

LICENSING (JERSEY) LAW 1974, AS AMENDED: 7TH CATEGORY (ENTERTAINMENT) LICENCES

**Lodged au Greffe on 12th October 1999
by the Tourism Committee**



STATES OF JERSEY

STATES GREFFE

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PROPOSITION

THE STATES are asked to decide whether they are of opinion -

- (1) to agree, in principle, to amend Article 73 of the Licensing (Jersey) Law 1974, in respect of the permitted hours for licences of the seventh category ('Entertainment' licences) as follows -
 - (a) in respect of a cinema or theatre -
 - (i) to permit premises to be open from 0900 to 0100 on weekdays including the Eve of Good Friday and Christmas Eve;
 - (ii) to permit premises to be open from 1100 to 0100 on Sundays;
 - (iii) to permit premises to be open from 1100 to 0100 on Good Friday;
 - (iv) to permit premises to be open from 1100 to 0100 on Christmas Day;
 - (b) in respect of designated night-clubs -
 - (i) to permit premises to be open from 0900 to 0200 on weekdays including the Eve of Good Friday and Christmas Eve;
 - (ii) to permit premises to be open from 1100 to 0200 on Sundays;
 - (iii) to permit premises to be open from 1100 to 0200 on Good Friday;
 - (iv) to permit premises to be open from 1100 to 0200 on Christmas Day;
 - (c) in respect of any other place of entertainment -
 - (i) to permit premises to be open from 0900 to 0100 on weekdays including the Eve of Good Friday and Christmas Eve;
 - (ii) to permit premises to be open from 1100 to 0100 on Sundays;
 - (iii) to permit premises to be open from 1100 to 0100 on Good Friday;
 - (iv) to permit premises to be open from 1100 to 0100 on Christmas Day;
- (2) to charge the Tourism Committee to prepare the necessary legislation.

TOURISM COMMITTEE

NOTE: These proposals were considered by the members of the Licensing Assembly at a meeting held on 23rd September 1999. The Assembly supports the proposals set out in sub-paragraphs (b)(i) and (b)(ii) of the proposition, namely to permit designated nightclubs to open from 0900 to 0200 on weekdays including the eve of Good Friday and Christmas Eve, and to permit premises to be open from 1100 to 0200 on Sundays. The Assembly does not, however, support sub-paragraphs b(iii) and b(iv) of the proposition, namely the proposal to allow designated nightclubs to be open from 1100 to 0200 on Good Friday and Christmas Day.

Report

Four years ago the States approved a number of amendments to the Licensing (Jersey) Law 1974, which not only removed a number of anomalies, but also created more flexibility and liberalization of the Law, particularly in respect of 1st category (Taverner's) and 3rd category (Restaurant) licences.

A request for liberalizing the 7th category (Entertainment) licence in respect of opening hours has been made by proprietors who feel they are unreasonably disadvantaged. They are unable to meet the public demand on Sundays and over the Christmas and Easter holiday period. The public are bemused by the anomaly which clearly exists whereby, in particular on Good Friday and Christmas Day, pubs and restaurants are able to open but places of entertainment are not.

7th category licences include cinemas, theatres, designated nightclubs and other places of entertainment, none of which may open on Good Friday or Christmas Day. Opening hours are also restricted on the Eve of Good Friday, Christmas Eve and on Sundays. Because of the lack of parity with other licences, some holders of 7th category licences, particularly in respect of places of entertainment or designated night clubs, have been seeking 1st or 3rd category licences merely to have the ability to trade on a Sunday afternoon.

A change in the Law is sought so that there can be parity with 1st and 3rd category licences.

The present permitted hours are as follows -

- (a) in relation to a cinema or theatre -
Weekdays 0900 to 0100.
Eve of Good Friday and Christmas Eve 0900 to midnight.
Sunday 1100 to 1300 and 1630 to 2300.
Closed on Good Friday and Christmas Day.
- (b) in relation to a designated nightclub -
Weekdays 0900 to 0200.
Eve of Good Friday and Christmas Eve 0900 to midnight.
Sunday 1100 to 1300 and 1630 to 0200.
Closed all day Good Friday and Christmas Day.
- (c) in relation to any other place of entertainment -
Weekdays 0900 to 0100.
Eve of Good Friday and Christmas Eve 0900 to midnight.
Sunday 1100 to 1300 and 1630 to 0100.
Closed all day Good Friday and Christmas Day.

If the proposed amendments are approved all 7th category licensed premises, with the exception of designated night-clubs, will have the same opening hours. The public will therefore be less confused and frustration will be removed.

As some members, because of their religious beliefs, may not wish to support all the amendments, they have been submitted in such a way that individual elements can be voted on separately.

It is felt appropriate that the amendment be brought forward seeking States' approval in principle in the first instance.

The Law Draftsman has advised that, provided the amendments are restricted to those set out in the Proposition, they can be undertaken by his office as a minor drafting item, which would not, therefore, have any impact on the agreed legislation programme for 1999.