improve public health
5. to help protect children from alcohol related harm
6. to support the local economy

These objectives<sup>36</sup> define what we are seeking to achieve from the new draft Law and also set out the factors for consideration when licences are being issued and reviewed.

### **b) Alcohol and Licensing Policy Group**

Management of the licensed trade in accordance with the States of Jersey Alcohol and Licensing Strategy is not a matter that concerns one Minister alone; it cuts across many departmental responsibilities including the Chief Minister, the Minister for Economic Development, the Minister for Home Affairs and the Minister for Health & Social Services.

The draft Law will therefore place a requirement on the lead Minister under the Licensing Law to:

- issue, from time to time, policy guidance in the form of a 'Statement of Licensing Policy' to the Licensing Assembly to support the
- Assembly in its determination of licences. The purpose of this guidance is to ensure that the overall treatment of liquor licences could be seen to be transparent, fair, consistent, reasonable and in accordance with strategic objectives and;
- place a responsibility on the Minister for Economic Development to ensure that the statement of licensing policy is printed and available to the public.

(Appendix 1: details of the Alcohol and Licensing Policy Group)

### **c) The Licensing Assembly and appeals**

Under the new draft Law the Licensing Assembly will maintain its current function in relation to the consideration and determination of licences. Respondents to the 2009 consultation indicated that in general terms the Assembly system worked well, albeit there was some concern about the effective management of appeals.

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<sup>36</sup> The licensing objectives are same as those in Scottish Law. Evaluation undertaken in Scotland suggests that the introduction of these objectives has supported increased awareness of licensing issues which, in turn, has helped increase licensing standards.

The Licensing Assembly is constituted from the Jurats and headed by the Bailiff. This is, in effect, the highest court in our jurisdiction, with licensing applications being sent 'straight to the top' on first consideration. This creates difficulties where there is an appeal against the decision of the Assembly, as appeals would normally flow to a higher authority, but in Jersey there is no higher authority.

To resolve this issue, under the new draft Law, the Licensing Assembly will sit as the *Inferior Number*, i.e. with only a presiding judge and two Jurats. The route of appeal can therefore be to the Royal Court which would sit as the *Superior Number* (i.e. at least 5 Jurats).

#### **d) Statutory consultees and powers**

When considering matters relating to any licence, the Licensing Assembly requires access to expert opinion about that licence and the extent to which it conforms to the six licensing objectives set out above (Section 2.3a). This applies whether the Assembly are considering a new licence application or considering whether an existing licence should be revoked or subject to more conditions.

Under the current Licensing Law, certain powers are provided to a range of statutory consultees but the new draft Law will widen the scope of consultation and provide additional powers to some consultees.

##### **i) Fire and Rescue Service**

Under the current Law it is a requirement for all licence applicants to provide plans of the premises so they may be reviewed by the Fire Service and it is also a requirement for the Fire Service to inspect those premises. The existing Law does not however, provide the Fire Service with any mechanism for requiring licensed premises to be kept up to date with the latest fire prevention standards.

The new draft Law will, therefore, make provisions for the Fire Service to invoke a review by the Licensing Assembly of any licensed premises which they reasonably believe may present a health and safety risk to the public. The Service will be able to propose safety improvement to the licensee. If those improvements are not made within the given timeframe, the matter will be referred to the Licensing Assembly.

The powers to inspect and make recommendations will relate not just to the area of the building licensed for the purpose of selling and consuming alcohol, but to all other areas which may have had an effect on the fire safety of the licensed premises.

##### **ii) Police Service**

Under the current Law, the States Police have minimal involvement in licence applications. There is no statutory requirement to inform the police of those applications and the police do not have the automatic right to be heard by the Licensing Assembly (although a non-statutory agreement has been agreed between the Judicial Greffe and the police).

The new draft Law will provide the Police with the right to be notified of a licence application and the right to be involved in its consideration and determination. In addition, the draft Law will provide the police with new powers in relation to:

##### Powers of closure:

The new draft Law will provide the police and the Duty Centenier with the powers to issue a “closure order” on a licensed establishment, without initial referral to the licensing assembly. The closure can be for up to 24 hours. All closures will be subject to appropriate scrutiny, and only the rank of Police Inspector or above will be empowered to authorise such closures.

The police will also be provided with the power to apply to the Licensing Assembly (headed by the Bailiff), for an order to close an area or group of licensed premises. This measure, which would only be used in the most extreme of cases, would be initiated by the Heads of Uniform policing in Jersey and would require support from the Home Affairs Minister.

Where a closure order is issued, either on a premise or an area, a review of the licence/s by the Licensing Assembly would automatically be triggered.

### **iii) Public Health**

Under the current Law the Public Health Team, which forms part of the Health and Social Services Department, has a right to be informed of all licence applications and a right to object to a licence on the grounds of public health issues.

There will be no changes or extension to these rights under the new draft Law. The Minister for Health and Social Services will, however, be a member of the Alcohol and Licensing Policy Group and will provide input into the Group particularly in relation to Licensing Objective 4 -Protecting and improving public health and Licensing Objective 5 - Protecting children from harm.

#### **Summary of statutory consultee powers under the new draft licensing law**

- Fire service: mandatory requirement to be informed and statutory right to object + right to invoke a review of the licence by the licensing assembly
- Police: mandatory requirement to be informed and statutory right to object + powers of entry + 24hr closure powers to premise and area + right to invoke a review of the licence by the licensing assembly
- Duty Centenier: 24hr closure powers
- Public health: mandatory requirement to inform + statutory right to object + right to invoke a review of the licence by the licensing assembly
- Parish Assembly: existing statutory right for any member of the Parish Assembly or individual on the electoral register in that Parish to object to a licence application.

### **e) Licence application process and fees**

The licence application fees and process will remain broadly the same under the new draft Law subject to the following:

### **i) Operating schedules**

The new draft Law will require all licence applicants to submit an operation schedule, setting out what the business will do, and how it will do it. This schedule will not have to contain detailed commercially confidential information but it will have to set out how the business operates in accordance with the six licensing objectives.

These operating schedules will need to be underpinned by reports from the police, fire service and public health assessing the impact of the proposed licence in accordance with the information set out in that schedule. The police report will address public order concerns; the fire report, fire safety concerns, and the public health report, public health issues.

The applicant will be responsible for obtaining these reports, for which the fire, police and public health services will levy a charge. That charge will be equal to the cost of producing the report and the resource expended on the work.

Guidance on the development of operation schedules will be provided.

### **ii) Fees**

The fee schedule for applications, against the new premises categories (Section 2.3f) has yet to be finalised. It is intended that:

- fees will be structured to include a standard fee for each licence category plus an element based on the capacity of the premise. This is to ensure the small businesses are not paying a disproportionate amount compared to large businesses
- fees, subject to finalisations of the capacity element, will be broadly based on the current fee levels adjusted to account for inflation uplift which ceased in 2007.

The new draft law will include other fee elements in addition to the premises licence. These include:

- the police and fire reports that underpin the operating schedule (as set out above)
- the personal licence fee and associated personal licence holder training (see Section 2.3fiii) and 2.3gii))

## **Transitional arrangements**

The new draft Law will help improve the operation and accountability of the licensed sector in Jersey, but in doing so it will impose an increased compliance burden on industry.

In order to help manage this there will be a transition period after the introduction of the subordinate legislation in Phase 2, during which existing licences can continue to operate according to the conditions on which they were granted. It is envisaged that this transition period will be approximately 1 year, given that under the current Law all licences must be renewed every year.

All the transitional arrangements for existing licences have yet to be confirmed but it is envisaged that:

- a business holding an existing licence can apply for a licence under the amended scheme on the date at which their existing licence was due for renewal
- some businesses will be subject to additional conditions when they transfer to a licence under the amended categories. For example: requirement for a personal licence in addition to a premises licence (Section 2.3f iii)), potential requirement to provide accredited door staff (Section 2.3g i) + ii)), requirement to promote safer drinking messages (Section 2.3g vi)), requirement for improved fire safety standards (Section 2.3d i)). Where this is the case, the transition period will apply or a business can apply for temporary licence (Section 2.3f v)) enabling them to continue to operate whilst they make the required changes
- where an existing licence is already subject to specific conditions, these conditions will be reviewed by the Licensing Assembly, who will determine whether or not they should be reflected in the new licence.

The detail of the transitional arrangements will be provided in full in Phase 2.

## **f) Licensing systems**

### **i) Proposed on and off licences**

In Phase 1 the Framework law will provide for the introduction of system of amended licence categories to replace the existing nine categories. The detail of those categories (eg: hours) will be brought in by subordinate legislation in Phase 2.

The aim is to introduce a more streamlined licensing system, preferably with fewer licence categories than the existing nine, which will be easier to manage, will be less confusing and will enable the introduction of a rationalised fee structure in Phase 2.

### **Other licensing models**

- In response to the 2009 consultation, consideration was given to a number of different licence categories models prior to the development of the amended categories above. The full details are set out in the Licensing Law policy paper; ([www.gov.je/consult](http://www.gov.je/consult)) but in summary include:
  - **Single Licence:** The UK model is a single licence with conditions imposed on each individual licence by the licensing authority. It provides flexibility with licences tailored to business and community needs, but is extremely resource intensive requiring costly input from the licensing authorities. The Single Licence model would outstrip the capacity and resources of our Licensing Assembly.
  - **Reduced number of licences:** consideration was given to merging the existing nine categories into three or less; this would result however in either a restrictive effect (changing the licences held by existing businesses in a way which limited or restricted their current activity) or a permissive effect (changing the licences held by existing businesses in a way which liberalised their current activity). From a policy perspective neither was acceptable.
  - **Removal of multiple licences:** consideration was given to the removal of multiple licences; however, as per a further reduction in licence categories, this would result in either a restrictive or permissive effect.

### **ii) Personal licences and premises licences**

The Framework Law will introduce personal licences. Under this system the premises selling alcohol and the persons managing the premises will be licensed separately. Both types of licence must be in place for alcohol to be sold, although the personal licence holder need not be on the premises providing they took all reasonable precautions to ensure the premises operated within the law (guidance would on what constitutes reasonable precautions will be developed).

The personal licence will:

- be granted to individuals; it will not be directly connected to any premises and is therefore portable, enabling the licence holder to move jobs with no requirement for retesting
- only be granted to holders who have undergone a relevant qualification/accreditation scheme (Section 2.3 g ii)
- be subject to scrutiny by all statutory consultees, and to approval by Licensing Assembly
- recorded on a central, publicly-available register helping promote transparency, and enabling the conduct of the licence holder to be monitored separately from the operation of premises (a register will have to be established with a suitable administrating body)
- be subject to periodic review (the UK personal licences run for 10 years; consideration is to be given the term in Jersey)
- enable the holder to manage special events (see Section 2.3 f iv)

The introduction of personal licences does, however, represent a significant change for the current Law and businesses will incur additional costs (personal licence application fee and costs of associated accreditation/qualification)

### **iii) Licensing for Special Events**

Currently only holders of on-licences may apply to the Bailiff for a 'special permit' which permits them to sell alcohol at special events (fêtes, sporting occasions etc.). This special permit must also be presented to the relevant Connétable before alcohol can be sold.

An event organiser who does not hold an on-licence needs to rely on an existing licence holder to apply for the special permit. This arrangement is less than satisfactory because:

- the licence holder may have little or no control over alcohol sales for which they are responsible
- there is no requirement for the licensee to be present at such an event
- it makes no distinction between sizes and types of event

The introduction of a personal licence (Section 2.3f iii)) will allow personal licence holders to "license" the special event premises to sell alcohol without extending an on-licence. Individuals who are not in possession of an on-licence could apply for a personal licence and, therefore, not have to rely on the goodwill of an on-licence holder to sale of alcohol at the event. This would be subject to the following requirements:

- the personal licence holder would need to be on-site at all times during the special event (similar to the 'designated premises supervisor under the UKLA), thus encouraging accountability and ensuring an official was available if required
- the personal licence holder would still have to apply to the Bailiff in order to gain permission to host an event, and the Connetable of the parish in which the event was to be held would need to be notified
- the personal licence holder will, as part of the application, need to provide detailed information about the area or "zone" to be licensed. This will include places where ancillary activities occur (toilets, camp sites etc.) and which may be accessed by people carrying drinks

On receipt of the special events application, the Bailiff will decide whether further scrutiny is required or whether the commissioning of police, fire and public health reports are necessary (or potentially a premises licence application).

As noted in Section 2.3g iii), extensions to licences, whereby only a later closing time is requested for an existing licensed premises would continue to be administered by the Bailiff as it is in under the current legislation.

### **iv) Temporary licences**

The new draft Law will introduce a new temporary licence scheme. The scheme will allow an applicant, who is not fully compliant in some areas for example, fire safety requirements, to be issued a temporary licence. The temporary licence would allow the applicant to operate whilst undertaking the necessary compliance work. That work would be reviewed at the next sitting of the Licensing Assembly and, if the Assembly is satisfied a full licence will be issued. If not the temporary licence will expire.

The temporary licence could be extended on demand if the Licensing Assembly considered that works had not been completed due to circumstances beyond the applicant's control.

### **v) Licence duration**

Under the current draft Law a licence is only issued for one year. Annual renewal is via an administrative process which simply requires the licence holder to confirm they wish to renew.

The one-year licence system is out of step with other jurisdictions; it places a cost and administrative burden on business and on the Licensing Assembly; and it lacks rigour in relation to review by statutory consultees.

Consideration was given to the introduction of a five-year licence, which would allow for a more rigorous review of existing licences at the point of renewal, potentially including representations from the police and fire service in the same manner as an initial application.

A detailed consideration of each licence every five years would, however, unduly increase the workload of the Licensing Assembly. In addition it would potentially discourage operators from investing in their premises if there was no guarantee that a licence, once granted, would allow trading for more than five years. This would not help enhance the quality, safety or management of licensed premises.

Under the new draft Law, therefore, licences will run indefinitely but each licence will include provisions allowing for reconsideration, against the six licence objectives (Section 2.3a), at the request of any statutory consultee.

#### **vi) Licence number limitations**

Research evidence from other jurisdictions shows a link between the density of licensed premises and the consumption of alcohol, thus raising the question of whether or not there should be limits placed on either the total number of licences issued or the density of licences in any given area.

The introduction of licence limitations does, however, bring complex challenges:

- managing density of existing licences could well necessitate some licences being withdrawn in areas experiencing problems with drunkenness; the question is who loses their licence if all businesses selling alcohol in that area are acting reasonably and legally?
- managing density of new licences, whilst easier to implement, could bring with it a range of unintended consequences including:
  - undermining economic growth and regeneration particularly in town
  - creating an asset value for existing licences so that businesses that would previously have left the market choose not to, which in turn could actually increase the number of licences, and therefore density, relative to what might otherwise have been the case
  - the sale of alcohol would become a higher margin activity which, in turn, would create more incentive to increase supply within the rules of existing licences

It is not, therefore, intended to introduce any system for licence limitation *at this stage* but the Alcohol and Licensing Policy Group will undertake a review of evidence in this area and issue guidance to the Licensing Assembly about licence limitations if deemed appropriate.

## **g) Conditions of licences**

In Phase 1 the draft Framework Law will allow for:

- the introduction of conditions across all licences issued in each licence category (standard conditions)
- conditions to be applied to an individual licence – as opposed to all licences in that category - if the Licensing Assembly deems it necessary (specific conditions)
- the modification of existing licences, which are being reconsidered due to public disorder or breach of an existing licence condition, to include new or modified specific conditions

Those conditions, which could be applied as standard or specific conditions, include:

### **i) Door staff accreditation**

Door staff accreditation and registration will be imposed as a standard condition on nightclub licences. It may also be imposed as a specific condition on any other licence.

A local scheme for accreditation already exists and some (but not all) licensees are already required by conditions upon their licence to employ such accredited staff.

Consideration will be given to accreditation standards including: the potential extension of the existing local scheme; the inclusion of fire-safety training; connecting local accreditation to UK accreditation thus allowing transferability; and the number of accredited door staff required per establishment (potentially following the UK ratio of 1 accredited door staff to every 75 participants/customers).

### **ii) Qualifications and accreditation for licensees and staff**

The draft Law will make provision for training, in the form of an industry standard accreditation scheme, to be a standard condition on all personal licences. This will be subject to a number of caveats including:

- the development of a Jersey relevant accreditation scheme
- the development of mechanisms for managing the effect on small off-licence retailers, who could be disproportionately burdened by the costs of any accreditation scheme

The requirement of staff training could also be included as a specific condition to any premises licence.

### **iii) Opening hours**

Potential changes to opening hours will be considered as part of the development of the subordinate legislation.

Under the new draft law the authority to extend licensing hours for special events will remain with the Bailiff, although the Alcohol and Licensing Policy Group may issue guidance.

### **iv) Noise and disturbance**

Nightclub or similar licences will include a standard condition relating to noise and disturbance. This may also be imposed as a specific condition on other individual licences depending on location, venue use etc.

When applying for a licence, the applicant may need to demonstrate the extent of soundproofing and other noise abatement measures in place.

Noise pollution will continue to be the responsibility of the Health and Social Services Department under existing legislation; however complaints regarding noise may be dealt with by the police as an infringement of conditions of licence.

#### **v) Age of sale**

Age of sale will be a standard condition on all licences. Under the new draft Law the minimum age for the purchase of alcohol will not change. It will remain 18 years old.

Consideration was given to increasing the minimum age for on-sales and off-sales of alcohol to 21, however, given underage drinking is already prevalent in Jersey<sup>37</sup> it seems unlikely that increasing the age from 18 to 21 would create abstinence on the part of under 21s; indeed it is more likely that there would simply be an increase in illicit purchasing.

Consideration was also given to increasing the minimum age for off-sales only to 21; the aim being to reduce the amount of alcohol reaching people under 18, as it is perceived to be less likely that over 21s, as opposed to over 18s, would act as older friends buying alcohol legally for illicit provision to under 18s.

A lower age for on-sales (18 years) and higher age for off-sales (21) might encourage young people to drink in a controlled on-licence environment. This could arguably result in a more positive attitude to alcohol, however, a dual age system would be complicated to operate and enforce and would represent a significant change in the rights of young people.

#### **vi) Promoting safer drinking messages**

The draft Law will provide for the introduction of conditions requiring licensees to provide clear information about safe drinking limits. Guidance on promotional materials and display will be developed by the Alcohol and Licensing Policy Group.

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<sup>37</sup> 45% of pupils aged 11-15 admitted drinking alcohol in 2010 in the UK and 36% of 14-15 year olds reported drinking alcohol in Jersey in 2010 (Smoking, drinking and drug use among young people in England 2010, Health and Social Care Information Centre/ Health Profile for Jersey 2010)

# **Appendix 1: Terms of reference for the Alcohol and Licensing Policy Group**

## **Introduction**

The purpose of the Alcohol and Licensing Policy Group (ALP) is to oversee the development and implementation of a States of Jersey Alcohol and Licensing Strategy on behalf of the Council of Ministers.

The Ministers of the ALP will confer and support each other to deliver the key strategic objectives of the Alcohol and Licensing Strategy including:

1. the reduction of alcohol related crime and disorder
2. the protection of public safety
3. the prevention of public nuisance
4. the improvement and protection of public health
5. the protection of children from alcohol related harm
6. to support the local economy

## **Accountabilities**

1. Oversee the on-going development and delivery of the SoJ Alcohol and Licensing strategy.
2. Evaluate the success of the SoJ Alcohol and Licensing strategy against the measures set out in the strategy.
3. Bring forward to COM recommendations related to the delivery of specific elements of the Alcohol and Licensing strategy
4. Prepare, after consultation with the ALP, a statement of licensing policy for the purpose of establishing sound principles and providing practical guidance to the Licensing Assembly in respect of any matters related to the issuing of all alcohol licences and associated conditions of licence.
5. Provide advice and support to other Ministers, CoM and the States Assembly on policy matters relating to alcohol and licensing matters

Whilst the Ministers will act collaboratively to discharge their responsibilities in relation to Alcohol and Licensing Strategy, each Minister retains their own statutory obligations as set out in Law.

## **Membership**

1. Chief Minister (Chair)
2. Minister for Economic Development
3. Minister for Health and Social Services
4. Minister for Home Affairs
5. Representative of the Comité des Connétables

The Treasury Minister, and other Ministers, will invited as relevant. Relevant departmental policy officers will provide advice and support as required.

**Sub-groups**

Sub-groups will be set up as required to advice on the development and delivery of specific parts of the strategy. These sub-groups will include internal and external stakeholders plus industry representatives. This will includes task-and-finish groups and long-term advisory groups as required.

**Secretariat:** Assistant Chief Minister's office

**Meeting cycle:** 3 times a year.

## **Appendix 2: Terms of reference for the Licence holders' sub-group group**

### **Introduction**

The purpose of the **Licence holders Stakeholder Group** is to provide advice to the Alcohol and Licensing Policy Group, with regard to the development, implementation and administration of the Licensing (Jersey) Law and States of Jersey Alcohol and Licensing Strategy.

### **Accountabilities**

- To advise the Alcohol and Licensing Policy Group (ALPG) on the effects of the application of the Licensing Law, and the Council of Minister's Alcohol and Licensing Strategy, on licence holders.
- To review and comment on the statement of licensing policy issued by the lead Minister for the Licensing Law to the Licensing Assembly. The purpose of the statement of licensing policy is to provide direction to the Assembly on matters related to the issuing of all alcohol licences and associated conditions of licence.
- To discuss the administrative arrangements relating to the implementation of the Licensing Law and Strategy. To consider amendments and make proposals to ALPG.
- To work with the ALPG and statutory consultees (fire, police, public health) in order to support deliver the six key strategic objectives set out in the Law inc:
  1. the reduction of alcohol related crime and disorder
  2. the protection of public safety
  3. the prevention of public nuisance
  4. the improvement and protection of public health
  5. the protection of children from alcohol related harm
  6. to support the local economy
- To act as the focal point through which licence holders/potential licence holders could raise queries relating to compliance with the Law and the development of the strategy.

### **Membership**

1. Chief Minister (Chair)
2. Minister for Economic Development
3. Director and Executive Corporate Policy Officers, Chief Minister's Department
4. Chief Officer and Executive Officers Economic Development Department
5. Representatives of three statutory consultees (SoJ Police, fire service, public health service)
6. Up to 6 representatives of the licence trade in Jersey

Others may be involved as necessary

### **Sub-groups**

In addition to the Licence holders' sub-group, other sub-groups may be established to as required to advice on the development, delivery and implementation of Licensing Law and strategy. These sub-groups may include task-and-finish groups and long-term advisory groups as required.

**Secretariat:** Economic Development Department

**Meeting cycle:** Approx. 3 times a year dependent on need in relation to development of the Law and Strategy.

### **Appendix 3: Sources of information for illustration on page 4**

- a. Public Health Intelligence Unit
- b. Alcohol Profile for Jersey. Summary of Alcohol Indicators. Public Health, Health Intelligence Unit. August 2013
- c. It is difficult to estimate all the costs associated with alcohol, in part because experts have different opinions. The best estimates from international research suggest the costs to society of harmful levels of alcohol consumption are likely to be between 1.3% to 2% GDP; which for Jersey would equate to £45m - £70m per year (Anderson and Baumberg, 2006 and NHS 2009)
- d. SoJ police annual report 2010
- e. SoJ Social Security Department
- f. States of Jersey Statistics Unit: Jersey in Figures 2011:
- g. SoJ Treasury Unit

### **Appendix 4: Draft Liquor Licensing (Jersey) Law 201-**



Jersey

# LIQUOR LICENSING (JERSEY) LAW 201-

## Report

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### Explanatory Note

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The object of the Law is to provide for the control of the sale and consumption of intoxicating liquor.

*Part 1* of the Law comprises *Article 1* which sets out the definitions of the terms used in the Law.

*Part 2* of the Law comprises *Articles 2 to 5* which provides for licensing.

*Article 2(1)* specifies three categories of licence which are provided for in the Law which are

- a premises licence which permits the sale of intoxicating liquor from licensed premises or within a designated area in the licensed premises;
- a temporary premises licence which permits the sale of intoxicating liquor from licensed premises or within a designated area in the licensed premises for a particular period in the licensed premises licence; and
- a personal licence which permits an individual to operate licensed premises, and where the Bailiff issues a special permit under *Article 46(1)(b)*, to sell intoxicating liquor from a location outside of licensed premises.

*Article 2(2)* also empowers the States to make Regulations to create classes of licences within the categories already specified and to create other categories of licences.

*Article 3* provides for the establishment of the Alcohol and Licensing Policy Group for advising the Council of Ministers on the development of policy regarding alcohol licensing having regard to the key licensing objectives which are the reduction of alcohol related crime and objectives, the protection of public safety, the prevention of public nuisance; improvement and protection of public health; the protection of children from alcohol related harm and to support the local economy. The Alcohol and Licensing Policy Group comprises the Chief Minister as the Chairman and the Minister for Economic Development, Minister for Home Affairs; Minister for Health and Social Services and a representative of the Comité des Connétables.

*Article 4* empowers the Minister, after consultation with the Alcohol and Licensing Policy Group and the Licensing Assembly, to prepare a statement of licensing policy

for the purpose of establishing sound principles and providing practical guidance in respect of any functions of the Licensing Assembly under the Law. The Minister must ensure that the statement of licensing policy is printed and available to the public and the Minister may make the statement of licensing policy available to the public by putting it on sale at such price as the Minister considers reasonable.

*Article 5* gives the Licensing Assembly the power to regulate its own procedure subject to the requirement to hold ordinary sessions and extraordinary sessions and to Articles 9, 14, 15, 16, 22 and 25. The Licensing Assembly is required to hold ordinary sessions within the 10 days preceding 25th March, 24th June, 29th September and 25th December in each year for the purpose of –

- (a) the determination of applications under this Law for the grant of a premises licence;
- (b) the determination of an application for the approval of a designated licensee if a recommendation under 15(8) or (9) objects to the approval of the designated licensee;
- (c) the determination of an application for the grant or renewal of a personal licence if recommendation made by the States Police Force under Article 21(2)(c)(ii) considers that the person is not a fit and proper person to hold a personal licence; or
- (c) the review of a premises licences under Article 14 or a personal licences under Article 25.

Under *Article 5*, the Licensing Assembly may also hold an extraordinary session whenever it thinks fit to do so for any purpose referred to in paragraph (2), and, in relation to an application for a premises licence to be determined at such an extraordinary session *Articles 6, 7 and 8* have effect subject to such modifications as may be necessary to ensure that anything required to be done prior to the consideration of the applications is done in due order, including, in particular, at least 15 days prior notice of any application to all the relevant competent authorities.

Under *Article 5* provision is made for the Licensing Assembly to sit in public for the purpose of the grant or review of a premises licence or a personal licence during ordinary sessions held within the 10 days preceding 25th March, 24th June, 29th September and 25th December in each year. The Licensing Assembly may also hold extraordinary sessions whenever it thinks fit to do so, and, in relation to applications for premises licences to be considered at such extraordinary sessions in which case *Articles 6, 7, 8, 22 and 25* are to have effect subject to such modifications as may be necessary to ensure that anything required to be done prior to the consideration of the applications is done in due order, including in particular at least 15 days prior notice of any application to all the relevant competent authorities.

*Part 4* of the Law comprises *Articles 6 to 19* which provide for premises licences.

*Article 6* makes provision for an application for the grant of a premises licence to be submitted to the Treasurer of the States not later than the 5th day of the month preceding that in which the application will be considered by the Licensing Assembly. An application for the grant of a premises licence must be made in the form approved by the Licensing Assembly and must be accompanied by reports obtained by the applicant from the States Police Force, States of Jersey Fire and Rescue Services and Health Protection Unit detailing their opinion of those services on the proposed premises licence. The application must also be accompanied by an operating schedule containing a statement of the manner in which the business will be run with particular reference to the nature and intended activities of the business, the training of staff



including where necessary, door staff, and any other matter that the Alcohol Licensing and Policy Group requires as well as a surveyors plan for the premises to which the application relates which identifies the boundaries of the premises. A fee prescribed in an Order made by the Minister will also payable.

Under *Article 6(3)*, the provision of reports by the States Police Force, States of Jersey Fire and Rescue Services and Health Protection Unit may require inspection of the premises to which the application relates before a report is given to the applicant.

*Article 6* imposes a duty on the Treasurer of the States to prepare a list of applications, arranged by parishes in alphabetical order, setting out details of applicant and the address of the premises to which the application relates. The Treasurer of the States is required, not later than the 15th day of the month preceding that in which applications will be considered by the Licensing Assembly, to submit a copy of the list to the Bailiff, the Judicial Greffier, the Minister, the Chief Architect of the States, the States Police Force, the Chief Fire Officer, the Chief Public Health Inspector, the Connétable of each parish. A copy of the application together with the accompanying documents must also be submitted to the Connétable of the parish concerned not later than the 15th day of the month preceding that in which the application will be considered by the Licensing Assembly.

*Article 7* provides for the Connétable of the parish concerned to authorize a competent person to carry out an inspection of relevant premises and to prepare and submit a report to the Connétable detailing whether the premises are suitable for the premises licence applied for. The report may contain other information requested by the Connétable on any relevant matter and the Connétable must submit the report to the Parish Assembly. The expenses reasonably incurred in carrying out an inspection and preparing the report shall be charged to, and payable by, the applicant.

*Article 8* provides for an application for the grant of a premises licence to be considered by the Parish Assembly of the parish concerned before being submitted to the Licensing Assembly. The Parish Assembly is required to recommend to the Licensing Assembly whether or not the application should be granted. The Connétable is responsible for submitting to the Licensing Assembly the record of the recommendation of the Parish Assembly together with copies of the documents provided by the applicant and copies of any report submitted to the Connétable. If a meeting of the Parish Assembly is convened for no other purpose than to consider one or more applications for premises licences the cost of convening the meeting of Parish Assembly including the notification shall be chargeable to and payable by the applicants.

*Article 9* provides for an application for the grant of a premises licence to be determined by the Licensing Assembly and specifies the persons who may address the Licensing Assembly and the factors which the Licensing Assembly is required to have regard to when an application for a premises licence is being considered. The Licensing Assembly is empowered to grant the premises licence, refuse the grant of the premises licence, grant a premises licence for an area different from that for which the application is made, or grant a premises licence of a different category to that for which the application is made. The Licensing Assembly may attach to any premises licence such conditions as, having regard to all the circumstances of the case, the Licensing Assembly thinks fit. The Licensing Assembly is required to give notice in writing of its decision to the applicant and, in the case of a refusal or the grant of a different premises licence, is required to give reasons for its decision and notice to the applicant of the applicant's right to appeal. Where a premises licence is granted, the

Licensing Assembly issue the premises licence to the applicant in the prescribed form and on payment of the prescribed premises licence fee.

*Article 10* provides for a premises licence shall take effect on the date on which it is granted and shall remain valid unless the premises licence is suspended or revoked by under *Article 14*, the holder of the premises licence fails to pay the prescribed annual fee within the time specified in *Article 17* or the premises licence is surrendered under *Article 18*.

*Article 11* imposes a duty on the holder of a premises licence to display the premises licence in a conspicuous place in public view in the area of the premises to which the premises licence applies. The displayed premises licence must include any changes made to the premises licence or to conditions applied to the premises licence by the Licensing Assembly. A failure to display the premises licence is an offence for which fine of level 2 on the standard scale may be imposed.

*Article 12* entitles the holder of a premises licence or the holder's employee or agent, refuse entry to or remove a person from the licensed premises if the person is drunken, violent, quarrelsome or disorderly, or if the person's presence on the licensed premises would subject the holder of the premises licence to a penalty under the Law. A police officer is under a duty at the request of the holder of a premises licence, or the holder's employee or agent, to help to remove from the licensed premises any person liable to be removed from the licensed premises under this Article, and may use such force as is reasonably necessary for the purpose. A failure or refusal by a person to leave the licensed premises on being requested to leave is an offence and liable to a fine not of level 2 on the standard scale.

*Article 13* entitles the holder of a premises licence to make provision for the closure of licensed premises at any time, for any reason and for any period.

*Article 14* provides for the review and variation, suspension or revocation of a premises licence. The Licensing Assembly has the discretion to review a premises licence on its own volition; on the recommendation from the Connétable of the parish concerned, the States Police Force, the States of Jersey Fire and Rescue Service; or the Attorney General or by necessity following the exercise of a police officer's powers of closure of licensed premises under *Article 28*. The grounds for reviewing a premises licence are set out in *Article 14(3)* and the Licensing Assembly may accept or reject a recommendation for review of a premises licence. The Licensing Assembly may, after a review, vary the conditions of the premises licence or suspend or revoke the premises licence. The Licensing Assembly is under a duty to give notice in writing of its decision to the holder of the premises licence and must in the notice give reasons for its decision and notice to the holder of the holder's right to appeal.

*Article 15* provides for the appointment of a person who the holder of a personal licence to be the designated licensee for the operation of licensed premises. The holder of a premises licence requires the approval of the Licensing Assembly to make the appointment but if a designated licensee is absent from the licensed premises for more than 30 days, the holder of the premises licence is required to appoint another holder of a personal licensee as the designated licensee and make an application to the Licensing Assembly for approval of that incoming designated licensee and may continue to operate the licence premises unless the application is refused. The application for the approval of the designated licensee must be submitted to the Treasurer of the States who is required to submit a copy of the application to the Connétable of the parish concerned and to the States Police Force who both have the opportunity to make a recommendation to the Licensing Assembly regarding the application. the designated licensee in respect of licence premises need not be on the



licensed premises when intoxicating liquor is being sold but when not on the licensed premises shall authorize a person to perform his or her functions. Article 15 also provides the procedure for changing a designated licensee.

*Article 16* makes provision for the designation of special areas in respect of which a the permitted hours specified in the Law in relation to the category of premises licence may be varied; the area in respect of which a premises licence applies may be limited, the conditions relating to a premises licence referred to in *Article 2(2)(b)* may be varied and other conditions may be attached. Special areas designated in the Law include the Airport, Fort Regent, Highlands College and the Port of St. Helier and the States may by Regulations designate any other a place or an institution as a special area, or modify the application of any provision of this Law, in relation to any special area.

*Article 17* provides for payment of an annual fee to be prescribed in an order made by the Minister to be payable each year.

*Article 18* provides for the surrender of a premises licence by submitting a notice in writing to the Licensing Assembly together with the premises licence or if it is not possible to submit the premises licence to the Licensing Assembly an explanation of why the premises licence has not been returned.

*Article 19* makes provision for a temporary premises licence in respect of any premises about to be constructed, renovated or adapted or in the course of construction, renovation or adaptation for the purposes of selling intoxicating liquor (which is treated in the same way as a premises licence under the Law except that it is only valid for a specified period) or a temporary premises licence in respect of premises in which an event is being held (for which the States is empowered to make Regulations).

*Part 5* of the Law comprises *Articles 20 to 26* which make provision for personal licenses.

*Article 20* provides eligibility criteria for a personal licence so that a person must be at least 18 years of age; must have received the requisite training an accredited body under *Article 47* and must be a fit and proper person to hold a personal licence.

*Article 21* provides for an application for the grant or renewal of a personal licence to be made to the Licensing Assembly and for the application to be submitted to the Treasurer of the States not later than the 5th day of the month in which the application will be considered by the Licensing Assembly. The Treasurer of the States is required to prepare a list of applications setting out the name, address and nationality of each applicant and to submit a copy of the list to the Licensing Assembly and the States Police Force within 7 days of receipt of the application. An application for renewal of a personal licence may be made at any time during the the6 months preceding the date of expiry of the personal licence.

*Article 22* provides for an application for the grant or renewal of a personal licence to be determined by the Licensing Assembly. The Licensing Assembly, in deciding whether or not an application should be granted, must have regard to the documents accompanying the application under *Article 28(2)*, the statement of licensing policy referred to in Article 4 and any recommendation received from the States Police Force under Article 2(4). The Licensing Assembly has the discretion grant or renewal licence if satisfied that it is appropriate to grant or renew the personal licence or if not satisfied that it is appropriate to grant the personal licence the Licensing Assembly may refuse the grant of the personal licence. The Licensing Assembly may attach to

any personal licence such conditions as, having regard to all the circumstances of the case, the Licensing Assembly thinks fit. The Licensing Assembly under a duty to give notice in writing of its decision to the applicant and shall in the notice, in the case of a decision a refusal, give reasons for its decision and notify the applicant of the applicant's right to appeal. Where a personal licence is granted the Licensing Assembly must issue the personal licence to the applicant in the prescribed form and on payment of the prescribed personal licence fee. If the Licensing Assembly grants a personal licence in respect of an application which the States Police Force has recommended against, the Licensing Assembly must notify the States Police Force in writing of the reasons for the decision to grant the personal licence.

*Article 23* provides for a personal licence to take effect on the date on which it is granted and shall remain valid for a period of 10 years unless the personal licence is suspended, revoked or surrendered.

*Article 24* imposes obligations on the holder of a personal licence. A holder of a personal licence must inform the Licensing Assembly and the States Police Force of any change of his or her name or address within 7 days of the date of change. If a holder of a personal licence is charged with an offence, the holder must inform the Court that he or she holds a personal licence and present it to the Court, if the required to do so. If a holder of a personal licence is the designated licensee at a licensed premises or is responsible for the sale of intoxicating liquor at any premises or event, the holder must provide, on demand his or her personal licence for inspection by a police officer. A holder of a personal licence who is the designated licensee in licensed premises or who is responsible for the sale of intoxicating liquor at any premises or event is prohibited from serving or permit the sale of intoxicating liquor to any person who is drunk.

*Article 25* provides for the review of a personal licence and for the variation, suspension or revocation of a personal licence. The Licensing Assembly has the discretion to review a personal licence at any time on its own volition, or on the recommendation from the Attorney General or the States Police Force.

The grounds for review are set out in Article 25(2) and the Licensing Assembly may accept or reject a recommendation for review of a personal licence. The Licensing Assembly is required to inform the States Police Force of a review of a personal licence and the States Police Force must, within [7] days of receipt of the notice, submit a recommendation to the Licensing Assembly indicating whether the States Police Force considers the holder of the personal licence should continue to hold the personal licence. If upon review the Licensing Assembly considers that the personal licence is not being operated in an appropriate manner the Licensing Assembly may vary the conditions of the personal licence or suspend or revoke the personal licence. The Licensing Assembly is under a duty to give notice in writing of its decision to the holder of the personal licence and must in the notice give reasons for its decision and notify the holder of his or her right to appeal. A person whose personal licence has been revoked shall not be entitled to apply for another personal licence unless the period of time specified by the Licensing Assembly has elapsed. Where the Licensing Assembly revokes any personal licence, any fees that have been paid in respect of that personal licence which have not taken effect shall be refunded to the holder of the personal licence.

*Article 26* provides for the surrender of a personal licence by submitting a notice in writing to the Licensing Assembly accompanied by the personal licence or if it is not possible to submit the personal licence to the Licensing Assembly an explanation of why the personal licence has not been returned.



Part 6 of the Law comprises *Articles 27 to 29* which make provision for enforcement.

*Article 27* provides a police officer and a member of the States of Jersey Fire and Rescue Service with powers of entry into licenced premises and other premises

*Article 28* empowers a police officer with the rank of inspector or higher or any other police officer with the approval of another police officer with the rank of inspector or higher, to make a closure order in respect of any licensed premises if he or she reasonably believes that there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the licensed premises and that such closure is necessary in the interests of public safety. A police officer or a duty Centenier who issues a closure order is required to give notice in writing of the closure order and any relevant details of the service of the order to a Jurat who must determine whether, in the interest of public safety or public order, the closure order should continue in force or be extended or revoked.

*Article 29* clarifies that evidence that (a) a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under this Law be evidence of the sale of the liquor without proof that money passed; (b) evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings be evidence of the consumption of intoxicating liquor without proof of actual consumption and (c) evidence that any person, other the holder of a premises licence, a designated licensee or an employee of the holder of the premises licence employed in the licensed premises, consumed or intended to consume intoxicating liquor in the premises shall be evidence that the liquor was sold by or on behalf of the holder of the licence to that person.

*Article 30* imposes an obligation on the Treasurer of the States, a Connétable, and the Licensing Assembly, at the request of the Attorney General to provide an Attorney General with certain documents.

*Article 31* imposes a duty on a Connétable shall keep a register in which shall be entered particulars of every conviction relating to licensed premises in his or her parish and shall submit the register to the Licensing Assembly annually in December and as otherwise required by the Licensing Assembly.

*Part 7* of the Law comprises *Article 32 to 44* which make provision for offences and penalties.

*Article 32* prohibits a person from selling sell intoxicating liquor unless there is a valid premises licence or temporary premises licence in place for the premises or the area in the premises from which the intoxicating liquor is being offered for sale or is being sold and the licensed premises are operated by a holder of a valid personal licence who is a designated licensee. *Article 33* prohibits the serving or delivering intoxicating liquor to or for consumption by persons under 18 subject to certain limited exceptions. The States is empowered to specify certain circumstances in which the serving of intoxicating liquor to a person under the age of 18 years.

*Article 34* provides for a holder of a licence, who either by himself, herself or by any employee or agent, acts in contravention of or fails to comply with any condition or restriction on or subject to which the licence was granted, or sells intoxicating liquor otherwise than as he or she is authorized by the licence to be guilty of an offence.

*Article 35* provides for a person who purchases, on any licensed premises, any intoxicating liquor outside the hours during which such liquor may under the provisions of this Law be sold to the person on those premises to be guilty of an offence.

*Article 36* provides for a person who takes from any licensed premises intoxicating liquor sold for consumption on the premises to be guilty of an offence and shall be liable to a fine of level 2 on the standard scale.

*Article 37* provides for a person who is found drunk or disorderly on any licensed premises to be guilty of an offence and shall be liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.

*Article 38* provides for a person who wilfully obstructs or interferes with a member of the States of Jersey Fire and Rescue Service in the exercise of any of his or her powers under *Article 27(3) or (4)* to be guilty of an offence.

*Article 39* provides for a person to be guilty of an offence if, the person knowingly makes any statement or gives any information which is false in a material particular, or produces any declaration or certificate knowing the same to be false in a material particular.

*Article 40* provides a general penalty of imprisonment for a term of 6 months and a fine of level 3 on the standard scale where a person is guilty of an offence under the Law for which no special penalty is provided.

*Article 41* protects the holder of the licence from conviction if he or she proves that the offence was committed as a result of a false statement having been made to him or her, or his or her employee or agent, by some other person, and that there was no good reason to suspect that the statement was false. A person who, by making a false statement, renders the holder of a licence liable to proceedings for an offence against this Law, he or she shall, whether or not the holder of the licence is convicted of the offence, be liable to a fine of level 3 on the standard scale.

*Article 42* deems the holder of licence as well as the holder's employee or agent to be guilty of an offence committed by the employee or agent.

*Article 43* makes any person who aids, abets, counsels or procures the commission of an offence guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

*Article 44* makes provision for the criminal liability of partners, directors and other officers of partnerships with separate legal personality and body corporates.

*Part 8* of the Law contains miscellaneous provisions.

*Article 45* provides exemptions so that the sale of cider or medicines or the sale of intoxicating liquor by auction, by an agent of the holder of a premises licence or on an aircraft or a vessel is not unlawful in certain specified circumstances.

*Article 46* empowers the Bailiff to grant to the holder of a premises licence or a designated licensee who makes an application to the bailiff a special permit authorizing the holder of the premises licence or the designated licensee on any special occasion, to sell intoxicating liquor by retail for consumption on the licensed premises and to keep the licensed premises open to the public during the hours (being hours outside the hours authorized by the premises licence) specified in the permit; or on the occasion of any race meeting, public fête, sporting event, agricultural, horticultural or commercial exhibition or social meeting, to sell intoxicating liquor by retail during the hours and at the place specified in the permit for consumption during those hours and at that place.

*Article 46* empowers the Bailiff to grant a special permit authorizing the holder of the premises licence or the designated licensee to sell intoxicating liquor by retail for consumption on the licensed premises and to keep the licensed premises open to the public during the hours (being hours outside the hours authorized by the premises

licence) specified in the special permit. The Bailiff also has power to grant to the holder of a person licence or a holder of premises licence a special permit authorizing the holder of the personal licence or the holder of the premises licence to sell intoxicating liquor by retail at an event during the hours and at the place specified in the special permit for consumption during those hours and at that place.

*Article 46* imposes a requirement on a person to whom a special permit has been granted under to have the special permit available for inspection at the premises to which it relates by the Connétable of the parish concerned or to a person authorized by the Connétable or a police officer.

*Article 47* gives the Minister the power after consultation with the Alcohol Licensing Policy Group, to accredit a person (an accredited body) entitling that accredited body to give training, examination and certification to door staff of licensed premises employees of a holder of a premises licence or pertinent to a personal licence. An accredited body is required to keep an up to date record of the persons who been certified and shall provide the record to the States Police Force at the request of the States Police Force with the record. An accredited body may charge fees for training, examination and certification. *Article 48* entitles an applicant for, or a holder of, a licence or special permit who is aggrieved by a decision of the Licensing Assembly under this Law, a police officer, the Centenier or a Jurat under *Article 28* or the Bailiff under *Article 46* to appeal to the Court against that decision. A person who has addressed the Licensing Assembly or the Parish Assembly in respect of an application for a licence also has the right of appeal against a decision to grant a licence. A Jurat who sat as part of the Licensing Assembly which considered the application and made the decision shall not be eligible to sit as a member of the Court to hear the appeal against that decision. An appeal may be brought within 28 days after the applicant for, or a holder of, a licence or special permit is notified of the decision in writing or within such further time as the Court allows. The Court is required to consider the submissions made to the Licensing Assembly as well as any further submissions from parties who have the right or duty to address the Licensing Assembly, Parish Assembly or the Bailiff.

*Article 49* empowers the States to make Regulations for the purposes of carrying this Law into effect. The Regulations provide for the charging of fees by the States Police Force, the States of Jersey Fire and Rescue Service or Health Protection Unit for reports required under this Law or the Regulations and the amount of such fees; create offences and specify penalties for such offences not exceeding imprisonment for 2 years and a fine for contravention of the Regulations; make such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient for the purposes of the Regulations.

*Article 50* empowers the Minister to make provision prescribing any matter which is to be prescribed under the Law, as to the manner of filing of applications and other documents and specifying the fees to be charged in connection with an application for the grant or renewal of a licence.

*Article 51* confirms the powers conferred upon the States by the Order in Council of the 6th day of March 1833, to amend legislation relating to the conduct of taverners, the sale of wines and liquors and the grant of licences and provides that accordingly, the States may by Regulations make such amendments to this Law as may from time to time be deemed expedient.

*Article 52* provides for the repeal of the Licensing (Jersey) Law 1974.

*Article 53* contains savings and transitional provisions.

*Article 54* provides for the Law to be cited as the Liquor Licensing (Jersey) Law 201- and provides that it shall come into force on such day or days as the States may by Act appoint.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.





Jersey

## LIQUOR LICENSING (JERSEY) LAW 201-

### Arrangement

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Jersey

## LIQUOR LICENSING (JERSEY) LAW 201-

A **LAW** to make provision for control of the sale and consumption of intoxicating liquor and for connected purposes.

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*Adopted by the States* [date to be inserted]

*Sanctioned by Order of Her Majesty in Council* [date to be inserted]

*Registered by the Royal Court* [date to be inserted]

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

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### PART 1

#### INTERPRETATION

#### 1 Interpretation

(1) In this Law –

“accredited body” means a person accredited under Article 47;

“Alcohol Licensing and Policy Group” means the body established under Article 3(1);

“authorized person” means a person authorized by a designated licensee under Article 15(2);

“bar” means any open drinking bar;

“cider” includes perry;

“Court” means the Inferior Number of the Royal Court;

“designated licensee” shall be construed in accordance with Article 15;

“employee” has the same meaning as in Article 2(1)(b) of the Employment Relations (Jersey) Law 2007;

“Health Protection Unit” means the Health Protection Unit of the Health and Social Services Department;

“intoxicating liquor” means wine, beer, cider and any other liquor with an alcoholic content, intended for human consumption, but excludes any liquor where the alcoholic content is less than 1.2 % volume of ethyl alcohol as determined in accordance with Article 2 of the Customs and Excise (Jersey) Law 1999, and liqueur confectionery;

“licence” means a licence granted under this Law;

“licensed premises” means premises in respect of which a premises licence or a temporary premises licence is in force;

“Licensing Assembly” means the Assembly of the Governor, Bailiff and Jurats;

“meal” means breakfast, luncheon, tea, dinner, supper or any similar meal consumed by a person seated at a table that does not constitute a service counter or bar;

“Minister” means the Minister for Economic Development;

“Parish Assembly” means the Assembly of Principals and Officers of the parish;

“parish concerned” means, as regards any licence or application for a licence, the parish in which are situate the premises to which the licence or application relates;

“permitted hours” means, as regards any licence, the hours specified in relation to the category of that licence;

“personal licence” means a personal licence granted under Article 22;

“premises” includes any place;

“premises licence” means a premise licence granted under Article 9;

“prescribed” means prescribed by Order made by the Minister;

“sell” includes offer or agree to sell or expose for sale;

“States of Jersey Fire and Rescue Service” has the meaning as in the Fire and Rescue Service (Jersey) Law 2011;

“States Police Force” has the same meaning as in Article 1 of the States of Jersey Police Force Law 2012;

“temporary premises licence” means a temporary premises licence referred to in Article 19.

## **PART 2**

### **LICENSING**

#### **2 Categories of licenses**

- (1) For the purpose of this Law there shall be the following categories of licences –



- 
- (a) a premises licence which permits the sale of intoxicating liquor from licensed premises or within a designated area in the licensed premises;
  - (b) a temporary premises licence which permits the sale of intoxicating liquor from licensed premises or within a designated area in the licensed premises for a particular period specified in the temporary premises licence; and
  - (c) a personal licence which permits an individual to manage the day to day operation of licensed premises, and where the Bailiff, issues a special permit under Article 46(1)(b), to sell intoxicating liquor from a location outside of licensed premises.
- (2) The States may by Regulations –
- (a) create –
    - (i) classes of licence within a category specified in paragraph (1), or
    - (ii) categories of licence, other than those referred to in paragraph (1), in respect of the sale of intoxicating liquor; or
  - (b) impose general conditions regarding a category or class of licence; or
  - (c) provide the procedures for the application for and grant of any category or class of licence created under paragraph (a).

### **3 Establishment of Alcohol and Licensing Policy Group**

- (1) There is established a body to be known as the Alcohol and Licensing Policy Group for the purposes of advising the Council of Ministers on the development of policy regarding alcohol licensing having regard to the key licensing objectives referred to in paragraph (3);
- (2) The Alcohol and Licensing Policy Group shall comprise –
  - (a) the Chief Minister as the Chairman;
  - (b) the Minister for Economic Development;
  - (c) the Minister for Home Affairs;
  - (d) the Minister for Health and Social Services; and (e) a representative of the Comité des Connétables.
- (3) The Alcohol and Licensing Policy Group shall, in carrying out their functions under this Law have regard to following are the key licensing objectives –
  - (a) the reduction of alcohol related crime and objectives;
  - (b) the protection of public safety;
  - (c) the prevention of public nuisance;
  - (d) the improvement and protection of public health;
  - (e) the protection of children from alcohol related harm; and
  - (f) to support the local economy.

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**4 Statement of licensing policy**

- (1) The Alcohol and Licensing Policy Group after consultation with the Council of Ministers shall from time to time as the Alcohol and Licensing Policy Group sees fit prepare a statement of licensing policy for the purpose of establishing sound principles and providing practical guidance in respect of any functions of the Licensing Assembly under this Law.
- (2) The Minister shall ensure that the statement of licensing policy prepared under paragraph (1) is printed and available to the public and may make the statement of licensing policy available to the public for a prescribed fee.

**5 Sessions of Licensing Assembly**

- (1) Subject to paragraphs (2) and (3) and to Articles 9, 14, 15, 16, 22 and 25, the Licensing Assembly may regulate its own procedure.
- (2) The Licensing Assembly shall hold ordinary sessions within the 10 days preceding 25th March, 24th June, 29th September and 25th December in each year for the purpose of –
  - (a) the determination of applications under this Law for the grant of a premises licence;
  - (b) the determination of an application for the approval of a designated licensee if a recommendation under 15(8) or (9) objects to the approval of the designated licensee;
  - (c) the determination of an application for the grant or renewal of a personal licence if recommendation made by the States Police Force under Article 21(2)(c)(ii) considers that the person is not a fit and proper person to hold a personal licence; or
  - (c) the review of a premises licences under Article 14 or a personal licences under Article 25.
- (3) Notwithstanding paragraph (2), the Licensing Assembly may hold an extraordinary session whenever it thinks fit to do so for any purpose referred to in paragraph (2), and, in relation to an application for a premises licence to be determined at such an extraordinary session Articles 6, 7 and 8 shall have effect subject to such modifications as may be necessary to ensure that anything required to be done prior to the consideration of the applications is done in due order, including, in particular, at least 15 days prior notice of any application to all the relevant competent authorities.

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**PART 3****PREMISES LICENCES****6 Application for a premises licences**

- (1) An application for the grant of a premises licence shall be submitted to the Treasurer of the States not later than the 5th day of the month preceding that in which the application will be considered by the Licensing Assembly.
- (2) An application for the grant of a premises licence shall –
  - (a) be made in the form approved by the Licensing Assembly;
  - (b) contain information required to identify the person making the application (including the name and address of the person);
  - (c) identify the premises to which the application relates and the boundaries of the premises;
  - (d) be accompanied by the following documents –
    - (i) reports in the prescribed form obtained by the applicant from the States Police Force, States of Jersey Fire and Rescue Services and Health Protection Unit detailing their opinion of those services on the proposed premises licence,
    - (ii) an operating schedule containing a statement of the manner in which the business will be run with particular reference to –
      - (aa) the nature and intended activities of the business,
      - (bb) the training of staff including where necessary, door staff, and
      - (cc) any other matter that the Licensing Assembly requires, and
    - (iii) a surveyors plan for the premises to which the application relates which identifies the boundaries of the premises; and
  - (e) be accompanied by the prescribed application fee.
- (3) The provision of the reports referred to in paragraph (2)(d)(i) may require inspection by the States Police Force, States of Jersey Fire and Rescue Services or Health Protection Unit of the premises to which the application relates before a report is given to the applicant.
- (4) The Treasurer of the States shall –
  - (a) prepare a list of applications, arranged by parishes in alphabetical order, setting out –
    - (i) the name of the applicant,
    - (ii) in the case of an application made by –
      - (aa) an individual, the address and nationality of the individual and the place or places at which the individual has resided during the 3 years immediately preceding the date of the application, or

- (bb) a person who is not an individual, the address of its registered office, and
- (iii) the address of the premises to which the application relates;
- (b) not later than the 15th day of the month preceding that in which applications will be considered by the Licensing Assembly, submit a copy of the list to each of the following –
  - (i) the Bailiff,
  - (ii) the Judicial Greffier,
  - (iii) the Minister,
  - (iv) the Chief Architect of the States,
  - (v)–the States Police Force,
  - (vi) the Chief Fire Officer,
  - (vii) the Chief Public Health Inspector, and
  - (viii) the Connétable of each parish; and
- (c) not later than the 15th day of the month preceding that in which the application will be considered by the Licensing Assembly a copy of the application together with the documents referred to in paragraph (2)(d) to the Connétable of the parish concerned.

#### **7 Connétable's powers of inspection**

- (1) The Connétable of the parish concerned may authorize a competent person to carry out an inspection of relevant premises and to prepare and submit a report to the Connétable detailing whether the premises are suitable for the premises licence applied for.
- (2) A report under paragraph (1) may contain other information requested by the Connétable on any relevant matter.
- (3) The Connétable shall submit the report referred to in paragraph (1) to the Parish Assembly.
- (4) The expenses reasonably incurred in carrying out an inspection and preparing the report under paragraph (1) shall be charged to, and payable by, the applicant.

#### **8 Consideration of applications by Parish Assembly**

- (1) An application for the grant of a premises licence shall, before being submitted to the Licensing Assembly, be considered by the Parish Assembly of the parish concerned, and the Parish Assembly shall make a recommendation to the Licensing Assembly as to whether or not the application should be granted.
- (2) The meeting of the Parish Assembly to consider an application under this Article shall be held not later than the first day of the month in which the applications will be heard by the Licensing Assembly and the convening notice shall contain particulars of the name of the applicant, the address of the premises to which the application relates and the category of licence for which application is made.



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- (3) At the meeting of the Parish Assembly under this Article the following persons may appear and be heard by the Parrish Assembly –
    - (a) an applicant for a premises licence or an advocate or solicitor representing the applicant; and
    - (b) any member of the Parish Assembly or an advocate or solicitor representing the member.
  - (4) If neither the applicant nor the advocate or solicitor representing the applicant appear before the Parish Assembly under paragraph (3), consideration of the application shall, notwithstanding any other provision of this Law be deferred.
  - (5) The Parish Assembly shall not later than the 5th day of the month in which the applications will be determined by the Licensing Assembly prepare a record of its recommendation in respect of the premises and submit copies of that record to the Bailiff, Judicial Greffier, Minister, Chief Architect of the States, States Police Force, Chief Fire Officer, Chief Public Health Inspector and the Connétable of each parish concerned .
  - (6) The Connétable shall, not later than the 5th day of the month in which the applications will be determined by the Licensing Assembly submit to the Licensing Assembly the record of the recommendation of the Parish Assembly referred to in paragraph (5) together with copies of the documents provided by the applicant under Article 6(2)(d) and copies of any report submitted to the Connétable under Article 7(1).
  - (7) If a meeting of the Parish Assembly is convened for no other purpose than to consider one or more applications for premises licences the cost of convening the meeting of Parish Assembly including the notification shall be chargeable to and payable by the applicants.

## **9 Grant or refusal of premises licence**

- (1) An application for the grant of a premises licence shall be determined by the Licensing Assembly.
- (2) When an application for a premises licence is being considered by the Licensing Assembly –
  - (a) the following persons may address the Licensing Assembly –
    - (i) the applicant for the premises licence or an advocate or solicitor representing the applicant,
    - (ii) any person giving 7 days written notification to the Judicial Greffier,
    - (iii) the Attorney General,
    - (iv) the Connétable of the parish concerned,
    - (v) representatives of the States Police Force,
    - (vi) representatives of the States of Jersey Fire and Rescue Service, or

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- (vii) representatives of the Health Protection Unit, in respect only of the capacity of the proposed premises to accommodate the intended number of persons in a safe and sanitary manner, and
    - (b) an officer designated by the Minister may address the Licensing Assembly where an application for a premises licence relates to premises registered under the Tourism (Jersey) Law 1948.
  - (3) The Licensing Assembly, in deciding whether or not an application should be granted, shall have regard to –
    - (a) the statement of licensing policy referred to in Article 4;
    - (b) the nature of the business conducted or to be conducted on the premises sought to be licensed and the suitability of those premises for the conduct of that business;
    - (c) the reports provided by the States Police Force, the States of Jersey Fire and Rescue Services and the Health Protection Unit referred to in Article 6(2)(d)(i) together with any reports requested as part of the Parish Assembly process by the Connétable of the parish concerned; and
    - (d) the recommendation of the parish concerned.
  - (4) Where, after consideration of the factors in paragraph (5), the Licensing Assembly –
    - (a) is satisfied that it is appropriate to grant the premises licence applied for, the Licensing Assembly may grant the premises licence; or
    - (b) is not satisfied that it is appropriate to grant the premises licence applied for, the Licensing Assembly may –
      - (i) refuse the grant of the premises licence,
      - (ii) grant a premises licence for an area different from that for which the application is made, or
      - (iii) grant a premises licence of a different category to that for which the application is made.
  - (5) The Licensing Assembly shall, in deciding whether to –
    - (a) grant –
      - (i) the premises licence applied for,
      - (ii) a premises licence for a different area, or
      - (iii) a premises licence of a category different from that for which the application is made; or
    - (b) refuse to grant a premises licence,have regard to, but shall not be bound by, the recommendation of the Parish Assembly.
  - (6) The Licensing Assembly may attach to any premises licence such conditions as, having regard to all the circumstances of the case, the Licensing Assembly thinks fit.
  - (7) The Licensing Assembly shall give notice in writing of its decision under paragraph (6) to the applicant and, in the case of a decision under

paragraph (6)(b), shall in the notice give reasons for its decision and notice to the applicant of the applicant's right to appeal under Article 48.

- (8) Where a premises licence is granted under this Article, the Licensing Assembly shall issue the premises licence to the applicant in the prescribed form on payment of the prescribed premises licence fee.

#### **10 Duration of premises licence**

A premises licence shall take effect on the date on which it is granted and shall remain valid unless –

- (a) the premises licence is suspended or revoked under Article 14;
- (b) the holder of the premises licence fails to pay the prescribed annual fee within the time specified in Article 17; or
- (c) the premises licence is surrendered under Article 18.

#### **11 Public access**

- (1) The holder of a premises licence shall display the premises licence in a conspicuous place in public view in the area of the licensed premises to which the premises licence applies.
- (2) A premises licence displayed under paragraph (1) shall include any changes made to the premises licence or to conditions applied to the premises licence by the Licensing Assembly.
- (3) The holder of a premises licence who contravenes paragraph (1) or (2) shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

#### **12 Rights to exclude persons from licensed premises**

- (1) The holder of a premises licence or the holder's employee or agent may, without giving any reason, refuse to admit to, and may remove from, the licensed premises any person who is drunken, violent, quarrelsome or disorderly, or any person whose presence on the licensed premises would subject the holder of the premises licence to a penalty under this Law.
- (2) A police officer shall, at the request of the holder of a premises licence or the holder's employee or agent help to remove from the licensed premises any person liable to be removed from the licensed premises under this Article, and may use such force as is reasonably necessary for the purpose.
- (3) A person who, on being requested under this Article by the holder of a premises licence, the holder's employee or agent or any police officer to leave the licensed premises, refuses or fails to do so shall be guilty of an offence and liable to a fine of level 2 on the standard scale.

**13 Closing of licensed premises**

A holder of a premises licence may close the licensed premises at any time, for any reason and for any period.

**14 Review and variation, suspension or revocation of a premises licence**

- (1) The Licensing Assembly may review a premises licence –
  - (a) on its own volition or on the recommendation from a party specified in paragraph (2); or
  - (b) by necessity following the exercise of a police officer's powers of closure of licensed premises under Article 28.
- (2) The following parties may recommend the review of a premises licence under paragraph (1)(a) –
  - (a) the Connétable of the parish concerned;
  - (b) the States Police Force;
  - (c) the States of Jersey Fire and Rescue Service; or
  - (d) the Attorney General.
- (3) The Licensing Assembly may review a premises licence on the grounds that –
  - (a) the holder of the premises licence is operating under the premises licence in such a manner as to be in contravention of –
    - (i) the key licensing objectives referred to in Article 3(3); or
    - (ii) the conditions of the premises licence;
  - (b) the holder of the premises licence has been convicted of an offence during the application process or after the premises licence was granted;
  - (c) the holder of the premises licence has failed to inform the Licensing Assembly of any fact that is in its opinion relevant to the grant of the premises licence including any convictions of the holder of the premises licence; or
  - (d) a police officer exercises the power to closure of the licensed premises under Article 28 for which the holder of a premises licence is the designated licensee.
- (4) The Licensing Assembly may accept or reject a recommendation for review of a premises licence made under this Article.
- (5) In reviewing a premises licence under this Article, the Licensing Assembly shall be entitled in its absolute discretion to hear any person, either personally or by a legal representative, in connection with the matter under consideration.
- (6) In reviewing a premises licence under this Article, the Licensing Assembly shall have regard to –
  - (a) the operation of the premises licence since it was granted;
  - (b) the evidence provided –
    - (i) in respect of a recommendation for review, or

- (ii) by any party as requested by the Licensing Assembly; and
  - (c) the operation of other licences held by the same person.
- (7) If after a review under this Article, the Licensing Assembly considers that the premises licence is not being operated in an appropriate manner based on the grounds referred to in paragraph (3), the Licensing Assembly may –
  - (a) vary the conditions of the premises licence;
  - (b) suspend the premises licence for such time as the Licensing Assembly thinks fit; or
  - (c) revoke the premises licence.
- (8) The Licensing Assembly shall give notice in writing of its decision under paragraph (7) to the holder of the premises licence and shall in the notice give reasons for its decision and notice to the holder of the holder's right to appeal under Article 48.
- (9) Where the Licensing Assembly revokes any premises licence, any fees that have been paid in respect of that premises licence which have not taken effect shall be refunded to the holder of the premises licence.

## **15 Designated licensee**

- (1) The holder of a premises licence shall with the approval of the Licensing Assembly appoint a person who is the holder of a personal licence to be the designated licensee for the operation of licensed premises.
- (2) The designated licensee in respect of licence premises shall not be required to be on the licensed premises when intoxicating liquor is being sold but when not on the licensed premises shall authorize a person to perform his or her functions.
- (3) A designated licensee shall take all reasonable precautions to ensure that the licensed premises for which he or she is responsible is operated in accordance with this Law.
- (4) If a designated licensee is absent from the licensed premises for more than 30 days, the holder of the premises licence shall, as soon as he or she becomes aware of likely delay of the designated licensee, appoint another holder of a personal licensee as the designated licensee and make an application to the Licensing Assembly under with paragraph (5) for approval of that incoming designated licensee and may continue to operate the licence premises unless the application is refused under paragraph (8).
- (5) Subject to paragraph (6), where it becomes desirable or necessary to appoint or change the designated licensee in respect of licensed premises the holder of the premises licence shall make an application to the Licensing Assembly for the approval of the new designated licensee in the form approved by the Licensing Assembly.
- (6) An application under paragraph (5) shall be submitted to the Treasurer of the States and must identify the applicant and the premises to which the

application relates and must specify, if any, the outgoing designated licensee and the incoming designated licensee.

- (7) The Treasurer of the States shall within [7] days of receipt of an application submitted under paragraph (6) submit a copy of the application to the Connétable of the parish concerned and to the States Police Force.(8) The Connétable of the parish concerned may request an interview of a designated licensee and may within [7] days of receipt of a copy of an application under paragraph (7) make a recommendation to the Licensing Assembly regarding the approval of a designated licensee.
- (9) The States Police may within [7] days of receipt of a copy of an application under paragraph (7) make a recommendation to the Licensing Assembly regarding the approval of a designated licensee.10) The Licensing Assembly may, after consideration of an application made under this Article and having regard to the recommendation of the Connétable of the parish concerned under paragraph (8) and the recommendation of the States Police Force under paragraph (9), if any, approve or refuse to approve the designated licensee and shall –
  - (a) give notice in writing of its decision to the applicant; and
  - (b) where an application is refused give reasons for that decision and notice to the applicant of the applicant's right to appeal under Article 48.

## 16 Special areas

- (1) Notwithstanding any other provision of this Law, on the grant of a premises licence for operation of licensed premises in a special area the Licensing Assembly may, in respect of that premises licence –
  - (a) vary the permitted hours specified in this Law in relation to the category of premises licence;
  - (b) limit the area in respect of which the premises licence applies;
  - (c) vary any of the conditions relating to premises licences referred to in Article 2(2)(b); and
  - (d) attach such conditions as, having regard to all the circumstances of the case, seem desirable.
- (2) Before granting a premises licence in respect of a special area, the Licensing Assembly shall have regard to any recommendations made by the Minister (if any) assigned responsibility for the administration of the special area.
- (3) For the purposes of this Article –
  - (a) the Airport, Fort Regent, Highlands College and the Port of St. Helier are special areas; and
  - (b) the States may by Regulations –
    - (i) designate any other a place or an institution as a special area,  
or



- (ii) modify the application of any provision of this Law, in relation to any special area.

#### **17 Annual fee**

The holder of a premises licence shall pay the prescribed annual fee on the prescribed date in each year

#### **18 Surrender of premises licence**

A holder of a premises licence may surrender the premises licence by submitting a notice in writing to the Licensing Assembly together with the premises licence or if it is not possible to submit the premises licence to the Assembly an explanation of why the premises licence has not been returned.

#### **19 Temporary premises licence**

- (1) A person may apply for the grant of a temporary premises licence in respect of any premises –
  - (a) about to be constructed, renovated or adapted or in the course of construction, renovation or adaptation for the purposes of selling intoxicating liquor; or
  - (b) in which an event is being held and Regulations made under paragraph (4) shall apply in respect of such temporary premises licence.
- (2) Subject to paragraph (3), the remaining provisions of this Part except Article 10 shall apply in respect of a temporary premises licence referred to in paragraph (1)(a) as if it were a premises licence.
- (3) A temporary premises licence referred to in paragraph (1)(a) shall, subject to its suspension or revocation under Article 14, be valid for the period specified in the temporary premises licence and shall expire at the end of that period unless extended by the Licencing Assembly on application made to it by the holder of the temporary premises licence.
- (3) The States may by Regulations make provision for a temporary premises licence referred to in paragraph (1)(b).

### **PART 4**

#### **PERSONAL LICENCES**

#### **20 Eligibility for personal licence**

A person shall be eligible for the grant of a personal licence if the person is –

- (a) at least 18 years of age;
- (b) has received the requisite training from an accredited body; and
- (c) is a fit and proper person to hold a personal licence.

**21 Application for a personal licence**

- (1) Subject to paragraph (2), a person may make an application to the Licensing Assembly for the grant or renewal of a personal licence.
- (2) . (2) An application for the grant or renewal of a personal licence shall be submitted to the Treasurer of the States and shall –
  - (a) be made in the form approved by the Licensing Assembly;
  - (b) contain information required to identify the person making the application (including details of the person's name, address and date of birth);
  - (c) be accompanied by the following documents –
    - (i) in the case of –
      - (aa) an application for the grant of a personal licence, a certificate establishing that the individual has received the requisite training from an accredited body, or
      - (bb) an application for the renewal of a personal licence, the existing personal licence or, where that personal licence cannot be submitted, an explanation as to why it cannot be submitted,
    - (ii) a record of all the applicant's convictions or a statement that no such convictions exist provided by the States Police Force; and
  - (d) be accompanied by the prescribed application fee.
- (3) The Treasurer of the States shall prepare a list of applications setting out the name and address of each applicant and shall within [7] days of receipt of an application, submit a copy of the list to the Licensing Assembly and the States Police Force.
- (4) Where a record under paragraph (2)(c)(ii) reveals that an applicant has criminal convictions, the States Police Force shall within 7 days submit a recommendation in respect of the application, indicating whether the States Police Force considers the applicant to be a fit and proper person to hold a personal licence.
- (5) An application for renewal of a personal licence may be made at any time during the 6 months preceding the date of expiry of the personal licence.

**22 Grant, renewal or refusal of personal licence**

- (1) An application for the grant or renewal of a personal licence shall be determined by the Licensing Assembly.
- (2) The Licensing Assembly, in deciding whether or not an application should be granted or renewed, shall have regard to the documents accompanying the application under Article 21(2), the statement of licensing policy referred to in Article 4 and any recommendation of the States Police Force submitted under Article 21(4).
- (3) Where, after consideration of the factors under paragraph (2), the Licensing Assembly –

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- (a) is satisfied that it is appropriate to grant or renew the personal licence applied for, the Licensing Assembly may grant or renew the personal licence; or
    - (b) is not satisfied that it is appropriate to grant or renew the personal licence applied for, the Licensing Assembly may refuse to grant or renew the personal licence.
  - (4) The Licensing Assembly may attach to any personal licence such conditions as, having regard to all the circumstances of the case, the Licensing Assembly thinks fit.
  - (5) The Licensing Assembly shall give notice in writing of its decision under paragraph (3) to the applicant and shall in the notice, in the case of a decision under paragraph (3)(b), give reasons for its decision and notify the applicant of the applicant's right to appeal under Article 48.
  - (6) Where a personal licence is granted or renewed under this Article, the Licensing Assembly shall issue the personal licence to the applicant in the prescribed form on payment of the prescribed personal licence fee.
- (7) If the Licensing Assembly grants or renews a personal licence in respect of an application which the States Police Force has recommended against, the Licensing Assembly must notify the States Police Force in writing of the reasons for the decision to grant the personal licence.<sup>23</sup>Duration of personal licence**
- (1) A personal licence shall take effect on the date on which it is granted and shall remain valid for a period of 10 years unless the personal licence is renewed under Article 22, suspended or revoked under Article 25 or surrendered under Article 26.
  - (2) Where a personal licence is renewed under Article 22 it shall remain valid for an additional period of 10 years from the date it was due to expire unless it is suspended or revoked under Article 25 or surrendered under Article 26.

#### **24 Obligations of the holder of a personal licence**

- (1) A holder of a personal licence shall –
  - (a) inform the Licensing Assembly and the States Police Force of any change of his or her name or address within 7 days of the date of change;
  - (b) if he or she is charged with an offence, inform the Court that he or she holds a personal licence and present it to the Court if required to do so; or
  - (c) if he or she is the designated licensee of a licensed premises or is responsible for the sale of intoxicating liquor at any premises or event, provide, on demand his or her personal licence for inspection by a police officer.
- (2) The holder of a personal licence who is the designated licensee of licensed premises or who is responsible for the sale of intoxicating liquor

at any premises or event shall not serve or permit the sale of intoxicating liquor to any person who is drunk.

- (3) A holder of a personal licence who contravenes paragraph (1) or (2) shall be guilty of an offence liable to a term of imprisonment for [2] years or to a fine.

## **25 Review and variation, suspension or revocation of a personal licence**

- (1) The Licensing Assembly may review a personal licence at any time on its own volition, or on the recommendation from the Attorney General or the States Police Force.
- (2) The Licensing Assembly may review a personal licence on the grounds that the holder of the personal licence –
  - (a) in contravention of –
    - (i) the key licensing objectives referred to in Article 3(3); or
    - (ii) the conditions of the personal licence;
  - (b) has been convicted of an offence whether in Jersey during the application process or after the personal licence was granted;
  - (c) is not a fit and proper person to hold a personal licence;
  - (d) failed to inform the Licensing Assembly of any fact that is in its opinion relevant to the grant of the licence including any convictions of the holder of the personal licence; or
  - (e) the States Police Force exercises the power to close the licensed premises for which the holder of a personal licence is the designated licensee under Article 15.
- (3) The Licensing Assembly may accept or reject a recommendation for review of a personal licence made under paragraph (1).
- (4) The Licensing Assembly shall, by notice in writing, inform the States Police Force of a review of a personal licence and the States Police Force shall, within [7] days of receipt of the notice submit a recommendation to the Licensing Assembly indicating whether the States Police Force considers the holder of the personal licence should continue to hold the personal licence.
- (5) In reviewing a personal licence under this Article, the Licensing Assembly may, in its absolute discretion, hear any person, either personally or by an advocate or solicitor representing the person, in connection with the matter under consideration.
- (6) In reviewing a personal licence under this Article, the Licensing Assembly shall have regard to –
  - (a) the statement of licensing policy referred to in Article 4;
  - (b) the operation of the personal licence since it was granted;
  - (c) the evidence provided –
    - (i) in respect of a request for review, or
    - (ii) by any party as requested by the Licensing Assembly.



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- (7) If after a review under this Article, the Licensing Assembly considers that the personal licence is not being operated in an appropriate manner based on the grounds referred to in paragraph (2), the Licensing Assembly may –
    - (a) vary the conditions of the personal licence;
    - (b) suspend the personal licence for such period of time as the Licensing Assembly thinks fit; or
    - (c) revoke the personal licence.
  - (8) The Licensing Assembly shall give notice in writing of its decision under paragraph (7) to the holder of the personal licence and shall in the notice give reasons for its decision and notify the holder of his or her right to appeal under Article 48.
  - (9) The person whose personal licence has been revoked shall not be entitled to apply for another personal licence unless the period of time specified by the Licensing Assembly has elapsed.
  - (10) Where the Licensing Assembly revokes any personal licence, any fees that have been paid in respect of that personal licence which have not taken effect shall be refunded to the holder of the personal licence.

## **26 Surrender of personal licence**

A holder of a personal licence may surrender the personal licence by submitting a notice in writing to the Licensing Assembly together with the personal licence or if it is not possible to submit the personal licence to the Licensing Assembly an explanation of why the personal licence has not been returned.

## **PART 6**

### **ENFORCEMENT**

## **27 Power to enter premises**

- (1) A police officer may, at any time, enter any licensed premises and make such enquiries and take such steps as the police officer thinks necessary in order to ensure that the provisions of this Law are being complied with.
- (2) A police officer may enter premises, not being licensed premises, in which the police officer has reason to believe that an offence against this Law is being or has been committed and may inspect and make such enquiries and take such steps as the police officer thinks necessary in order to ensure that the provisions of this Law are being complied with.
- (3) A member of the States of Jersey Fire and Rescue Service may, at any reasonable time, enter and inspect any licensed premises, and make such enquiries and take such steps as the member thinks necessary as the member thinks necessary, in order to ensure that the provisions of this

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Law relating to precautions against fire and the safety of persons in the case of fire are being complied with.

- (4) A member of the States of Jersey Fire and Rescue Service may, at any reasonable time, enter and inspect any premises and make such enquiries and take such steps as the member thinks necessary, in order to ensure that the provisions of this Law relating to precautions against fire and the safety of persons in the case of fire are being complied with if the member has reason to believe that the premises is at risk from or might put at risk, a licensed premises in the event of a fire.

## **28 Closure order**

- (1) A police officer with the rank of inspector or higher, any other police officer with the approval of another police officer with the rank of inspector or higher or the duty Centenier of the parish concerned, may make a closure order in respect of any licensed premises if he or she reasonably believes that there is, or is likely imminently to be, disorder on, or in the vicinity of and related to, the licensed premises and that such closure is necessary in the interests of public safety.
- (2) In determining whether to issue a closure order in respect of any premises, a police officer or the duty Centenier of the parish concerned shall have regard, in particular, to the conduct of each appropriate person in relation to the disorder.
- (3) A police officer intending to issue a closure order shall, as far as is reasonably practicable, give notice to the duty Centenier of the parish concerned and a duty Centenier intending to issue a closure order shall give notice to the States Police Force.
- (4) A closure order must –
  - (a) be served in writing on the holder of the premises licence, the designated licensee or an authorized person or in their absence any employee of the holder of the premises licence;
  - (b) specify the licensed premises to which it relates;
  - (c) specify the period for which the licensed premises are to be closed;
  - (d) specify the grounds on which the closure order is made.
- (5) A closure order in respect of any licensed premises to which the disorder relates comes into force at the time the police officer or duty Centenier issuing the closure order gives notice of it to the person referred to in paragraph (4)(a).
- (6) A police officer or a duty Centenier who issues a closure order may, by notice in writing to the holder of a premises licensee, a designated licensee or an authorized person, revoke the closure order before its expiry if the police officer or duty Centenier considers that it is in the interests of public order or safety to do so.
- (7) A holder of a premises licensee, a designated licensee or an authorized person shall not, without reasonable excuse, permit licensed premises to be open in contravention of a closure order.



- (8) A holder of a premises licensee, a designated licensee or an authorized person who contravenes paragraph (7) is guilty of an offence and liable to imprisonment for a term of [2] years and to a fine.
- (9) A police officer or a duty Centenier who issues a closure order shall give notice in writing of the closure order and any relevant details of the service of the order to a Jurat who shall determine whether, in the interest of public safety or public order, the closure order should continue in force or be extended or revoked.
- (10) In this Article “closure order” means an order requiring licensed premises to be closed and prohibiting the operation of licensed premises and the offer for sale or sale of intoxicating liquor in the licensed premises for a period not exceeding 24 hours beginning with the coming into force of the closure order.

### **29 Proof of sale or consumption of intoxicating liquor**

- (1) Evidence that a transaction in the nature of a sale of intoxicating liquor took place shall, in any proceedings relating to an offence under this Law be evidence of the sale of the liquor without proof that money passed.
- (2) Evidence that consumption of intoxicating liquor was about to take place shall in any such proceedings be evidence of the consumption of intoxicating liquor without proof of actual consumption.
- (3) Evidence that any person, other the holder of a premises licence, a designated licensee or an employee of the holder of the premises licence employed in the licensed premises, consumed or intended to consume intoxicating liquor in the premises shall be evidence that the liquor was sold by or on behalf of the holder of the licence to that person.

### **30 Obligation to provide the Attorney General with information**

- (1) The Treasurer of the States shall at the request of the Attorney General provide the Attorney General with any of the following documents –
  - (a) a list of applications for premises licences or personal licences;
  - (b) any application for a premises licence or a personal licence; or
  - (c) any report provided by an applicant (including operational plans) in respect of a premises licence.
- (2) A Connétable shall at the request of the Attorney General provide the Attorney General with any of the following documents the following documents –
  - (a) any report commissions by the Connétable in respect of an application for a premises licence; or
  - (b) the recommendation of the Connétable in respect of any application for a premises licence.
- (3) The Licensing Assembly shall at the request of the Attorney General provide the Attorney General with any of the following documents –

- (a) a copy of any premises licence or personal licence granted;
- (b) any written communication between a holder of a premises licence or personal licence and the Licensing Assembly; or
- (c) any application for a change of designated licensees.

### **31 Duty of Connétable to report convictions**

A Connétable shall keep a register in which shall be entered particulars of every conviction relating to licensed premises in his or her parish and shall submit the register to the Licensing Assembly annually in December and as otherwise requested by the Licensing Assembly.

## **PART 7**

### **OFFENCES AND PENALTIES**

### **32 Prohibition on selling intoxicating liquor licence and designated licensee**

- (1) Subject to Articles 45 and 46, a person shall not sell intoxicating liquor unless –
  - (a) there is a valid premises licence or temporary premises licence in place for the premises or the area in the premises from which the intoxicating liquor is being offered for sale or is being sold; and
  - (b) the licensed premises are operated by a holder of a valid personal licence who is a designated licensee.
- (2) A person who contravenes paragraph (1) shall be guilty of an offence and liable to imprisonment for a term of [12] months and to a fine.
- (3) On conviction of any person for an offence under this Article, the Court may order all intoxicating liquor found in that person's possession and the vessels containing the intoxicating liquor to be forfeited.
- (4) For the purposes of this Article, a person who by way of business stores intoxicating liquor for subsequent delivery within Jersey following the placing of an order with that person or with the consignor of the intoxicating liquor or the person's agent, shall be deemed to sell intoxicating liquor.

### **33 Serving or delivering intoxicating liquor to or for consumption by persons under 18**

- (1) Subject to paragraph (5), the holder of a premises licence shall not in licensed premises sell intoxicating liquor to a person under the age of 18 years or allow a person under that age to consume intoxicating liquor on the licensed premises.
- (2) Subject to paragraph (5), a person under the age of 18 years shall not on licensed premises buy intoxicating liquor or consume intoxicating liquor in such licensed premises.



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- (3) Subject to paragraph (5), a person shall not in licensed premises buy or attempt to buy intoxicating liquor on behalf of a person under the age of 18 years unless the person who buys or attempts to buy the intoxicating liquor –
    - (a) is a parent or guardian of the person under the age of 18 years; or
    - (b) has attained the age of 18 years and has the consent of the parent or guardian of the person under the age of 18 years to purchase the liquor on behalf of the person under the age of 18 years.
  - (4) Subject to paragraph (5), a person shall not buy or attempt to buy intoxicating liquor for consumption on licensed premises by a person under the age of 18 years.
  - (5) Paragraphs (1), (2), (3) and (4) shall not prohibit the serving of intoxicating liquor to a person under the age of 18 years in such circumstances as the States may by Regulations specify.
  - (6) Subject to paragraph (8), the holder of a licence shall not deliver, or allow any person to deliver, to a person under the age of 18 years intoxicating liquor sold on licensed premises for consumption off the licensed premises except where the delivery is made at the residence or working place of the purchaser.
  - (7) Subject to paragraph (8), a person shall not send a person under the age of 18 years for the purpose of obtaining intoxicating liquor sold or to be sold in licensed premises for consumption off the licensed premises, whether the liquor is to be obtained from the licensed premises or other premises from which it is delivered in pursuance of the sale.
  - (8) Paragraphs (6) and (7) shall not apply where the person under the age of 18 years is a member of the family, or is an employee, of the holder of the premises licence and is employed to deliver intoxicating liquor and is acting in that capacity.
  - (9) A person who contravenes of any provisions of this Article shall be guilty of an offence and liable to imprisonment for a term of [12] months and to a fine.
  - (10) In any proceedings for an offence under this Article, it shall be a defence for the defendant to prove that the defendant did not know, and could not with reasonable enquiry have ascertained, that the person was under the age of 18 years.

### **34 Non-compliance with terms of licence**

A holder of a licence, who either by himself, herself or by any employee or agent, acts in contravention of or fails to comply with any condition or restriction on or subject to which the licence was granted, or sells intoxicating liquor otherwise than as he or she is authorized by the licence shall be guilty of an offence.

**35 Purchase of intoxicating liquor outside hours**

A person who purchases, on any licensed premises, any intoxicating liquor outside the hours during which such liquor may under the provisions of this Law be sold to the person on those premises shall be guilty of an offence.

**36 Removal of intoxicating liquor sold for consumption on licensed premises**

A person who takes from any licensed premises intoxicating liquor sold for consumption on the premises shall be guilty of an offence and shall be liable to a fine of level 2 on the standard scale.

**37 Drunkenness on licensed premises**

A person who is found drunk or disorderly on any licensed premises shall be liable to imprisonment for a term of 3 months and to a fine of level 3 on the standard scale.

**38 Obstruction of fire officer**

A person who wilfully obstructs or interferes with a member of the States of Jersey Fire and Rescue Service in the exercise of any of his or her powers under Article 27(3) or (4) shall be guilty of an offence.

**39 False representation or statement**

A person who for any of the purposes of this Law knowingly makes any statement or gives any information which is false in a material particular, or produces any declaration or certificate knowing the same to be false in a material particular shall be guilty of an offence.

**40 General penalty**

Any person guilty of an offence against this Law for which no special penalty is provided shall be liable to imprisonment for a term of 6 months and to a fine of level 3 on the standard scale.

**41 False statements made to licence holders**

- (1) Where proceedings for an offence against this Law are taken against the holder of a licence, he or she shall not be liable to conviction if he or she proves that the offence was committed as a result of a false statement having been made to him or her, or his or her employee or agent, by some other person, and that there was no good reason to suspect that the statement was false.
- (2) A person who, by making a false statement, renders the holder of a licence liable to proceedings for an offence against this Law, shall, whether or not the holder of the licence is convicted of the offence, be liable to a fine of level 3 on the standard scale.

**42 Offences by employees and agents**

Where an offence for which the holder of a licence is liable under this Law has, in fact, been committed by the licence holder's employee or agent, the employee or agent, as well as the holder of the licence, shall be deemed to be guilty of that offence and shall be liable to be prosecuted and punished accordingly.

**43 Aiders and abettors**

Any person who aids, abets, counsels or procures the commission of an offence under this Law shall also be guilty of the offence and liable in the same manner as a principal offender to the penalty provided for that offence.

**44 Criminal liability of partners, directors and other officers**

(1) Where an offence under this Law committed by a limited liability partnership, a separate limited partnership, any other partnership having separate legal personality or a body corporate is proved to have been committed with the consent or connivance of –

- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
- (b) any person purporting to act in any such capacity,

the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.

(2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

**PART 8****MISCELLANEOUS****45 Exemptions**

Nothing in this Law shall make unlawful –

- (a) the sale by a person, for consumption off the person's premises and in quantities of not less than 2 litres, of cider manufactured from apples grown or manufactured by the person from apples grown in Jersey;
- (b) the sale of medicines containing alcohol, by medical practitioners, or persons lawfully carrying on retail pharmacy businesses within the meaning of Article 68(3) of the Medicines (Jersey) Law 1995;
- (c) the sale by auction of intoxicating liquor, by an auctioneer established in Jersey, so long as the liquor is not the property of the auctioneer and has not been imported into Jersey for the purpose of being sold by auction;

- (d) the sale of intoxicating liquor to the holder of a premises licence by the agent of a person who has no place of business within Jersey; or
- (e) the sale of intoxicating liquor without a licence in an aircraft or vessel for consumption on board the aircraft or vessel if the aircraft or vessel is employed for the carriage of passengers and is being flown or navigated from a place in Jersey to another such place or from and to the same place in Jersey on the same day.

#### **46 Special permits**

- (1) The Bailiff may if in his or her discretion and having regard to the statement of licensing policy referred to in Article 4, the Bailiff, thinks fit –
  - (a) grant to the holder of a premises licence or a designated licensee who makes an application to the Bailiff a special permit authorizing the holder of the premises licence or the designated licensee to sell intoxicating liquor by retail for consumption on the licensed premises and to keep the licensed premises open to the public during the hours (being hours outside the hours authorized by the premises licence) specified in the special permit; or
  - (b) grant to the holder of a person licence or a holder of premises licence who makes an application who makes an application to the Bailiff a special permit authorizing the holder of the personal licence or the holder of the premises licence to sell intoxicating liquor by retail at an event during the hours and at the place specified in the special permit for consumption during those hours and at that place.
- (2) An application for the grant of a special permit under paragraph (1) shall be in the form approved by the Bailiff.(3) Where an application is made by the holder of a premises licence the designated licensee who will be responsible for the event shall be specified in the application.
- (4) A special permit granted under this Article may be granted subject to such conditions and restrictions as the Bailiff may think fit to impose.
- (5) The person to whom a special permit has been granted under this Article shall, have the special permit available for inspection at the premises to which it relates by the Connétable of the parish concerned or to a person authorized by the Connétable or a police officer.
- (6) If the person to whom a special permit has been granted under this Article fails to comply with paragraph (3) or any condition or restriction subject to which the special permit was granted, the person shall be guilty of an offence.
- (7) For the purposes of this Article, the Bailiff may regulate his or her own procedures.



**47 Accreditation**

- (1) The Minister may, after consultation with the Alcohol Licensing Policy Group, accredit a person to provide training, examination and certification –
  - (a) for door staff of licensed premises;
  - (b) for employees of the holder of a premises licence; or
  - (c) pertinent to a personal licence.
- (2) An accreditation under paragraph (1) shall be in writing and shall specify the type of training that, examination and certification that the accredited body may provide.
- (3) An accredited body shall issue a certificate to a person who has received training or passed an examination.
- (4) An accredited body shall keep an up to date record of the persons who been certified and shall provide the record to the States Police Force at the request of the States Police Force with the record.
- (5) An accredited body may charge fees for training, examination and certification.
- (6) In this Article “door staff of licensing premises” means a person responsible for the security, protection, screening the suitability of people entering licensed premises, or for conflict management on licensed premises.

**48 Appeal**

- (1) An applicant for, or a holder of, a licence or special permit who is aggrieved by a decision of –
  - (a) the Licensing Assembly under this Law,
  - (b) a police officer, the Centenier or a Jurat under Article 28; or
  - (c) the Bailiff under Article 46;may appeal to the Court against that decision.
- (2) A person who has addressed the Licensing Assembly or the Parish Assembly in respect of an application for a licence under this Law shall have a right of appeal against a decision to grant a licence.
- (3) A Jurat who sat as part of the Licensing Assembly which considered the application and made the decision shall not be eligible to sit as a member of the Court to hear the appeal against that decision.
- (4) An appeal under this Article may be brought within 28 days after the applicant for, or a holder of, a licence or special permit is notified of the decision in writing or within such further time as the Court allows.
- (5) The Court shall consider the submissions made to the Licensing Assembly as well as any further submissions from parties who have the right or duty to address the Licensing Assembly, Parish Assembly or the Bailiff under this Law, as the case may be.

**49 Regulations**

- (1) The States may by Regulations make such other provision as the States think fit for the purposes of carrying this Law into effect.
- (2) Without prejudice to the generality paragraph (1), Regulations made under this Article may –
  - (a) provide for the charging of fees by the States Police Force, the States of Jersey Fire and Rescue Service, the Health Protection Unit for reports required under this Law or the Regulations and the amount of such fees;
  - (b) create offences, and specify penalties for such offences not exceeding imprisonment for 2 years and a fine for contravention of the Regulations;
  - (c) make such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient for the purposes of the Regulations.

**50 Orders**

The Minister may by Order make provision –

- (a) prescribing any matter which is to be prescribed under this Law;
- (b) as to the manner of filing of applications and other documents;
- (c) specifying the fees to be charged in connection with an application for the grant or renewal of a licence.

**51 Power of States to amend Law**

The powers conferred upon the States by the Order in Council of the 6th day of March 1833, to amend legislation relating to the conduct of taverners, the sale of wines and liquors and the grant of licences are confirmed and, accordingly, the States may by Regulations make such amendments to this Law as may from time to time be deemed expedient.

**52 Repeal of Licensing (Jersey) Law 1974**

The Licensing (Jersey) Law 1974 is repealed.

**53 Savings provision**

Any licence granted under the Licensing (Jersey) Law 1974 which is in force immediately before the coming into force of this Law shall continue in force for a period not exceeding [6 months] from the date of commencement of this Law as if granted under this Law.

**54 Citation and commencement**

This law may be cited as the Liquor Licensing (Jersey) Law 201- and shall come into force on such day or days as the States may by Act appoint.



