

# Alcohol and licensing strategy for Jersey

8 January 2014

Alcohol is a part of all our lives, regardless of whether or not we drink.

It is a source of enjoyment for many people, and its sale supports the restaurants, pubs and clubs which are part of the fabric of Island life. For others however, alcohol presents a problem, whether because they themselves drink too much or because they suffer as a result of the crime, violence and disorder that alcohol can generate.

We want to provide all Islanders with an opportunity to comment on our proposed alcohol and licensing strategy; a strategy which aims to strike a balance between recognising the very real impact that alcohol has on the health and wellbeing of islanders, whilst also recognising that a culture of sensible drinking can support vibrant communities and make an important economic contribution.

**The strategy will be available for comment from 8 January 2014 to 24 March 2014**

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## Summary

The Council of Ministers are inviting Islanders to comment on a proposed new alcohol and licensing strategy for Jersey. The strategy has two key sections:

1. our over-arching policy and strategic objectives in relation to alcohol and the actions we propose to take in order to deliver against those strategic objectives
2. our proposals for the introduction of new fit-for-purpose licensing law. This law will be introduced in a two phased approach:
  - phase 1: a framework law providing for the introduction of amended licence categories
  - phase 2: subordinate legislation providing details of each licence category and transitional arrangement from the old licensing system to the new system

The Council of Ministers would like to hear from:

- members of the public
- licensees & representatives of the retail and hospitality industry
- voluntary & community sector organisations, including those with a direct or indirect interest in alcohol-related issues (eg: health & wellbeing; crime & disorder)
- parishes and other community officials/representatives.

## How to comment

If you have any comments on any part of the Alcohol and Licensing Strategy please let us know. You can submit your comments:

- by emailing ([alcohol.licensing@gov.je](mailto:alcohol.licensing@gov.je))
- online at [www.gov.je/consult](http://www.gov.je/consult)

- by writing to:

Alcohol and licensing strategy  
Cyril Le Marquand House  
PO Box 140  
St Helier  
Jersey JE4 8QT

If you are submitting comments, please provide the following information with your response:

1. Your name:.....
2. Your contact details (email; phone; address)
3. Whether you are commenting as an individual or on behalf of an organisation and, if so, the name of the organisation.

You can submit your comments:

- by emailing (alcohol.licensing@gov.je)
- by posting your comments in writing
- by completing the online survey ([www.gov.je/consult](http://www.gov.je/consult))

Write to:           Alcohol and licensing strategy  
                          Cyril Le Marquand House  
                          PO Box 140  
                          St Helier  
                          Jersey JE4 8QT

Please note that comments received may be made public (sent to other interested parties on request, sent to the Scrutiny Office, quoted in a published report, reported in the media, published on [www.gov.je](http://www.gov.je) etc.). You need to tell us if you:

- agree that your comments may be made public and attributed to you
- agree that your comments may be made public but not attributed (i.e. anonymous)
- do not want your comments made public.

# Alcohol and licensing strategy for Jersey

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## **Background**

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

This strategy is being released for comment by the Council of Ministers; a joint approach that recognises that matters relating to alcohol cut across the States of Jersey's departmental boundaries.

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

This strategy sets out the Council of Ministers' broad approach to alcohol. It is supported by two key documents:

- *Preventing Harm caused by alcohol*; a discussion document produced by the Health and Social Services Department.
- *Licensing Law policy paper*, produced by the Economic Development Department in response to the 2009 consultation on proposed changes to the Licensing law.

Both these documents, which are available from [www.gov.je/consult](http://www.gov.je/consult), provide significant additional information. When read side by side they also demonstrate the challenge at the heart of this strategy; how to strike a balance between the problems that alcohol presents for some, whilst not having a detrimental impact on everyone else, including industry.

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

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

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

In addition, a key role of the Group is to provide advice to the lead Minister for the Licensing Law, in support of annual report issued by that Minister on an annual basis to the Licensing Assembly. The purpose of that annual report is to provide direction to the Assembly on matters related to the issuing of all alcohol licences and associated conditions of licence.

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

The Group will include:

1. Chief Minister (Chair)
2. Minister for Economic Development
3. Minister for Health and Social Services
4. Minister for Home Affairs

Sub-groups will be established with internal and external stakeholders and industry representatives.

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

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

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

These initiatives have helped support a fall in the consumption of alcohol over that 10 year period from 16 litres to 12.8 litres per capita (15+), per year. Despite this drop, levels of alcohol consumption remain high in Jersey compared to other jurisdictions (average of 11 litres per person in Europe)<sup>1</sup> and, as set out below and as described in *Preventing Harm Caused by Alcohol*, that brings a whole range of adverse health impacts, social problems and challenges which in turn have an economic impact (cost of treatment; working days lost etc.).

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

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



Sources set out in appendix 3

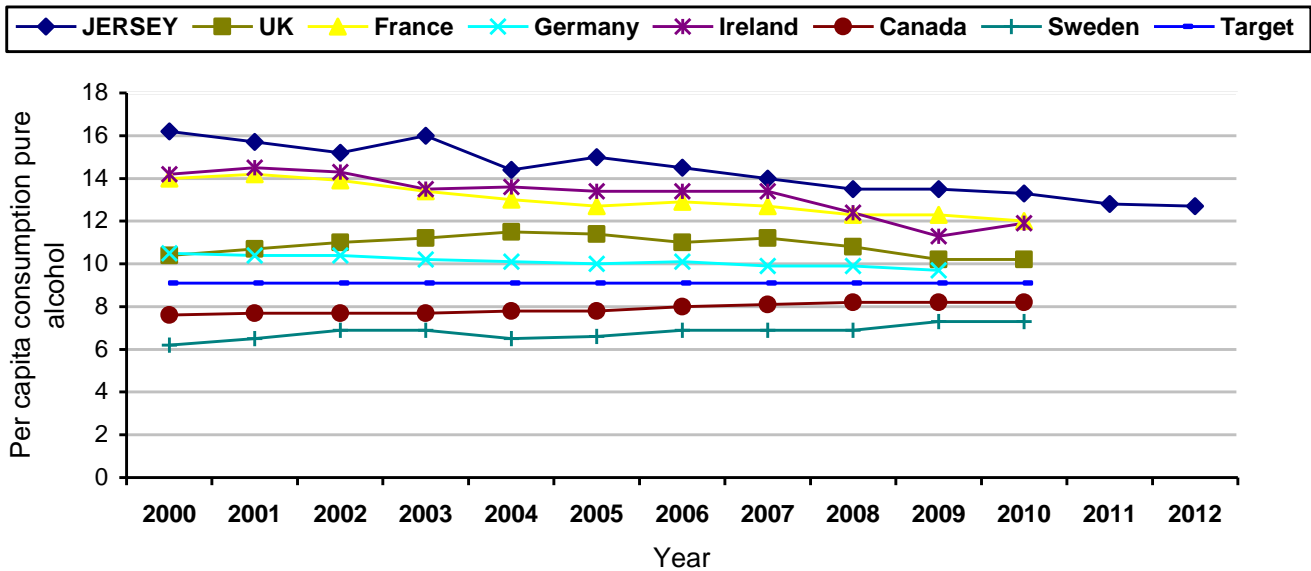
<sup>1</sup> Public Health Intelligence Unit

## D. Our drinking

### i) How much are we drinking?

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

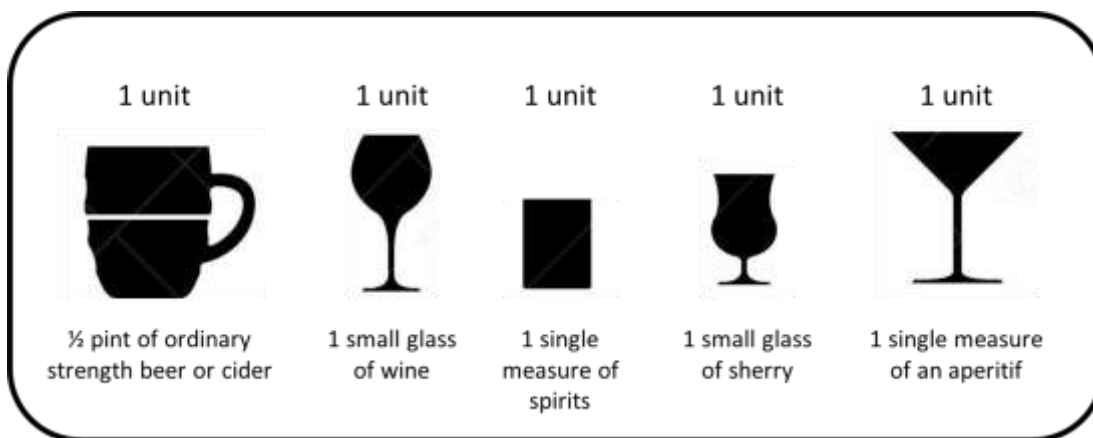
Alcohol Consumption per capita (litres of pure alcohol per 15+)<sup>2</sup>



It is estimated that in 2012 we drank, on average 12.8 litres of alcohol per person per year. This roughly equivalent to 130 bottles of wine per person per year, or 25 units of alcohol per week for everyone aged 15 and over. Of course, the reality is more varied than this. We all know people who consume more than the average and those who consume nothing at all.

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

### What is a Unit of alcohol?



<sup>2</sup> Source: Public Health Intelligence Unit

<sup>3</sup> Department of Health Guidance

<sup>4</sup> The effects of alcohol vary between person based on: age, weight, gender, genetic make-up, type of alcohol, speed of drinking, amount eaten before drinking, thus reliable predictions about ‘safe’ levels of drinking are impossible.

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

64% of people say they drink alcohol sometimes to relieve stress and 24% say they sometimes drink with the intention of getting drunk<sup>6</sup>. Perhaps not surprisingly, children and young people state that socialising and having fun with friends is the biggest influence on why they drink alcohol<sup>7</sup>.

## ii) Alcohol and health

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

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

Hospital admissions: in 2010 there was a rate of 2,065 admissions per 100,000 admissions to Jersey General Hospital which were attributable to alcohol – at an estimated cost to the hospital of £2m per year. This is above the average rate of 1,898 admissions in England<sup>8</sup>. This puts Jersey 3<sup>rd</sup> highest for English regions, only behind the North East and North West.

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

Premature death: there are on average 307 years of life lost every year due to premature death from alcohol in Jersey. Alcohol accounts for around 2% of all deaths in our Island<sup>9</sup>.

Liver disease: Jersey experiences 30-50% more deaths than would be expected from chronic liver disease when compared with England & Wales<sup>10</sup>. Most, but not all cases of chronic liver disease are caused by excessive alcohol consumption

Addiction: It is hard to gauge the true extent of addiction but recent surveys in Jersey suggest that at least 5% to 12% of people have some issues with hazardous alcohol consumption. 14% of people report having a feeling of guilt or regret after drinking and the same proportion have been unable to remember what happened the night before<sup>11</sup>. It is estimated that approximately 4,000 people in Jersey are dependent on alcohol<sup>12</sup>.

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<sup>5</sup> Jersey Annual Social Survey (2010)

<sup>6</sup> Source: States of Jersey Statistics Unit

<sup>7</sup> Public Health Department: 2011: A Picture of Health in Jersey: 2010

<sup>8</sup> Source: Jersey HIU; Alcohol profile for Jersey – summary of alcohol indicators 2013

<sup>9</sup> Source: Public Health Intelligence Unit (2012)

<sup>10</sup> Jersey Public Health Department: Jersey Health Profile 2008/9

<sup>11</sup> States of Jersey Statistics Unit: Jersey Annual Social Survey 2010

<sup>12</sup> Revised 2010 population estimates based on 2011 census.

## **SECTION 1: The strategy**

### **1.1 Our objectives**

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

We want an Alcohol and Licensing strategy that protects people from harm whilst avoiding placing unnecessary restrictions on the pleasure that alcohol can provide. A strategy that recognises that alcohol is different from other commodities, in that, unlike most other products that we legitimately buy for personal consumption, it can do great damage to individuals and to communities<sup>13</sup>.

We also want a strategy, and associated licensing regime, that supports business and allows the Island's restaurants, pubs and clubs to continue to flourish.

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

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

1. to help reduce alcohol related crime and disorder
2. to better secure public safety
3. to help prevent public nuisance<sup>14</sup>
4. to better protect and improve public health
5. to help protect children from alcohol related harm

We want our strategy to:

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

And in doing so, we want to

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

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<sup>13</sup> Tobacco being a notable exception.

<sup>14</sup> Public nuisances includes issues such as noise, rubbish or behaves that present a nuisance to others.



## 1.2 Measures of success

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

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

1. Reduce the high levels of alcohol consumed in Jersey. Demonstrated through:
  - a. per capita consumption of pure alcohol from 12.8 litres<sup>15</sup>
2. Reduce alcohol consumption by under-age drinkers. Demonstrated through:
  - a. Numbers of 14 – 15 year olds who report they regularly drink alcohol (currently 11%)
  - b. Numbers of young people being given alcohol by others or buying alcohol for themselves (56% of 14-15 years who state they drink obtain alcohol from friends compared to 6% who say they buy alcohol themselves)<sup>16</sup>
3. Reduce alcohol related ill health and injury. Measured through:
  - a. repeat referrals to Alcohol and Drugs Service (134 new alcohol referrals in 2011; 230 total alcohol referrals)<sup>17</sup>
  - b. alcohol attributable hospital admissions (2,065 admissions per 100,000 admissions in 2010)<sup>18</sup>.
4. Reduce alcohol related crime and disorder. Demonstrated through:
  - a. drink-driving incidents (185 drink-driving offences in 2012)<sup>19</sup>
  - b. public order offences & assaults in NTE (607 and 320 respectively in 2012)<sup>20</sup>
  - c. incidents of domestic violence related to alcohol (1,048 domestic violence incidents reported to police in 2012; 545 alcohol related; 557 children present)<sup>21</sup>
5. Reduce economic loss in the work place due to alcohol misuse. Demonstrated through:
  - a. number of Social Security benefits claims that are related to alcohol (2011: no of payments 206; sum of value c. £861k; days paid 50,805)<sup>22</sup>.
  - b. access to alcohol treatment services year on year

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

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

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<sup>15</sup> Public Health Intelligence Unit

<sup>16</sup> A picture of health 2010

<sup>17</sup> Health and Social Services Department

<sup>18</sup> Source: Jersey HIU; Compendium of Population Health Indicators

<sup>19</sup> SoJ police

<sup>20</sup> SoJ police

<sup>21</sup> SoJ police

<sup>22</sup> Employment Social Security

## 1.3 Our actions

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

The World Health Organisation (WHO) sponsored research report *Alcohol – No Ordinary Commodity*<sup>23</sup> identified 10 key interventions in relation to alcohol management, which include:

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

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

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

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

The actions to be delivered as part of the Alcohol and Licensing Strategy, based around the five key objectives<sup>24</sup>, include:

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<sup>23</sup> *Alcohol – No Ordinary Commodity* looked at the impact of alcohol policy measures taken in the USA, New Zealand, UK, Canada, Australia, Finland, Switzerland, Sweden and Norway.

<sup>24</sup> Objectives 1 – 3 are clustered together for the purpose of setting out proposed actions due to their close association with each other.

**Objective 1: To help reduce alcohol-related crime and disorder**  
**Objective 2: To better secure public safety**  
**Objective 3: To help prevent public nuisance**

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

The maximum legal level of alcohol in the blood when driving is 80mgs per 100mls. In most other European countries, the limit is less, usually 50mg per 100ml of blood. Furthermore evidence from those countries suggests that a reduction in permitted levels has led to reduction in alcohol related accidents from 8% - 10%<sup>25</sup>.

In Jersey around 200 people a year are charged with being drunk in charge of a vehicle. Approximately 52% of those charged were over double the permitted limit. Between 10%-30% of these offences were found following a road traffic accident<sup>26</sup>.

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>25</sup> Anderson.P, Baugman.B: 2006: Alcohol in Europe, A Public Health Perspective. A Report for the European Commission: Institute of Alcohol Studies: pp 242 - 250

<sup>26</sup> Figures from States of Jersey Police: 2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Action 12: Review of pricing**

There is research evidence that shows that the amount of alcohol drunk by the population as a whole<sup>27</sup>, as opposed to by particular groups in the population, is driven in part by price, availability and promotion. Or, to put it simply, the more outlets there are selling cheap alcohol, the more a population is likely to drink overall.

There is also research that suggests that young people and problem drinkers are particularly price-sensitive and their consumption of alcohol is affected by how much it costs<sup>28</sup>. Research also shows that when alcohol is cheaper more is consumed and more harm results; when alcohol becomes more difficult to access, less is consumed and less harm results<sup>29</sup>.

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

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

This pricing review will include:

### **12.1 Equalisation of Impôt duty**

In Jersey, duty<sup>30</sup> is calculated according to the type of alcoholic drink and to some extent its alcoholic strength. At present, the duty on spirits is much higher than other alcoholic drinks but there are examples where the duty is higher for lower strength alcoholic drinks than higher strength alcoholic drinks – an anomaly which has arisen over time.

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

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

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

### **12.2 Control of drinks promotions or pricing incentives**

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

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

<sup>28</sup> Estimates taken from the University of Sheffield: 2008: Independent Review of the Effect of Alcohol Pricing and Promotion: Part B; School of Health & Related Research: 1980: Independent Review of the effects of alcohol pricing and promotion, A summary of the evidence to accompany a report on phase 1 systematic reviews. University of Sheffield.

<sup>29</sup> Alcohol Public Health Research Alliance (AMPHORA) 2012, The AMPHORA manifesto on Alcohol.

<sup>30</sup> Impôts is French for tax or duty. By virtue of the Customs and Excise (Jersey) Law 1999 duty means any duty imposed by this Law on goods imported into, exported from or grown, produced or manufactured in the Bailiwick and includes both customs and excise duty.

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

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

It is also known that since 2000, alcohol sold in off-licences has become more affordable, whereas on-licence alcohol has become less affordable over the same period. In addition, there are higher numbers licensed premises in Jersey when compared to the England - 2.2 times more off-licences and 2.1 times on on-licences in Jersey than England<sup>31</sup> based on population - making alcohol more readily available for purchase.

### **12.3 Minimum pricing review**

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

Some industry stakeholders have expressed concern that a minimum price would unequally and unfairly affect sensible drinking. However the latest research has suggested that consumption amongst low income and higher income moderate drinkers respectively would fall by just 3.5 and 1.0 units per year. This compares with 297.0 units for low income harmful drinkers and 85.2 units for higher income harmful drinkers.<sup>32</sup>

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

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

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

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

<sup>31</sup> Source: South West Public Health Observatory, 2008

<sup>32</sup> University of Sheffield. 2013. *Modelled income group-specific impacts of alcohol minimum unit pricing in England 2014/15*:

Recent local surveys show that 36% of 14-15 year olds in Jersey drink alcohol. Of these a quarter report drinking more than they intended at least once a month. Approximately 3% of 12-15 year olds report drinking over sensible limits for adults<sup>33</sup>.

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

**Action 13: Invest in education**

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

**Action 14: Potentially limit children's exposure to alcohol advertising**

Research has shown that exposure to alcohol advertising is commonly associated with the onset of drinking among young people and increased consumption among those who already drink. Tightening regulation on advertising has been recommended by the National Institute of Clinical Excellence as part of a preventative approach.

The Alcohol and Licensing Policy Group will monitor emerging research with a view to implementing tighten controls on advertising alcohol if deemed effective, appropriate and practicable.

**Action 15: Supporting families**

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

**Action 16: Proof-of-age scheme**

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

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<sup>33</sup> Health Profile for Jersey 2010

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

### **2.1 Background**

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

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

### **2.2 Proposed approach**

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

Phase 1: A Framework Licensing Law will be brought before the States for debate during summer 2014. That Law will provide for:

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

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

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

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



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

### **a) Licensing objectives**

The Framework Law will establish five licensing objectives. These reflect the five objectives as set out in the Alcohol and Licensing Strategy (Section 1.1)

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

These objectives<sup>34</sup> define what we are seeking to achieve from the new Law and also set out the factors for consideration when licences are being issued and reviewed.

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

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

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

- issue, on an annual basis, policy guidance to the Licensing Assembly to support the Assembly in its determination of licences. The purpose of this guidance is to ensure that the overall treatment of liquor licences could be seen to be transparent, fair, consistent, reasonable and in accordance with strategic objectives and;
- in the development of that guidance to consult with, and have regard to the advice of the Alcohol and Licensing Policy Group. Where the Lead Minister chooses to depart from the advice of the Group, the Minister will be required to set out the reasons for so doing in the Annual Report.

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

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

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

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

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<sup>34</sup> The licensing objectives are same as those in Scottish Law. Evaluation undertaken in Scotland suggests that the introduction of these objectives has supported increased awareness of licensing issues which, in turn, has helped increase licensing standards.

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

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

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

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

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

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

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

The powers to inspect and make recommendations will relate not just to the area of the building licensed for the purpose of selling and consuming alcohol, but to all areas of the building under which the licence is held.

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

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

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

##### Powers of closure:

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

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

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

### **iii) Public Health**

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

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

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

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

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

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

#### **i) Operating schedules**

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

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

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

Guidance on the development of operation schedules will be provided.

## ii) Fees

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

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

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

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

## Transitional arrangements

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

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

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

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

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

## f) Licensing systems

### i) Proposed on and off licences

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

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

Categories A-G below are the proposed amended categories to be introduced in Phase 1, subject to further development and consultation, with the detail of those categories to be developed in Phase 2.

#### Category A licences (replace Tavernier's licences)

These licences would be suitable for operators whose **primary business is the sale of intoxicating drinks**, and would allow any member of the public over 18 to purchase alcohol from a bar. It is proposed that these businesses would cease to serve alcohol at 11.00pm – although this will be subject to consultation on the details of subordinate legislation in Phase 2 - and that the current provisions for drinking up time would be retained.

The more limited opening hours reflect the historic position of these establishments and the reluctance of society in general to allow all of them to open into the night, with a view that drinking hours should be regulated in the general interest of public health and public order.

The difference between the existing Tavernier's licences and Category A would primarily be the enhanced compliance requirements in relation to operating schedules and licence conditions.

#### Category B licences for hotels (replace Residential licences)

This licence would cater for hotels and would allow the sale of alcohol to residents and bona fide guests at any time (at the licence holder's discretion).

Under the current regime hotels fall into two distinct categories: Residential, which focuses on persons accommodated for reward (residents) and prohibits serving members of the general public and; Comprehensive which allows both (within the permitted hours). The proposed scheme would see the elimination of the Comprehensive category which currently does not allow for the delimitation of multiple operating models for the purpose of applying licence conditions.

Establishments which fall into this category will be designated as either permitted to operate a public bar, or not, depending on the suitability of the premises. The Licensing Assembly would be responsible for deciding which hotels will be entitled to operate a public bar with respect to new applications or requests to upgrade.

#### Category C licences (replace Restaurant licences)

This licence would authorise the sale of alcohol for consumption whilst taking a meal on the premises up until 1.00 am where **the primary purpose of the premises must be the business of a restaurant** and alcohol must be served whilst seated at a table. However, restaurants would also be designated as permitted to operate a public bar until 11.00 pm, or not, depending on the suitability of the premises. The Licensing Assembly would be responsible for deciding which restaurants will be entitled to operate a public bar with respect to new applications or requests to upgrade.

#### Category D licences (replace 5<sup>th</sup> category private members clubs licenses)

This would be a direct replacement and there would be no significant changes to the licence conditions.

#### Category E licence would be a 'nightclub' category

This would be a dedicated nightclub licence. It would be subject to a restrictive regime, and contain the strictest provisions in respect of security, staffing, maintenance of order, suppression of noise and the behaviour of patrons. It would attract the most consideration from the police and fire services, as these businesses create the greatest risk of public order or public safety issues.

It would comprise businesses which currently operate as nightclubs, as well as those which are currently open until 1.00am primarily to sell alcohol by virtue of their status as a place of entertainment. The Licensing Assembly would be responsible for designating the closing time on the licence taking into consideration any policy set by the Alcohol and Licensing Policy Group. Current closing times are 1.00am or 2.00am but these will be subject to review.

#### Category F licence would be for 'places of entertainment'

This would include those establishments which previously fell into category seven as cinemas, theatres and other such places of entertainment. The licence conditions would probably remain the same with a 1.00am threshold for the sale of alcohol on weekdays and the usual closing time for all other days as per the existing permitted hours, although this is subject to review as subordinate legislation is developed.

#### Category G (replace 6<sup>th</sup> category off-licence premises)

It is not anticipated that there will be significant changes to the conditions for premises operating as off-licences, beyond the compliance requirements associated with the operating scheduled and conditions of licence.

#### **ii) Multiple licences**

Under the new Law a business would be able to hold multiple licences, as per the current arrangements, however, each licence will apply to a "zone" within the business. A business operating a restaurant and a hotel from one premise would therefore hold one licence for the restaurant "zone" and one for the hotel "zone". The conditions of each licence would apply within the relevant "zone", thus simplifying compliance and allowing for the per-person element of each licence to be chargeable only in the "zone", as opposed to across the entire premises as is currently the case.

The boundaries of each "zone" would be provided to the Licensing Assembly as part of the licence application process. It is recognised that in some cases the dividing line between "zones" could prove rather arbitrary – for example; the point at which restaurant bar area ends – so the Law will allow the Licensing Assembly to allow a business to run a public bar as part of their other operations where the Assembly deems this is acceptable.

### **Other licensing models**

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

### **iii) Personal licences and premises licences**

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

The personal licence will:

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

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

#### **iv) Licensing for Special Events**

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

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

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

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

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

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

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

#### **v) Temporary licences**

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

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

#### **vi) Licence duration**

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

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



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

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

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

#### **vii) Licence number limitations**

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

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

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

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

viii) **Summary of proposed licence system**  
(subject to further development and consultation)

<b>Phase 1: Framework law</b>		<b>Phase 2: Sub-ordinate legislation</b> Including confirmation of transitional arrangements			
<b>Premise licence</b> No time limit on duration of licence. Standard and specific conditions can be applied.		Note – this is a guide only and must be read alongside the more details information above.			
<b>Category</b>	<b>Purpose</b>	<b>Proposed hours for serving alcohol subject to review as part of development of subordinate legislation</b>	<b>Persons over 18 who can be served alcohol</b>	<b>Persons under 18 on premises?</b>	<b>Other standard conditions</b>
<b>A</b>	Pub licence	Until 11.00pm <sup>A</sup>	Any person	Until 9.00pm	
<b>B</b>	Hotel licence	At any time <sup>B</sup>	Any resident or their guest <sup>D</sup>	At any time	
<b>C</b>	Restaurant licence	Until 1.00am <sup>C</sup>	Any person having a meal <sup>D</sup>	Until 1.00am	
<b>D</b>	Private members club licence	Until 1.00am	Members and guests only	If member or guest	
<b>E</b>	Nightclub licence	Until 1.00am or 2.00am <sup>E</sup>	Any person	At no time while alcohol is served	Door staff accreditation; suppression of noise
<b>F</b>	Place of entertainment licence	Until 1.00 am	Any person partaking in entertainment	Until 1.00 am	
<b>G</b>	Off-licence	Until 10.00pm	Any person	No limitation	
<b>Personal licence</b> Standard conditions will be applied					
<b>Special events licence</b> Standard and specific conditions can be applied					
<b>Temporary licence</b> Time limited whilst compliance work is undertaken					

<sup>A</sup> Excludes drinking-up time

<sup>B</sup> At licence-holder's discretion

<sup>C</sup> In accompaniment to a meal and served whilst seated at tables; some restaurants will also be permitted to run a public bar (until 11.00pm) at the discretion of the Licensing Assembly

<sup>D</sup> The Licensing Assembly would have the right to decide whether or not the particular premises was suitable to run a public bar (until 11.00pm) as part of its operation

<sup>E</sup> The Licensing Assembly would be responsible for the designation of a 1.00am or 2.00am licence

## **g) Conditions of licences**

In Phase 1 the Framework Law will allow for:

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

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

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

Door staff accreditation and registration and will be imposed as a standard condition on Category E (nightclub) licences. It may also be imposed as a specific condition on any other licence, but particularly on a Special Events licence.

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

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

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

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

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

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

### **iii) Opening hours**

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

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

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

Category E (nightclub) licences will include a standard condition relating to noise and disturbance. This may also be imposed as a specific condition on other individual licences depending on location, venue use etc.

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

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

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

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

Consideration was given to increasing the minimum age for on-sales and off-sales of alcohol to 21 however, given underage drinking is already prevalent in Jersey<sup>35</sup> it seems unlikely that increasing the age from 18 to 21 would create abstinence on the part of under 21s; indeed it is more likely that there would simply increase in illicit purchasing.

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

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

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

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

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<sup>35</sup> 45% of pupils aged 11-15 admitted drinking alcohol in 2010 in the UK and 36% of 14-15 year olds reported drinking alcohol in Jersey in 2010 (Smoking, drinking and drug use among young people in England 2010, Health and Social Care Information Centre/ Health Profile for Jersey 2010)

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

## Introduction

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

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

1. To help reduce alcohol related crime and disorder
2. To better secure public safety
3. To help prevent public nuisance
4. To better protect and improve public health
5. To help protect children from alcohol related harm

## Accountabilities

1. Oversee the on-going development and delivery of the SoJ Alcohol and Licensing strategy.
2. Evaluate the success of the SoJ Alcohol and Licensing strategy against the measures set out in the strategy.
3. Bring forward to COM recommendations related to the delivery of specific elements of the Alcohol and Licensing strategy
4. Provide advice to the lead Minister for the Licensing Law, in support of annual report issued by that Minister on an annual basis to the Licensing Assembly. The purpose of the annual report is to provide direction to the Assembly on matters related to the issuing of all alcohol licences and associated conditions of licence.
5. Provide advice and support to other Ministers, CoM and the States Assembly on policy matters relating to alcohol and licensing matters

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

## Membership

1. Chief Minister (Chair)
2. Minister for Economic Development
3. Minister for Health and Social Services
4. Minister for Home Affairs

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

## Sub-groups

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

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

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

## Appendix 2: Proposed timeframe for development of strategy and licensing law

The proposed timeframe is subject to change, dependent on feedback from

Proposed strategy made available for comment	8 Jan – 24 March
Lodge Framework Licensing Law report and proposition (pending finalising of the Framework Law)	May
States debate on report and proposition.	July

## Appendix 3: Sources for information for illustration on page 5

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