

STATES OF JERSEY



DRAFT UNLAWFUL PUBLIC ENTERTAINMENTS (JERSEY) REGULATIONS 202- (P.24/2024): COMMENTS

**Presented to the States on 11th July 2024
by the Economic and International Affairs Scrutiny Panel**

STATES GREFFE

COMMENTS

Introduction

The [Draft Unlawful Public Entertainments \(Jersey\) Regulations 202-](#) [P.24/2024] (the draft Regulations) were lodged by the Minister for Sustainable Economic Development (the Minister) on 26th April 2024, with the principles of the legislation adopted on 11th June 2024. The draft Regulations were referred to the Economic and International Affairs Panel for scrutiny under Standing Order 72 and have been tabled for a return to debate in second reading at the States Assembly sitting of 16th July 2024.

The draft Regulations propose to make the same provision as the current [Unlawful Public Entertainments \(Jersey\) Regulations 2022](#) (the current Regulations), however, will extend their expiration of 20th July 2024 for a further 3 years until 20th July 2027.

The Panel has carried out a short review of the draft Regulations (the Review) and has formed these comments in order to provide further information to aid in the Assembly's considerations.

As part of the Review the Panel has conducted Public Hearings with:

- The relevant Legislative Drafter
- The Jersey Hospitality Association
- The Head of Engagement and Town Centre Manager, Parish of St. Helier
- The Minister for Sustainable Economic Development

The Panel also met with the Chief Officer of the Bailiff's Chamber and contacted a further 25 stakeholders including members of the entertainment industry, although no formal written submissions were received within the compressed timeframe of the Review. The Panel has also corresponded with representatives of Tynwald following development of relevant entertainment licencing legislation in the Isle of Man. Further information, including Terms of Reference, can be found on the [States Assembly website](#).

During the Review the Panel has questioned the appropriateness and effectiveness of the draft Regulations, and has received additional information pertaining to the future approach to permitting entertainments in the Island.

The Panel has not formed comments on Regulation 5 given that this is simply making consequential amendments to the Road Works and Events (Jersey) Law 2016, updating the name of these Regulations.

Practical Implementation

The Panel is grateful to the Chief Officer of the Bailiff's Chambers (the Chief Officer) who met with it to discuss the draft Regulations and practical implementation of entertainment permitting.¹

The Chief Officer confirmed that the Bailiff ultimately held responsibility for permitting of entertainments, however this was effectively delegated to the Bailiff's Chambers and

¹ [Approved Panel Minutes - Economic and International Affairs Panel - 2024](#)

the Bailiff's Public Entertainments Panel (Entertainments Panel). The Entertainments Panel is made up of representatives from:²

- States of Jersey Police
- Jersey Fire and Rescue Service
- Ambulance Service
- Health and Safety Inspectorate
- Public Health Department

The Connétable of the Parish in which the event is planned to take place may also be involved. It was confirmed by the Head of Engagement and Town Centre Manager, Parish of St Helier that, although the Parish was not a named member of the Entertainments Panel, they worked closely with the Bailiff's Chambers particularly when an event was taking place on the Parish's public spaces.

The Panel was informed by the Chief Officer that where the Entertainment Panel was minded to refuse an event the Bailiff would provide a final '*neutral*' decision on the matter. It was indicated to the Panel that this had only occurred once in memory, with the Bailiff maintaining the refusal to issue a permit.

The Chief Officer outlined that the Entertainments Panel met on a monthly basis and, when considering issuing entertainments permits, the primary concern was to ensure entertainments were run in a safe manner, and that organisers and relevant stakeholders, such as the police, had a full understanding of potential risks and that mitigations for these had been undertaken. The Head of Engagement and Town Centre Manager indicated this was his experience when making applications. The Head of Engagement and Town Centre Manager also highlighted that individuals intending to host an event may not be aware of the full scope of actions required, and indicated that he, or the Parish, and the Entertainments Panel would help support individuals in this regard.³

The Panel was advised by the Chief Officer that different types of events were intrinsically more risky, ranging from a food market to a larger entertainment in which alcohol or illicit drug use may be a concern.

The Panel was informed that on average a 6-month lead in time for a permit to be issued was required and that would include the organiser attending an interview with the Entertainments Panel where necessary. It was indicated to the Panel that where possible an indicative approval was given; however, a permit might be issued the week, or day, prior to the entertainment. It was highlighted that an issued permit could be removed at any point, should issues with the organisation of the entertainment arise or if any of the agreed safety measures were contravened.

Feedback received from the Jersey Hospitality Association (the JHA) suggested the Bailiff's Chambers are extremely helpful this in supporting and encouraging applications. However, the JHA also raised the point that the hospitality industry would value formal approval as soon as possible in order to allow for those funding entertainments to be more certain as to their event being able to be held.⁴

² <https://www.gov.je/Leisure/Events/OrganisingPublicEvent/pages/licensing.aspx>

³ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

⁴ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Jersey Hospitality Association- 03 July 2024](#)

The JHA noted that it was much more straightforward to organise an event in a short timeframe if it took place in a venue which held an annual entertainment , than in a public space. They also highlighted the limited number of licensed event spaces on the Island as being a challenge to the industry and that an annual entertainment permit was prescriptive on the types of entertainment that could be undertaken:⁵

Co-Chief Executive Officer, Jersey Hospitality Association (2): Obviously licensed premises is a completely different situation. If you have got your entertainment permit ... so you need a P.49 on top of your category 7 licence in order to have entertainment and that is quite prescriptive, that P.49 process. When you go through the application for the P.49 you have to define what types of entertainment you are going to be having in that establishment and it is written on to that licence and that is a rolling one year. You have to renew it every year. It is prescriptive and I think over the years we have caught up with the fact that you cannot be that prescriptive. You just do not know. You might have a bride who comes in and suddenly says they would like to have some very strange form of entertainment that nobody has ever had before. It is perfectly innocent but it just has not been prescribed on your P.49, so you start to then try to be as creative as possible with the P.49 writing so that it opens you up to be able to do as many things as possible.

Deputy M. Tadier: What kind of prescriptions? Are they around like music and number of instruments?

Co-Chief Executive Officer, Jersey Hospitality Association (2): The music would be whether it is amplified or not amplified, it will be the type of dancing. I think our one has got silent disco written on it, stage performers, poetry. It is pretty prescriptive but if you suddenly had somebody in who liked to juggle reading books, does that fit into it or does it not fit into it? At the end of the day it is amplified or non-amplified musical entertainment and then there must be some more generic entertainment category that it can fit into as opposed to being quite that prescriptive.

In the Panel's hearing with the Minister, Deputy Morel acknowledged that he has heard of events not going ahead because of the current system, but that these may have not done so because an organiser has applied late, e.g. within a month of the proposed entertainment. The Minister also stated that the greater the certainty on whether an event is going ahead, as early as possible must be much more preferable for the organiser.

Definition

Regulation 1 (2) establishes that a public entertainment is unlawful if it is held without the permission of the Bailiff, however, it does not provide a definition of "Public Entertainments". This issue has previously been identified and was reiterated to the Panel by the Jersey Hospitality Association (the JHA):⁶

Co-Chief Executive Officer, Jersey Hospitality Association (2): We asked Andrew [Events and Entertainments Chair, Jersey Hospitality Association]

⁵ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Jersey Hospitality Association- 03 July 2024](#)

⁶ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Jersey Hospitality Association- 03 July 2024](#)

what his take is on the definition of an event and he felt that if you publicise and promote, it is an event. If you do not publicise and promote, it is not an event, but is that prescriptive enough? If I run a sporting club that is full of members and we want to have a get together and I put it on our Facebook page, am I promoting it? It is a tricky one and obviously you guys are looking at it as part of this, but what defines an event that needs this type of application process and what can you do that does not need it?

The Panel is aware that guidelines do exist on the definition, with these being highlighted by a report of the 2002 Working Party on Public Entertainment:

“Public Entertainment” may be defined as any entertainment to which any reputable member of the public may gain access with or without payment. Religious meetings or services do not constitute public entertainment nor do jumble sales, bazaars and the like, sporting or athletic events.

Concerts, plays, fairs, fetes, dances, festivals etc. involving the admittance of the public (whether or not an entry fee is charged) must be covered by the Bailiff’s entertainment permit.

Public performances by a “non-commercial” group (Young Farmers Club, J.A.D.C. for example) need a permit to cover the venue but if the venue is already covered by a “commercial” Bailiff’s permit, (e.g. Arts Centre, Opera House) then an “ad hoc” permit is not required.

It is further highlighted, in that report, that various sporting events require a Bailiff’s Public Entertainment Permit.

The Minister has confirmed that establishing a definition of public entertainment will be a key area for any future legislation.

RECOMENDATION 1: The Minister for Sustainable Economic Development should, prior to 30th September 2024, consult with the Bailiff’s Chambers and arrange for clear communication of guidelines on the definition of public entertainments to be forwarded to the hospitality industry and published on relevant pages of the Government of Jersey website.

Liability, Offence and Penalties

Draft Regulation 1 re-enacts the offence of holding a public entertainment without the permission of the Bailiff (with a penalty of imprisonment for up to 6 months, an unlimited fine, or both). Draft Regulation 2 re-enacts the offence of contravening a condition of the permission given (with a penalty of imprisonment for up to 6 months, an unlimited fine, or both). A contravention (which includes a failure to comply) may occur due to circumstances that the organiser of the event cannot control. So for the offence to be proved, it must be shown that the organiser or person concerned, in providing the event, did not take all reasonable precautions to avoid the contravention.

It is the Panel’s understanding that there are comparable licensing arrangements in England and Wales for public entertainments. Under section 1 of, and Schedule 1 to, the [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk) a licence is required from a local authority where a person wishes to put on ‘regulated’ entertainment (which is broadly defined). Under section 136 of that Act a person commits an offence if they carry out a ‘licensable

activity’, including providing public entertainment, without a licence. That offence is punishable with 6 months imprisonment or an unlimited fine. Jersey’s maximum penalty is therefore aligned with the UK’s and this has been confirmed by the Minister.

Draft Regulation 3 re-enacts the liability of individuals when the offence is committed by a body corporate, a limited liability partnership or a separate limited partnership. The Panel understands that this provides a powerful incentive for the organisers of public events to participate in a planning and approval process that ensures measures are in place to protect the public where public events take place. The Panel would further highlight that many responsible organisers of public events would naturally want to engage in such a process in any event and the drivers for doing so will also include a natural wish to manage to the public and the risk of civil liability for any injury or damage that might inadvertently arise from an event if something goes wrong.

The Panel is not aware of any recent prosecutions for breach of the offences that would be included in the draft Regulations. The Panel has been informed by the Bailiff’s Chambers that should contraventions to an agreed permit be found it is common for these to be highlighted to the entertainment’s organiser and rectified in good time.

The JHA highlighted that examples of contraventions, such as acoustic entertainment being undertaken without permission, had been seen due to low awareness of the requirement for permission.⁷ The Head of Engagement and Town Centre Manager also conceded that there were some instances demonstrating the need for clearer communication of the expectations on what should be included within application documents, when applying for an entertainments permit:⁸

***Head of Engagement and Town Centre Manager:** So if you ... it is just not all that clear where to find the information about what is expected to be within some of your event documentation. If you know where to look, you can probably find it, but one thing that I hear from a lot of event organisers is it would be really good if there was some sort of guide. Now, in the U.K. they have the Purple Guide, which I mentioned, which is, I believe, semi Government funded. It is pretty much what the few bits of Jersey legislation that exists is based off of, but something that was a really clear guide of: “When you are putting a public event on here is what we expect you to have, security per person, here is what we expect you to have for this, here is what we expect you to have for that.” That is something that would be, I think, really useful for event organisers who are starting out.*

The JHA indicated that they were of the view that a fine or prison sentence may be disproportionate for an offence of holding an unlicensed entertainment and that a ban or temporary ban may be a more proportionate penalty for a business owner. The Head of Engagement and Town Centre Manager highlighted that there was a need to have some form of legislation in place to be used when it is needed and that the “law has to have teeth”.⁹ The Minister has confirmed that exploration of these matters can be anticipated in any future legislation.

⁷ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Jersey Hospitality Association- 03 July 2024](#)

⁸ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

⁹ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

RECOMENDATION 2: The Minister for Sustainable Economic Development should, prior to 30th September 2024, consult with the Bailiff’s Chambers and arrange for clear communication of the expectations on what should be included within an application to hold public entertainments. The information should be forwarded to the hospitality industry and published on relevant pages of the Government of Jersey website.

RECOMMENDATION 3: The Minister for Sustainable Economic Development should, in developing any new legislation regarding public entertainments, consider revising the penalties for breaches of the regulations to make them more proportionate.

Customary Law

The power to license public entertainments is derived from customary law, which assigns the power to the Bailiff and the current Regulations serve to codify the Bailiff’s existing powers in customary law and place a limit on the maximum penalty for offences. Until fully superseded by new legislation and a revised regime, these powers remain in situ,¹⁰ and the power to licence public entertainments is not set out in the [Unlawful Public Entertainments \(Jersey\) Regulations 2022](#).

Prior to the enactment of the statutory offences in the 2022 Regulations and its predecessors, it was an offence through customary law to put on a public entertainment without permission. The exact bounds of that customary offence, including the extent to which it would be an offence to obtain permission subject to conditions and then fail to comply with them have not been recently tested. The maximum sentence for all customary offences is, without statutory intervention, ‘at large’ (i.e. the **maximum period of imprisonment or fine is unlimited**). So the maximum penalty for the customary offence would potentially be much higher than the statutory offence.

By putting in place a statutory offence in the [Unlawful Public Entertainments \(Jersey\) Regulations 2022](#), and the draft Regulations, the Government provides an alternative statutory offence to that arising from customary law for conducting an unlawful public entertainment. The Regulations also create a clear offence for failing to take *reasonable steps* to avoid a contravention of the Bailiff’s conditions on permission to hold a public entertainment.

Draft Regulation 4 re-enacts the statement that the Regulations do not alter any customary law offence and the Panel understands that the draft Regulations do not, therefore, abolish any customary offence, however provides a statutory alternative which supersedes the maximum period of imprisonment or fine that would otherwise both be unlimited. It would be a matter for the Attorney General to determine in any particular circumstances whether an offence should be prosecuted and which offence to prosecute where more than one might be engaged.

Expiration

Draft Regulation 6 names the Regulations and brings them into force on 21st July 2024 (when the current triennial Regulations expire). Regulation 6 also provides for the Regulations to expire after 3 years at the end of 20th July 2027.

¹⁰ [Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- \(P.24/2024\): amendment \(P.24/2024 Amd.\) – comments](#).

Upon initial consideration, the Panel agreed that the extension of the current Regulations should be reduced to require the Minister to return to the Assembly prior to the end of this political term with a new framework to replace the current Regulations. As such the Panel lodged an [amendment](#) to the draft Regulations on the 28th May 2024 to amend the expiry date for the proposed draft Regulations from 20th July 2027 to 30th April 2026.

This followed correspondence with the Minister to ascertain reasoning for the originally proposed timeframe, receiving responses on the [22nd April 2024](#) and [29th May 2024](#). The Council of Ministers presented [comments](#) upon the Panel's amendment on the 5th June 2024.

These have indicated that reduction in the extension of the draft Regulations expiration is not acceptable to ministers, with the following points highlighted for reasoning:

- Reduction might not allow sufficient time to develop entirely new primary legislation (including fixed periods for lodging, consultation and Royal Assent).
- Overlapping legislation within Parks and Roads, Policing of Beaches and Events Law.
- Requirement for secondary legislation to set out arrangements for the licensing regime, and a hand over period to the new regulatory regime.
- Precedence of other legislation timeframes, such as the Competition Law, Telecommunication Law.

The Minister has given a commitment to have new primary legislation in place before the end of the political term and that work on the secondary legislation would take place in parallel to allow for the incoming government to consider and lodge in relatively short order before the end of 2026.¹¹ The Minister has further indicated that ultimately he aims to include debate of enabling regulations prior to the end of the political term.¹²

The Legislative Drafter confirmed that formation of legislation, and the timeframe for its production, is dependent on the delivery of law drafting instructions and Ministerial Decision. It was also confirmed that a robust review and editorial process is undertaken as part of the creation of legislation. This will include consideration of the statute book, which would require sufficient time:¹³

Legislative Drafter: 6 months would be an extremely tight timeline and I would not expect to be able to get primary legislation done in 6 months... I would say 12 to 18 months in a reasonably good case scenario where we had good engagement for primary legislation is achievable.

The Minister has indicated that the draft Regulations were formed within four months of legislative drafting instructions being issued and that, whilst not criticising the work of Legislative Drafting Officers, he held concern that a more complex primary legislation followed by secondary legislation may take longer.

¹¹ [Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- \(P.24/2024\): amendment \(P.24/2024 Amd.\) – comments.](#)

¹² [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

¹³ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202-. Review - Legislative Drafter - 27 June 2024](#)

The Panel is aware that legislation relevant to entertainment licensing in the Isle of Man was recently added to the island's statute book through the [Liquor Licensing and Public Entertainments Act 2021](#) and accompanying [Regulations](#). Creation of this bill and regulations followed a desire to move away from the triennial process that was formerly in place under the now repealed Licensing Act 1995. That process saw each licence be current only within a fixed three-year period, and thereafter each licence would then need to be replaced by way of a fresh application and consideration at a Triennial Licensing Court. The timeline for the adoption of the new legislation over a 2-year period is as follows:

- Consultation on the Policy was undertaken Dec/Jan 2020-21
- The Liquor Licensing and Public Entertainments Act 2021 had its First Reading on 11th May 2021 and gained Royal Assent on 14th December 2021
 - The Bill itself received an abbreviated consulted period in April 2021 following the longer policy consultation
- The Liquor Licensing and Public Entertainments Regulations 2022 commenced 12 December 2022
 - Regulations were consulted upon Jul-Sep 2022 with the requirement to undertake consultation being mandatory and found within section 59 of the Act
- The Isle of Man Government issued a [implementation plan](#) in May 2022

The JHA told the Panel that , in an ideal world, they would like to see a new system in place prior to 2027, and indicated that not doing so would detrimentally impact the events industry:¹⁴

Deputy K.M. Wilson: What you are describing is that if there is no update before 2027 we are losing opportunities to expand the business.

Co-Chief Executive Officer, Jersey Hospitality Association (2): Definitely. That is definitely the case. We need to be seen as somewhere that is promoting and up for business and is open to help this as opposed to having constant barriers there to try to stop things happening all the time: ...

The Head of Engagement and Town Centre Manager highlighted that large-scale event organisers generally work 2 or 3 years in advance at least and that having the new legislation be brought forward in a shorter timeframe would perhaps lead to more certainty for those organisers.¹⁵

The Minister has clarified that the Government of Jersey is currently in the scoping phase of the work, and that this must be completed prior to any law drafting instructions being issued. The Minister has outlined that there will be a number of milestones prior to the deadline of the end of the political term. However, these milestones are still being developed and are not yet ready to be shared. Departmental Officers have indicated that the Government of Jersey are going through a prioritisation exercise of Government

¹⁴ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Jersey Hospitality Association - 03 July 2024](#)

¹⁵ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

work, that this is more or less concluded and that it was hoped that legislative timeframes could be expected within the next couple of weeks.¹⁶

The Panel has been informed that the Government of Jersey has been undertaking some preliminary work on entertainment licencing, with workshops being carried out in April of 2024. These were attended by officers from the Government of Jersey, Visit Jersey, the Jersey Hospitality Association and a number of event holders and focused on the process of entertainments permitting, as opposed to legislation.¹⁷ Consultation guidelines indicate that any engagement should last at least 8 weeks and the Panel would expect that this will be formally launched shortly.¹⁸

Upon further consideration of the evidence gained during the Review, the Panel has decided not to maintain its amendment to the timeframe of the expiration of the draft Regulations for the following reasons and caveats:

- The Minister has given a firm commitment to bring forward primary legislation in this term, and to *try* to bring secondary legislation forward concurrently and the Panel takes the Minister's commitment in good faith.
- We accept the argument from the Minister that consequential changes to legislation and consultation with stakeholders may take longer than expected.
- The evidence received from legislative drafters suggested that the timeframe was at best marginal and possibly tight depending on what additional considerations needed to be included within law drafting instructions.
- An expedited timeline for a new legislative framework for the regulation of entertainments would be consistent with Ministerial statements aiming to reduce Barriers to Business within the Common Strategic Priorities, this would indicate wider political will to progress the legislation.

The Panel is still, however, of the view that the timeframe may be achieved with sufficient political focus and is mindful of *Parkinson's Law* which states that, "work expands so as to fill the time available for its completion". We believe having regulations running beyond this term of office and into the second year of a new Assembly would not be acceptable and we support the Minister's comments that this should be the last time that the triannual regulations are enacted. The Panel will closely monitor progress in this regard.

RECOMMENDATION 4: The Minister for Sustainable Economic Development should do his utmost to bring both primary and secondary legislation forward for debate during this term of office, and should make a statement to the Assembly if he is unable to achieve this prior to the 2026 election period.

RECOMENDATION 5: The Minister for Sustainable Economic Development should, by 31st August 2024, indicate by way of public letter his proposed timeframe for consultations, production of Law Drafting Instructions, debate and

¹⁶ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

¹⁷ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

¹⁸ <https://www.gov.je/Government/Consultations/pages/aboutconsultation.aspx>

implementation of an updated public entertainments permitting system and associated legislation.

Future Entertainment Licencing

During the course of its review the Panel received views pertaining to how the licencing of events and entertainments may be improved in the future. It has been generally indicated that there is acceptance that the entertainment permitting system needs to be updated, with the JHA describing the current process as cumbersome and clunky.¹⁹

It must be highlighted that the Head of Engagement and Town Centre Manager indicated that there were questions as to why the current system needed changing, and that clarity on the problem needed to be solved was needed. The Panel put this question to the Minster and was informed.²⁰

The Minister for Sustainable Economic Development: Yes. The triennial regulations, as they are commonly referred to, there have been calls from many different quarters about the need to change them. One of them is ... so one of the reasons to change them is the slight absurdity of having a set of regulations which are in constant use but which every 3 years need to be reclarified, I guess, or revoted on by the States. So there is just that kind of administrative level. But also there is a desire within the events industry and the hospitality industry to move on to a different footing for the events licensing regime. So it is calls from the public as well as calls from within the political sphere, I would say, from people around this table, that the events licensing regime needs to be changed.

The Minster has indicated the formation of a Jersey Events Partnership which will oversee the development and delivery of the events framework. It has been indicated to the Panel by the Minister that the Jersey Events Partnership will have board members appointed, a strategic plan agreed and terms of reference and objectives set to allow for a move swiftly to law drafting and beyond.²¹

New Authority

The Minister has outlined that events licensing sitting with the judiciary is unusual in a modern society and that he understands that there is a desire to see it changed on philosophical grounds in some quarters. The Minister further outlined that from a pragmatic perspective it is a system that works although it would ordinarily be expected for entertainment licencing to be on the democratically elected side of government functions and then usually delegated in some way through ministerial authority.²²

The Minster has indicated that he provisionally envisages the Minister for Sustainable Economic Development being the ultimate authority and that decision making power would be delegated to officers or a regulatory body.

¹⁹ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Jersey Hospitality Association - 03 July 2024](#)

²⁰ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

²¹ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

²² [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

The Chief Officer of the Bailiff's Chamber outlined that it would be sensible to maintain a single authority in the decision to issue an entertainments permit and that this responsibility could be held by the Government of Jersey or an independent commission. It was highlighted to the Panel that any new authorising system would require a dedicated Officer and that it would be important to maintain a neutral decision-making process free of political restriction. It was further indicated to the Panel that this would likely require clear issuing guidelines to be put in place.

The JHA identified that they held concern that the four-year political cycle may impact upon entertainment licencing and that there may be a preference for an independent body. The Head of Engagement and Town Centre Manager also highlighted concern with regards to a government led permitting system:²³

***Head of Engagement and Town Centre Manager:** I would be incredibly nervous about the role of event regulation going into central Government. There is a few reasons for that. Firstly, where it sits at the moment is apolitical, which I think is good. Also central Government are in the business now of organising their own events - they have their own events team - and there is a real danger where you could end up marking your own homework, which I do not think would be appropriate at all and certainly you would be very easy for there to be a perception of there being an unfair advantage to the Government putting on an event as opposed to anyone else.*

The Minister has acknowledged that he would not like to think of events being politically influenced and that putting entertainments licencing into an independent body removes it further from the political process.²⁴

Cost

The Panel questioned the cost of the permitting system and it was highlighted by the Chief Officer that charges in other jurisdictions, such as the United Kingdom, were higher, with some charging per Police Officer needed to attend the entertainment. The Chief Officer indicated that consideration of costs of a new permitting system would be required, however, charging based on event size may not be seen as beneficial.

The Head of Engagement and Town Centre Manager also highlighted the benefits provided for within the cost of an entertainments permit:²⁵

***Head of Engagement and Town Centre Manager:** I think it costs £40 for an events permit. For that you get all of the officer time to scrutinise your event effectively. You get the police to turn up if they are needed. Certainly, for the bigger stuff the police will have a strong police presence. You get quite a lot for that £40. If you were in another jurisdiction in the U.K. you have to pay every police officer that attends your event. I am glad we are not in that position here.*

The JHA has indicated that although there are few costs from the draft Regulations and the permitting system itself, the industry would highlight enormous costs that are caused by what is seen as excessive health and safety, public safety and security staff.

²³ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

²⁴ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Minister for Sustainable Economic Development - 04 July 2024](#)

²⁵ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

The Minister has indicated that consideration as to how any new entertainment permitting system would compete in terms of the efficiency and cost-effectiveness has not yet been given, although it is likely that cost recovery would be a part of that system.

Alcohol Licensing, Tourism Law and other legislation

The Minister has indicated that he is minded to keep the new entertainment licencing separate from updating of alcohol licencing legislation, which is also anticipated. Having considered one holistic law, he has indicated that working on two separate laws will be easier with the desire to get the work done before the end of the political term. The JHA has indicated that it is critical to ensure that the two sets of laws correlate, and will require some kind of digital, transparent application process that is swifter, cleaner and more easily accessible.

It was highlighted by both the JHA and the Head of Engagement and Town Centre Manager that those operating events must also consider other legislation:²⁶

Head of Engagement and Town Centre Manager: *This is something that we have not spoken about, but there are actually a number of laws that you operate under when you put an event on. I am sure the other people who have spoken to you have told you about them. So you have this that you work under. There is the Road Works and Events Law. There is the Health and Safety Act. There is any number of other bits of legislation that you are operating under. So whether there is actually scope for a wider piece of work of, right, we need something specific for events that encapsulates all of this or whether the right answer is to look at the other laws that exist and see if they should be expanded, I do not know what the answer is to that. I think that is probably for you to discuss at some point.*

The Minister has acknowledged that feedback from the sector, particularly those new to it, have indicated the current regulations happen to be bureaucratic and that threading the requirements of other laws together would make the process easier for businesses. He has highlighted that amendments to the [Tourism \(Jersey\) Law 1948](#) are also being worked on, having previously indicated these will allow the hospitality industry to innovate.²⁷

Conclusion

During the course of its review the Panel has gained a greater understanding of the operation of the Unlawful Public Entertainment Regulations and is generally in agreement with maintaining the draft Regulations as proposed to allow for statutory offences for holding unlawful entertainments, whilst production of new entertainments licencing legislation by the Minister is progressed.

The Panel, acknowledging that the Minister only recently inherited responsibility for public entertainment regulations from the Minister for Home Affairs, wishes to commend him on his commitment to act in this area and to seek to complete it in this term of office.

²⁶ [Transcript - Draft Unlawful Public Entertainments \(Jersey\) Regulations 202- Town Centre Manager - 03 July 2024](#)

²⁷ [Transcript - Quarterly Public Hearing with the Minister for Sustainable Economic Development - 11 April 2024](#)

Although the Panel has not drawn any conclusions at this stage as to the make up of the future entertainments licencing scheme, it has noted and highlighted initial views submitted at this stage. The Panel has made 5 recommendations which aim to aid in clarity for those seeking to operate public entertainments within the current permitting system.

To develop the necessary legislation to replace the Bailiff's customary law powers to authorise public events is a substantial task. It will require significant political direction, particularly if it is to be done on a shorter timeframe than July 2027.

Although the Panel has decided to withdraw its amendment, it will be expecting the Minister to progress a new public entertainment permitting system in a swift manner and will be undertaking further scrutiny as to development of relevant legislation during the remainder of the political term.