



Proposed Amendments to the Licensing (Jersey) Law 1974

Consultation Summary and Response

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Executive Summary

The Minister for Sustainable Economic Development committed to bringing forward amendments to the [Licensing \(Jersey\) Law 1974](#) (the “Law”) during this term of Government as a key action from the 2023 Visitor Economy Strategy, and as part of a wider Government commitment to remove unnecessary bureaucracy. This [public consultation](#) on the proposed amendments, held between December 2024 and January 2025, received a total of 103 responses from individuals, organisations and businesses.

The proposed amendments were in five sections, as set out in the [Green Paper](#):

Section A: licensing decision-making organisations. Respondents broadly agreed with the proposal to move licensing approval to a regulatory authority, with varied views on whether the Gambling Commission should exercise this function, and broad agreement that the parishes should continue to be involved in the process. The Licensing Assembly will be reconstituted as the Court of Appeal.

The proposed amendments will set out a simplified process with a single point of contact for all applications, to a recommendation from the Parish Connétable included in the application. As a result, the scope, governance and name of the Gambling Commission will also be revised.

Section B: licence categories. Respondents agreed with the proposal to move to three licence types: an on-licence with bespoke conditions, an off-licence and a special events alcohol licence.

Section C: licence conditions. The introduction of Licence Manager Registration Scheme was supported, along with other changes, including the term of the licence; the process of notification of licence manager absences from the Island; the ability to hold licences for multiple premises; residency requirements; and the need to keep a physical copy of the licence on the premises. As result of the supportive responses to sections B and C, the proposed changes will be pursued as set out in the [Green Paper](#).

Section D: Emergency Services and enforcement powers. There was broad agreement with the proposals to allow for the Regulatory Authority to issue directions and civil financial penalties, review and - if necessary - suspend or revoke licences where, for example, the condition of a licence has been contravened. There was also support for the introduction of the power for States of Jersey Police to issue temporary closure orders, and for the Police and Fire Service to be able to refer matters to the Regulatory Authority where significant concerns arise.

As a result of consultation, Regulatory Authority powers will be included as proposed, and it is intended that powers of closure are extended to Chefs de Police. Expected changes to Fire Precautions Legislation will also affect the proposed amendments as this separate legislation will supersede the need for certain powers to sit in the Licensing Law.

Section E: miscellaneous proposals. There was broad agreement with proposals to relax restrictions on minimum pricing and drinks promotions, with alcohol policy to be set by a Ministerial Oversight Group, and support for the establishment of a central, interoperable register. There was, however, disagreement with the removal of the requirement to display pricing. As a result, amendments will be progressed but retain the requirement for prices to be made readily available to customers.

Amendments will be brought to the States Assembly for debate in late 2025.

Key Findings

Licensing (Jersey) Law 1974 Public Consultation Response Summary

Respondents said
the current licensing
process is...



89%
Agreed
the Licensing Law
should be updated

notably laborious
daunting
rigid
long-winded
onerous
complicated
old-fashioned
red tape
burden
outdated
expensive
challenging



Licensing Decision-Making Organisations:

74% agreed the licensing process should be run by a Regulatory Authority.

Uncertain whether the Regulatory Authority should be the Gambling Commission.

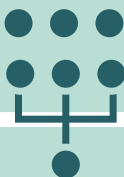
Agreed that Parishes should continue to give their views as part of the licensing process, with the option to call a Parish Assembly if necessary.



Licence Categories:

68% agreed that 6 categories of on-licence should be reduced to 1.

84% agreed with the introduction of a temporary licence.



Licence Conditions:

Supportive of a Licence Manager Registration Scheme.

Agreed that licences should run indefinitely, with periodic review.
Agreed with removing the requirement to keep a physical copy of the law on licenced premises.

Supportive of holding different licences for multiple premises.

Agreed with notifying Regulatory Authority and Connétable of absences, rather than needing approval.

Mixed response on proposed relaxing of residency requirements.



Emergency Services and Enforcement:

Broad support for the Regulatory Authority to be able to issue directions and civil financial penalties.

Supportive of police having powers of closure, in exceptional cases.

Agreed with exclusion orders being reviewed during transition period to ensure they are proportional.

Miscellaneous:

Support for relaxing the restrictions on drinks promotions and minimum pricing.

48% believed promotions and prices should be decided by the licence holder or business themselves.

Agreed with establishing an interoperable, central, register.

Disagreed with removing the requirement to display pricing.



1 Overview and Recommendations

1.1 Background

A public consultation on proposed amendments to the [Licensing \(Jersey\) Law 1974](#) ('the Law') ran between 23 December 2024 and 26 January 2025.

This involved an online survey, public drop-in sessions and pre-consultation briefings with key stakeholders.¹

Overall, 98 responses were received via the online portal and additional written submissions were provided by:

- Public Health
- The Jersey Competition Regulatory Authority
- Comité des Connétables
- Trading Standards (Environmental and Consumer Protection)
- Regulation (Licensing)

Participation in the consultation was promoted as follows:

- Via a dedicated [consultation landing page](#)
- Via media release to ITV, BBC radio and TV, JEP, Bailiwick and Channel 103
- Posted to LinkedIn via the Department for the Economy channel
- Directly sent to industry/stakeholders/associations to distribute with members

1.2 Post-Consultation Recommendations

Overall respondents to the consultation were broadly in agreement with the proposed amendments.

There was evidence from the comments that some amendments need further development and communication, for example how the Regulatory Authority will be staffed and fee structures.

As a result of the consultation, the post-consultation recommendations are to:

- Remove the proposals relating to new powers for the Fire and Rescue Service as the upcoming Fire Precautions Legislation will supersede the Law in this regard.
- Retain provisions in the Law to enable the Fire and Rescue Service (and SOJP) to refer matters to the Regulatory Authority
- Retain the requirement regarding drinks price lists, so that they are always available to customers (as opposed to the initial proposal to remove the requirement altogether)

¹ These included:

- | | |
|--|---------------------------------------|
| • Public Health Regulation Directorate | • Jersey Hospitality Association |
| • Public Health | • Chamber of Commerce |
| • Gambling Commission | • The Fire and Rescue Service |
| • Health and Care Jersey | • The States of Jersey Police |
| • The Bailiff's Chambers | • Justice and Home Affairs Department |
| • Comité des Connetables | • The Policy Centre Jersey |

1.3 Next Steps

With post-consultation recommendations implemented, Law Drafting Instructions have now been submitted via Ministerial Decision and the law drafting process has commenced with the aim to lodge the draft Law with the States Assembly late in 2025.

Post-consultation briefings and workshops with key stakeholders will continue throughout the law drafting process.

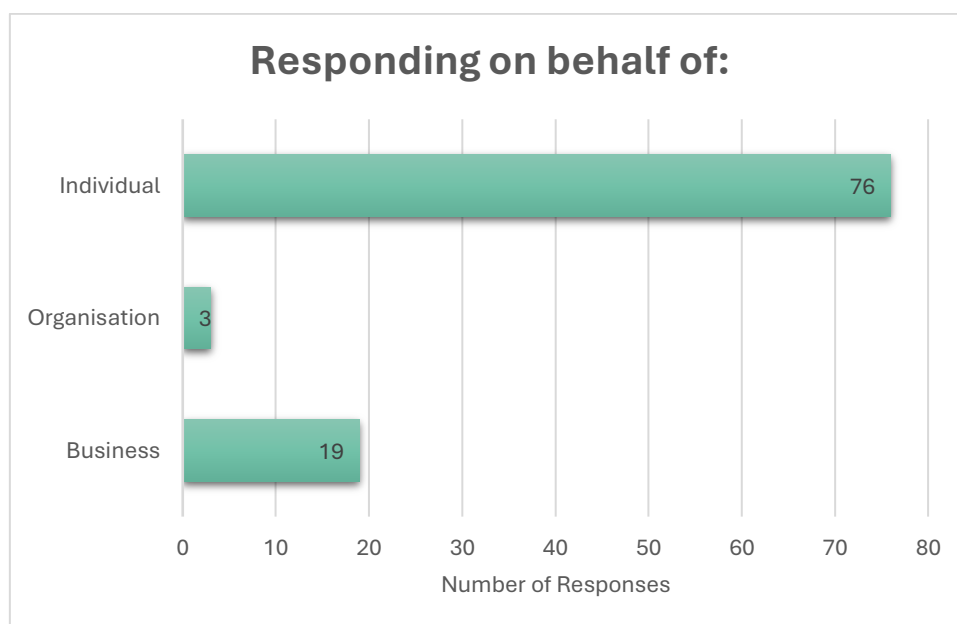
2 Summary of Consultation Responses

2.1 Summary of Online Survey Responses

Question 1: Are you responding:

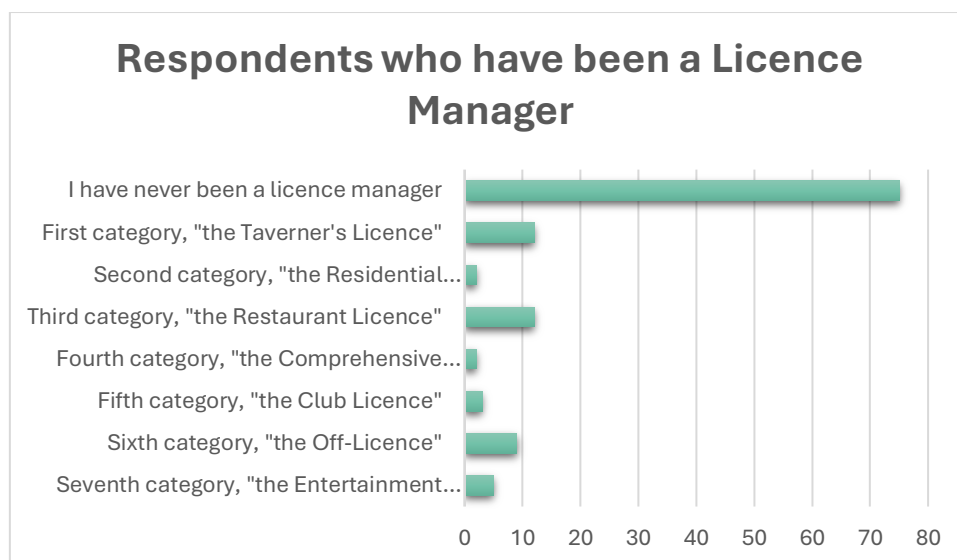
- a. as an individual (you can put your name in the box below or remain anonymous)**
- b. on behalf of an organisation (please put its name in the box below)**
- c. on behalf of a business (please put its name in the box below)**

The responses are represented below:



Question 2: Have you ever been a licence manager?

The responses are represented below:



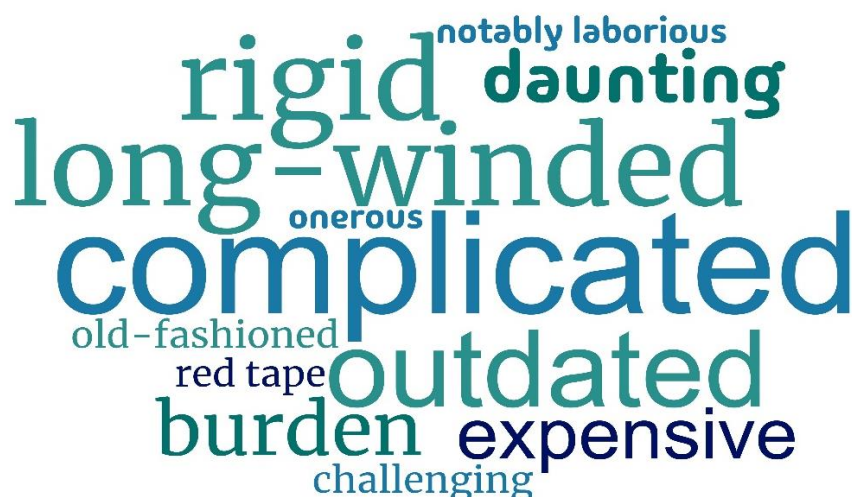
Eighteen respondents chose to leave comments in this section. Of the 75 that answered "I have never been a licence manager", 9 chose to comment that they work or have previously worked in hospitality or adjacent industries (police, security, management, entertainment).

The two most common licences held by respondents were first and third categories, which is reflective of broader trends across the total number of licences currently held in Jersey. It is not uncommon under the current Law for some licensees to hold multiple licences in different categories and several respondents answered as such.

Question 3: Please describe your experience of the licensing process and any changes that you would hope to see.

This open-ended question was thematically analysed. The main themes mentioned by respondents were the licensing process itself, licence categories, drinks promotions and opening hours.

The most common experiences cited by respondents are reflected below:

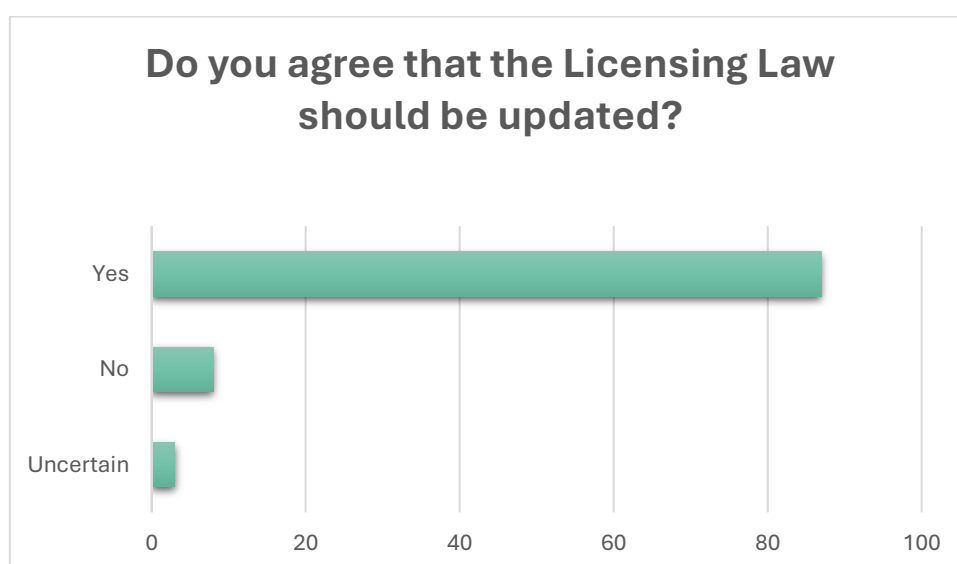


Many comments left by respondents were focused on the need to simplify and accelerate the application process. The changes that respondents said they hoped to see included:

- The Licensing Assembly meeting more often and being made up of skilled regulators with experience in the industry.
- Fewer licence categories.
- Less red tape for takeaway businesses, events and businesses that currently must ‘borrow’ a licence (licence categories and the licensing process must be more in line with modern, innovative businesses that don’t fit into rigid categories).
- The ability to promote drinks without the sale of food, alongside an advertising framework for standardisation across industry and clarification for businesses.
- General flexibility of opening hours and removal of holiday restrictions.
- Online publishing of records of licence holders and events licence holders.
- Standardisation of fees and reduced fees for charities and businesses that operate for limited hours.

Question 4: Do you agree that the Licensing Law should be updated?

The responses are represented below:



Overall, 89% of respondents agreed that the Law should be updated.

This rose to 92% amongst those respondents who are currently, or have been, a licence manager.

Comments from respondents who agreed that the Law should be updated expressed that it is overdue for change, not fit for purpose and a barrier to business for industry.

Most of the 11% of respondents who answered “no” or “uncertain” to this question did not provide further comment. One comment from a respondent who did not think the Law should be updated expressed that there is no need to change something that has worked for a long time.

Government Response

The consultation responses reflect a broad desire to see the Law updated with common perceptions across both licensees and those working in or around the industry as well as across the members of the general public who responded.

It has been a long-held desire of Government and industry to update the Law with a significant, cross-Government effort being made in 2014-2017. The proposals set out in the Green Paper build upon this previous work and also draw upon the points made by respondents on the areas they wished to see changed.

A. Section A – Licensing Decision-Making Organisations

The proposals in *Section A* were concerned with the decision-making organisations in the licensing process. The [Green Paper](#) outlined proposals for these to be as follows:

- That the responsibilities of the Licensing Assembly be assumed by a Regulatory Authority
- That the Jersey Gambling Commission be appointed as the Regulatory Authority
- That an Alcohol Policy Ministerial Group be established to oversee the Government's responsibilities in relation to alcohol regulation and to provide direction to the Regulatory Authority.

Parish Assemblies

- That the provisions for Parish Assemblies be left unchanged but should be qualified with the rights of connétables to recommend or oppose an application OR convene a parish assembly at their discretion
- That a notification and notice period be included in instances where a Connétable makes a recommendation to the Regulatory Authority without recourse to a parish assembly
- That the inspection of premises as part of a licence consideration should be a requirement of the Regulatory Authority, rather than the Connétable

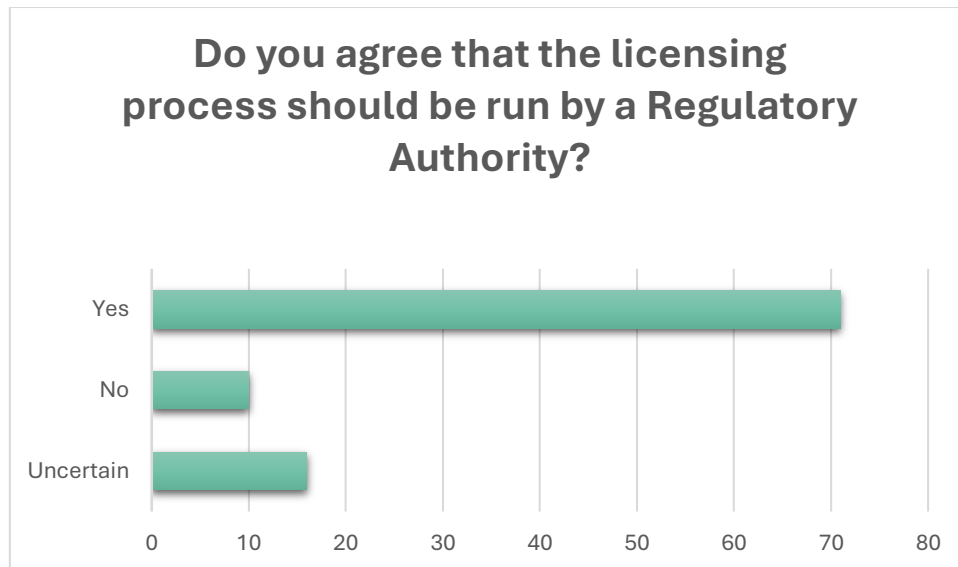
Question 5: Please give your comments on the proposals in Section A.

Forty-eight respondents provided their comments on the proposals in Section A on this question.

There was broad agreement that the proposals in Section A will help to streamline the licensing process. Many comments repeated the responses that were given in questions 6, 7, 8, 9 and 10. Comments that directly answered these questions are included in the analysis in the relevant section.

Question 6: Do you agree that the licensing process should be run by a Regulatory Authority?

The responses are represented below:



74% of respondents agreed that the licensing process should be run by a Regulatory Authority.

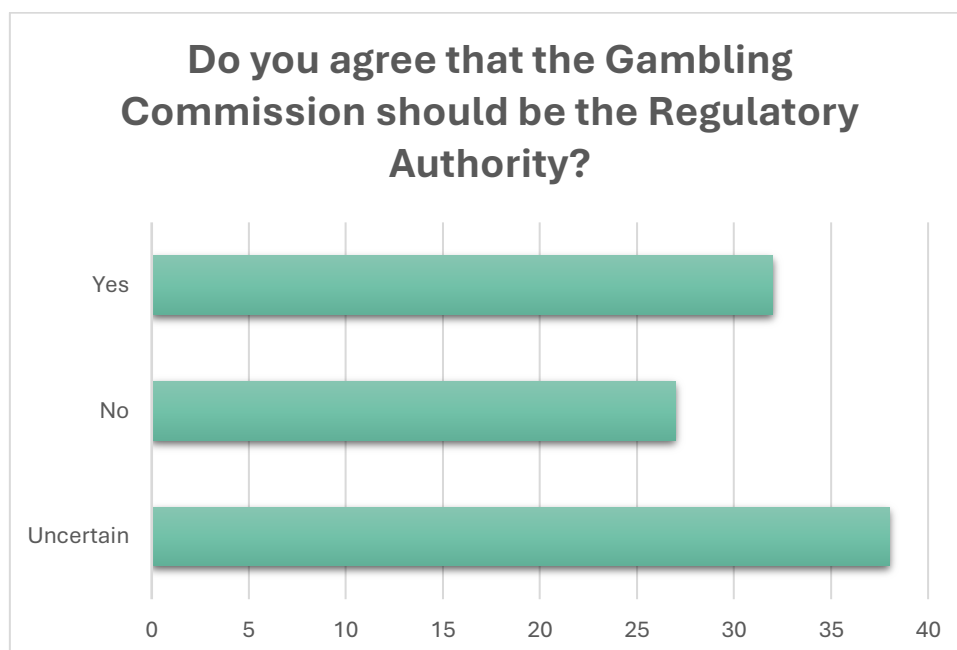
Twenty-four respondents left comments in this section. These comments were largely in agreement that the licensing process should be run by a Regulatory Authority to make the licensing process more efficient, adaptable and fair. A few responses raised questions over how the RA will be run and who by, with one comment noting this Authority should sit outside of Government.

Some comments did express hesitation over establishing a Regulatory Authority. These largely related to potential increases in costs (and associated fees).

A few respondents also noted that the RA would need to have sufficient expertise, knowledge and understanding of industry.

Question 7: Do you agree that the Gambling Commission should be appointed as the Regulatory Authority?

The responses are represented below:



33% (1/3) of respondents agreed that the Gambling Commission (GC) should be appointed as the Regulatory Authority (RA). 27% didn't agree and 40% were uncertain.

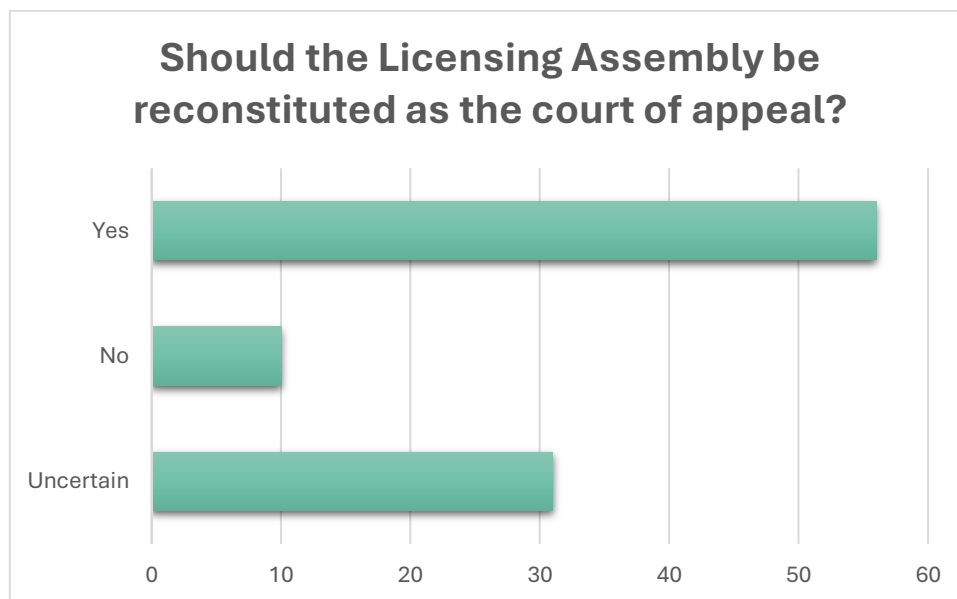
Thirty-six respondents gave comments in this section. Of these, ten were in support of the GC being the RA. The most common reasons for agreement included that the GC is already established so it will save on costs, and that there is overlap between the regulation of alcohol and gambling. Many respondents commented that if the GC became the RA, its name should be changed to reflect both alcohol licensing and gambling.

Of those not in support the most common concern given was that the GC would not currently have the relevant expertise or experience for alcohol licensing.

Other comments by those not in support included concerns that the GC might not be cost effective or that they would prefer to see licences granted directly by the Minister for Sustainable Economic Development.

Question 8: Should the Licensing Assembly be reconstituted as the court of appeal for licensing matters?

The responses are represented below:

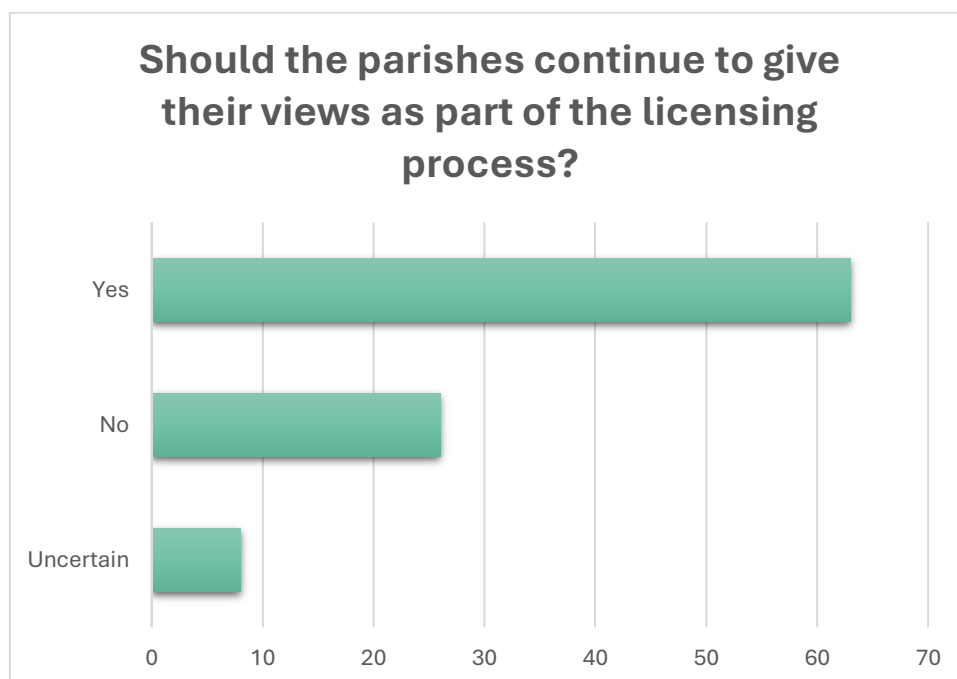


Sixteen respondents gave comments on this question. Ten were in support of the Licensing Assembly (LA) being reconstituted as the court of appeal. Several respondents highlighted the need to have the right to appeal a licensing decision. The most common reasons for agreement included increasing transparency and consistency and that the costs would be lower than court fees. Those who were uncertain whether the licensing assembly should become the court of appeal noted:

- that this should only happen if it makes the appeals process more accessible and efficient
- the appeal procedure could be via tribunal to keep costs down

Question 9: Do you agree that parishes should continue to give their views as part of the licensing process?

The responses are represented below:



65% of respondents agreed that the parishes should continue to give their views as part of the licensing process.

Thirty respondents gave comments on this question with the most common views being:

- Yes, as they know the issues in their parish
- A business should have a good relationship with their parish
- It's important for the views of the parish to be heard and considered
- This would be helpful to the R.A.
- Connétables should be given training to ensure a consistent approach across all parishes

Half of these comments agreed that the parishes' view should be considered but that they should not be the final decision maker.

Six respondents who answered 'No' to this question left comments. The reasons they gave for thinking that parishes should not give their views on licensing were:

- Parishes are archaic and non-expert
- RA needs a standardised, island-wide approach which would be difficult across twelve parishes
- It would be a waste of resources to have twelve parishes working on the Law
- The parish system is unnecessary nowadays

Three respondents who answered 'Uncertain' to the question left comments. The reasons they gave for being unsure whether parishes should give their views on licensing were:

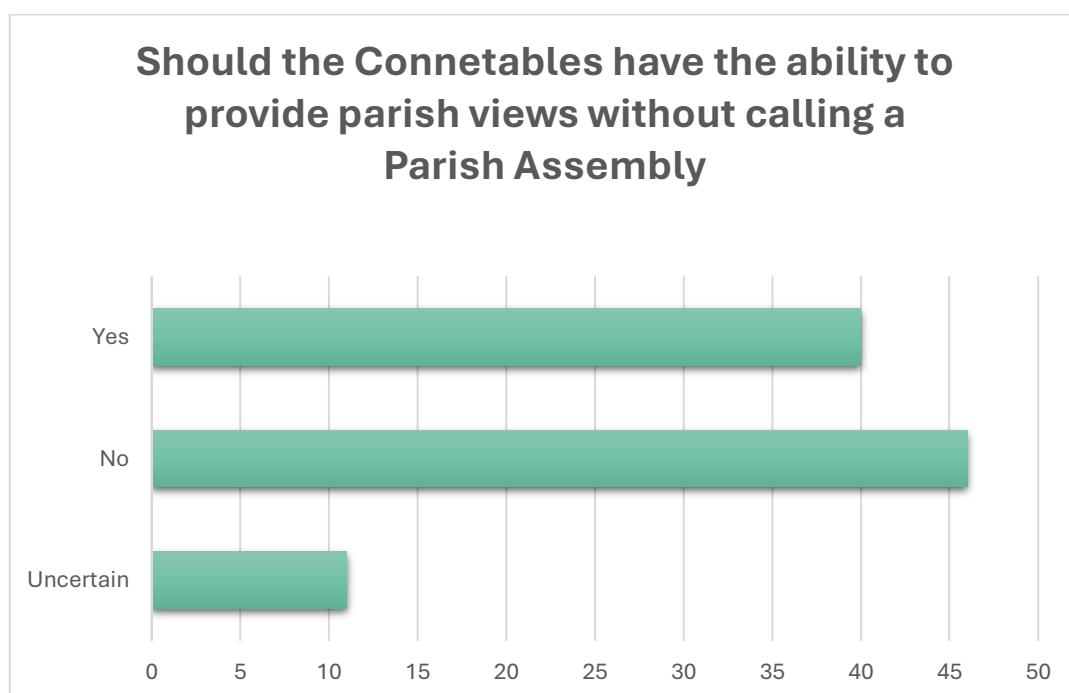
- This extra step could be used as a delaying tactic

- It's important for parishioners to have their views heard however only a very small number attend parish assemblies and often with no real basis for their views
- The Parish appeal process and procedures are outdated

Respondents also left comments through questions 5 and 6 regarding the parish continuing to give their views as part of the licensing process. These comments were largely in support of the parish giving their view as part of the process although one respondent did comment that the parishes should have all the power in alcohol licensing decisions. One respondent not in support of parishes giving their views commented that the concept of a parish was out of date.

Question 10: Do you agree that Connétables should have the ability to provide parish views on licence applications without having to call a Parish Assembly?

The responses are represented below:



The response to this closed question demonstrated a slight disagreement that connétables should have the ability to provide parish views without calling a Parish Assembly (48% did not agree and 40% did agree).

Amongst those who answered that they have been a licence manager, there was slight agreement with 56% answering “yes”, 20% “no” and 24% “uncertain”.

Twenty-six respondents gave comments on this question. These comments covered a wide range of views, but of those who disagreed, some comments raised concerns about giving too much responsibility to the connétables, mentioning potential lack of experience, training and knowledge in the sector. Others wanted to highlight the importance of involving parishioners directly via a Parish Assembly to maintain democratic engagement and ensure transparency throughout the licensing process.

Of those who thought that connétables should have the ability to provide parish views without calling a Parish Assembly, a number left comments that they appreciated the flexibility and

efficiency of allowing connétables to provide views without having to call an Assembly, especially for uncontested or uncontroversial licence applications. Several comments also mentioned the ability of Parishioners to call a Parish Assembly if deemed necessary.

Many commented that whether connétables must call a Parish Assembly or not, the RA should have the final say on the licence application.

Government Response

As identified by a number of respondents, the Gambling Commission will need to rebrand and ensure it has the necessary expertise to assume responsibilities as Regulatory Authority should these proposals be adopted.

Whilst there is a clear desire amongst respondents for the current role of the Licensing Assembly to be assumed by a Regulatory Authority, many respondents had not previously come across the Gambling Commission.

To address this, we will be organising a series of stakeholder introductory sessions with the Commission to take place during the law drafting period.

It remains our intention to retain a role for Parishes in the licensing process. The Connétable will have the power to endorse or oppose an application and may call a Parish Assembly if they wish, to inform their recommendation. The recommendation of the Connétable will then be passed to the Regulatory Authority, who will make the final decision.

Parishioners will still have the ability to call a Parish Assembly, regardless of the Connétable's judgement, via a requête, which requires ten signatures to call. A notice will be given on the Regulatory Authority's website to provide for this arrangement.

B. Section B – Licence Categories

The proposals in Section B were concerned with the licence categories. The [Green Paper](#) outlined these intentions as follows:

Single On-Licence Category

- That licence categories 1, 2, 3, 4, 5 and 7 be replaced with a single on-licence category with discretion left to the Regulatory Authority to attach specific licence conditions according to Government policy
- That relevant on-licence providers, such as restaurants offering a takeaway service, be able to engage in off-licensed trading without the need for a separate licence

Off-Licence

- That the provisions of the off-licence (Sixth Category) provide for discretion to be left to the Regulatory Authority to attach specific licence conditions according to Government policy

Temporary Licence

- That a new a temporary licence for special events be established with the requirements placed upon a personal licence holder similar to a ‘designated premises supervisor’ under the UK Licensing Act

Question 11: Please give your comments on the proposals in Section B

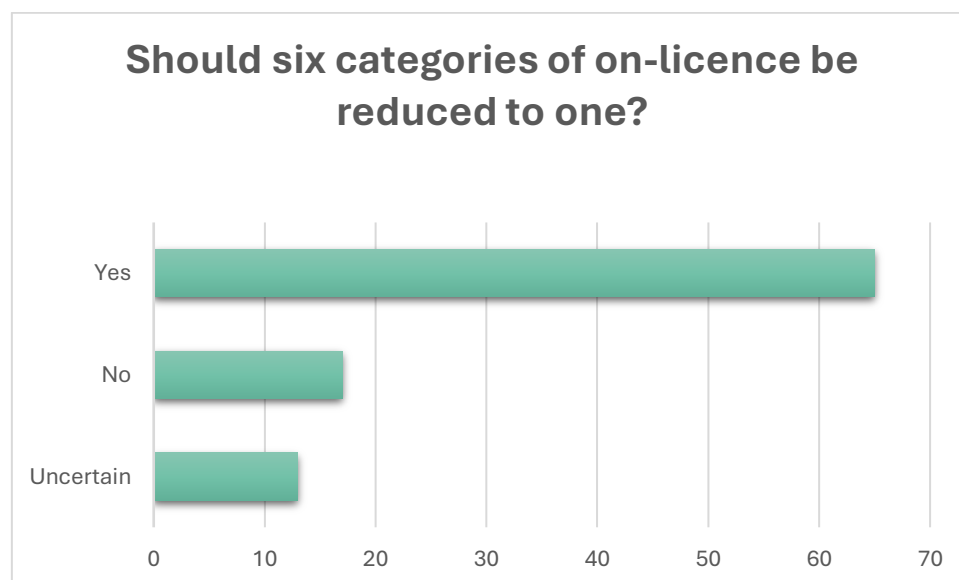
Forty-seven respondents gave comments on this open-ended question.

Overall, many comments expressed support for the proposals describing them as ‘sensible’, ‘reasonable’, ‘right direction’, ‘streamlining’ and a ‘step forward’. Comments also hoped the proposals would simplify the licensing process with less bureaucracy to make the process better and easier for businesses. Several businesses were in favour of the simplification of the licence categories, but a few were concerned it may overcomplicate their current business operations especially for very small and current category 5 (club) licence holders.

A few licence managers also raised that conditions of licence must be clear for businesses and that they would like more info on this especially in relation to online sales. There was uncertainty regarding the necessity of temporary/events licences, but respondents did agree that the process should be easier. One business mentioned that off-licence holders should be able to apply for temporary licences in the same way that on-licence holders currently can.

Question 12: Do you agree that the six categories of on-licence should be reduced to one?

The responses are represented below:



Twenty-six respondents gave comments on this question. Of these comments, twenty-four were in favour of reducing the number of categories and agreed that the current system of six on-licence categories is overly prescriptive and not fit for modern or future businesses.

Some respondents agreed with the reduction in categories but had concerns, for example:

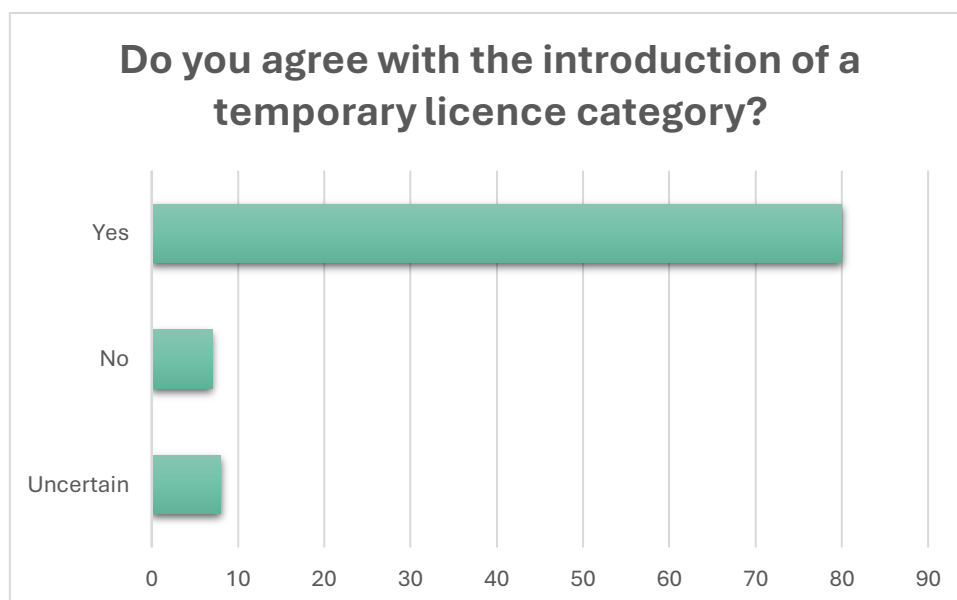
- care would have to be taken to ensure businesses do not exploit their licence conditions (e.g. to allow the sale of lots of alcohol alongside a minimal food order)
- there should be different conditions for different business types
- care should be taken to ensure the bespoke licences do not become too complicated
- sounds good in principal but more detail is need on how bespoke licences would work

One respondent disagreed with the proposals to reduce the number of on-licenses and were “concerned that the new proposals over-simplify the system”. There were also suggestions that there should be a separate category for online sales and for off-licence sales from an on-licence (take-aways).

Comments regarding licence categories were also left in response to questions 2, 3, 4 and 5. These were considered alongside the comments given for question 12.

Question 13: Do you agree with the introduction of a new temporary licence category?

The responses are represented below:



Most respondents agreed with the introduction of a new temporary licence category (84% overall and 88% of licence managers).

Twenty-two respondents gave comments on this question, largely in agreement with the proposed introduction of a new temporary licence category. Many comments felt it would make event planning easier and remove the responsibility of borrowing/lending an existing licence.

Whilst most responses were supportive, a few respondents commented that the licence holder should be the individual vendors or the bar service providers or the caterers at an event, not the event manager, as managers will have less oversight of the situation whilst managing the entire event and people serving the alcohol should be the ones to maintain compliance and standards.

Government Response

The feedback on the proposals within this section was very supportive of the simplification proposed. It is recognised that in reducing the current six categories of on-licence to one there will need to be capacity for bespoke licence conditions to be applied to fit the needs of different businesses.

Bespoke licence conditions will also clarify the position around online sales which are currently not catered for in the 1974 Law.

It is intended that there will be more responsive and agile enforcement mechanisms via emergency services powers as part of these amendments, reflecting the move away from standard licence conditions.

It is also recognised that a “Special Events Alcohol Licence” would allow individuals to licence an entire event premises to sell alcohol without ‘extending’ another establishment’s licence.

C. Section C – Licence Conditions

The proposals in Section C were concerned with licence conditions. The [Green Paper](#) outlined these intentions as follows:

Licence Managers

- That a Licence Manager Registration Scheme be considered, emulating the current Door Staff Registration Scheme

Licence Duration

- That once granted, licences should run indefinitely, subject to annual fees, with provisions that allow for the Regulatory Authority to reconsider at any time or to do so at the request of the States of Jersey Police or Jersey Fire and Rescue Service

Requirement to Keep a Physical Copy of the Law on Licenced Premises

- That Article 14 be deleted

Multiple Licenced Premises

- That individuals be permitted to possess different licences for multiple premises simultaneously
- That licence managers be permitted to operate as a licence manager for more than one set of premises simultaneously provided the Regulatory Authority is satisfied that there remains a dedicated single responsible person for each premises

Absence from Jersey of On-Licence Holder or Manager

- That a licence holder must arrange for their responsibilities to be deputised during a period of absence or incapacity and should notify the Regulatory Authority and Connétable for absences of less than 30 days and require the consent of the Regulatory Authority for periods of more than 30 days.

Requirements on Residency

- That the requirement for those applying for a licence, having lived in Jersey for less than three years, arrive from an EU or Commonwealth country be relaxed.

Question 14: Please give your comments on the proposals in Section C

Fifty-seven respondents gave comments on this open-ended question. These comments demonstrated broad support for the proposals with many expressing their agreement with no noted concerns. Respondents thought that these proposals addressed many problems that currently act as a barrier to business and would give businesses more freedom to operate.

Licence managers:

Respondents were generally supportive of these proposals. Points of agreement included that the proposed Licence Manager Registration Scheme will provide a single point of contact for authorities and that managers and their deputies should hold the same responsibilities as door staff. One business was concerned that the registering of licence managers may become burdensome due to frequent changes in management on shift. Another commented that the Registration Scheme may not be necessary as licensees would have received accreditation when their licence was approved but noted that the scheme may be beneficial for deputies in a manager's absence.

Licence duration:

There was overall agreement that licences should run for a longer period. Comments in agreement mentioned how this proposal would reduce administrative burden across the board. Whilst most respondents were supportive, a number caveated that they would like to see a periodic review of licences. Some comments suggested a fixed licence period of anywhere from 3-7 years, after which a review would be undertaken.

Requirement to keep a physical copy of the Law on licensed premises:

Most respondents were supportive of removing this requirement noting that it appeared outdated. Those that disagreed expressed the need for managers and licence holders to still be aware of their obligations under the Law. One respondent agreed with the deletion but suggested the wording be changed to "made available by physical or digital means and staff aware of where to locate the copy of the Law either on premises or online".

Multiple licensed premises:

There was general support for the proposal that an individual or company could possess different licences for more than one premises. One comment suggested allowing this 'reflects the operational needs of businesses today'. Only one comment disagreed with this proposal on the basis that allowing one person to manage multiple licensed premises will 'weaken supervisory powers.'

Absence from Jersey of on-licence holder or manager:

There was broad agreement for the proposals to reduce the levels of approval needed for a licence holder to be absent from Jersey. One licence manager expressed concern over potential

abuse of this system, for example that managers could take 30 days of absence, return to Jersey for 1 day, take a further 30 days absence and repeat.

Requirements on residency:

There were mixed opinions in the respondent's comments regarding the removal of the residency requirements (Article 4) for licence applicants. Some licence managers that left comments were supportive as removing residency requirements will allow for a "larger pool of experienced recruits". Others were not supportive for reasons such as it 'doesn't seem fair someone can just walk into the island', Jersey needs 'people of good character in these roles' and 'won't know their character if they have just moved here'. One disagreed with Article 4 being removed but noted that there should be power for exceptions to this. Another noted that if these were deleted then there should be a requirement for any licence holder to be competent in written and spoken English to understand regulations and relay them to employees and customers.

Government Response

The practicalities and operational detail of a Licence Manager Registration Scheme will be determined by policy and will not sit in the primary Law.

It remains our intention that licences will run indefinitely, although reviews will be undertaken by the Regulatory Authority at regular intervals. Inspections will also be undertaken on a risk-based approach when deemed necessary.

The [Common Strategic Policy](#) committed to reduce red-tape for businesses and the removal of the requirement to keep a physical copy of the Law is in keeping with this. The requirement for a licensee to publicly display their licence will similarly be replaced by a requirement for the Regulatory Authority to publish on its website a list of all licenced premises and relevant licence conditions. This would not prevent licence holders from voluntarily displaying a physical copy of the Law on premises if they wished to do so.

In acknowledging the comments regarding the intention to relax requirements on residency it is recognised that the [Control of Housing and Work \(Jersey\) Law 2012](#) and usual conditions for moving to Jersey for work will still apply to those who wish to be a licence holder.

D. Section D – Emergency Services and Enforcement

The proposals in Section D were concerned with emergency services and enforcement. The [Green Paper](#) outlined these intentions as follows:

Regulatory Powers

- That the Regulatory Authority have the ability to issue directions and civil financial penalties
- That the current offence of providing false information be clarified and set at a maximum penalty and that the Regulatory Authority should be able to seek recovery of its costs incurred through successful litigation

Fire Service

- That additional powers be given to the Fire and Rescue Service to issue ‘improvement notices’ if they believe a premises to present a significant health and safety risk to the general public
- That the Fire and Rescue Service be required to notify the Regulatory Authority of any such improvement notice

Police Powers of Closure

- That policing powers should include the ability to issue a ‘closure order’ on licensed premises for up to 48 hours on the authority of a police inspector (or higher rank) who reasonably believes that disorder is likely to occur, there is risk of harm, or if noise and disturbance is causing an unacceptable public nuisance
- That this closure could be extended by the Magistrate’s Court until specified conditions are met. An extension by the Magistrate’s Court would also trigger a reconsideration of the premises’ licence by the Regulatory Authority
- That the States of Jersey Police be required to notify the Regulatory Authority of any such closure order

Rights of Parishes, Police and Fire services to request a change in licence conditions

- That Article 9 of the Law be amended to provide for the States of Jersey Police and States of Jersey Fire and Rescue Service to formally refer matters to the Regulatory Authority

Exclusion Orders

- That individuals currently on the exclusion list have their respective Exclusion Orders reviewed during the transition period to ensure the terms of their exclusion remain appropriate and proportional

Compliance with Police and Fire Services

- That licensees be required to cooperate with the States of Jersey Police and Fire and Rescue Service and provide such information as they may require

Question 15: Please give your comments on the proposals in Section D

Forty-nine respondents gave comments on this question. Most of these comments agreed with the proposals in Section D. Twenty-one voiced their agreement with no concerns noted. Others commented that these proposals will help to enhance public safety.

One respondent disagreed with the proposals in Section D, with the view that the proposals give too much power to the police and that Parishes, Police and Fire services being able to request changes in licence conditions could result in oversights.

Regulatory powers:

Respondents generally agreed with the proposals on the powers of the RA and the Court. Some comments suggested that any fines should be proportional to the size of the business and that the fines going to the RA themselves would be a conflict of interest.

A small number of comments expressed other concerns, including that administration may become too onerous on smaller clubs and that businesses may be prevented from appealing decisions if the RA had power to seek recover costs incurred through successful litigation, though it should be noted that the Licensing Assembly already holds the power to do this.

Fire Service:

In response to the question, two comments expressed concerns over improvement notices causing increased costs to the business and that improvement notices could also be requested by the parish.

Police Powers of Closure:

Comments that agreed with the proposals to give police the power to close a licensed premises on the grounds of safety also raised that a closure order must only be used with caution and respect for the business, with transparency and must be dealt with quickly.

There were a number of comments that disagreed with this proposal. Concerns raised in these comments included:

- closure orders would drive the problem out onto the street
- closure orders are excessive as problems are usually only caused by a minority
- the police should have a dedicated licensing unit to work with the Regulatory Authority
- the police could have too much power

A small number of comments mentioned a role for the parishes in issuing closure orders. These included having the Connétables or Centenier agreeing with police and signing off on closure orders and Connétables or Centeniers being able to issue closure orders themselves. Another comment expressed that the parish should not have say in closure orders at all as they would be conflicted.

Exclusion Orders:

A number of respondents agreed with the proposals but expressed that an up-to-date exclusion order list must be accessible in a confidential manner to all relevant staff.

Government Response

The Licensing Assembly's right to recover costs incurred through successful litigation is already established in the current Law. The Gambling Commission and other regulatory bodies also have an established right to recover costs under the [Civil Proceedings Jersey Law 1956](#).

Due to the expected changes to Fire Precautions Legislation, the proposed amendments to the Law have been updated. The new policy intentions are set out in the Post-Consultation Recommendations section of this report.

Following feedback from the Comité des Connétables, it is now intended that the power to issue closure orders be extended to the Chéfs de Police. These powers are to be used only in the most extreme circumstances.

E. Section E – Miscellaneous

The proposals in Section E were concerned with miscellaneous matters. The [Green Paper](#) outlined these intentions as follows:

Control of Drinks Promotions and Minimum Pricing

- That the responsibility for issuing guidance should be at the discretion of the Minister

Establishment of a Central Register

- That a central registry be established by the Regulatory Authority which should be accessible by the Police and Fire services and interoperable with their current systems

Display of Pricing

- That the requirement to display a list of prices at each public entrance to a licenced premises be removed

Restrictions on “Registered Premises”

- That the requirement for registered premises to provide both a separate seating area, in addition to a bar-lounge, for guests be removed (“registered premises meaning premises registered in pursuance of the [Tourism \(Jersey\) Law 1948](#)).

Fees

- That fees be set via Ministerial Order
- That fees meet the costs associated with licensing

Restricted Information

- That provisions relating to Restricted Information and Permitted Disclosures be included in the amended Law, with an expanded list of exemptions to include the Fire and Rescue Service, States of Jersey Police, Public Health directorate and parishes

Transitional Provisions

- That the legislative changes be commenced via an Appointed Day Order to allow licensees the opportunity to move their licences onto the revised category system under their existing terms or take the opportunity to seek a revision to their licence conditions in the usual way

Question 16: Please give your comments on the proposals in Section E

Fifty-two respondents gave comments on this question. Thirty respondents who left comments were in favour of the policy intentions in section E.

Respondents also gave views on drinks promotions and minimum pricing in questions 2, 3, 4 and 5. These comments were considered alongside the comments left in question 16.

Drinks Promotions and minimum pricing:

Respondents who gave comments on this question were largely in favour of drinks promotions. These comments expressed that:

- Licensed managers should be able to run promotions
- It is unfair that off-licensed premises can promote alcohol sales, but that on-licensed premises cannot (especially as off-licence fees are lower)
- Promotions should be allowed for both on- and off-licences or for neither
- There should be restrictions on whereabouts in a shop drinks promotions can be held (e.g. restrict to one area rather than throughout store)
- The Minister *should* review drinks promotions
- It should be possible to promote drinks without having to sell food
- There should be a framework around the wording permitted for drinks promotions

Those who responded negatively to the policy intent said:

- there should be no drinks promotions
- the Minister should not issue guidance on drinks promotions

Of the comments that pertained to pricing, respondents expressed that price fixing should not be permitted though others held that the set price of alcohol volume (i.e. half a pint costs half the price of one pint) should be maintained so that it is not cheaper to drink more, and that businesses should be required under the Law to make it clear to customers if a service charge is added to a drinks only bill.

Establishment of a Central Register:

Those who commented on the establishment of a digital, central register said:

- a central register should be accessible by door staff and other staff working in a licenced premises
- the current system “does not meet the current requirements for a digital world in relation to expectations of licensees and availability of information which should be made available online for all agencies to view”
- a central register could also include exclusion orders
- a central register should be open to the public

Display of pricing:

A majority of respondents who commented on the display of pricing disagreed with the proposal to remove the requirement to display a list of all prices. Comments expressed that price lists should be displayed as a fair measure for the public, residents and visitors, as prices can vary widely. **Restrictions on “registered premises”:**

In regard to the intention to remove the requirement for registered premises to provide a separate seating area in addition to a bar lounge, most respondents agreed with the proposals whilst noting that it was important to retain some seating in a licenced premises.

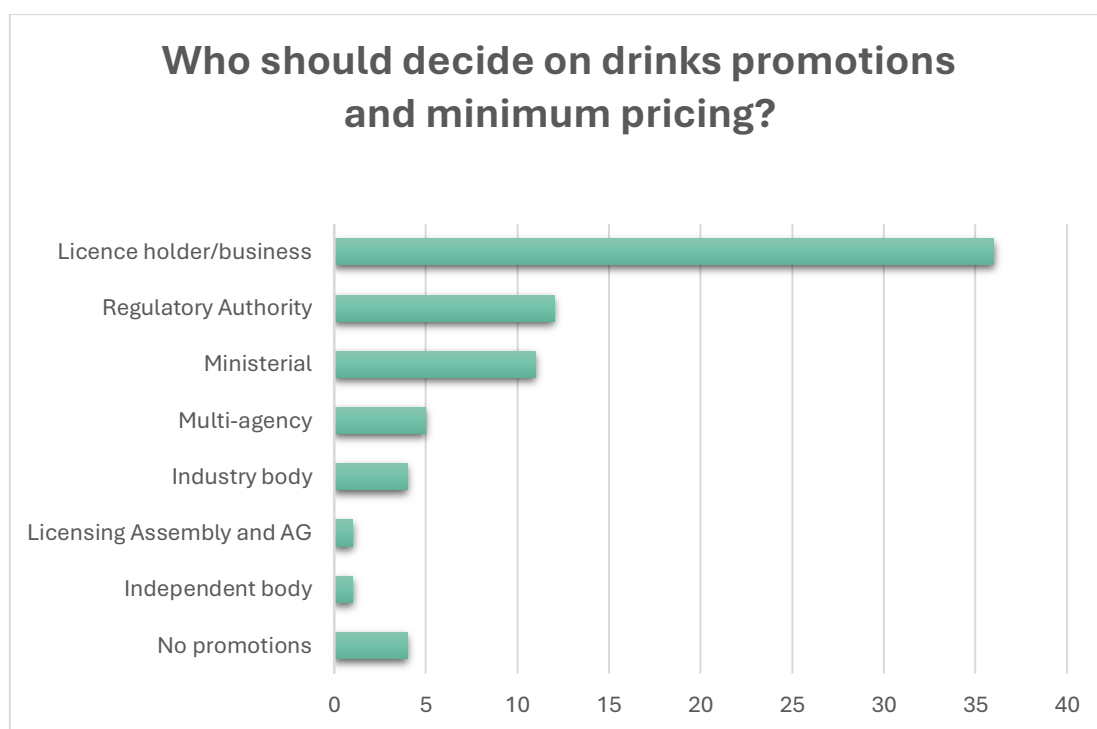
Fees:

Sixteen respondents mentioned fees in their comments. There was little explicit agreement or disagreement with the proposals, however a number of respondents expressed concerns that the creation of the RA would cause fees to rise, and that increased fees would negatively impact businesses.

Respondents provided other comments about fees, noting that fees should be proportionate to the size of the licenced premises, and fees should be proportionate to the turnover of the licenced premises. A few hoped-for fees to remain the same or decrease, and one suggested a fee reduction for charities.

Question 17: Who do you think should decide on drinks promotions and minimum pricing?

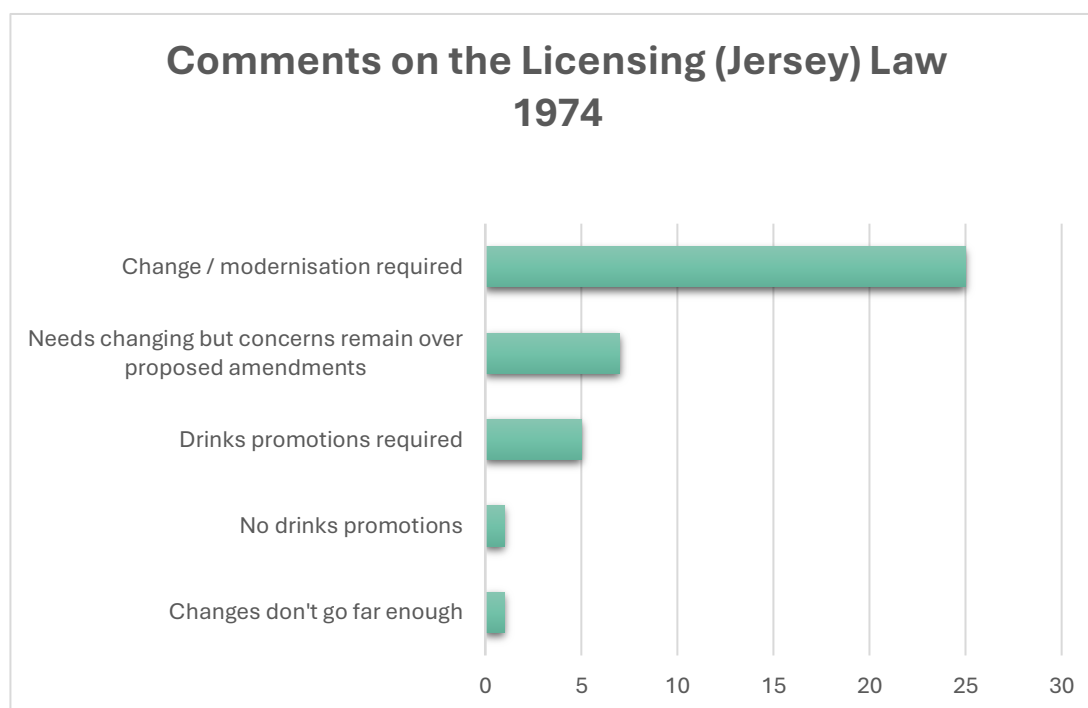
Seventy-four respondents gave comments on this question, which have been summarised in the graph below:



Half of the seventy-four respondents thought that drinks promotions should be decided by the business or licence holder themselves. 16% thought the Regulatory Authority should decide and 15% thought it should be a ministerial decision.

Question 18: Please give any other comments on the Licensing (Jersey) Law 1974.

Thirty-nine respondents gave comments on this question, which have been summarised in the graph below:



Of the thirty-nine respondents, 64% thought that the Law needs changing and modernising. There were 10 references to the current Law being out of date and long overdue for review, and 4 that mentioned the need for intervention in the industry.

A number of comments reiterated agreement that the Law needs changing, but had concerns over the proposed amendments – licence fees, some hoped for more involvement of parishes and honorary police whilst some hoped for less, too many licences being granted,

Several only commented on their desire for drinks promotions to be permitted, with one comment disagreeing. Another expressed that the proposed amendments do not go far enough and is focused on the interests of the government and businesses.

Government Response

The ability for licensees to hold drinks promotions does not sit within the Law itself. [Guidance](#) published by the Attorney General directs that a licence holder is not a fit and proper person if they engage in drinks promotions, and therefore do not meet the requirements to be granted a licence. It is intended that drinks promotions remain outside of the Primary Law. Instead, the policy decision making on drinks promotions will be written into the responsibility of the Minister and the proposed Ministerial Oversight Group.

This proposed change also reflects a [decision made by the States Assembly](#) to establish a framework whereby licensing policy decisions are vested in the States Assembly.

Considering the feedback from the consultation, the proposed amendments regarding the display of pricing have been changed to reflect the views shared. It is now the intention that the requirement to physically post a list of drinks prices be simplified to require pricing to be readily available to customers, rather than removing the requirement altogether.

2.2 Summary of written responses

Five responses were submitted in writing to the Department for the Economy. These responses were from Public Health, the Jersey Competition Regulatory Authority and the Comité des Connétables, Trading Standards (Environment and Consumer Protection) and Infrastructure and Environment Regulation (Licensing).

Each response is provided in the appendices to this report for transparency.

Government Response

Key stakeholders will continue to be involved in the further development of regulations and orders that will sit under the Law.

The Minister for Sustainable Economic Development and officers from the Department for the Economy also attended a meeting of the Comité in Q1 2025, during which the points made in its letter were addressed.

3 Appendices

A. Online Survey Questions

Question 1: Are you responding:

1. as an individual (you can put your name in the box below or remain anonymous)
2. on behalf of an organisation (please put its name in the box below)
3. on behalf of a business (please put its name in the box below)

Question 2: Have you ever been a licence manager?

Question 3: Please describe your experience of the licensing process and any changes that would hope to see.

Question 4: Do you agree that the Licensing Law should be updated?

Question 5: Please give your comments on the proposals in Section A.

Question 6: Do you agree that the licensing process should be run by a Regulatory Authority?

Question 7: Do you agree that the Gambling Commission should be appointed as the Regulatory Authority?

Question 8: Should the Licensing Assembly be reconstituted as the court of appeal for licensing matters?

Question 9: Do you agree that parishes should continue to give their views as part of the licensing process?

Question 10: Do you agree that Connétables should have the ability to provide parish views on licence applications without having to call a Parish Assembly?

Question 11: Please give your comments on the proposals in Section B

Question 12: Do you agree that the six categories of on-licence should be reduced to one?

Question 13: Do you agree with the introduction of a new temporary licence category?

Question 14: Please give your comments on the proposals in Section C

Question 15: Please give your comments on the proposals in Section D

Question 16: Please give your comments on the proposals in Section E

Question 17: Who do you think should decide on drinks promotions and minimum pricing?"

Question 18: Please give any other comments on the Licensing (Jersey) Law 1974.

B. Written response from Public Health



FAO Department for the Economy

30th February 2024

Public Health Jersey's Response to Licensing Law consultation

1. Introduction

Public Health Jersey welcomes the opportunity to respond to the Licensing Law consultation. The Directorate recognises the significant interplay between economic and health outcomes. Both the use of alcohol and alcohol policy itself are complex interconnected topics which can impact on the sustainable wellbeing of islanders. These impacts can be positive, negative or both at the same time across population health, community safety, local economy and our environment.

Public Health Jersey's core goal is to prevent illness and help people live longer, healthier and happier lives. To do this, we will use several different approaches with the most important being a strong emphasis on prevention, collaboration with community partners, and influencing what we call the social determinants or "building blocks" of health. The social determinants of health include things like income, housing, education, work, the strength of our communities and the availability of a social safety net. This means long, healthy and happy lives require a strong economy, a safe community and for Jersey to be a beautiful and attractive place to live, work and play.

Insights from islanders², key stakeholders, and latest available data from Island Outcome Indicators³, Public Health Data⁴ and Alcohol Profile 2022⁵ have highlighted several concerns where alcohol effects our health and social determinants:

- Alcohol consumption is a causal factor in more than 200 diseases, injuries and other health conditions. Our rates of healthy life expectancy at birth, expected poor health at 65, mental wellbeing and the number of islanders with more than two health conditions have worsened over the past 5 years. To improve trends ongoing-commitment and long-term preventative solutions will be needed.
- Alcohol intoxication can affect both personal and community safety with alcohol-related antisocial behaviour being a common concern. Over the past five years rates of

² Results from the Big Health and Wellbeing Conversation can be found in the Director of Public Health Annual Report 2022 available from <https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=5649>

³ Island Outcome Indicators available from <https://www.gov.je/StatisticsPerformance/PublicationSchedules/Pages/IslandOutcomeIndicators.aspx>

⁴ Public Health Data Explorer available from <https://www.gov.je/Health/JointStrategicNeedsAssessment/pages/publichealthdataexplorer.aspx>

⁵ Alcohol Profile 2022 available from <https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=5667>

serious road traffic collisions and islanders who say their neighbourhood is safe have worsened. On average during each week in 2021 15 islanders were admitted to hospital for alcohol-specific reasons and 9 alcohol-related crimes were recorded, most of which involved violence. Alcohol was also a recurring theme identified in the Violence Against Women and Girls Report. To improve individual and community safety a collaborative and co-ordinated approach is needed.

- Alcohol plays a strong part in Jersey's economy which can be both good and bad for local businesses, work sector productivity, economic activity and government expenditure. In 2022 alcohol-related problems resulted in 15,000 lost days of work from employers and over £500,000 of Social Security payments. The hospitality industry continues to struggle with a number of venues closing in recent years with jobs losses as a result affecting those islanders and their households. To help with cost-of-living alcohol duty has been frozen for 2025, however the total cost of responding to alcohol-related health and social problems in Jersey has been estimated to be between £75 and £156 million annually (based on Public Health England estimates of 1.3% and 2.7% of annual GDP⁶). Work in this area will need to be proportionate and flexible to mutually improve the local business environment and balance the Government of Jersey's income and expenditure.
- Historically Jersey's physical landscape has been shaped by cider-making and the planting of apple orchards. Today alcohol use can result in littering on beaches, increased waste generation from single-use containers, and contribute to our island's carbon footprint through the importation and distribution of alcohol. Satisfaction with where islanders live and St Helier as place to visit have both worsened over the past 5 years. To meet carbon targets and ensure Jersey is an attractive place to visit, work and live we need a comprehensive approach to alcohol which considers the environments in which alcohol is consumed in or impacts on.

Unfortunately, Public Health Jersey and by extension the Government of Jersey are limited in how we can address these concerns.

2. Key problems for effective alcohol policy under the current licensing law and regime

From a Public Health and wider public policy standpoint the main problems as we see them are:

1. **The Licensing Assembly effectively holds the power over alcohol policy, licensing decisions and licencing conditions.** Government is therefore significantly limited in its ability to address alcohol policy matters and their consequences efficiently and cost-effectively. As a result, poor health, social and economic outcomes are likely to continue or worsen due to Government not being able to make policy decisions, licensing decisions or changes when quickly needed.

⁶ The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review. Available from https://assets.publishing.service.gov.uk/media/5b6c5703ed915d3119112af6/alcohol_public_health_burden_evidence_review_update_2018.pdf

2. **The Licensing Assembly has sole responsibility for alcohol policy and licensing which does not necessarily consider government commitments, aims or community, economy and environmental outcomes when making decisions.** If this continues strategic objectives may be difficult to achieve in the form of ineffective policies, poorer sustainable wellbeing for islanders (as defined by Island Outcome Indicators) and missed opportunities for collaboration across the island.
3. **Alcohol policy and licensing decisions do not generally consider drinking behaviours, social norms, and differences in trading practices enough.** This has resulted in unintended consequences to other outcomes, including disproportionately affecting the on-licence trade and influencing harmful drinking behaviours. If this continues behaviours associated with worse health and social outcomes (such as pre-drinking) could increase which also negatively impact the on-licence trade. Government costs and other outcomes may also likely worsen if alcohol policy is not comprehensive or collaborative.

To address these problems, we feel we need changes which give government control over alcohol policy. We would advise the use of a shared and balanced decision-making process to promote sustainable wellbeing, and that encourages responsible drinking as part of policy and licensing decisions.

3. Relevance of proposed amendments to the Licensing (Jersey) Law 1974 and Public Health Jersey

The vast majority of proposed amendments will allow us to respond more effectively to alcohol related problems, deliver our existing commitments more easily, and allow us in future to work better together across all areas of alcohol policy.

Alcohol is a common topic across a number of our Public Health Jersey reports and workstreams:

- Alcohol and its impact to islanders was a recurring theme in our **Big Health & Wellbeing Conversation** and alcohol often features in our yearly **Director of Public Health Annual Report** which highlights areas of concern and advocates for change.
- Our Health Intelligence Team releases the **Alcohol Profile** report every two years. This contains the latest alcohol statistics for Jersey, trends over time, and compares us with other jurisdictions. This report and others often highlights a number of health inequalities and at-risk groups which we attempt to address through our **Health In All Policies** approach. This aims to
- Our **Population Health Prevention Strategy 2023-2027 and Action Plan** sets out our aims for the next 5 years and includes commitments on alcohol and alcohol policy. Notable commitments include scoping viable methods to reduce alcohol consumption and to support cross-government development of a “statement of alcohol policy intent” to underpin and guide decision-making to balance benefits and harms.
- We continue co-ordinate and deliver our cross-government **Substance Use Strategy 2023-2033** which sets out how we will respond to alcohol and other substance use over the next 10 years. Commitments we are currently progressing include reducing alcohol

consumption by targeting those who drink the most through training members of the community to deliver brief interventions, and work to co-ordinate school visitors and develop PSHE content. In addition, there are a number of other commitments around alcohol policy, licensing system reform, reducing alcohol-related antisocial behaviour, prevention and harm reduction, improving access to treatment and improving health and wellbeing of those who use alcohol or other substances.

- An **Alcohol Policy Framework Tool** was also developed by officers from Public Health Jersey and colleagues across government. The framework tool considers Ministerial plans, government strategies and Island Outcome Indicators to identify shared aims, risks and benefits. The process aims to refine and develop impartial advice for policy and decision making which balances outcomes by simultaneously reducing risks and improves benefits across the areas of health, community safety, economy and environmental domains.
- As part of our work with the **British Irish Council's** alcohol and drug workstream we regularly share information and learn from our counterparts across the British Isles. This work allows us to better understand how we can apply alcohol policy options used elsewhere and to showcase what we can achieve in Jersey for others to learn from.

To deliver these commitments and work towards our aims we will need to use a number of approaches. We have identified thirteen⁷ distinct policy options which are deemed effective in preventing or reducing alcohol-related harms. Eleven out of thirteen of these options are highly relevant to the proposed amendments as shown below.

Key policy option	Relevance of proposed licensing amendments to Public Health
Leadership, awareness, commitment	<p>Creation of a Ministerial Policy Group, appointing a Regulatory Authority and developing alcohol policy with guidance would ensure long-term commitment to alcohol policy.</p> <p>A cross-government approach could allow for balanced decision making and careful consideration of alcohol policy decisions and their potential impact.</p>
Regulating physical availability	This could be influential through legislation, guidance and specific licencing conditions.
Pricing and taxation policies	Proposals would allow government to influence Minimum Unit Pricing, fees for licenses, and any other fiscal measures.
Regulating alcohol marketing	Marketing practices and alcohol advertising could be influenced through legislation itself, in guidance to licence holds or part of licencing conditions.
Drink-driving counter measures	Preventing and alerting authorities to drink-driving could be something covered under the proposed Licence Manager Scheme and it's training. Alcohol policy and guidance to license holders could also include considerations on preventing drink-driving.
Community action	Proposals continue to allow Parish communities to voice their concerns, consider license applications, and request changes to licensing conditions.

⁷ Collated from Babor et al (2022) Alcohol: No Ordinary Commodity Research and Public Policy, World Health Organisation (2010) Global strategy to reduce the harmful use of alcohol, and World Health Organisation (2018) SAFER initiative.

Key policy option	Relevance of proposed licensing amendments to Public Health
Education and persuasion	The proposals allow for new opportunities in providing training to License Managers, the Licensing Authority and the public.
Reducing negative consequences of drinking and alcohol intoxication	<p>The negative consequences of drinking and intoxication often result in injury or anti-social behaviour. Reducing these often relies on considering and intervening in environments in which alcohol is consumed.</p> <p>The proposed amendment could allow us (and wider government) to inform Regulatory Authority guidance and licensing conditions which could help reduce negative consequences. Under the current licensing system this is not something we are able to do.</p>
Modifying the drinking context	<p>This could be influential and influenced through legislation, guidance and licencing conditions. Together these could change drinking habits and trading practices for the better.</p> <p>Proposed changes could be based on policy intentions or in response to concerns raised by the Regulatory Authority. For example, legislation, licensing fees and licensing conditions could align to encourage a return to supervised drinking in on-license venues.</p>
Monitoring and surveillance	<p>The proposals include new opportunities for government to better understand, monitor and evaluate alcohol policy and interventions. This also presents an opportunity for us to use the local data and information we collate on alcohol to help shape and inform alcohol policy or decisions.</p> <p>This means we might be able to monitor effects of alcohol policy decisions (such as pricing policies) more quickly and make adjustments or changes to ensure they remain effective and proportionate.</p>
Reducing the public health impact of illicit alcohol and informally produced alcohol	<p>Although not currently a problem locally there has been increased concern in the UK, EU and other areas around the sale and production of counterfeit or unsafe alcohol.</p> <p>Proposals could allow for additional safety controls and fast responsive actions taken when needed.</p>
Screening and brief interventions	<p>This is not overly relevant to the licensing regime but is but part of ongoing work by Public Health Jersey and our government and community partners.</p> <p>There could be future opportunities to raise awareness of existing screening and brief interventions for alcohol. This could be similar in how the Jersey Gambling Commission and regulated bookmakers encourage people with gambling problems to seek support.</p>

Key policy option	Relevance of proposed licensing amendments to Public Health
Health services' responses (longer-term support and treatment)	<p>This is not overly relevant to the licensing regime and is mostly part of business-as-usual work for our government and third sector partners.</p> <p>The responses might inform alcohol policy guidance, or licensing conditions could be used to reduce the burden on health service responses. For example, using policing and licensing interventions which aim to reduce hospitalisations or target hotspots for antisocial behaviour or aim to reduce under-age drinking which impacts on paramedic callouts.</p>

4. Potential impact of proposed amendments

The proposed amendments are likely to have a significant positive impact on economic outcomes. While this makes sense given the current law is no longer considered fit for purpose, there is a risk that a narrow focus on economic outcomes could risk public health and community safety. For this reason, we are pleased to note that the proposals indicate treating alcohol policy as a cross government issue.

As a result of increased government control, a comprehensive approach to alcohol policy, and balanced shared decision-making, we would expect to develop a comprehensive, dynamic alcohol policy which could be effectively implemented through licensing practices.

Public Health Jersey, would like the opportunity to give objective evidenced-based advice to Ministers to shape policy options so alcohol policy promotes the public good, prevents or reduces harm and improves the health and social-determinants of islanders.

Island Outcome Indicators which could be positively impacted as a consequence of licensing proposals assuming increase government control, a comprehensive approach to alcohol policy and a balanced shared decision-making process.

Community Health	Community Safety	Economy	Environment
Under 18 alcohol related hospital admissions	Road traffic collisions above drink-drive limit	Short Term Incapacity Claims for alcohol	Jersey as a social centre
Long-term health conditions	Violence in Night-Time Economy	Number of visitors to Jersey	Satisfaction with St Helier as place to visit
Islanders drinking at hazardous or harmful levels	Emergency Dept attendances for assault	Hospitality sector productivity	Satisfaction with St Helier as place to live
Alcohol consumption per capita		Hospitality sector number of jobs	Satisfaction with Jersey as place to live

5. Public Health Jersey response and key feedback

Overall, we support the majority of the proposed changes but feel some areas could use further consideration. We are happy to provide further information to our colleagues in this area and support as the proposals develop. Our key points of feedback are as follows:

1. ***Amendments to the Licensing Law and regime should enable the Government of Jersey to use the 11 most relevant key alcohol policy options in order to address alcohol policy and its consequences effectively.*** Where possible these key policy options should be either directly enabled in law or indirectly enabled through future guidance developed for application into practice by the Regulatory Authority.

2. ***The establishment of a Ministerial Policy Group is a positive commitment towards a balanced decision-making licensing process which sees alcohol as a cross-government problem.***

Bringing together relevant Ministers to promote greater transparency, decision-making and efficiency. Working together would allow for alcohol policy to work towards common goals and comprehensively consider which areas or sectors are impacted. We would recommend the use and co-development of our Alcohol Policy Framework Tool as part of this crossgovernment work. We would also suggest that consideration is given to including the Minister for Treasury and Resources and that the group also considers Impôts (alcohol duty) as part of its remit. This could in future allow for greater compromises and mitigations between the use of multiple fiscal measures to achieve their individual aims without unintentionally negatively impacting other areas. For example, increases to Minimum Unit Pricing and certain licensing fees could be used to off-set the risks of freezing Impôts.

3. ***Establishing a Regulatory Authority is a positive step towards modernising the licencing regime however consideration is needed on how this would work.***

Although there are several similarities between the licensing of gambling and alcohol there are also significant differences. It appears that alcohol licensing and policy is more complex than gambling. There is a risk that alcohol licensing would require significantly more resources than gambling to be regulated safely and effectively. Consideration should be given as to whether it is best to either expand the Gambling Commission's remit and increase their resources and expertise accordingly or mirror the Gambling Commission's way of working through creation of a separate Alcohol Commission.

4. ***An alcohol social responsibility fund should be created and operated separately to the gambling social responsibility fund.***

The Gambling (Jersey) Law 2012 includes a social responsibility function of the Gambling Commission, which in turn establishes a social responsibility fund to support those who gamble problematically. We would support a similar social responsibility component and fund for alcohol. This fund if created, should be separate to gambling and ring-fenced for prevention, harm reduction and early intervention efforts to offset the health and social harms of alcohol use or intoxication. Treatment for problematic alcohol use and dependency is typically well funded compared to prevention and harm reduction. This fund could allow for new initiatives to be introduced which would be difficult to fund at present. Examples of initiatives could include subsidising late-night

public transport to help people get home safely, providing free drinks to designated drivers, or paying for additional cleaning following busy nightlife weekends.

5. *License fees and fines should be proportionate, linked to business circumstances and reflect potential risks.*

We would recommend consideration of a proportionate system of licensing fees which sets a “base licence fee” based on the business type and size of premises, guest capacity or alcohol aisle floorspace size. This “base license” could include the “core” licensing conditions required to sell alcohol. Additional licensing conditions such as late-night opening or Sunday trading could then be applied for as “bolt-ons” to create bespoke licences. Fees for additional “bolt on” conditions could be set based on their administrative burden and potential impact to health, safety, economic and environmental outcomes. This would mean licensing conditions which allow Sunday trading and later opening at weekends would incur a proportionate cost to reflect the more regular need for licensing checks and potential for antisocial behaviour compared to a similar business which only trades on weekdays and closes early. Some conditions could incur no costs at all or reduce costs if they result in less regulatory burden or potentially have positive impacts. For example, no additional costs for conditions relevant to internet-only businesses or cafes but reduced costs if only lower percentage or locally produced drinks are sold as these could be seen to result in less antisocial behaviour or benefiting other local businesses. The types, fees and reduced fees for “bolt-ons” could be reviewed regularly to ensure costs remain relevant and proportionate to the regularly changing needs or priorities across health, community safety, economy and environment.

6. *More off-licence conditions should be introduced to better support economic outcomes and prevent harms including under-age drinking.*

It appears that under the current licensing there are more licensing conditions placed on on-licences than off-licences. Combined with the ability of off-licences to better absorb increases in alcohol duty by making up profits elsewhere, trading practices appear unequal. We feel that introducing more licensing conditions such as those which restrict availability, marketing, and price can promote reasonable drinking and reduce unfair discrepancies between on and off licences. This would support the hospitality sector until economic activity improves while also trying to prevent harms which are more likely to be associated with off-license sales – such as acquisition by or for children and the indirect advertising of alcohol to children.

7. *The Regulatory Authority and Licensed Managers should receive regular training and expert input on alcohol.*

We feel there is a strong need to support the proposed new regulatory authority and licensed manager system. This support should include education, training and expert input around alcohol policy, relevant government strategies or aims, and impact across areas of health, community safety, the economy and our island environment. This may be best delivered or informed with direct input from the relevant agencies or stakeholders referred to in the law (such as Police, Fire, Public Health, Parishes etc).

8. *The Regulatory Authority should have an escalating ladder of powers at their disposal when dealing with breaches of licensing conditions or law.*

This should ideally allow the Regulatory Authority to: change default practices, incentivise

good practices, disincentive bad practices, restrict practices and eliminate practices as and when needed by removing either specific licensing conditions or licences completely. This dynamic approach would allow for flexible and proportionate responses to breaches depending on the severity. For example, if a particular licensing condition is breached a fine could be issued which if not resolved, could result in the specific licensing condition “bolton” being suspended until improvements have been demonstrated. In this scenario if severely intoxicated people are spotted being served alcohol on Saturday nights the late opening licence could be suspended without the need to close the business entirely. However, if issues persist further then the entire licence could be suspended. Similarly, if members of the public regularly complain about noise levels then again “bolt-on” late opening licences could be removed temporarily until soundproofing or other mitigations are complete while still allowing business continuity.

9. *Further consideration is needed to ensure the safeguarding of children and under 18s on licensed premises.*

Moving to a single on-licence category could have an impact on child safeguarding when around intoxicated adults and inadvertently allow under 18s access to alcohol. We feel this change requires further consideration. We would recommend that by default, on-licences should not allow under 18s on premises. To allow under 18s on licence premises (for example when operating as a café, restaurant or entertainment venue) then an additional “bolt-on” licence condition should be applied for. Granting of this condition would ensure that businesses demonstrate reasonably that legal requirements and specified conditions will be met which ensures children are not exposed to unsafe situations or able to access alcohol if left unattended.

10. *Conducting a review into the disparities between on and off licences may be more beneficial than a review solely on price promotions.*

While we see the need to address pre-drinking as a shared goal and understand the economic motivation in using price promotions to improve on-licence trade, a broader approach (licensing cost, price, opening hours, advertising, density of location) could be more beneficial. Pricing is one of several policy options in which there is a discrepancy between on and off licence trade. We feel policy options other than price promotions will also have an ability to improve on-licence trade without necessarily increasing excessive consumption and related harms. On-licence businesses have previously noted for example the higher base costs associated with their trade while antisocial behaviour on licensed premises is typically a result of excessive intoxication. As part of recent work to reduce hazardous and harmful alcohol use and its consequences we have begun exploring the motivations behind drinking behaviours such as drinking at home and pre-drinking. Reviewing the wider problems and understanding behaviours could allow us to address wider problems which result in benefit across community, economic and environmental areas.

11. *Consideration is needed to ensure any changes are future-proofed and unlikely to result in unintended consequences.*

The current law and licensing regime is somewhat complex with wide-ranging implications. As a result, unintended consequences may arise through loopholes and grey areas which could be exploited against intentions. For example, allowing on-licence restaurants to provide takeaways without a need for a separate off-licence

could unintentionally allow all on-licences to provide take-aways prior to closing time if all on-licences (e.g. restaurants, bar, nightclubs) now fall under a single licence. In addition, the licensing law currently lacks provision to prevent or intervene in cases where unsafe or illegally imported alcohol is sold – a practice which is becoming more common elsewhere. We also note that alcohol produced in Jersey does not need to comply with EU safety standards, something which could impact consumer safety and limit the exportation of local alcohol products in future. We feel further consideration is needed to protect consumers and ensure mechanisms are in place to deal with potential problems should they arise. In the early stages of the new law and during the licencing transitional period it may be best to monitor closely and ensure that the Ministerial Policy Group can quickly update guidance to the Regulatory Authority if gaps, loopholes or unintentional consequences are later identified and exploited.

We thank you again for the opportunity to comment on the current proposals and are happy to continue supporting this work in future as it unfolds and develops.

Public Health Directorate

C. Written response from JCRA



17 January 2025

Ref:

BY EMAIL ONLY

Union Street
St Helier
Jersey
JE2 3DN

Licensing Law consultation

We are writing to respond to the consultation on the Licensing (Jersey) Law 1974 (**Licensing Law**). We are pleased to see the changes proposed for consultation, and overall we support these going ahead.

We have previously carried out work in this area, namely our Alcohol Pricing and Promotions Market Study completed in 2021.⁸ The study was requested by Jersey's Attorney General following an application to the Licensing Assembly. It focused on the Attorney General's Guidance (Licensing Law) on Drinks Pricing and Promotions (the Guidance), and its economic impact on licensed outlets and consumers.⁹

The key findings of the study were:

- Jersey's on-licence pricing restrictions are unique. Stakeholder feedback, economic theory and analysis, and market outcomes all suggest they restrict competition.
- There are relatively higher on-licence prices on Jersey. This suggests the removal of pricing restrictions and responsible use of promotions could encourage competition, lower prices and benefit consumers.
- Inconsistencies in the way the Guidance is applied could impact the level playing field in the onlicence market.

⁸ [Alcohol Pricing and Promotions Market Study - Findings and Recommendations | JCRA](#)

⁹ We recognise the health/social impact of the alcohol market, but the focus of the study was on the economic impact, consistent with our expertise as an economic regulator.

- High prices in the on-licence sector are likely to lead to a shift away from on- licence to off-licence consumption. This is a trend identified by stakeholders and is consistent with economic theory, and the weight of econometric evidence from other countries.
- There are other features of the on-licence trade that might also have an impact on competition.

This includes tied relationships and exclusive wholesale supply deals.

Building on the key findings we made the following recommendations to increase competition and benefit consumers:

- From an economic perspective, the pricing restriction on the on-licence trade should be removed i.e. to allow on-licences to price freely. This would ensure that benefits of competition and innovation are passed on to consumers in the form of lower prices.
- The restrictions on promotion for the on-licence trade, when considered from an economic perspective, should be removed or eased. The restrictions limit on-licences' ability to compete and to attract price sensitive customers. They may also affect the level playing field in the market.
- For the on-licence trade, to consider using alternative measures that distort competition less but ensure that promotions do not lead to excessive drinking.
- For the off-licence sector, to review the impact of minimum unit pricing after a sufficient length of time post-COVID has passed. This review should be holistic and cover the economic, health and social impacts of the policy.
- For the Authority to monitor the impact of tied house relationships and exclusive wholesale supply deals after restrictions imposed by the Guidance are relaxed. If competition issues persist, to take appropriate action to address this.

We are pleased to note that the proposals set out in the Consultation reflect the findings and recommendations for the study, in particular the commission of an Alcohol Licensing Policy to include guidance on drinks promotions, advertising and minimum pricing. Our view is that this would offer the opportunity for the findings and recommendations set out above to be fully considered and acted upon.

We hope you find this letter helpful, and we look forward to seeing the outcome of the consultation process later on in 2025. We will also continue to follow policy developments in this area and would be happy to provide further briefing on the study if it would be helpful.

We also confirm we are happy for this letter to be published in full.

Yours sincerely

Chief Executive Officer

Comité des Connétables



Our ref: MJ/srdeg/

31 January 2025

Minister for Sustainable Economic Development
Department for the Economy,
Government of Jersey,
Union Street,
St Helier, JE2 3DN

Dear Minister

Licensing Law Consultation

The Comité des Connétables has discussed the Licensing Law consultation which is seeking the views of stakeholders and the wider community, and to promote discussion, on proposed changes to the existing Licensing (Jersey) Law 1974. In response to the specific questions in the consultation, the following points were made:

- The Licensing Law should be updated. However, the consultation does not outline the alternative options, if any, which have been considered and therefore seems to be seeking views on matters which have already been decided.
- Contrary to the impression conveyed in the introduction (that the proposed amendments followed “consultations with parishes”), the Parishes have only received a presentation on the proposed changes outlined in the paper but have not contributed to the early development of the proposals. An example is the body which would be the Regulatory Authority if this is no longer the Licensing Assembly. The Comité is mindful that the Connétable of St Helier has previously proposed that the Parish should have a greater role in liquor licensing but there is no mention of whether or not this has been considered.
- The Licensing Assembly should be reconstituted as a court of appeal for licensing matters.
- The Gambling Authority should not become the Regulatory Authority; these functions could instead be undertaken by the Parish.
- The views of the Parish Assembly should continue to be sought; the Connétable should not have the ability to provide Parish views on licence applications without having to call a Parish Assembly.
- The on-licence categories should remain (rather than have a single licence). In proposing a single licence, albeit with conditions (which presumably would reflect the different ‘licences’ currently granted) it would seem a variation of conditions would be considered by the Regulatory authority (the Gambling Commission is proposed) and not by the Parish.
- A temporary licence category should be introduced.

- Further discussion is required on the issue of drinks promotions and minimum pricing.
- The consultation is silent on the policing currently undertaken by the Parish's Honorary Police; this includes the regular inspection of premises and that complaints about licensed premises are handled by a Parish. The Honorary Police should have the right to temporarily close premises to deal specifically with anti-social behaviour and potential public disorder resulting from the operation of licensed premises (the proposal is only for a Police Inspector, or higher rank, to have this power).

This is a brief summary; we could expand further on various points and have invited officers of the Department for the Economy to present to the Comité but they advised they will provide a briefing later in 2025 once they have analysed the responses from the consultation. They did give presentations about proposed changes to the Licensing Law to Parish officers on 20 and 21 November 2024, with a separate presentation to officers from the Parish of St Helier, but as note above we were not asked to contribute to the early development of the proposals. The consultation does not outline the alternative options, if any, which have been considered and therefore seems to be seeking views on matters which have already been decided though we hope this is not the case. Yours sincerely

Chairman, Comité des Connétables

E. Written response from Trading Standards (ECP) and I&E Regulation (Licensing)

Trading Standards

It is unclear if the requirement for restaurant licence holders to display pricing for food is to be maintained in the proposed licensing law, as the consultation only specifies that the requirement for license holders to display pricing for liquor is to be removed (“keep displayed at the exterior and in close proximity to each entrance to the licensed premises normally used by the public, and in each room or other place in which meals or refreshments are normally served, in a conspicuous position where it may be seen and easily read by customers, a notice specifying the charges made for meals and refreshments, other than intoxicating liquor, served on the premises, and keep every such notice displayed at the exterior of the premises illuminated where necessary for it to be easily readable by customers;”) Whilst the Consumer Protection (Unfair Practices) (Jersey) Law 2018 requires material information to be provided to consumers (what the goods are, how much the goods are, and in what quantities they are being supplied), the Law doesn’t require the display of these prices to be in any particular location.

The requirement for prices, for both food and liquor, to be displayed in a conspicuous position at each public entrance enables consumers to make informed decisions before entering the premises. They can compare prices with other premises and decide if they want to proceed based on their tastes and budget. We do not think the requirement under the Display of Pricing section in the consultation is superfluous and serves a valuable consumer information function. In practice, many of the premises (but not all) we deal with use a menu that would be found inside the premises and is therefore a negligible cost to the business as the main cost is for the creation and printing of the physical menu that will still be required inside the premises.

In regard to the statement that “Most licenced premises also typically publish a menu online”, we should consider that there are still many consumers that are unable (for various reasons) to access or use the internet. These people should not be excluded or be made to feel inadequate due to their lack of access.

We would also be interested to understand the proposal for pricing in general under the new Licensing Law, currently under the Price Indicators (Jersey) Regulations 2008, the requirement to indicate the price of goods does not apply to the supply of food on premises licensed under the Licensing (Jersey) Law 1974. Is it the intention to continue with this exemption?

IE Regulation (Licensing) Team

Whilst the consultation proposes a more streamlined liquor licensing process with fewer licence categories and the removal of the Assembly in the decision-making process. The administration of the application process, renewal of existing licences appears to be moving to a Government arm’s length organisation, in this case the Jersey Gambling Commission.

If this is the case the department would lose its current liquor licence function to the Gambling Commission with a loss of the income indicated within the consultation document.

The overall streamlining of the Law and the incorporation of current Parish administered activities, such as registration of managers and changes to existing licences, which would also

go to the Commission, this makes sense for a customer perspective. There is also a view to work much closer to the States Police and Fire Safety.

Overall the administrative changes make it better for the customer. The current process is very fragmented with the registration of managers and changes to existing licences handled by each individual Parish with new and renewal of applications handled by IE Regulation (Licensing) and decision making by the Licensing Assembly via the Office of the Judicial Greffier.

Please let me know if you require any further information.

Kind regards

Regulation Standards Manager (Trading Standards)



End