

STATES OF JERSEY



DRAFT LICENSING (No. 19) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 27th February 2018
by the Minister for Economic Development, Tourism, Sport and Culture

STATES GREFFE



Jersey

DRAFT LICENSING (No. 19) (JERSEY) REGULATIONS 201-

REPORT

In order to mark the occasion of the wedding of H.R.H. Prince Henry of Wales and Ms. Meghan Markle on 19th May 2018, the Minister for Economic Development, Tourism, Sport and Culture proposes to amend the Licensing (Jersey) Law 1974 to grant first category Taverners' licensed premises permissions to open for an additional 2 hours on the nights of Friday 18th and Saturday 19th May 2018. The amendment would allow patrons to be served alcohol until 1.00 a.m. the following morning on both days.

These Regulations should, if adopted, relieve the Licensing Assembly and the Judicial Greffe of the burden of dealing with the individual premises-specific applications for a liquor licence extension that could otherwise be expected.

It is not yet known whether the proposed extension will be broadly in keeping with the position in England and Wales. The U.K. government has issued a consultation paper in which it proposes to make an equivalent licensing hours order for England and Wales under Section 172 of the Licensing Act 2003. Responses to that consultation are being considered. The equivalent change to the Licensing (Jersey) Law 1974 must be made via Regulations, which ordinarily require a 6-week lodging period.

Comparable legislation

The States Assembly agreed to comparable extensions to mark the Millennium celebrations, the occasion of the Royal Wedding in 2011, and the occasion of Her Majesty the Queen's official 90th birthday in June 2016.

The Licensing (No. 13) (Jersey) Regulations 1999 had the effect of extending the hours of all licences throughout the night of the Millennium. On that occasion, licensees wishing to take advantage of the extension were required to notify the Judicial Greffe.

The Licensing (No. 17) (Jersey) Regulations 2011 extended the existing licensing hours for First Category premises to 1.00 a.m. They also permitted public entry to second category licensed premises until 1.00 a.m., albeit that the second category extension did not allow for the sale of alcohol to members of the Public between the hours of 11.00 p.m. and 1.00 a.m.

The Licensing (No. 18) (Jersey) Regulations 2016 extended the licensing hours for First Category premises only to 1.00 a.m. the following morning on both Friday 10th June and Saturday 11th June 2016.

The Minister, having reflected on the outcome of the previous extensions and the practical implications of a requirement for prior notification, proposes that the

extension of licences should take place automatically, as per the position in 2011 and 2016.

Nature of the extension

On this occasion, the limited extension will affect First Category licence categories only. Permitted hours for serving alcohol will be extended for the evenings of both Friday 18th and Saturday 19th May through to 1.00 a.m. the following morning. A 20 minute period of drinking-up time will be permitted on both dates, ending at 1.20 a.m. All members of the Public will then be required to leave First Category licensed premises by 1.30 a.m.

Other licence categories will not be affected by these Regulations.

Notification

In order to ensure that both licensees and potential patrons are aware of the changes to licensing hours, the draft Regulations provide for publication by the Judicial Greffe of a gazette notice addressing the situation and stating the new licence hours, the category affected and the dates concerned.

Control of premises

The Licensing (No. 13) (Jersey) Regulations 1999 contained a provision allowing certain officers of the States Police Force or relevant Honorary Police Force to force the closure of premises in the interests of public order during the period of the Millennium celebrations. Given the limited scope of the planned extension in this particular case, and given police feedback following previous similar extensions, it is considered that existing enforcement powers should be sufficient. On that basis, there is no intention to replicate the closure provision as per the No. 13 Regulations.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, save that the Chief Minister has agreed that the Minister for Health and Social Services can differ. As such, all Ministers, excepting the Minister for Health and Social Services; and the Assistant Ministers for Economic Development, Tourism, Sport and Culture, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

The States of Jersey Police and Honorary Police Forces are aware that the wedding of H.R.H. Prince Henry of Wales and Ms. Meghan Markle coincides with the 2018 F.A. Cup Final. It is understood that arrangements to deploy appropriate police resources on those evenings are already in hand.

While this extension for First Category premises might be expected to have a supplementary bearing on police resourcing considerations, it is worthy of note that the number of alcohol-related arrests made following the extension granted in 2011 for the Royal Wedding was lower than the States of Jersey Police had reportedly prepared for. Neither were elevated arrest rates or incidents of public disorder reported as a consequence of the 2016 extension. The police experience appears to have been that some persons having consumed alcohol are less inclined to move between licensed premises during the evening when a temporary extension applies. This may have had a beneficial impact on levels of public disorder and disturbance.

Explanatory Note

These Regulations amend the Licensing (Jersey) Law 1974 so as to extend, by 2 hours on both Friday 18th May 2018 and Saturday 19th May 2018, the hours during which intoxicating liquor may be sold or consumed at premises with a taverner's licence. The effect of the amendment is that intoxicating liquor may be sold on those premises during the extended hours, that is, until 1.00 a.m. the following day, and members of the public will have up to 1.20 a.m. for drinking, and may remain on the premises until 1.30 a.m.



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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Article 93 of the Licensing (Jersey) Law 1974¹, have made the following Regulations –

1 Article 92A substituted

For Article 92A of the Licensing (Jersey) Law 1974² there shall be substituted the following Article –

“92A Wedding of Prince Henry of Wales: licensing extension

- (1) Notwithstanding any restriction imposed by or under any provision of this Law –
 - (a) the permitted hours for a licence of the first category –
 - (i) on Friday 18th May 2018 shall be extended to 1.00 a.m. on Saturday 19th May 2018,
 - (ii) on Saturday 19th May 2018 shall be extended to 1.00 a.m. on Sunday 20th May 2018;
 - (b) any member of the public may enter premises to which a licence of the first category relates –
 - (i) between 11.00 p.m. on Friday 18th May 2018 and 1.00 a.m. on the following day and may remain there until 1.30 a.m. on Saturday 19th May 2018,
 - (ii) between 11.00 p.m. on Saturday 19th May 2018 and 1.00 a.m. on the following day and may remain there until 1.30 a.m. on Sunday 20th May 2018;
- (2) Nothing in Article 25(1) shall prohibit the consumption of intoxicating liquor during the first 20 minutes after –
 - (a) 1.00 a.m. on Saturday 19th May 2018; and
 - (b) 1.00 a.m. on Sunday 20th May 2018,in premises to which a licence of the first category relates.

- (3) The Judicial Greffier shall give notice in the Jersey Gazette of the extension of the permitted hours for a licence of the first category under this Article, such notice being published no later than 10th May 2017.”

2 Citation and commencement

These Regulations may be cited as the Licensing (No. 19) (Jersey) Regulations 201- and shall come into force the day after they are made.

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- ¹ *chapter 11.450*
² *chapter 11.450*